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# LEGISLATIVE ASSEMBLY

Tuesday 30 April 2013

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**The Speaker (The Hon. Shelley Elizabeth Hancock)** took the chair at 12 noon.

**The Speaker** read the Prayer and acknowledgement of country.

## BUSINESS OF THE HOUSE

### Notices of Motions

**General Business Notices of Motions (General Notices) given.**

## PRIVATE MEMBERS' STATEMENTS

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### NATIONAL PARKS AND WILDLIFE SERVICE NATIONAL FIRE MEDALS

**Ms ROBYN PARKER** (Maitland—Minister for the Environment, and Minister for Heritage) [12.07 p.m.]: On 22 April I had the honour of attending the National Fire Medal ceremony at Parliament House and of presenting awards. The ceremony is held to formally recognise and reward the efforts of National Parks and Wildlife Service firefighters. At the ceremony 18 National Parks and Wildlife Service firefighters received the prestigious National Fire Medal, which marks 15 years of dedicated and active service in the field of fire management. A further 11 firefighters were honoured for an amazing 25 years of service, with two firefighters receiving the National Fire Medal and first clasp for their accumulated 25 years of service. We also celebrated an incredible 35 years of service by three staff from regions across the State. I was delighted to see there were representatives from throughout the State at the ceremony, and particularly delighted to see representatives from the Hunter and my local area.

I understand that the award recipients at this year's ceremony have accrued almost 700 years of firefighting experience between them. This is an amazing achievement. These brave men and women have worked tirelessly to undertake hazard reduction and fire mitigation activities in some of the most bushfire-prone areas in the world. I was proud to be associated with the very worthy recipients at this year's awards ceremony and commend them for their service. In the spirit of the National Fire Medal ceremony I also draw the attention of the House to the outstanding hazard reduction activities undertaken by National Parks staff this financial year. For the first time in history the National Parks and Wildlife Service has conducted hazard reduction burns on more than 100,000 hectares to help protect life and property in the event of wildfires. The National Parks and Wildlife Service is adding to this number every week, weather permitting.

In my local area the National Parks and Wildlife Service has significantly reduced bushfire risks to the community and the environment by completing 26 prescribed burns over 6,472 hectares; scheduling a further 41,010 hectares of prescribed burns in 92 burn operations this financial year, which will be implemented as conditions permit; completing 71 mechanical treatments in asset protection zones, thereby reducing bushfire fuels adjacent to community assets; and responding to 109 bushfires on or near parks in the Hunter and Maitland area this financial year. National Parks and Wildlife Service firefighters also maintained and deployed a rapid aerial response team with specialist firefighters and a winch-equipped helicopter. The service also employed an additional 14 dedicated fire staff. Effective local initiatives such as these have meant that 89 per cent of fires that started in national parks and reserves in 2012-13 were effectively contained within park boundaries. This impressive statistic clearly demonstrates our commitment to minimising the spread of bushfires across New South Wales.

During the National Medal ceremony I launched the new Living with Fire in NSW National Parks strategy, which is our 10-year plan detailing how we will manage fuel reduction and firefighting in national parks across the State. The plan also commits to the ambitious target of doubling the area of hazard reduction each year to 135,000 hectares. The current financial year has turned out to be a wet one, but we have still managed to undertake hazard reduction in 117,000 hectares so far. This is the first year that New South Wales

has conducted hazard reduction in more than 100,000 hectares. That is a milestone. In the wake of the 2009 Victorian bushfires the Government provided \$62.5 million to make fire management in New South Wales national parks a priority. I am delighted by the way the National Parks and Wildlife Service works so hard with our Rural Fire Service across the border and across tenure.

I also attended the State Emergency Service Awards ceremony in Maitland, where I handed out awards to volunteers from around the State. I was pleased to see so many State Emergency Service workers from Maitland, Port Stephens and across the Hunter presented with awards. We know that the State Emergency Service was formed as a result of the Maitland floods of 1955, having previously been known as Civil Defence. I was delighted to attend Maitland Town Hall to present awards to those people who selflessly give up so much of their time to volunteer, whether on the front line, answering phones or feeding the volunteers who work horrendous hours. They also spend many hours practising and rehearsing their operations throughout the year. It was wonderful to acknowledge those people in front of their families and to see them receive at least a small measure of support from New South Wales for what they do. I commend the work of our National Parks and Wildlife Service staff and our State Emergency Service volunteers. It was a privilege to present awards to them.

### HUNTER REGION FUNDING

**Ms SONIA HORNER** (Wallsend) [12.12 p.m.]: In the lead-up to the third O'Farrell State budget how does the Wallsend community grade this Government's interest and investment in our local area? People note the long list of important Hunter projects in desperate need of funding. They ask why many of these projects are stalled again and again or downright ignored by the Government. The reason given is always the same: There is just no room in the budget. Yet members opposite have committed to spending at least \$120 million to scrap the Newcastle rail line. Instead of ending in the city centre, near the historic district and within walking distance of the beach, the line will end at Wickham. Not only will this lead to more traffic congestion in the inner city, overcrowding on already inefficient and outdated bus routes and serious inconvenience to people travelling from regional areas or outer suburbs, but also it will drain funds from many more worthy causes.

After cutting \$3 billion from health care last year, on top of cuts to education, how can members opposite possibly justify spending \$120 million to tear up essential infrastructure? Is ripping up the rail line in Newcastle the biggest priority for our Hunter community? That \$120 million, our Hunter community agrees, can be put to much better use. In 2007, as many in this Chamber will remember, the Hunter endured and survived a devastating flood. Wallsend was hit hard. Though it has recovered and thrived in the interim, the plan that was developed to prevent future flooding has not received any funding. Some \$55 million is needed in order to fully implement the plan. The \$120 million earmarked for the removal of the rail line could cover that cost twice over and then some. Thus our community asks again: Why is this money being spent to rip up valuable public infrastructure as part of a gamble to restore life to Hunter Street when it could be spent ensuring and securing the safety of a growing and aspirational outer suburb such as Wallsend?

Obviously the needs of my electorate are close to my heart, but Wallsend's need of better State funding is by no means unique in the Hunter region. As well as flood prevention measures in Wallsend, the \$120 million being wasted on the destruction of our rail infrastructure could be better spent on many projects. Those projects include a full-time onsite palliative care specialist, more emergency room nurses at John Hunter Hospital, a public air monitoring station for Lake Macquarie, additional car parks and bike lockers for Cardiff railway station, proper classrooms to replace the 676 demountables throughout the Hunter, a police station in Wallsend, a police station in Glendale, building the Newcastle inner-city bypass stage five from Jesmond to Rankin Park, funding the Glendale interchange, and fixing the gridlock at Adamstown level crossing. That list is by no means exhaustive.

Redeveloping Hunter Street is an important and laudable goal, but this redevelopment cannot be allowed to obscure or obstruct the development of other parts of Newcastle. We must take an holistic view when we approach development in the Hunter. No-one is served by stifling growth in the outer suburbs, and limiting access to public transport ensures even more traffic congestion in the city. A balanced approach is required; not the destruction of valuable public infrastructure, especially when that destruction is not accompanied by a comprehensive and actionable plan that addresses the inevitable public transport shortfalls that will come with it.

### TRIBUTE TO JEFF "ROCKY" BURNELL

**Mr JOHN BARILARO** (Monaro) [12.17 p.m.]: As parliamentarians we are often made aware of outstanding contributions that people in our communities make to worthy causes. I am enormously proud to

speak about one worthy contributor in my community. His name is Jeff Burnell, affectionately known as "Rocky". Over the years this humble individual has been a tireless supporter of many local charities, including fire and flood relief campaigns, raising funds for local families who are doing it tough and sponsoring kids who need to travel to compete in representative sports carnivals. He does it not for reward or recognition but because he cares.

Some 15 years ago Rocky was the driving force behind the formation of the Queanbeyan Children's Special Needs Group, and he continues to work tirelessly to raise money for it. I have spoken in this House before about the Queanbeyan Children's Special Needs Group and the work it does to establish early intervention services for families who have children with special needs. Without this important organisation 45 local families would miss out on the vital services it offers to give children with special needs a better start in life. After many years of tireless fundraising efforts for the Queanbeyan Children's Special Needs Group, Rocky is now the recipient of the same charitable goodwill that he has done so much to encourage in the community. Sadly, this need for assistance comes about because of the personal battle that Rocky's wife is waging against the ravages of cancer.

A few Sundays ago an overwhelming crowd of more than 250 people gathered at Walsh's Hotel in Queanbeyan, where Rocky works, to raise funds for Rocky, his wife and four children. A huge amount of money was raised that surpassed everyone's expectations and confirmed that the community does not think twice about reaching out and rallying behind those who need a helping hand. People were digging deep; even if they could not afford it they simply felt compelled to help a bloke who deserved it. Words cannot express their level of generosity, but it was overwhelming, awe inspiring and just bloody tremendous. And those who made it happen—humble, unassuming and modest folk—did it from instinct. It is a characteristic that is automatic to them: rolling up their sleeves and lending a helping hand when a mate needs it most.

As Aussies, we hope for lazy days watching the cricket or playing it in our backyards, spending time at the beach or around a barbie, sinking a tinnie, having a punt, and even the special joy of spending more time with family and friends. But there is nothing more Aussie than the spirit of mateship. In the week that the nation and its people celebrated Anzac Day, when mateship and real heroes are saluted, this group of local champions would have made our diggers proud. I extend my personal appreciation and express my respect to the leading organisers of the event by acknowledging them in this House so that their names will be forever recorded in the archives of this great State. They are: Mr Geoff King and Mr John "Prickles" O'Donnell. Many others also donated their time and money to help make the event a success, including Walsh's Hotel management and staff, who provided the venue and assistance free of charge; Michael Bagley from the Walsh's Hotel restaurant; Pete Maxwell; John Osborne; Peter "Butcher" Lindbeck; the Kirk Foundation; the Top Pub; the Tourist Hotel; and the many helpers, volunteers, ticket sellers and others who made an enormous contribution.

I have had the pleasure of enjoying a beer with many of the lads at the pub in the past and I look forward to sharing another in the future; the next shout is on me. The experience served as a reminder—not that it was needed—of the community spirit and the supportive nature of my hometown of Queanbeyan; a town that sits in the shadows of Canberra and is taunted by the tag "struggle town". If this is what it means to be struggle town then I am proud to wear that tag. I am immensely proud that the people who were involved in this event live, work and play in my community—because of you it is a better place. I spoke with Rocky in the days after the event. He was deeply touched by the community support for him, his wife and his family. Our wishes and prayers are with them. It is comforting to know that when times are tough there waits a community that is ready and able to rally around its champions, just as it has rallied around Rocky. Winston Churchill once said, "You make a living by what you get, but you make a life by what you give." Many decades later, these reassuring words still ring true in Queanbeyan.

#### **COMMUNITY SERVICE AWARD NOMINEE MARK GOODWIN**

**Mr JONATHAN O'DEA** (Davidson) [12.21 p.m.]: I was recently contacted by a woman from my Davidson electorate who described her husband as "Superman". You might say it is not so unusual. Then again, I am not sure how many of our wives would think we are supermen. I guess it is not many. Sandra Goodwin is adamant that her husband, Mark, is Superman; not just a superman, but the real thing—Clark Kent. After listening to her story, I cannot argue with her. Mark does not leap tall buildings in a single bound and I am sure he cannot stop a speeding bullet. However, this mild-mannered financial adviser from the leafy suburb of Springfield sprang into action when he saw a young man fall from the platform of Lindfield station into the path of an oncoming train.

It was peak hour on a Wednesday morning and approximately 80 people were waiting for the 7.50 train to the city. As the approaching train slowed and pulled into the platform, Mark saw a man fall in front of it. While everyone else froze in shock, Mark dropped his bag and suit jacket and ran through the crowd to help. He climbed down between the first and second carriages onto the railway tracks to a scene he knew could be horrific. Fortunately, it was not. Somehow the man who fell underneath the train was uninjured. Mark gently talked to the man as he crawled along the tracks towards him. He ascertained he was coherent and able to move. Mark encouraged him to crawl into the gap between carriages one and two, where he was helped back onto the platform.

Mark realised that the man was in his early twenties. As a father to four sons he felt an instant connection. He led the man to the back of the platform and sat him down against the fence. The rescue services had been called, but Mark was more interested in providing the emotional support that this young man clearly needed. He asked to borrow the young man's mobile phone to call his mother and then his father. According to other reports, CityRail staff were fantastic, and I congratulate them on dealing with what was a difficult situation. The rescue services arrived and Mark gave a statement. However, he refused to leave until the young man's mother arrived. Mark then left, but not to return home to have a cup of tea and lie down. Instead he put on his suit jacket, picked up his bag and caught the next train to the city, with the grime and dirt of the morning's drama still encrusted on his shirt. Just to get on with things is typical behaviour for this unassuming man.

At 48, with a demanding career and sons aged from 13 to 20, Mark clearly does not give himself a lot of thought. His wife, Sandra, met her husband nearly 25 years ago at a course that he was attending to gain skills to help him deal with his brother who was being bullied. When he was at university, he volunteered with Community Aid Abroad, packing boxes to be sent overseas. He also launched a mentor group for children to help them focus on their goals. Apparently he is even wonderful on the domestic front when Sandra travels interstate regularly for work. Since the incident at Lindfield station, Mark has kept in contact with this young man and his family, offering help when he can.

Maybe not all of us would have had the mettle to clamber onto railway tracks to help somebody who is in trouble. But if all of us showed the care for others that Mark has shown towards this young stranger, our communities would be the better for it. Mark Goodwin is no man of steel, but he is certainly a man of honour and of courage. He is an ordinary man who on a seemingly ordinary day chose to do something extraordinary because somebody needed his help—indeed, just like Superman. It is for his willingness to help immediately and to offer help afterwards that I am recommending Mark Goodwin for a New South Wales Government Community Service Award. This story also reminds us of the fragility of life and how many young people despair at times. In this fiftieth year of Lifeline, Mark highlights to me how each of us can offer a lifeline in our own way.

### **GREATER TAREE RURAL FIRE SERVICE MEDALS**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [12.26 p.m.]: I advise the House of the 2013 medal presentation ceremony for the NSW Rural Fire Service of Greater Taree. Myall Lakes experienced a number of significant fires in the last fire season, including at Landsdowne, Mount George, Green Point and Coomba Park. Several of those fires were category C fires. On 6 April 2013 at the Greater Taree City Council chambers 38 people were presented with 43 medals. Their service to the Rural Fire Service totalled 850 years, which is absolutely phenomenal. I congratulated those recipients on the day, and I do so again. Some of the men also assisted with the fires in Coonabarabran. The stories of what they saw and experienced locally and at Coonabarabran are horrific. They are heroes in every sense of the word. Leonard Saunders received a National Medal for 16 years of service. Ashley Skillicorn received the National Medal and the council long service award for 16 years of service. Michael Cleland received the National Medal and long service medal for 16 years of service.

Malcolm Yarnold received the National Medal and long service medal for 18 years of service. John Meldrum received the National Medal for 19 years of service. Brian Groughan received the National Medal and long service medal for 20 years of service. William Ashe received the National Medal and long service medal with 1st clasp for 21 years of service. Eric Penfold received the National Medal and the National Medal with 1st clasp for 26 years of service. Stephen Yeo received the National Medal and the National Medal with 1st clasp for 26 years of service. Warwick Murray received the National Medal and the National Medal with 1st clasp for 27 years of service. Warwick Murray is truly a legend in the Manning Valley. He is a former headmaster and does a significant amount of community service. Bruce Kerr received the National Medal and

National Medal with 1st clasp for 34 years of service. Bruce Kerr is a young gunner. He is a member of the 6th Machine Gun Battalion from the Second World War. His father and my father served together. Bruce is a tireless worker for the local community.

Other award recipients included Jeffrey Bower, who was presented with a 2nd Clasp to the National Medal to recognise 36 years of service; Peter Adams, Brian Carstens, Stephen Carstens, Bruce Everingham, Michael Hodge, Edward Merzlikoff, David King and Robyn King, who each received the Long Service Medal for 11 years of service; Robyn Wells, who received the long service medal for 12 years of service; Mark Luxton and Gordon Winfield, who each received the long service medal for 13 years of service; John Russell and Keith Sims, who each received the long service medal for 16 years of service; Michael Munns, who received the long service medal for 20 years of service; William Ashe, Andrew Morris and Michelle Morris, who each received the 1st Clasp to the long service medal in recognition of 22 years of service. Arthur Southwell, who received the 1st Clasp to the long service medal for 26 years of service; Kenneth Cameron, who received the 1st Clasp to the long service medal for 30 years of service; and Ian Sirett, who received the 1st and 2nd Clasps to the long service medal for 33 years of service.

James Coulduck and Brenda Coulduck, who is known locally as Jane Coulduck, each received the 1st and 2nd Clasps to the long service medal. The Coulducks are very famous in the Moorak Creek area for their tremendous community work in various respects. Brian Simpson and Thomas Yarnold each received the 1st and 2nd Clasps to the long service medal for 36 years of service; Paul Tollis received the 1st, 2nd and 3rd Clasps to the long service medal in recognition of 45 years of service; and last, but by no means least, Julius Schilpzand received the 4th Clasp to the long service medal in recognition of 51 years of service. Julius is very much involved in the Old Bar Men's Shed. All the people I have mentioned have rendered significant service to the community not only as Rural Fire Service volunteers but also as volunteers in other community endeavours. As I have said previously, those volunteers and people like them are truly living legends and heroes of our local communities.

**Mr DONALD PAGE** (Ballina—Minister for Local Government, and Minister for the North Coast) [12.31 p.m.]: On behalf of the New South Wales Government I congratulate and thank all the members of the Rural Fire Service in the Myall Lakes electorate who have been referred to by the member for Myall Lakes and who received medals in recognition of their service. A total of 850 years of service by 38 recipients is certainly an amazing achievement, with some individual members being recognised for service as lengthy as 51 years. New South Wales is very fortunate to have approximately 80,000 volunteers in the Rural Fire Service across the State who do a fantastic job. It is important to pause to recognise the wonderful job they do. They often put their own lives on the line to save the lives of others and property. On behalf of the New South Wales Government I thank the medal recipients to whom the member for Myall Lakes referred and all other Rural Fire Service volunteers throughout the State for the wonderful job they do.

## **CESSNOCK CITY COUNCIL**

### **BERESFIELD AND TARRO INFRASTRUCTURE FUNDING**

**Mr CLAYTON BARR** (Cessnock) [12.32 p.m.]: It is with pleasure that I make a private member's statement about local government. However, I note that the Minister for Local Government is leaving the Chamber. I draw to the attention of the House two local government issues that will affect the Cessnock electorate. One matter will affect my electorate adversely and the other will have a productive outcome. In November last year I referred in the House to the general manager of the Cessnock City Council, who had applied under the Public Interest Disclosures Act, which is known as the whistleblower Act, to, essentially, protect her job. She had three motions of no confidence moved against her by staff and Labor, Liberal, The Greens and Independent councillors undertook to dismiss her.

At that time she lodged a complaint with the Independent Commission Against Corruption alleging that something untoward was happening within the Cessnock City Council, thereby affording herself protection under the whistleblower legislation, despite broad discontentment with her performance and the highly unlikely outcome that findings by the Independent Commission Against Corruption would explain the reasons for several hundred people having no confidence in her ability. The commission investigation was unfortunately long and protracted, but the findings reveal that there is no issue warranting investigation. At that point the protection afforded to the general manager by the whistleblower legislation ceased. Subsequently the general manager resigned from Cessnock City Council, which has now been able to move on.

There is an important lesson and concern in those events. I do not think anyone in this House, this Parliament, this State or this country would want public interest disclosure legislation used in a manipulative manner solely to protect a complainant's position when no issue that would support an investigation exists. In contrast to this set of circumstances, Detective Chief Inspector Peter Fox, who disclosed issues about the performance of the NSW Police Force and the alleged cover-up by the Catholic Church of child abuse issues, has not been afforded protection under whistleblower legislation, which is a real shame. While I applaud, thank and praise the existence of the Public Interest Disclosures Act, we need to be careful about the issues that lead to its being invoked and about the people who may seek to apply the Act to issues other than those it was intended to address.

The Cessnock community must now find a new general manager of the council, which is estimated to cost approximately \$1 million. Legal costs for this protracted process are estimated to be more than \$700,000. The salary for the past 12 months of the former general manager, in whom both councillors and staff had expressed no confidence, amount to approximately \$300,000. It is not fair or reasonable for a small community such as Cessnock, whose local council's annual budget is only approximately \$70 million, to spend \$1 million on just one case. I turn now to address issues relating to Beresfield and Tarro, which are small communities on the outlying areas of the Newcastle City Council.

For some time the Newcastle local government area has had to deal with local area issues. The most recent elections returned mostly Liberal representatives, who proceeded to undertake a massive culling, selling and offloading of community facilities and assets in the interests of providing unearned profits to the Newcastle central business sector. Pools and the golf courses in the Beresfield area will be sold to fund improvements in Hunter Street, Newcastle, for the enormous benefit of owners of businesses and commercial properties, resulting from investment by the Newcastle City Council. I describe that as gaining unearned profits at the expense of community facilities and assets.

The Beresfield pool and the golf course have been provided by the local council for the people of Beresfield and they are as much a part of the lives of people in the local community as anyone could imagine. Unfortunately, the reality for Beresfield and Tarro is that those communities are situated in the corner of the electoral boundaries of almost every level of government. They get moved around from one State electorate to another, from one local government area to another and from one Federal electorate to another because they are situated on the corner of the boundaries. That is most unfortunate for the people of those communities, who are continually pulled and pushed from one area of government to another. To illustrate the difficulties faced by those communities I refer to the police station in the Beresfield and Tarro area. It requires more resources to protect the community. Despite the Government offering to provide the requisite resources, nothing has been provided—with the result that the people of the Beresfield and Tarro areas continue to miss out.

#### **RATHMINES CATALINA MEMORIAL PARK TRUST**

**Mr GREG PIPER** (Lake Macquarie) [12.37 p.m.]: I draw to the attention of the House the recent purchase of a World War II era Catalina amphibious aircraft by the Rathmines Catalina Memorial Park Trust that will bring one step closer the dream of having a flying boat museum located on the site of the former seaplane base at Rathmines. The purchase of the PBY-5A Catalina is quite a coup for the Rathmines Memorial Park Trust because such aircraft are becoming increasingly rare. The PBY-5A was sourced from Puerto Rico and, in a sign of the times, found on eBay. I understand that before falling into disrepair it had been used for many years to cart freight around Central America and South America.

Last week the trust finalised the \$20,000 sale, and representatives currently are organising for the aircraft to be dismantled and shipped to Australia, where it will be stored until the hangar museum is built. The funds were raised by the trust by both donations and community events, such as the increasingly popular annual Catalina Festival. But more funding will be needed to restore the PBY-5A to the requisite standard for it to be a museum exhibit. The acquisition of this aircraft is significant for a number of reasons. Primarily it will provide impetus to long-held plans to establish a hangar-style museum on the site at the Rathmines Memorial Park and will provide the museum with a wonderful permanent display. Visitors to the museum will be able to look at, touch and feel the Catalina, or perhaps even climb into its cockpit.

Rathmines was the site of the largest seaplane base in the Southern Hemisphere during World War II. It was vital to the Allied war effort. The Catalinas are probably best known for the role they played in the defence of Australia in the Pacific theatre of war, but the aircraft and crew flew out of the Rathmines base to play a vital part in the European war effort as well. For some time it has been the dream of many in the Rathmines



community to have a museum on the site to serve not only as a reminder to younger generations of the sacrifices and contributions made by our war-time service men and women but also as a fitting memorial for the many airmen who flew from the Rathmines Royal Australian Air Force airbase into conflict zones and did not return.

At the recent dedication ceremony of a memorial wall at Rathmines for the Sunderland squadrons I listened to a moving speech made by returned Second World War serviceman and the President of the RAAF NSW Association Sunderland Squadrons, Peter Jensen. Mr Jensen stated poignantly that the remains of many of his mates and flying colleagues lie scattered across the seabed in the Bay of Biscay and stressed the importance of having a cenotaph at Rathmines where the dwindling ranks of surviving airmen and the families of those who died can come to remember the fallen. Memorials and plaques are already dotted around the park, but the proposed hangar museum will be the main attraction. It was always planned that the hangar would be the base for an operational Catalina and the purchase of the PB5Y-5A in Puerto Rico has not changed that.

The newly acquired Catalina should complement the operational Catalina, which is known as VH-CAT. VH-CAT is owned by Catalina Flying Memorial Limited and is being restored to flying condition at Bankstown. Catalina Flying Memorial Chairman Phil Dulhunty and his colleagues have been wonderful supporters of the Rathmines museum project. Phil is a gregarious and somewhat eccentric aviation enthusiast with a love for the lumbering but graceful Catalina. He searched all over the world to find a flying boat in reasonable condition that could be flown to Australia and restored, and he finally discovered VH-CAT in Portugal in 2008. Five groups are now involved in building the hangar museum: Catalina Flying Memorial Limited, Rathmines Catalina Memorial Park Trust, Lake Macquarie and District Historical Society, Rathmines Memorial Bowling Club Co-operative Limited and Lake Macquarie City Council.

These five groups have signed a memorandum of understanding to work together to bring this project to fruition. If they are successful we will have an outstanding heritage site and tourist attraction that will be significant not only to Lake Macquarie but also to the nation. A feasibility study undertaken in 2011 and funded by Lake Macquarie City Council recommended that a hangar-style museum be established on the site. With that potential recognised and the purchase of a Catalina that will become a permanent display now confirmed there is added momentum to advance this worthy project. The council has been a supportive partner and all parties involved hope that funds will soon be made available to move to the next stage. I hope that the State Government, in recognition of the wider significance of the proposed museum, will offer its support when the time comes so that we can see this fitting memorial constructed for the enjoyment of history and aviation enthusiasts.

### **BLUE MOUNTAINS RURAL FIRE SERVICE BRIGADES**

**Mrs ROZA SAGE** (Blue Mountains) [12.42 p.m.]: It gives me great pleasure to update the House on some of the many activities undertaken by Blue Mountains Rural Fire Service brigades. The 23 Blue Mountains brigades comprise a wonderful group of volunteers who put the safety of the Blue Mountains area ahead of their own. Many of our brigades travelled to Coonabarabran to help with the dreadful fire that raged in the area. The photo montage I saw at Warrimoo station demonstrated just how terrible it was. Our members were all willing to help and were touched by the human tragedy that resulted from the loss of so many homes in that blaze. Wanting to help in some way, the Valley Heights brigade, under the direction of Peter Linnegar, organised a trivia night with proceeds going to the Rural Fire Service members at Coonabarabran who lost their own homes while they were out protecting the homes of others. I believe that 53 houses were lost. The night was very well attended by brigade members and members of the public and more than \$7,000 was raised.

On 5 April Blue Mountains, Lithgow and Oberon Tourism hosted the annual Red Balloon Ball, with all proceeds going to our local Rural Fire Service. I have spoken previously in the House about other balls I have attended and, like them, this ball was fabulous. Maurice Cooper, OAM, was again in charge of the arrangements and it was sad to hear that it would be the last ball that he would organise; his skills will be greatly missed. The Royal Australian Army band, the Giggin' Diggers, superbly entertained members of the local community, tourist industry representatives and Rural Fire Service members. We had a wonderful time. Rural Fire Service district manager Superintendent David Jones presented Greg Fellani with a special award for his service. Greg was not sure why he was specifically asked to attend the ball, because it is not the type of event he would normally attend, and he was overwhelmed at receiving such a prestigious award. He is an active member of Woodford brigade and a group captain. Like most of the Rural Fire Service members I know, he is modest and self-effacing and is always there when help is needed.

Members of the tourism industry have always been very supportive of the Rural Fire Service, because they have experienced its help first hand. Last year deliberately lit fires raged around the iconic Scenic Railway,

Lilianfels and other nearby businesses and there were real fears of substantial damage. Fortunately it did not eventuate thanks to the skill of the Rural Fire Service and NSW Fire and Rescue members. The Red Balloon Ball was a great success and raised about \$20,000. On 18 April I was again privileged to attend the Blue Mountains District Medal presentation at the Lawson Community Centre. In all, 88 medals were presented to members who between them have an amazing 2,042 years of accumulated experience.

National medals were presented to 40 recipients who have given many years of service, ranging from 16 to an amazing 54 years. Mr Allan Carruthers, AFSM, and Mr John Newton received national medals with clasps, each having served 54 years with the Blaxland brigade. That gave me particular pleasure because I know both the gentlemen personally. I bump into John because he is a fellow member of the Springwood Tri-Services RSL: in fact, I bumped into him recently on Anzac Day. Allan is a member of my local church and I also meet him regularly. Apart from their contribution to the Rural Fire Service, these men also give to the wider community through their membership of other organisations.

There were far too many recipients to mention now but I will acknowledge those who have given 30 or more years of service. Roy Pinch from the Katoomba/Leura brigade has given 42 years of service. In addition, Roy's son Neville, daughter-in-law Sue and grandchildren are also brigade members—it is a real family affair. Mark Gilbert from Winmalee has given 39 years of service; Blair Pulton from Winmalee, 37 years; Mark Willetts, from Faulconbridge brigade, 36 years; Terry Matchett, from Winmalee, 36 years; Doug Reed, from Winmalee, 36 years; Peter Easterling, from Winmalee, 32 years; Ken Wade-Ferrell, from Winmalee, 36 years; David I. Jones, from Winmalee, 36 years; Jim Stapleton, from Katoomba/Leura brigade, 31 years; and Ellis Butchard, from Winmalee brigade, 30 years. It was a great night and I congratulate all the medal recipients for the many years of dedicated service that they continue to give to the Blue Mountains community.

### SWANSEA ELECTORATE SERVICES

**Mr GARRY EDWARDS** (Swansea) [12.47 p.m.]: I draw the attention of the House to just a few of the numerous accomplishments that the Government has achieved in the relatively short time since it was elected. These accomplishments are having a very positive impact in my electorate. Two weeks ago the Minister for Fair Trading, the Hon. Anthony Roberts, visited Valhalla Village at Chain Valley Bay to announce the release of the draft Residential (Land Lease) Communities Bill 2013. The legislation was released after the long-awaited review of the Residential Parks Act 1998. Many of my constituents have repeatedly voiced concerns about the lack of protections provided for residential community occupants in the Labor Government's legislation. The draft Residential (Land Lease) Communities Bill 2013 will introduce a number of changes, including new rules of conduct for operators and sanctions for non-compliance, mandatory education requirements for all new operators and a standardised contract for residents. The introduction of this legislation was an election commitment that is now about to be delivered.

I was pleased to visit Redhead Surf Life Saving Club once again recently—this time with the Minister for Tourism and Sport and Recreation, the Hon. Graham Annesley—to present the club with a cheque for \$120,000 as part of the Sport and Recreation Surf Club Facility Grant Program. Club president Mike McKey showed the Minister and me how the funding will assist the club to upgrade its junior clubroom and provide kitchen and clubhouse extensions. It will provide the club with much-needed infrastructure that will go a long way to ensuring the long-term financial sustainability that it deserves. Caves Beach and Catherine Hill Bay surf clubs have also received thousands of dollars in much-needed funding.

Over the past two years the Government has made significant improvements to law and order and to frontline services in my electorate. It has increased police numbers by more than 300 officers across the State and we have a record number of officers in the Lake Macquarie Local Area Command, with 22 new probationary constables having started their policing careers in the past two years. That police strength has enabled the command to establish a much-needed drug squad to carry out crucial drug operations. The Government is also investing \$21 million in new police stations in Belmont, Toronto and Morisset and is continuing to deliver long-overdue upgrades of the Pacific Highway and local roads in the Wyong shire and at Lake Macquarie. In fact, several kilometres of resurfacing has already been completed on the Pacific Highway. We have almost completed a total refurbishment of the subacute facility at Belmont District Hospital, giving back to the community the 22 beds—yes, 22 beds—closed by the Labor Government.

As much as I would love to continue speaking of the many positive things the O'Farrell-Stoner Coalition Government is doing for the constituents of Swansea, I have the unfortunate and unpleasant task of addressing today the scaremongering, publicity seeking and downright lies being peddled by the Federal

member for Shortland, Mrs Jill Hall, and the State Leader of the Opposition, Mr John Robertson. Most recently Mrs Hall and Mr Robertson have done their best to scare and alarm my constituents with their nonsense in relation to the practice of tolling—that is, temporarily being off-line—in so far as it relates to two of our local fire stations, Belmont and Swansea.

Let us get a few things clear. Swansea fire station is a solely retained station, that is, staff are on call. Belmont is a mixed station, comprising full-time firefighters and also retained firefighters. Because Swansea fire station occasionally has a shortage of retained staff through the daytime period permanent units from Belmont station are deployed to Swansea during this time, while retained crews from the Belmont station remain in the vicinity should they be required. The practice of moving fire station personnel to cover staffing shortfalls is standard procedure and, as I have been told directly by Fire and Rescue NSW Commissioner Greg Mullins, such arrangements have no impact on response times or fire services to the community. The Federal member for Shortland has been busy spreading lies in the community that O'Farrell Government budget cuts will result in the closure of Belmont fire station. Let me say here and now: Belmont fire station is not closing and has never been closed.

By Mrs Hall's measure, apparently Swansea, a solely retained station, has never been opened. Mrs Hall and the Opposition leader are determined to mislead the community and bring about unnecessary fear and angst, particularly among our older folk. This is just more evidence that Labor is addicted to lies and scaremongering—its tactic of first resort—and is an organisation of policy failures and corruption. For Labor, failure is a habit, a historical fact. When I was first elected as the member for Swansea Mrs Hall approached me and advised that we—she and I—must work together for the good of our community, that we must never play politics. Looking back at that encounter I shake my head in bewilderment. It was just another Labor throwaway line, another attempted cynical deception. It is truly with regret that it has been necessary for me to speak in this manner in this Chamber today of a fellow parliamentarian.

#### **TAMWORTH JOCKEY CLUB**

**Mr KEVIN ANDERSON** (Tamworth) [12.52 p.m.]: I had the pleasure of joining several thousand people at the Tamworth Jockey Club on Sunday 28 April for the running of the 2013 Tamworth Gold Cup. On course and joining us were special guests indeed, including Racing NSW chairman, Mr John Messara, Country Racecourse Development Fund chair, Mr Bob Pavitt, and a host of other dignitaries including the great Mr John Clift. We were there to celebrate racing but also to commission the new grandstand at the Tamworth Jockey Club. It was appropriately named in honour of the man who has devoted his life to the racing industry, Mr John Clift.

John has served two terms as president of Tamworth Jockey Club: 1992-99 and 2002-11. Mr Clift was awarded the Australian Sports Medal and the Simon Nivison Award for his contribution to the racing industry. He is also a life member of the Tamworth Jockey Club and he bred the great grey, Gunsynd. I was proud to represent the racing Minister, the Hon. George Souris, at the Tamworth Jockey Club. It was a fantastic day. I extend congratulations to the committee, led by president Tim Coates, to the staff, volunteers and the secretary-manager, Victoria Toy, who did an outstanding job to ensure the brand-new facilities were right to go when everybody rolled up for an excellent day on Sunday 28 April.

The feature event was the \$65,000 Tamworth Gold Cup, which was won by Prussian Secret, trained by talented young trainer Cody Morgan. We would not need these wonderful facilities if we did not have an industry to support it. It gave me great pleasure to announce on behalf of the racing Minister further investment in the Tamworth Jockey Club of \$2.15 million. This money was gratefully received and will go towards improvements to the Tamworth track. It will greatly enhance the thoroughbred racing industry and take our premier racing track in the Hunter north-west regional racing district to a brand-new level. Improvements to the track—recambering some turns and a realignment of the 1,000 metre chute—will make it one of the most safe and competitive tracks in regional New South Wales. It will be one of the best and safest training and racing surfaces available and will assist the owners, breeders, trainers, jockeys and track staff in producing some of the State's best races and best horses in regional New South Wales—and we have seen a number of those.

In supporting the project with race field money Racing NSW highlighted the benefits of an improved racing surface. We have great support also from Racing NSW chief executive, Mr V'Landys, who also showed great support and investment in regional racing. Tamworth Jockey Club is one of the premier facilities and one of the premier racing and training facilities in the New England and the north-west. This investment by the State

Government goes to enhance that situation. I congratulate the Tamworth Jockey Club, the patrons and all those who had a role to play in the 2013 Tamworth Gold Cup on Sunday 28 April. I certainly look forward to the 2014 event.

### **CAMPBELLTOWN AND INGLEBURN ANZAC DAY SERVICES**

**Mr BRYAN DOYLE** (Campbelltown) [12.56 p.m.]: It gives me great pleasure to inform the House of the Anzac Day services held at Campbelltown and Ingleburn just last week. In the dawn the people of the great cities of Campbelltown and Ingleburn gathered in record numbers to remember our Anzacs. I was privileged to attend the 5 o'clock service at the Ingleburn RSL. The catafalque party was provided by 17 Construction Squadron from Holsworthy Barracks. The service was arranged by Ray James, President of the Ingleburn RSL sub-branch. We were privileged to have bugler Corporal Brendan Tasker from the Royal Australian Army Band. Both the New Zealand and Australian national anthems were sung.

Perhaps the highlight of the service was the presentation by Megan Hounslow, school captain of Ingleburn High School, who related the story of her relatives in the Great War, one of whom was killed on the western front. She related the story of her great uncle Reuben "Wack" Allen, who fought at the Battle of Bullecourt in 1917. Wack Allen was part of the Australian forces that broke through the Germans on the Hindenburg line at Bullecourt. Wack, manning a Lewis light machine gun, fought for 36 hours without relief as the Australian forces resisted the German army's counter attacks. After being relieved Wack stood to roll call. Out of the 1,000 men of this battalion who went over the top he was one of only 36 men remaining.

I was then privileged to attend the Campbelltown RSL services. It had also had its dawn service at 5 o'clock, and I attended its main service and march at 8.40 a.m. Record crowds were also present at Campbelltown. The master of ceremonies was my friend Ernie New from Campbelltown RSL, in the absence of our president, Dutchy Holland, who was seriously laid up in hospital. The school address for the Campbelltown service was given by Bronte Gala-Laine, a year 6 school captain from St Helens Park Public School. Bronte informed us that Anzac Day served as a reminder that we should work hard to avoid going to war. It is a day to remember our young men and women who were brave enough to face death so that we could be free.

We were privileged to have bugler Adrian Munn and the Campbelltown marching band assisting us on the day. I was pleased to see the Samoan elders group, AO SinaSina, laying its first commemorative wreath and various other ethnic groups participating in our Anzac legacy. As always, Ingleburn RSL and Campbelltown Pipes and Drums, which was present at those services, provided wonderful musical background. On behalf of the people of Campbelltown and Ingleburn I was honoured to lay wreaths at both those services in remembrance of our Anzacs. We will always remember them.

### **KIAMA WOMAN OF THE YEAR AWARD RECIPIENT MRS SANDRA McCARTHY**

**Mr GARETH WARD** (Kiama) [1.00 p.m.]: It is with great pleasure that I inform the House that on Wednesday 17 April 2013 I was honoured to present former Kiama mayor Sandra McCarthy with the 2013 Kiama Woman of the Year award in front of a delegation of local civic representatives at Kiama Municipal Council chambers. Sandra McCarthy has enormous respect in the Kiama community and is held in the highest of esteem after her 17-year career in local government, including 12 consecutive years as mayor of Kiama municipality. Sandra's 12 years as mayor makes her the longest-serving mayor of the Kiama municipality.

As mayor, Sandra served the Kiama municipality with great distinction and achieved a great deal for our local community with some of the highlights being the redevelopment of the Kiama Showground Pavilion, the award-winning upgrade of the Kiama Library and the Kiama Coastal Walking Track, which has become so popular with tourists and residents alike. I was impressed with her leading role in the 150 years of Kiama Municipal Council celebrations, which were roundly enjoyed by the entire community. Sandra also served the wider Illawarra community through her role with Healthy Cities Illawarra and as chair of the Southern Councils Group, which comprises seven councils on the coast, in the Southern Highlands and in the Illawarra. In those roles Sandra was a champion for upgrading the Princes Highway and was a strident advocate for our region in that regard.

It was not just for Sandra's service to local government that I nominated her for this award. As a hardworking and dedicated teacher Sandra taught locally at Kiama High School and earned the respect of colleagues and students alike. Sandra is currently pursuing her interest in academia through her studies to

achieve a Master of Public Policy degree. Sandra is an inspiration to other women and is a fine example of what strong will and dedicated leadership can achieve. I deeply admire Sandra's courage on a number of levels. Sandra is a former member of the Australian Labor Party. Sandra contested the seat of Gilmore at the 1998 Federal election and got closer than any Labor candidate to unseating local member Joanna Gash. But that is not why I admire her. In 2000 Sandra decided not to take no for an answer and challenged the Labor incumbent on the floor of council for the role of mayor—a ballot in which she was successful and which resulted in her leaving Labor and forging her identity as an Independent.

I say without equivocation that in the time I had the pleasure of working with Sandra, her independence was beyond reproach or question. Indeed, Sandra McCarthy was an opponent of mine at the last State election and in spite of our political differences her integrity and commitment were unimpeachable. I had no hesitation in nominating Sandra for this most auspicious award. My association with Sandra McCarthy extends well beyond the State election. In fact I knew Sandra McCarthy before I remember knowing her. I attended Kiama preschool with her children, Ben and Shelley, and my mother used to compete with Sandra in local basketball competitions. Sandra has been a fixture of the Gerringong community and a friend and advocate to many.

On Thursday 11 April Sandra also received the award of Emeritus Mayor at a Kiama council reception with the current Mayor Brian Petschler for her outstanding contribution and service to the local Kiama community. My dear friend Kevin Schreiber, another Emeritus Mayor and current Treasurer of the New South Wales Local Government Association was there at the event representing the New South Wales Local Government Association. I hope that the Kiama Woman of the Year award pays tribute to a great leader in our community and also inspires other women to follow in Sandra's most creditable and extraordinary footsteps. I know that Sandra would want me to place on the record how supportive her family has been towards her endeavours.

Sandra's husband, Jeff, has been beside her throughout her campaigns and all the trials and tribulations of elected local leadership. Sandra's sons, Michael and Ben, and her daughter, Shelley, remain an important part of her life. I will never forget seeing the delight in her eyes when she told me of the birth of her grandson, Matthew. I know how much Sandra enjoys her role as a very committed grandparent. I have no doubt that Matthew will grow up in a better and stronger community because of the commitment and dedication of his grandmother. I am sure that he will be the beneficiary of her vision and her dedication to the Kiama community.

I take this opportunity to commend the Minister for Family and Community Services, and Minister for Women, the Hon. Pru Goward, for her role in establishing the Women of the Year awards. It is highly appropriate for us to pay special tribute to all those women who have gone above and beyond the call of duty and who have made significant and sizable contributions to their communities. I again congratulate Sandra McCarthy on her outstanding career in local government, which has left a positive and lasting legacy for the people of Kiama. I have no doubt that Sandra will maintain her active interest in so many aspects of the Kiama municipality.

#### **WOOLLAHRA LIBRARY FRIENDS**

**Ms GABRIELLE UPTON** (Vaucluse—Parliamentary Secretary) [1.05 p.m.]: This month I was delighted to attend the Woollahra Library Friends Committee meeting at Woollahra Council in my electorate of Vaucluse. The Woollahra Library Friends was established in 2000 to promote the library service above all else and to provide its members with stimulating book-related events to enjoy with other book lovers. As I have always taken a keen interest in the Woollahra Library and the work of Woollahra Library Friends, I was thrilled that I was finally able to join them at one of their meetings. When I moved back to Australia after living in New York City during the 1990s, my young son and I joined the Woollahra Library. We spent many delightful hours in the library reading and selecting books to borrow. As a child my mother took me on regular pilgrimages to Waverley Library, the local library, for the same purpose. After those visits, as I sat in the back of the car on the way home, I vividly recall leafing excitedly through the books that I had borrowed.

After my son and I joined the Woollahra Library in 1999 I also joined the small group that was the forerunner of Woollahra Library Friends—a group that was formed to give the library input on its services to the local community. On my arrival in Sydney after a lengthy absence from Australia I made many friends through that group and also gained an early understanding of my local community. It could be said that I have a sweet spot for Woollahra Library—a place that offered me and my son so much in the early days after we returned to live in Sydney. Members might be interested to know how the Woollahra Library Friends committee supports Woollahra Library. The role of the Woollahra Library Friends Committee is to advise council by providing a link between community and council.

The committee plays a number of important roles, including providing a community forum for discussion of all library-related issues; promoting the library's role as a social, cultural and educational institution; raising awareness of the library's services and encouraging community involvement; assisting in developing and maintaining library services and facilities for the benefit of the community; assisting the library to attract donations and sponsorships for special projects; organising talks, readings or literary lunches to bring together book lovers; and fostering an interest in Woollahra's literary heritage.

The Woollahra Library Friends committee meets around five times a year to get an update on upcoming library events and to discuss any library-strategic matters, for example, plans for the new library that will form a part of the Kiaora Lands development in Double Bay near my electorate office. The Woollahra Library Friends Committee also makes suggestions for improvements to library services and offers suggestions, for example, on the Writers and Readers series—one of the more popular series organised by Woollahra Library Friends. The patron of Woollahra Library Friends is Mayor Andrew Petrie and the Woollahra Council representative is Councillor Peter Cavanagh, a regular attendee who was present with me at the meeting.

The ubiquitous Professor Ross Steele, President of Woollahra Library Friends—a person of great charm and intelligence—has a solid commitment to the arts including the Woollahra Library Friends. Ross is a Member of the Order of Australia—an honour bestowed upon him for service to tertiary education, in particular, the promotion of French language and culture in Australia and in the community through his support for a range of arts organisations—an Officer in the Ordre National de la Legion d'Honneur; and, amongst other things, a recipient of the University of Sydney Alumni Award for Community Achievement.

The Treasurer of the Woollahra Library Friends is my dear colleague Darel Hughes, a former Woollahra councillor. Darel serves as the trusty treasurer for many local community groups and always with great warmth, generosity, professionalism and alacrity. Without Darel and his wonderful wife, Dixie, the community in my electorate of Vaucluse would be much poorer. I acknowledge also that the Woollahra Library Friends is ably supported by several council staff and manager Vicki Munro. Despite the many ways everyone can access written material—iPads, personal computers [PCs], Macs, Kindles—the strong attraction that books and sharing literature still hold for old and young alike means that events hosted by the Woollahra Library Friends remain very popular. The Poet's Picnic is just one example of an important community event that draws a large crowd.

Accomplished poets read their work along with amateurs and local school students. Poet's Picnic is held early in the evening in Blackburn Gardens, which is adjacent to Woollahra Council Chambers and Woollahra Library, which is housed in the historic St Brigid's building that was built in 1897. Residents enjoy the local picnic on beautiful green lawns listening to the poetry on offer. I very much enjoyed the opportunity to meet the members of the Woollahra Library Friends Committee. I strongly commend them for their dedication, passion and enthusiasm for raising awareness of the library's services and events, and for encouraging community involvement in so many ways. I commend my private member's statement to the House.

#### **FIRE STATION OFFLINE ARRANGEMENTS**

**Mr DARREN WEBBER** (Wyong) [1.10 p.m.]: Today I speak of our accomplishments as we mark our two-year anniversary of the 2011 State election. Since the election, all Central Coast State members of Parliament—the members for The Entrance, Terrigal, Gosford and Swansea and me in Wyong—have worked together to set about undoing years of mismanagement and damage to Central Coast communities by the New South Wales Labor Party. It is incredibly unfortunate that now we find ourselves spending so much of our time defending our record against lies dreamt up by those opposite—members of Parliament who were not elected to represent the interests of the residents in my electorate of Wyong or anywhere on the Central Coast.

Obviously, those opposite have not learnt from the huge electoral defeat inflicted on them by the voters of the Central Coast. Whilst the O'Farrell Liberal-Nationals Government has been busy delivering necessary reform to fix our hospitals, emergency services, schools and the NSW Police Force, Labor Party members continue their tired old ways of trying to scare the community with misinformation and untruths. I speak of the recent efforts of some of those members, such as Greg Donnelly, who often portrays himself as the Labor member for the Central Coast. The truth is that we do not even know where he comes from. We know that the shadow Minister for the Central Coast does not come from the Central Coast.

**Ms Cherie Burton:** Point of order: This speech really is outside the content of a private member's statement. Reflecting on other members, particularly those from another place, should be undertaken by way of substantive motion to allow the Opposition to respond. I ask that this private member's statement be ruled out of order.

**Mr DARREN WEBBER:** To the point of order: It is nice to see the member is back in the Chamber. I am speaking about an issue in my electorate and the neighbouring electorate of Swansea.

**ACTING-SPEAKER (Mr John Barilaro):** Order! I remind members that the subject of a private member's statement must relate to his or her electorate. I remind members also that if they wish to make accusations or comments about other members they should be do so by way of substantive motion.

**Mr DARREN WEBBER:** A wise ruling. From time to time Labor Party representatives have visited the Central Coast and today I speak about a recent event regarding fire stations. The Leader of the Opposition joined the Federal member for Shortland to hold a community meeting in the Swansea electorate regarding Fire and Rescue NSW. The truth of the matter, which is being reported widely in local media, is that Fire and Rescue NSW is not closing any fire stations. A small number of fire stations in metropolitan areas may be taken offline for up to 14 hours at a time when crews are short-staffed due to sick leave and other short-term absences. This will occur only following a risk assessment by senior staff to ensure that the area can be adequately covered by surrounding fire crews. Fire and Rescue NSW routinely takes 10 to 15 full-time Sydney fire stations offline daily to attend hazard reduction burns and training drills.

Up to 20 stations can be taken offline at any one time without seriously impacting service delivery response time standards. It is important to note that Sydney has about 100 fire stations. These arrangements will have minimal impact on response times or community fire services and are no different to arrangements that have been standard practice for over 100 years. The actions from the Leader of the Opposition and the Federal member for Shortland are dishonest and highlight the desperation of both the current New South Wales State Labor Opposition and the Federal Labor Government. Instead of spreading mistruths, I encourage those opposite to support the important reforms that have been undertaken by the State Liberal-Nationals Government and not try to silence the member for Wyong to protect their mates, factional buddies and factions like the Terrigals.

**Ms Cherie Burton:** Point of order—

**Mr DARREN WEBBER:** I encourage the member to get on board—

**Ms Cherie Burton:** Point of order—

**Mr DARREN WEBBER:** —and make New South Wales number one again.

**ACTING-SPEAKER (Mr John Barilaro):** Order! The member has concluded his contribution.

#### **TRIBUTE TO SENIOR CONSTABLE TONY TAMPLIN**

**Mr CRAIG BAUMANN** (Port Stephens—Parliamentary Secretary) [1.15 p.m.]: Today I am joined by all Hunter members of Parliament to express great sadness in the loss of a veteran police officer, an extremely well-known and much-loved, larger-than-life character, and a man who was passionate about his job, his family and life generally. We express our deepest sympathies to the family, friends and workmates—both police and media—of Senior Constable Tony Tamplin, who died yesterday. Senior Constable Tamplin has been the unofficial face of the Hunter's police for more than three decades. His sudden death, as he began another work day at Waratah police station, has stunned and touched our community deeply. This larger-than-life personality started his police career at Chatswood in 1978, but a bad accident on his police motorcycle in 1984 put him on restricted duties. His remarkable communication skills saw him appointed to the role of Northern Region's Media Liaison Officer—a position he held for close on 30 years.

Senior Constable Tamplin also was a popular marriage celebrant, performing ceremonies at hundreds of weddings, and was a champion of several charities, including the Variety Club for which he conducted radio interviews from wherever the Variety Bash happened to find itself, all to raise money for children. Tony Tamplin is survived by his wife, Sonia, and their six children. The outpouring of grief in the Hunter has seen condolence messages come from people from all walks of life, such as Tony's ability to touch people. Earlier this month, *Newcastle Herald* journalist Dan Proudman covered an impromptu celebration of Tony's milestone of 35 years on the job. In his article Proudman wrote:

He has been the jovial face of the police force across the Hunter for decades.

Probably the best way to sum up Tony Tamplin's personality is to read his own words. Last week on 22 April the Newcastle *Star* published this story following a surprise celebration for his 35 years on the job. Tony said:

Last week I celebrated 35 years as a member of the NSW Police Force.

I don't mention it to brag or to solicit further return complimentary comments.

I mention this because I was humbled by the people who have gone out of their way to express gratitude to me.

It is because of this tremendous current of support that I love this city.

We are a community, we still recognise one another as people, not as house or unit numbers lost in a concrete maze.

When Mother Nature bares her teeth, a resident falls on hard times, a person falls victim to an illness, or when crime threatens our community, we pitch in.

We are lucky enough to live in a city that is still just a big country town and recently you, once again, reinforced that to me with your comments of support.

Friends, people I haven't seen for a long time and people I don't even know personally took time to comment on Facebook or other media and I am truly humbled and thankful.

We are proud because we still interact as a community.

William Penn, founder of Pennsylvania, once said:

"I expect to pass through life but once. If, therefore, there be any kindness I can show, or any good thing I can do to any fellow human being, let me do it now, for I shall not pass this way again."

Thank you for showing kindness as we pass one another.

I thank Tony Tamplin for those words. It is impossible to adequately honour the life of someone as loved and respected as Senior Constable Tony Tamplin in a five-minute private member's statement. He was a police officer for 35 years, of which nearly 30 were as police media liaison officer. He was a police officer for longer than most local area command commanders and in media longer than most journalists. I join members representing the electorates of Newcastle, Charlestown, Wallsend, Lake Macquarie, Swansea, Cessnock and Maitland in offering our condolences to Tony's family, his police colleagues and those who, like us, came to rely on Tony as the calm, unflappable and humorous community door on crime and policing in the Hunter region. Vale Tony Tamplin.

### **PENRITH ANZAC DAY SERVICES**

**Mr STUART AYRES** (Penrith) [1.20 p.m.]: Today I inform the House of the Anzac Day services that were held in the Penrith electorate. The dawn service held in Penrith's Memory Park is always a community and family-orientated service. I take this opportunity to congratulate Penrith City Council for the terrific work it has been doing in upgrading Memory Park and on engaging with the Penrith RSL in that process. I also acknowledge the significant strengthening of the Anzac Day spirit in our community, which is evidenced by the ever increasing number of people who attend the dawn services. Indeed, it is conservatively estimated that approximately 4,000 to 5,000 people attended the dawn service at Memory Park—a wonderful achievement for a regional city such as Penrith.

The Penrith RSL conducted the dawn service under the leadership of President Neville Barnier. Mr Phillip Friend was once again the master of ceremonies, a role he has performed now for a number of years. Captain Richard Hall from the Royal Australian Navy gave the commemorative address. In that address he spoke about the present service men and women deployed overseas to increase community awareness of the number of challenges those service men and women face. I note that Victoria Cross recipient Corporal Ben Roberts-Smith addressed those attending the Anzac Day dawn service held at the Australian War Memorial in Canberra. He spoke about the impact of the death of soldiers on their families. He read a moving letter written by one of the soldiers recently killed in Afghanistan to his wife. In that poignant moment those who heard his address would have struggled to hold back the tears.

At the Penrith service Captain Hall also told the story of HMAS *Yarra*, whose crew members were awarded the Unit Citation for Gallantry. Early in the World War II conflict HMAS *Yarra* pulled alongside a torpedoed troop carrier to rescue as many as possible while both ships were attacked by Japanese aircraft. Some 1,600 people were saved from that sinking troop carrier by the captain and crew of HMAS *Yarra*. Soon after the HMAS *Yarra*, which had a crew of approximately 130 sailors, was sunk by a Japanese fleet of five or six



warships with a crew four or five times the size of the crew on HMAS *Yarra*, while protecting a convoy of troop carriers returning from Java to Australia. Commander Rankin manoeuvred his ship between the Australian troop carriers and the Japanese force. Only 13 members of HMAS *Yarra* survived that engagement and undoubtedly that was one of the largest and single acts of bravery ever seen by a united group of Australians in the history of this nation. I am sure all in attendance at the Penrith dawn service appreciated his address. As I have said, HMAS *Yarra* crew members were awarded the Unit Citation for Gallantry.

No member of the Royal Australian Navy has ever received a Victoria Cross. Although there are plenty of examples of it, the ability for an individual's bravery to stand out in the navy is hard to quantify in our recognition and medal system. I am sure that sailors who serve on any ship named HMAS *Yarra* will, until there are no more ships with that name, carry that unit citation with pride. Across the lower mountains region community groups also held small services. For instance, the Penrith Bowling and Recreation Club held a great service this year, in conjunction with others. A dawn service was also conducted by the Glenbrook community, followed by a morning service and then a march. The girl guides and scouts from Emu Plains also held a service in a local park. Three or four years ago some 15 or 16 people would have attended that service but now hundreds attend, which clearly demonstrates how important Anzac Day is to those in my area, which makes me very proud.

### CHARLESTOWN ELECTORATE INFRASTRUCTURE

**Mr ANDREW CORNWELL** (Charlestown) [1.25 p.m.]: On Monday 8 April 2013 Premier O'Farrell visited my electorate to officially open two important projects. The first was the easy access upgrade to Cardiff railway station. When the O'Farrell Government came to office in 2011 and commenced pre-planning for Cardiff railway station it was discovered that the \$6.5 million allocated by the former Labor Government for this project was a hollow commitment. The project was reassessed, a \$14 million commitment was required and an additional \$7.5 million in funding was sourced to ensure the project came to fruition. I take this opportunity to thank the Minister for Transport for completing the work that should have been done between May 2010 and 26 March 2011. Under the former Labor Government the project never went to tender and the planning work was never commenced.

Cardiff railway station will now provide a new lift, which will link the council's Mary Street car park with the station car park and the pedestrian footbridge; a second lift, which will link the pedestrian footbridge and platform; a regraded ramp and footpath access from the footbridge to Main Road; a new main station building with accessible paths, weather protection enclosures, an upgraded ticket office and a wheelchair and family accessible toilet; new and upgraded closed-circuit television surveillance and lighting; an extended platform to accommodate eight-car trains—previously the station only coped with four-car trains, hence if one was at the wrong end of an eight-car train that stopped there one was unable to alight from it—and new stair access between the two car parks and the footbridge level. I commend Mr Brian Young for his tireless advocacy in bringing this issue to the public's attention and for his years of hard work. Well done, Brian, your hard work has paid off.

Next, Premier O'Farrell visited Wiripaang Public School—a school created by the amalgamation of Gateshead West Public School and Gateshead Public School. There had been a progressive decline in enrolments at both Gateshead West Public School and Gateshead Public School. In March 2010 the Gateshead Public School parents and citizens association raised the issue of amalgamation with the Gateshead West Public School as a way to enhance educational provision to their students. In 2011 an amalgamation consultation process was undertaken. In June 2012 the Minister for Education approved the amalgamation. The amalgamation process occurred in late 2012 with the formation of a steering committee consisting of parents, carers, staff, students and community representatives to advise on and contribute to plans and actions.

Some \$3,000 was donated by the Premier for the school to purchase a new honour board. I take this opportunity to acknowledge incoming principal Lee-Ann Saurins, Mr Martin Frolich, the outgoing principal of Gateshead Public School, Mr Graham Bradbery, the outgoing principal of Gateshead West Public School, Mr Frank Potter, the acting regional director, and Ms Kay Penno, the school's education director. The amalgamation of these two schools has been a great success. The new school has 180 to 190 students. Students in this area of my electorate that have had reduced education opportunities will now have enhanced education opportunities. This amalgamation will ensure that current and future students of Wiripaang Public School will benefit from educational opportunities that their predecessors unfortunately did not have.

### Private members' statements concluded.

*[Acting-Speaker (Mr John Barilaro) left the chair at 1.30 p.m. The House resumed at 2.15 p.m.]*

### **DISTINGUISHED VISITORS**

**The SPEAKER:** I extend a special welcome to the gallery today to five members of the National Diet of Japan, accompanied by representatives from the Australian Political Exchange Council, who joined us for lunch today with Mr President. It was nice to meet all of you. I hope you enjoy question time. Welcome to Sydney.

### **ADMINISTRATION OF THE GOVERNMENT OF THE STATE**

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

T F BATHURST  
Lieutenant-Governor

Office of the Governor  
Sydney, 1 April 2013

The Honourable Thomas Frederick Bathurst, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the government of the Commonwealth, he has assumed the administration of the government of the State.

### **ASSENT TO BILLS**

Assent to the following bills was reported:

Crimes (Criminal Organisations Control) Amendment Bill 2013  
Election Funding, Expenditure and Disclosures Amendment (Administrative Funding) Bill 2013  
Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013  
Intoxicated Persons (Sobering Up Centres Trial) Bill 2013  
Law Enforcement (Controlled Operations) Amendment Bill 2013  
Public Interest Disclosures Amendment Bill 2013  
Road Transport Bill 2013  
Road Transport Legislation (Repeal and Amendment) Bill 2013  
Road Transport (Statutory Rules) Bill 2013

### **ADMINISTRATION OF THE GOVERNMENT OF THE STATE**

**The SPEAKER:** I report the following message from Her Excellency the Governor:

MARIE BASHIR  
Governor

Office of the Governor  
Sydney, 14 April 2013

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she re-assumed the administration of the government of the State on Sunday 14 April 2013.

### **ADMINISTRATION OF THE GOVERNMENT OF THE STATE**

**The SPEAKER:** I report the following message from His Excellency the Lieutenant-Governor:

T F BATHURST  
Lieutenant-Governor

Office of the Governor  
Sydney, 22 April 2013

The Honourable Thomas Frederick Bathurst, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the government of the Commonwealth, he has assumed the administration of the government of the State.

### **ADMINISTRATION OF THE GOVERNMENT OF THE STATE**

**The SPEAKER:** I report the following message from Her Excellency the Governor:

MARIE BASHIR  
Governor

Office of the Governor  
Sydney, 26 April 2013

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she re-assumed the administration of the government of the State on Friday 26 April 2013.

**ELECTORAL DISTRICT OF NORTHERN TABLELANDS****Resignation of George Richard Torbay: Issue of Writ**

**The SPEAKER:** I advise the House that, pursuant to section 70 of the Parliamentary Electorates and Elections Act 1912, I issued a writ on 22 April 2013 for the election of a member to serve in place of George Richard Torbay, resigned. The particulars of the writ are:

Nomination day—9 May 2013

Polling day—25 May 2013

Return of Writ—7 June 2013

**DEATH OF WILLIAM EDWIN KNOTT, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY**

**The SPEAKER:** It is with regret that I inform the House of the death on 19 April 2013 of William Edwin Knott, a former member of the Legislative Assembly, who served as the member for Wollondilly from 7 October 1978 to 28 August 1981 and as the member for Kiama from 19 September 1981 to 31 December 1986. On behalf of the House I extend to the family the deep sympathy of the Legislative Assembly in the loss sustained.

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

**QUESTION TIME**

*[Question time commenced at 2.24 p.m.]*

**NSW POLICE FORCE CHILD ABUSE SQUAD**

**Mr JOHN ROBERTSON:** My question is addressed to the Premier. When was the Premier or his office made aware of the human resources review of the child abuse squad that warns that children will continue to be abused by offenders who have not been arrested unless the hardworking squad is given the extra officers it needs to investigate crimes against children?

**Mr BARRY O'FARRELL:** I do not care what the member for Toongabbie normally does but I say to him, please leave the Leader of the Opposition in his current job. The Parliament has been in recess for four weeks and the Leader of the Opposition's first question relates to a story reported in the *Daily Telegraph*. What a surprise, what a shock, what a horror, what a stretch for the intellectual geniuses opposite. The fact is that in the final paragraph of the less than succinct motion of which he gave notice a moment ago reference was made to giving our police the resources they deserve. In the two years we have been in office more than 1,700 police have graduated from the New South Wales Police Academy at Goulburn.

Since we have been in office we have reformed the New South Wales Police Force Death and Disability Scheme. Why is that important? It is important because it has stopped the drain of experienced police away from the force so that we have more police. We have an outstanding Commissioner of Police and should the day ever arise in government, this Parliament or this State that a Premier directs the Commissioner of Police as to how to use his or her resources, that Premier will deserve to be booted out of office. The Leader of the Opposition reminds me of the man who buys a dog but barks himself, except that would suggest—

**Mr John Robertson:** Point of order: My point of order relates to relevance under Standing Order 129. This is a very serious issue and the Premier has gone nowhere near—

**The SPEAKER:** Order! I understand the seriousness of the issue. The Premier is talking about police resources. He has been entirely relevant to the question asked. There is no point of order.

**Mr John Robertson:** He is talking about buying dogs.

**The SPEAKER:** Order! The Leader of the Opposition will resume his seat.

**Mr BARRY O'FARRELL:** I was drawing an analogy. Does the member opposite want a dictionary to see what "analogy" means? The fact is that that analogy cannot be true because it is about watchdogs and we know that the Leader of the Opposition is no watchdog. He sat in a Labor Cabinet with Ian Macdonald and did not raise a finger. He was put in his job by Eddie Obeid and did not raise a finger.

**Mr Ron Hoenig:** Point of order: The Premier's reply is not remotely relevant to the question asked by the Leader of the Opposition.

**The SPEAKER:** Order! There is no point of order. The Premier strayed momentarily, but he has been relevant to the question asked.

**Mr BARRY O'FARRELL:** What is remotely relevant to my learned barrister opposite is due process—actually running government and making decisions according to proper process and ensuring that public interest is respected. That is something that the Leader of the Opposition, as a member of Cabinet, failed to do but it is something that this Cabinet will continue to do.

**Mr Michael Daley:** Point of order: It is about proper process. A process was undertaken and a review was undertaken. My point of order is under Standing Order 129. The Premier was asked when he was made aware.

**The SPEAKER:** Order! The member Maroubra is not citing a breach of a standing order; he is mounting an argument. There is no point of order. The Premier has the call.

**Mr BARRY O'FARRELL:** Since the Government came to office 1,780 police have graduated, increasing the number of police across the State. There are 40 additional police in Bankstown, 25 in Parramatta, 33 in Liverpool, 28 in Coffs Harbour, 23 in Tweed Heads, 29 in the Orana district, 30 on the Central Coast, 32 in Newcastle and 33 in Sutherland—just to give some highlights. The Government is giving police the numbers and the powers to get on with the job. We expect the Commissioner of Police to do that by using those resources and powers to deliver good results. What did we see today? Through the efforts of the Gang Squad we have smashed the leadership of the Comancheros.

**Mr John Robertson:** Point of order—

**The SPEAKER:** Order! The Leader of the Opposition may be taking a different point of order, but the Premier is being entirely relevant to the question the Leader of the Opposition asked him.

**Mr John Robertson:** I did not ask anything about police numbers and resources. I spoke about—

**The SPEAKER:** Order! The Leader of the Opposition will resume his seat. The question mentioned police resources. I have in front of me a copy of the motion of which the member gave notice that he would seek to have accorded priority; I know what it says.

**Mr BARRY O'FARRELL:** The question and the motion of the Leader of the Opposition were about police resources. I responded by saying that 1,700 additional police graduates have been delivered to the Commissioner of Police for him to deploy as he sees fit because he is employed as the Commissioner of Police. I am not the Commissioner of Police.

**Mr John Robertson:** Point of order: We are not debating the motion that I sought to be accorded priority. My point of order relates to relevance to the question. The question asked the Premier when he or his office was made aware—nothing about numbers.

**The SPEAKER:** Order! I understand the point of order. The Leader of the Opposition referred to police resources. I note the Premier has concluded his answer.

### GONSKI EDUCATION REFORM

**Mr MATT KEAN:** My question is directed to the Premier. How is the New South Wales Government investing to give every child a better education?

**Mr BARRY O'FARRELL:** I thank the member for Hornsby for his question and also for the support that he and other members of the Liberal-National Party team gave us in trying to ensure that we secured the

Gonski agreement. I am proud of the fact that New South Wales is the first of the jurisdictions, State or Territory, to sign up to the Gonski report. I am proud of the fact that this Government has decided to give priority to public education. We know that the greatest assets that this State has are not to be found in the portfolio of the Minister for Resources; our greatest assets are the people who walk upon the ground. There is no greater asset in our community than the children who go into our education system. As I said to the Prime Minister a week ago, this is the State in which education started in this country; this is the State where a former Premier, Henry Parkes, introduced public education—a model of education that required students to attend education—because he understood, as we understand, that if you give children the keys to the kingdom through education, the world is theirs. And as they succeed, so too does the State and the society in which they live.

The agreement will secure an additional \$5 billion in funding for schools across New South Wales. The Commonwealth will provide 65 per cent, or \$3.3 billion, and the State will provide \$1.7 billion. We had to make decisions in order to provide the \$1.7 billion through budget savings, and we have been up-front about that. They were tough but necessary decisions because we are prepared to back future generations in this State by giving them the best possible education that is available. Importantly, this agreement we have made with the Prime Minister does a number of things: it not only provides more resources; it also distributes them fairly across the public, independent and Catholic school sectors. It ensures that we are able to achieve the goals we are seeking in relation to higher standards and better education outcomes for every child across this State.

Importantly, the agreement that we have signed reflects absolutely the reforms put in place by the Minister for Education, supported by the Government, over the past 18 months—reforms that, for instance, will see more local decisions made by principals and school communities. We understand that in the public school system not all schools are the same. With 2,200 schools across the State there will be variations, and local school communities should not be required to abide by a one-size-fits-all approach when that is not real life. Secondly, as we announced earlier this year, we are determined to improve teacher quality. For the first time standards will be required before trainee teachers can enter courses and they will be required to meet standards before they come out of those courses and are allowed into classrooms. We have outlined reforms to literacy and numeracy within classrooms. We have outlined our Connected Communities program to give Indigenous students across this State the education they deserve and which they have missed out on for far too long.

Whichever way one looks at it, this is about delivering better schools and better education for young people across the State. The reforms have obviously been warmly welcomed by just about everyone across New South Wales. One of the questions I have been asked over the past week is what it means for an individual student and for individual schools. It means accelerating those reforms I have described as being already underway. It means allowing principals to have a greater say over how the additional resources are spent and how the principal allocates the resources. Along with the school community the principal of the school may determine whether in Penrith, Dubbo or in the Hunter they need an additional sports teacher, maths teacher, English teacher or music teacher. Principals will decide such matters, not bureaucrats in the central business district or remote from those locations.

It will mean getting better information for parents on their child's progress. Overall development and rates of progress will be used as measures of student performance rather than simply achievement of minimum standards. One of the great scandals we identified in opposition was the way in which those opposite were measuring education performance by the number that achieved the minimum standard. I want children to achieve beyond the minimum standard; I want them to achieve the best possible standard. No satisfaction can be taken in anyone achieving minimum standards. This information will also be used to provide proper feedback to parents. That is at the heart of these reforms—better education for the students and more accurate information for their parents. [*Extension of time granted.*]

Practically, these reforms will ensure that literacy and numeracy teachers will be able to work intensively with children in the classroom who are at risk of falling behind. Whilst the teacher goes on with the standard lesson there will be tutors in classrooms to assist students who are in danger of falling behind. It means getting the highest quality teachers into the classrooms and keeping them there. Often the most effective teachers that we see in our system get promoted into management and we lose those skills from the classroom. These reforms will ensure that there are incentives for such teachers to remain teaching. There will also be greater support for new teachers as they learn the ropes. This will allow experienced teachers to act as mentors and sounding boards for the graduates as they learn their classroom practicalities. There will also be an annual teacher review based on direct feedback in relation to their performance.

If I could summarise Gonski in one sentence, I would say that the agreement we have signed up to is about more resources and the fairer distribution of those resources across the system and about higher standards

and better outcomes. Above all, I hope that it puts to bed once and for all the argument between the sectors that too often has taken the focus off the needs, purpose and outcome of education and instead had public schools fighting against non-public schools, because that is a waste of energy and time. What we have in this agreement is in the best interests of the people of this State. What we have in this agreement is as important for this State today as the pioneering introduction of public education by Henry Parkes was important in the nineteenth century. It will set up this State for the future as Henry Parkes' reforms in the 1880s set up this State for the success we are enjoying today. That is why, on behalf of all those in government, I am proud that New South Wales has led the way, as we did with the National Disability Insurance Scheme, in signing up to this agreement and bringing the interests of the people of this State to the fore.

### **NSW POLICE FORCE CHILD ABUSE SQUAD**

**Mr JOHN ROBERTSON:** My question is directed to the Premier. Given that the Premier has said that he will give the police whatever resources they need, why has his Government failed to give the hardworking child abuse squad the 50 extra officers for which the review says there is a critical and immediate need?

**Mr BARRY O'FARRELL:** I say again that the Commissioner of Police and I have a number of conversations from time to time about what police need in terms of numbers and powers, as has been evidenced by legislation that has gone through this Parliament—such as our reforms to the police death and disability scheme to staunch the loss of experienced police from the Police Force—and as has been seen by our commitment to 1,700 additional police graduates coming out of the academy. We have 16,096 police across this State. Did those opposite have that number when they were in office only two years ago? No. There are 1,700 graduates and more police than when those opposite were in office, and we have given those additional police to the Commissioner of Police to make decisions about where they go because we have confidence in the commissioner.

I have to say that on the basis of what the Commissioner of Police has delivered for this State throughout the entirety of his career—a police commissioner appointed by those opposite but who apparently now has lost the confidence of the Labor Party in this State—we will continue to support him and the decisions he takes as to how and where to deploy his resources. The biggest lie being peddled by the Leader of the Opposition is that young people were at risk because people had not been arrested. I am assured that no young people were at risk. I am assured that all those who were due to be arrested were arrested. I am assured that this report, which was designed to see how this squad could be improved in the future, has had 13 of its recommendations implemented already and that the police are working through those recommendations, as we expect the police to do in so many areas on a day-to-day basis. I say again, the day that the political whim of government starts interfering directly in the allocation of police resources—

**Ms Linda Burney:** Point of order: My point of order is relevance under Standing Order 129. The question is quite specific. Is the Government going to appoint those resources? The Government makes decisions about funding. The Premier is absolutely avoiding the question.

**The SPEAKER:** The member for Canterbury will resume her seat. The Premier is being relevant to the question asked.

**Ms Linda Burney:** The Government makes decisions about resources.

**The SPEAKER:** The member for Canterbury will come to order.

**Mr BARRY O'FARRELL:** There are days when I am reminded that the Labor Party of New South Wales defies gravity. In most places, when one falls, one goes down. But in the Labor Party, as members fall, they rise. That is why we have the Deputy Leader of the Opposition. She has failed in every portfolio and every ministerial position she has been in. What is she today? She is the Deputy Leader of the Opposition. Go figure.

**Ms Carmel Tebbutt:** Point of order: It is relevance under Standing Order 129. The Premier is now launching an attack on the Deputy Leader of the Opposition rather than answering the question that he has been asked.

**The SPEAKER:** I do not believe that is the case. I do not class straying momentarily from his answer as an attack on the Deputy Leader of the Opposition. The Premier has the call.

**Mr BARRY O'FARRELL:** That is not an attack, but I am happy to launch an attack if you would allow me to do so, Madam Speaker.

**The SPEAKER:** I counsel the Premier not to do so.

**Mr BARRY O'FARRELL:** I say again, very simply—

**Ms Linda Burney:** I am so scared.

**The SPEAKER:** The member for Canterbury will come to order.

**Mr BARRY O'FARRELL:** Every time she opens her mouth, she confirms that they fall upwards in the Labor Party. I say again very slowly, very pointedly: we have given police additional resources. We have given police additional powers. We have confidence that the Commissioner of Police is using those resources in the best interests of the State.

### NSW POLICE FORCE CHILD ABUSE SQUAD

**Mr JOHN ROBERTSON:** I direct my question to the Premier. How can the Government claim that no child is being put at risk when page 26 of the New South Wales police report states clearly that the current level of staffing risks "abuse of children as a result of delayed responses to reported matters" and "abuse of children as a result of re-offending that could have been prevented by an arrest or earlier arrest"?

**Mr BARRY O'FARRELL:** I responded to that question by providing the advice I was given.

### INTERNATIONAL TRADE AND INVESTMENT

**Mr PAUL TOOLE:** My question is directed to the Deputy Premier. How is the New South Wales Government coordinating efforts to grow international trade and investment?

**Mr ANDREW STONER:** I thank the member for Bathurst and Parliamentary Secretary for Asia-Pacific Trade for a very good question. One of the reasons this Liberal-Nationals Government was elected was to get the economy moving and restore confidence in New South Wales. Since coming to office we have had a consistent and clear message for international investors and trade partners that New South Wales is again open for business. Sadly, a little over two years ago New South Wales was an economic laggard, recording the slowest growth of the Australian States. That was the result of 16 years of Labor's economic mismanagement.

Our international reputation had been trashed by a Labor Government that declared Sydney full. It closed trade offices and created uncertainty by cancelling projects such as the farcical Rozelle metro. I am pleased to say that today we have record jobs growth and record infrastructure investment, and increasing confidence from international markets in our export and investment opportunities. This Government knows that we need a strong and stable government to grow the economy further and to create more jobs in New South Wales, and to be internationally competitive.

The numbers speak for themselves. One in five jobs are dependent on international investment or exports, and New South Wales exports account for 15 per cent of our gross State product. That is why the Premier and I asked the Hon. Warwick Smith, the Chairman of the ANZ Bank in New South Wales and the Australian Capital Territory, to lead a high-level steering group to examine our State's approach to international engagement. The result is a New South Wales international engagement strategy, which was released earlier this month. While the strategy was not launched with the fanfare and fuss that accompanied the Commonwealth's "Australia in the Asian Century" white paper, it is a practical document that sets out targeted and coordinated measures to grow our State economy further through better international engagement. In fact, it is the first whole-of-government approach to international trade and investment activities in this State.

It is a coordinated and targeted strategy to sell the benefits of New South Wales to the world by boosting key exports such as education and agriculture, and by attracting investment into a range of investment opportunities such as the infrastructure projects detailed in our State infrastructure strategy. Our new international engagement strategy expands the State's target markets from six to 10, reflecting both sources of foreign direct investment and the main buyers of New South Wales merchandise and services exports. Those

priority markets include Japan, the United States of America, China, the United Kingdom, India, Malaysia, the United Arab Emirates, South Korea, Singapore, and Indonesia. The strategy also calls for stronger marketing of New South Wales, its economic strengths, its priority sectors, and the business opportunities.

Work has already begun in this regard. Last month the Premier launched the NSW NOW campaign to make investors aware of the strengths of our economy and the unique benefits of investing in this great State. Interest in New South Wales as an investment destination is already high. For example, the Abu Dhabi Investment Authority, with whom I met recently, was part of the consortium that bid successfully—\$5.07 billion—for the long-term lease of Port Botany and Port Kembla. This transaction will result in net proceeds of approximately \$4 billion invested in our infrastructure fund Restart NSW, with 30 per cent of those funds reserved for projects in regional areas. For the benefit of the member for Kiama and others in the region, I add that \$100 million was dedicated for projects in the Illawarra. This Government will continue to target opportunities aggressively to drive greater international trade and investment to New South Wales and continue our State's re-emergence as a powerful economic force.

### POLICE RESOURCES

**Mr NATHAN REES:** My question is directed to the Premier. Given that page 5 of the leaked review into the NSW Police child abuse squad makes clear its workload will likely increase further following the royal commission into child sexual abuse, why will the Government not give the unit the extra officers it has asked for?

**Mr BARRY O'FARRELL:** As I have said on two occasions, we are giving the Commissioner of Police additional resources. There have been 1,700 police graduates since we came to office. We have record police numbers of 16,096. It is for the Commissioner of Police to allocate those resources as he sees fit. I am sure we will see additional appointments made, as we saw in mid February when team officers were appointed to the squad.

### PUBLIC SECTOR WAGES POLICY

**Mr LEE EVANS:** My question is directed to the Treasurer, and Minister for Industrial Relations. How is the wages policy being delivered across the New South Wales public sector and State-owned corporations?

**Mr MIKE BAIRD:** I thank the member for his question and for his interest in responsible management in this State. I am pleased to update the House regarding the responsible approach that this Government is taking in delivering what those opposite tried to do but could not do. The wages policy is a good one. A fair and affordable wages policy is something that we are committed to and that we are clearly delivering. The people of New South Wales understand that because New South Wales Labor could not control wages, it had less capacity to improve services or build the infrastructure that the O'Farrell-Stoner Government is all about. Indeed, it left its wages policy in the too-hard basket.

An important point is that we are delivering it not only across the public sector, with 250,000 employees agreeing to the 2.5 per cent increases, but also across State-owned corporations. A year ago the Government extended the wages policy to apply to State-owned corporations and we are starting to see the benefits of that. We are starting to see excellent Ministers, such as the Minister for Resources and Energy, delivering for the consumers of this State. We are now experiencing smaller increases in the price of electricity and water, which is what the community has been crying out for.

[*Interruption*]

I would not be interjecting if I were the Leader of the Opposition. He has been doorknocking across his electorate during the break—

**The SPEAKER:** Order! The member for Canterbury will come to order.

**Mr MIKE BAIRD:** He had to doorknock his own house to find someone to support him.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. I cannot hear the Treasurer. The Leader of the Opposition will come to order.



**Mr MIKE BAIRD:** The Minister for Resources and Energy has announced that the price of electricity and gas will increase by only 3 per cent.

**The SPEAKER:** Order! I call the member for Canterbury to order.

**Mr MIKE BAIRD:** Under the former Labor Government we saw prices increase by 60 per cent over five years.

**Mr John Robertson:** Point of order: My point of order relates to Standing Order 129, relevance. I know the Treasurer is keen to talk about the Government's wages policy rather than energy prices, but, Madam Speaker, I ask you to—

**The SPEAKER:** Order! The Treasurer was asked a question about the Government's wages policy and that is exactly what he is addressing. There is no point of order.

**Mr MIKE BAIRD:** That is a bit embarrassing, because the Leader of the Opposition obviously does not understand that controlling the cost of State-owned corporations means lower prices for consumers. If he does not understand that, what hope does he have of leading this State? Members opposite tried to deliver a wages policy but they failed. The Federal Labor Government's Fair Work Commissioner has now ticked off on enterprise agreements for MacGen and Eraring that will deliver wage increases of 3.5 per cent because employees have found offsets. They include MacGen employees not being paid to shower for 45 minutes at the end of their shifts. It is good to be clean, but it is also good to have fair and affordable wages, and that is what this Government is delivering.

The Federal Government has also decided that a greater share of remuneration should go to superannuation increases, and that will take effect from 1 July 2013. The wages policy is consistent with Labor's policy that superannuation is an employee-related cost within the 2.5 per cent, and that is what this Government is now delivering. We now have a government that is delivering for the people of New South Wales rather than a government whose members simply are looking after themselves. It is a very clear distinction. Offsets are being found under this Government, particularly in State-owned corporations. About 9,000 employees have received increases of more than 2.5 per cent. If offsets are found, this Government will increase wages by more than 2.5 per cent. The 4,000 bus drivers for whom the Minister for Transport is responsible have found offsets, as have more than 2,000 Sydney Water employees, 500 Pillar employees, 600 MacGen employees and 415 Eraring employees.

If the Labor Government had delivered its wages policy, New South Wales would have been \$900 million better off. By pursuing its wages policy this Government can ensure that the State will be almost \$2 billion better off over the next four years. As Ministers have said, those funds are being spent on the front-line services that this State deserves. This Government has employed more than 4,000 nurses, police officers and teachers since being elected, and that is what the community expects. At the same time, it is investing in the infrastructure that members opposite promised in their glossy brochures. Those promises are being delivered by a government that is responsibly managing its wages policy and the State's finances, and that is looking after the State's interests, not its own.

#### **NSW POLICE FORCE CHILD ABUSE SQUAD**

**Ms ANNA WATSON:** I direct my question to the Premier. Why is the Government forcing police officers in the child abuse squad to deal with up to 25 abuse cases each at any one time when they should be investigating a maximum of 15 each?

**Mr BARRY O'FARRELL:** I have addressed that question.

#### **BAIL LAW REFORM**

**Mr GEOFF PROVEST:** I direct my question to the Attorney General and Minister for Justice. How will the Government ensure that community safety is paramount in our bail system?

**Mr GREG SMITH:** I thank the member for his question and for his keen interest in law reform. Before the 2011 election the New South Wales Liberals and The Nationals promised to review and reform this State's bail laws, and the introduction of the Bail Bill 2013 represents the fulfilment of that promise. The New

South Wales Law Reform Commission reviewed the bail laws and its report was tabled in both Houses of Parliament last year. In response, the Government has drafted a new Bail Act that will implement some of the commission's recommendations while adopting a risk-management approach to bail decisions. This Government is placing the safety of the community first. The proposed Act will have a simplified test for making bail decisions.

Since it was first enacted 35 years ago the Bail Act has been amended 85 times; more than 200 amendments have been made. The Labor Government amended the Act 57 times in 16 years. As a result we ended up with an Act so complex that it was difficult for lawyers and judges to understand, let alone the general public. The current test that requires presumptions for or against bail to be applied to specified offences while listing other offences as offences for which there is no presumption will be replaced with a simplified test based on unacceptable risk, which applies to all offences. Before making a bail decision under the proposed Act, a police officer or a court is required to consider whether there is an unacceptable risk that the accused person will endanger the safety of victims, individuals or the community, commit a serious offence, interfere with witnesses or evidence, or fail to appear at any proceedings relating to the offence.

The police officer or the court can consider things such as the person's background and community ties, the strength of the prosecution case, and the nature and seriousness of the offence. If an accused person is deemed to pose an unacceptable risk that cannot be mitigated by strict bail conditions, that person will be refused bail. If bail conditions are imposed, police will be able to enforce them and even arrest accused persons if they have breached their bail conditions. If accused persons pose no such risk—and that is likely to be true of many alleged offenders facing minor traffic and other non-violent offences—they may be released on unconditional bail. This new test will not only simplify the bail laws but it will also make decisions more consistent.

The proposed Act also contains a provision similar to section 22A of the existing Act, which restricts second or subsequent bail applications, but incorporates an additional ground for a further release application by a juvenile. In relation to juveniles, the legislation also contains a bail condition requiring suitable accommodation arrangements to be secured for a young person charged with a crime before he or she is released on bail. Once accommodation has been found, the juvenile can be released on bail without the matter having to be relisted before the court.

This is an attempt to address a recurring problem faced by the Children's Court when juveniles were denied bail simply because they did not have suitable accommodation. The Government's bail reforms have the support of the NSW Police Association, the NSW Police Force and the Director of Public Prosecutions. If the bill is passed, the legislation will commence operation 12 months after assent. The Coalition promised bail reform and it has delivered. I thank the Law Reform Commission and all those who made this possible. These reforms will simplify the bail legislation while putting the safety of the community first. These reforms deserve the support of all members.

### PLANNING SYSTEM REVIEW

**Mr CHARLES CASUSCELLI:** I direct my question to the Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW. What has been industry and community reaction to the Government's bold new white paper for the future of the New South Wales planning system?

**Mr BRAD HAZZARD:** I thank the member for his question and for his intense interest in planning issues affecting people not only in his electorate but also throughout this great State. The Government has been working intently with the community on developing a new planning system. I remind members that shortly after the Coalition was elected I appointed a former Labor Minister, Ron Dyer, and a former Liberal Minister, Tim Moore, to conduct statewide public consultations about the planning system.

More than 100 community consultation sessions were held around the State. I can assure members that the new system was born in that consultation—it was nurtured and developed through consultation—and we propose to give this new planning system its mature currency through ongoing consultation. The green paper was delivered on 14 July last year, following consultation across the State undertaken by the Hon. Tim Moore and the Hon. Ron Dyer. More than 1,200 submissions were received in response to the green paper. On 16 April I launched the new white paper on behalf of the Government. It is important to the Government and, I am sure, to the community that further consultation be held on the white paper, which is a little unusual under the Westminster system. Normally by this stage the Government direction is set and the Government proceeds to introduce legislation. The Government intends to progress that consultation process until 28 June.

Some 17 community sessions and another 15 council practitioner sessions will be held around the State. Innovative social media meetings will be held extensively, including a new and novel "meeting in a box" whereby various community members can use social media—Twitter, online forums and so on—to discuss their views on the progression of the white paper. This new system is very much built around a community participation charter, which will be an Australian first. Various environment groups, including the Total Environment Centre and the Nature Conservation Council, and former Labor Premier Geoff Gallop were involved in advising the Government on these issues. We believe we have produced a format that will guarantee ongoing community consultation up-front. But what did the community say about this process? On 17 April in the *Sydney Morning Herald* Jane-Frances Kelly from the Grattan Institute said:

The O'Farrell Government's moves to recast planning in NSW are bold but considered. If the proposals in its white paper are implemented successfully they will change the shape of Sydney for the better. It has long been clear that planning in NSW needs a fundamental overall.

It is an ambitious idea and a radical break from the past. Instead of plans being imposed from above, the community, business and government will engage in an informed dialogue to develop a shared view of acceptable development.

It is proposing a process of community engagement on a scale not yet seen in Australia.

Various environment groups have been very involved in the development of this community participation charter and this Government's approach to planning. I thank Peppy Clark and Jeff Angel for their involvement. Although they have not agreed on every issue, they have been supportive partners in the process. Jeff Angel from the Total Environment Centre was kind enough to say:

I've been impressed—and I've said this publicly—with the Minister and the way he listens.

I've never seen a Minister stay for a full four hours of a conference or a consultation session. And he has certainly, against developers, defended the involvement of environment groups.

The Government and I will certainly defend that involvement because it is about striking a balance between the environment and making sure that we have a planning system that delivers for all sectors of our community. I note also that Mr Angel said:

Definitely this Minister and by association the Cabinet are taking on board the communities' and environmental protection's viewpoint. I can't say we are there yet but there are still some issues with vagueness and discretion.

Mr Angel has noted that this Government is addressing some issues and will continue to do so. Patricia Forsythe from the Sydney Business Chamber said:

The Government has built on the strong community consultation on the planning Green Paper and is now one step closer to creating a new planning system that supports and facilitates both new business growth and new housing for Sydney's growing population.

The sensible shift from fixating on individual project assessments to upfront strategic planning processes is very much welcomed and a new approach that the business community has long argued is necessary to reflect international and interstate best practice.

Lucy Turnbull from the Committee for Sydney said:

The reforms will give NSW the best planning system in Australia, putting Sydney back on track to improve the productivity and liveability of our city.

[*Extension of time granted.*]

Tim Williams from the Committee for Sydney said:

Collectively this is a major reform program which will ensure Sydney's current planning system is replaced by one that embraces the delivery of the homes and supporting infrastructure our people and our economy so desperately needs,

These reforms will deliver greater community involvement in decision making but at the right stage: when the strategy for an area is being set. It then frees up the development application to efficiently deliver the community vision.

Glenn Byres from the Property Council of Australia said:

NSW's proposed new planning system provides for clearer rules that can be more easily followed by investors, councils and the community. We need to remove the angst and confusion that plagues the current planning system. More meaningful strategic planning, independent development assessment and simpler pathways for complying development signals a substantial shift to better policy settings.

Brendan Lyon from Infrastructure Partnerships Australia said:

The single feature of the White Paper is that it requires a real and upfront integration of land use and infrastructure planning decisions. One of the reasons that Sydney is not working well is because short-term decisions saw growth without a clear strategy to protect land and support the transport, housing and social infrastructure needed to support the growth.

This Government is absolutely committed to ensuring that there is a very productive outcome from ongoing community consultation, which started nearly two years ago, and various sessions will continue to be held in Hornsby, Castle Hill, Tumbi Umbi, Sydney, Penrith, Brookvale, Bankstown, Queanbeyan, Shellharbour, Armidale, Dubbo, Newcastle West, Parramatta, Coffs Harbour, Wagga Wagga, Ballina and Cronulla. The Government is grateful for the input of so many community members in a genuine effort to bring to New South Wales a cutting-edge planning system that will deliver for the community and for this State. This Government is determined to make New South Wales number one again. The planning system that this Government is delivering will ensure that a major plank of making New South Wales number one again is very much in the present.

### NSW POLICE FORCE CHILD ABUSE SQUAD

**Ms LINDA BURNEY:** My question is directed to the Premier. How many days were the 50 known alleged child abusers cited in the NSW Police child abuse squad report left with access to children because his Government did not give police the resources they needed to arrest them?

**Mr BARRY O'FARRELL:** I have been assured by Deputy Commissioner Burn that no child was at risk.

### ORAL HEALTH SERVICES

**Mrs ROZA SAGE:** My question is addressed to the Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales. How is the Government improving oral health services for the people of New South Wales?

**Mr KEVIN HUMPHRIES:** I thank the member for Blue Mountains for her professionalism and her background of experience that she brings not only to dental health but also to oral health in New South Wales. I remind members, particularly those opposite from the western suburbs, that two weeks ago the member for Penrith, the member for Blue Mountains, the Minister for Health and I had the pleasure to open the third-largest oral health centre in New South Wales at Nepean Hospital. That did not happen by accident.

**The SPEAKER:** Order! The Leader of the Opposition will come to order.

**Mr KEVIN HUMPHRIES:** It joins with Westmead Hospital to have a 32-seat state-of-the-art world's best practice dental unit that is adding to the capacity of what this Government can provide in New South Wales to treat those patients who missed out under the former Labor Government. When we came to government some 130,000 people in New South Wales were on the waiting list for free public dental health care despite the former Government having an arrangement with the Federal Government—which was never really challenged under the Chronic Diseases Program. The signature event at Nepean two weeks ago between the New South Wales Minister for Health and the Federal Minister marked the commencement of a commitment of \$110 million to the Dental Blitz Program.

During the next three to four years the Dental Blitz Program will target those 130,000 people on the waiting list not only through public health and public dental health facilities such as Nepean but also in partnership with the private sector. The former Labor Government would never have thought of that program let alone delivered it. This Government will enter into arrangements with private dentists throughout New South Wales to deliver services to those on waiting lists who have been waiting a long time—it has been a long time coming. We had the pleasure to announce that program and I thank the Minister for Health for it. The unit will target not only people in the city but also 18 Aboriginal health services in rural areas across the State. The atmosphere within the unit was very exciting.

The member for Blue Mountains, who has knowledge of and a background in oral health, should feel very proud to know that this Government is on the right track. Indeed, we have the very good support of the staff of that unit. Also that day, because the state of decay in New South Wales was so bad and so many holes needed to be filled, the Government made a commitment to the Dental Health Taskforce strategy. For the

benefit of those opposite, particularly those who represent the good people of the western suburbs, the three aims of that strategy are: to improve access to dental health services for all people in New South Wales, to reduce the disparity that increased under those opposite—

**The SPEAKER:** Order! The member for Macquarie Fields will come to order.

**Mr KEVIN HUMPHRIES:** —and to target primary prevention across this State. The O'Farrell Government is getting on with the job of providing dental health services across New South Wales and those associated with the Nepean Centre for Oral Health should feel very proud.

**Question time concluded at 3.11 p.m.**

## CENTRAL COAST MARINERS FOOTBALL CLUB

### Ministerial Statement

**Mr CHRIS HARTCHER** (Terrigal—Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast) [3.10 p.m.]: On Sunday 21 April the Central Coast Mariners Football Club made history. In front of a sold-out crowd of 42,000 fans the Mariners finally won Australian football's biggest prize. It was a case of fourth time lucky for the team, and that made the victory even sweeter. The Mariners were in the very first A-League Grand Final—and lost to Sydney Football Club 1-0 on that occasion. One year later they were again there but suffered defeat to our greatest rival, the Newcastle Jets.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber.

**Mr CHRIS HARTCHER:** In 2011 there was yet another heartbreaking loss, this time to Brisbane in a penalty shootout. But, like all great success stories, the Mariners were not going to let themselves be outdone on a fourth occasion. The Western Sydney Wanderers were to be a formidable opponent—I acknowledge the members who represent western Sydney electorates—but they were not going to beat the Mariners. While the media loved to speculate about a Wanderers grand final win as the perfect end to a fairytale inaugural season, few spoke of the Mariners' journey—namely, a small club that faced financial troubles along the way and that is based in the smallest junior catchment area in Australia.

**The SPEAKER:** Order! The member for Toongabbie will come to order.

**Mr CHRIS HARTCHER:** Earlier this year the club was in such financial strife that players were not paid—

**The SPEAKER:** Order! Opposition members will come to order.

**Mr CHRIS HARTCHER:** It was the team's inspirational coach, Graham Arnold, who managed to keep the team together out of his own pocket. Despite the many challenges the club faced along the way, time and again the Central Coast Mariners continued to prove their doubters wrong. Though this year marked the Mariners' fourth appearance in the decider, the team had previously won two premierships. The single achievement that continued to elude the Mariners was the championship trophy and last Sunday we saw that hoodoo come to an end. Patrick Zwaanswijk scored a header in the first half and Daniel McBreen, the winner of the A-League Golden Boot award, sealed the victory with a penalty in the second half in a game that was largely dominated by the Mariners, both in possession and shots at goal.

Under shrewd and tactically astute coach Arnold and inspirational captain John Hutchinson, we finally witnessed the Mariners emerge victorious in the grand final and lift that coveted champions trophy. What a sight it was; what an achievement it was. As the players celebrated so did all on the Central Coast who have shared in the team's journey and in its many highs and lows. The Mariners epitomise the great values present both on and off the soccer pitch—namely, a team of mates, of unity, a club with a dedicated work ethic and a culture of commitment. Just like the Central Coast members in this place. For all the very public difficulties faced by the club, the championship win made it all worthwhile for the players and the fans. Two days later the team were off to South Korea to play in an Asian Champions League match and the team's impressive 1-0 win in that game—only 48 hours after the grand final—capped off the greatest week in the short history of our club.

Last Friday I had the great pleasure of celebrating with the team and the people of the Central Coast at the Mariner's victory parade at Gosford. The sea of blue and yellow—Parramatta's colours also—that engulfed

the Gosford central business district and the 10,000 fans who came to cheer on the team were proof that fans and locals alike recognise the hard slog of the Mariners in finally achieving their greatest victory. The Minister for Sport and Recreation, Graham Annesley—who gave a stirring address to the crowd—and my colleagues Darren Webber, Chris Spence and Chris Holstein, who have each passionately supported the Mariners on their long journey, joined me at the parade.

I congratulate coach Graham Arnold, captain John Hutchinson and the entire team on securing this terrific victory. I also congratulate the dedicated men backing the team: chairman Peter Turnbull, general manager John McKay and principal shareholder Michael Charlesworth. But no mention of the Mariners' work would be complete without acknowledging the years of effort by foundation coach Laurie McKinna, who is now the proud Mayor of Gosford. Scotland's loss—the Rangers' loss—has been the Central Coast's gain. I also congratulate Tony Popovic and the Western Sydney Wanderers, who have been simply remarkable in their inaugural season. I look forward to many more successful seasons for the Central Coast Mariners Football Club and to reporting those successes to this House.

**Ms LINDA BURNEY** (Canterbury) [3.16 p.m.]: I join the Minister for the Central Coast in congratulating the Central Coast Mariners on winning this year's A-League Grand Final on Sunday 21 April 2013. That win celebrated a victory built on three previous failed grand final attempts and a painful semi-final defeat. The fact that the Mariners were at the top of the table for so long deserves the congratulations and recognition of this House, and the Opposition joins the Government in wishing the Central Coast Mariners well into the future. The Mariners, Australia's smallest club, are finally the A-League champions, having defeated the Western Sydney Wanderers 2-0. They are the Australian champions after eight years in the competition and the people of the Central Coast are mighty proud that their first team to compete in a major national competition has won.

Daniel McBreen and Patrick Zwaanswijk scored decisive goals to end the Western Sydney Wanderers remarkable run and become the oldest players to score in an A-League Grand Final. It has been a long campaign for the Mariners but they have finally done it. Importantly, we should recognise also that, whilst the Central Coast Mariners are the champions of their sporting code in this country, the Wanderers have done something remarkable. The Western Sydney Wanderers, who have been in the competition for only a year, have won almost every game except for the grand final. The Wanderers have brought a vibrancy to soccer and generated interest in the sport of a scale not seen before in this State. Whilst the Mariners have faced difficulties, they have fought on. The team has fantastic governance and a loyal fan base, including Marie Andrews, the former member for Gosford, who championed the team's cause over many years in this place. Congratulations to both teams on a job well done.

### **VARIATIONS OF PAYMENTS ESTIMATES AND APPROPRIATIONS 2012-13**

**Mr Mike Baird** tabled, pursuant to section 24 of the Public Finance and Audit Act 1983, the variations of the payments estimates and appropriations for 2012-13 relating to the transfer of the industrial relations functions from the Department of Premier and Cabinet to the Department of Finance and Services, dated 30 April 2013.

### **FOREST AGREEMENT AND INTEGRATED FORESTRY OPERATIONS APPROVALS**

**The Deputy-Speaker** announced the receipt, pursuant to section 69H of the Forestry Act 2012, of amendment No. 2 to the integrated forestry operations approval for the Brigalow-Nandewar region, dated 15 April 2013, received out of session and authorised to be printed on 18 April 2013.

### **REGISTER OF DISCLOSURES BY MEMBERS**

**The Deputy-Speaker** tabled the Supplementary Ordinary Returns by Members of the Legislative Assembly as at 31 December 2012.

**Ordered to be printed.**

### **PUBLIC ACCOUNTS COMMITTEE**

#### **Government Responses to Reports**

**The Clerk** announced the receipt of the Government's response to report No. 6/55 entitled, "The economics of energy generation", received out of session and authorised to be printed on 12 April 2013.

**The Clerk** announced the receipt of a further Government response to report No. 5/55 entitled, "Report on the examination of the Auditor-General's Performance Audits September 2010–February 2011", received out of session and authorised to be printed on 18 April 2013.

#### **COMMITTEE ON ECONOMIC DEVELOPMENT**

##### **Government Response to Report**

**The Clerk** announced the receipt of a further Government response to report No. 1/55 entitled, "Establishment of special economic zones", received out of session and authorised to be printed on 26 April 2013.

#### **COMMITTEE ON LAW AND SAFETY**

##### **Government Response to Report**

**The Clerk** announced receipt of Government response to report No. 1/55 entitled, "Inclusion of donor details on the Register of Births", received on 30 April 2013.

#### **LEGISLATION REVIEW COMMITTEE**

##### **Report**

**Mr Stephen Bromhead**, as Chair, tabled the report entitled, "Legislation Review Digest No. 35/55", dated 30 April 2013, together with the minutes of the committee regarding Legislation Review Digest No. 35/55, dated 25 March 2013.

**Report ordered to be printed on motion by Mr Stephen Bromhead.**

#### **PETITIONS**

**The Clerk** announced that the following petitions signed by fewer than 500 persons were lodged for presentation:

##### **Sydney Electorate Public High School**

Petition requesting the establishment of a public high school in the Sydney electorate, received from **Mr Alex Greenwich**.

##### **Walsh Bay Precinct Public Transport**

Petition requesting improved bus services for the Walsh Bay precinct, and ferry services for the new wharf at pier 2/3, received from **Mr Alex Greenwich**.

##### **Rooty Hill Railway Station Access**

Petition requesting the installation of elevators at Rooty Hill railway station, received from **Mr Richard Amery**.

##### **Inner-city Social Housing**

Petition requesting the retention and proper maintenance of inner-city public housing stock, received from **Mr Alex Greenwich**.

##### **Pet Shops**

Petition opposing the sale of animals in pet shops, received from **Mr Alex Greenwich**.

##### **Duck Hunting**

Petition requesting retention of the longstanding ban on duck hunting, received from **Mr Alex Greenwich**.

### **Container Deposit Levy**

Petition requesting the Government introduce a container deposit levy to reduce litter and increase recycling rates of drink containers, received from **Mr Alex Greenwich**.

**The Clerk announced that the following Ministers had lodged responses to petitions signed by more than 500 persons:**

The Hon. Greg Smith—Aboriginal Deaths in Custody—lodged 26 February 2013 (Mr Greg Smith)

The Hon. Adrian Piccoli—Sydney Electorate Public High School—lodged 12 March 2013 (Mr Alex Greenwich)

The Hon. Mike Baird—Newcastle Show Public Holiday—lodged 12 March 2013 (Mr Richard Amery)

The Hon. Jillian Skinner—St George Public Hospital—lodged 13 March 2013 (Dr Andrew McDonald)

The Hon. Gladys Berejiklian—Rooty Hill Railway Station Access—lodged 13 March 2013 (Mr Richard Amery)

The Hon. Jillian Skinner—Mona Vale Hospital—lodged 14 March 2013 (Mr Rob Stokes)

The Hon. Adrian Piccoli—TAFE Arts Education—lodged 19 March 2013—(Ms Carmel Tebbutt)

### **BUSINESS OF THE HOUSE**

#### **Business Lapsed**

**General Business Notice of Motion (for Bills) No. 1 and General Business Notices of Motions (General Notices) Nos 2388, 2390, 2392 to 2394, 2397 to 2399, 2401, 2403, and 2405 to 2431 lapsed pursuant to Standing Order 105 (3).**

### **CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

#### **Gonski Education Reform**

**Mr MARK COURE** (Oatley) [3.25 p.m.]: This motion should be accorded priority because education deserves priority. One of the most significant gifts a government can give is the gift of education. This Government is investing in our children's future, and this investment is a priority. New South Wales will implement the Gonski national education reforms, securing \$5 billion in additional funding for our State schools. This will provide more resources, fairer distribution, higher standards and better education for every child across public, Catholic and independent schools. Government members support the Premier's decision that New South Wales will be the first Australian State to agree to the Gonski national education reforms. This demonstrates that the New South Wales Government has put the State's education system above party politics. This motion deserves priority because after years of mismanagement New South Wales finally has a government that is listening to principals, parents, teachers and students.

These reforms have a particular significance for me and my electorate of Oatley, as well as across the St George area. Only last week the Premier and the Minister for Education visited Hurstville Public School and spoke to parents, teachers and students about these new education reforms. The motion deserves priority because these education reforms will see an additional \$5 billion for New South Wales schools. The Gonski reforms will provide more resources and higher standards for students across New South Wales. There will be significant increases in funding for schools, particularly those with highest need. This will build on the New South Wales Government's education reforms, including improving literacy and numeracy, empowering principals and school communities to make local decisions, and raising teacher quality. This motion deserves priority because Government members are proud of this historic reform that makes New South Wales number one again.

#### **NSW Police Force Child Abuse Squad**

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [3.27 p.m.]: This motion deserves priority because throughout question time we sought answers from the Premier about the report from the Human Resources division of the NSW Police Force dealing with child abuse, and we got not one answer. The report of the Human Resources section in the NSW Police Force states that the child abuse investigation unit is dramatically understaffed and needs an additional 175 officers to do its job properly. At no point during



question time did the Premier go anywhere near dealing with that issue. What is worrying is that the alternative motion is about—as the member for Oatley described it—"a significant gift". My motion is about a right: the right of children to be protected; the right of those who have the courage to come forward and identify that they were abused as children to know that the police are resourced properly.

I hear all the racket from members opposite, who are obviously ashamed that the Government is failing to protect children in this State. The last time that staff numbers in the child abuse squad were increased was January 2011, prior to the election of the Coalition Government. Since then we have seen a decline in services. Indeed, the report states that officers are leaving the unit. In five years, 34 officers have left because of psychological stress from the complaints they investigate. I note that the member for Dubbo is listening intently because, unlike most of those opposite, he is probably more familiar with the behaviour of such people. This motion deserves to be accorded priority because the victims who have not yet come forward and who are still being abused deserve answers as to why the NSW Police Force child abuse squad is not being resourced properly.

The internal police report identifies the risk of continued abuse if resources are not available to make the necessary arrests. My challenge to those opposite is to come to my office where I will provide them with a copy of this report. It is an internal police report that goes into great detail regarding the failures and shortcomings caused by understaffing. The Premier can play politics with child abuse all he likes—that is what we saw today. The Premier refused to answer a single question about when he was made aware of this understaffing problem. He dodged the question completely. He did not go anywhere near saying when he was made aware of this report; he was having a shot at the police commissioner and at the assistant police commissioner. [*Time expired.*]

**Question—That the motion of the member for Oatley be accorded priority—put.**

**The House divided.**

**Ayes, 64**

Mr Anderson	Mr Flowers	Mr Provest
Mr Annesley	Mr Fraser	Mr Roberts
Mr Aplin	Mr Gee	Mr Rohan
Mr Ayres	Ms Goward	Mr Rowell
Mr Baird	Mr Grant	Mrs Sage
Mr Barilaro	Mr Gulaptis	Mr Sidoti
Mr Bassett	Mr Hartcher	Mrs Skinner
Mr Baumann	Mr Hazzard	Mr Smith
Ms Berejikian	Ms Hodgkinson	Mr Souris
Mr Bromhead	Mr Holstein	Mr Speakman
Mr Brookes	Mr Humphries	Mr Spence
Mr Casuscelli	Mr Issa	Mr Stokes
Mr Conolly	Mr Kean	Mr Toole
Mr Constance	Dr Lee	Ms Upton
Mr Cornwell	Mr Notley-Smith	Mr Ward
Mr Coure	Mr O'Dea	Mr Webber
Mrs Davies	Mr Owen	Mr R. C. Williams
Mr Dominello	Mr Page	Mrs Williams
Mr Doyle	Ms Parker	
Mr Edwards	Mr Patterson	<i>Tellers,</i>
Mr Elliott	Mr Perrottet	Mr Maguire
Mr Evans	Mr Piccoli	Mr J. D. Williams

**Noes, 22**

Mr Barr	Mr Lynch	Mr Robertson
Ms Burney	Dr McDonald	Ms Tebbutt
Ms Burton	Ms Mihailuk	Ms Watson
Mr Daley	Mr Park	Mr Zangari
Mr Furolo	Mr Parker	
Mr Greenwich	Mrs Perry	<i>Tellers,</i>
Mr Hoenig	Mr Piper	Mr Amery
Ms Hornery	Mr Rees	Mr Lalich

**Question resolved in the affirmative.**

**GONSKI EDUCATION REFORM****Motion Accorded Priority**

**Mr MARK COURE** (Oatley) [3.38 p.m.]: I move:

That this House supports the New South Wales Government's prioritisation of school education by signing up to the Gonski reforms to provide more resources, a fairer distribution, higher standards and a better education for every New South Wales child.

Earlier, in urging the House to accord this motion priority I said that there can be no higher priority for members of Parliament than improving the education system in New South Wales and delivering world-class education for our students.

**The DEPUTY-SPEAKER (Mr Thomas George)**: Order! There is too much audible conversation in the Chamber. Members who wish to have a private conversation should do so outside the Chamber.

**Mr MARK COURE**: There are 64 of us in this Chamber who agree with the motion and it is pleasing to see that it was accorded priority. I note that Opposition members opposed the motion and therefore also oppose the much-needed education reforms.

**Ms Carmel Tebbutt**: Oh, that is rubbish. We are supporting it.

**Mr MARK COURE**: You opposed it. We, as a Government, have committed the \$1.7 billion required to fund the Gonski reforms. The Government is above playing party politics with our children's education. The New South Wales Government has increased education funding to \$53.5 billion over the next four years compared to \$46 billion under the previous Labor Government. I firmly support the New South Wales Government's prioritisation of Gonski reforms, which will see a fairer and better distribution of resources to New South Wales schools. This is a once in a generation opportunity for New South Wales schools that we on this side of the House support but which unfortunately those opposite oppose. These reforms are in the best interests of New South Wales schools, students, parents and teachers.

This agreement between the Federal and New South Wales governments sets a benchmark for other States and will drive the reforms we need to see if Australia is to be in the top five in the world in reading, maths and science by 2025. The Gonski announcement includes a legislated guarantee of Commonwealth funding which will be in place from 1 July 2013. Again I say these reforms have a particular significance for me and for my electorate of Oatley and across the St George area where the Premier, Barry O'Farrell, and the Minister for Education, Adrian Piccoli, visited Hurstville Public School only last week, speaking to parents, students and teachers. The additional \$5 billion for New South Wales schools will contribute to delivering a world-class education system across the State. The Gonski reforms are a continuation of the good work already done by the O'Farrell Government in the area of education because education is a priority for this side of the House.

In just our first term of government we have instituted a Literacy and Numeracy Action Plan to raise standards in the basic building blocks of education; Great Teaching, Inspired Learning to lift performance of the teaching profession; Local Schools, Local Decisions, as the member for Campbelltown mentioned, to empower principals and school communities to make decisions based on the needs of local schools and students; and we have increased the number of teachers in our schools by an additional 520 since the last election. The Gonski reforms will give additional funding on a needs basis to schools with students who suffer from educational disadvantage. Moreover, with increased authority over their school budgets and decision-making, schools will now be able to implement policies and procedures that best address their students' needs. The agreement incorporates the National Plan for School Improvement into the New South Wales education system. This will work towards higher teacher standards and a greater provision of Asian languages across all year levels.

I have always been a firm supporter of increasing the quality of the education system and I commend the Minister, the Premier of New South Wales and the Government for their commitment to the Gonski reforms. This demonstrates that we are a Government that puts policy above politics. These reforms will see real improvements to our education system across this State. Over the past few months I have had a number of discussions with local principals and schoolteachers about the Gonski reforms and the need to promote quality education if New South Wales wants to be a key player in the future. It is satisfying to be part of a responsible government that is committed to improving the quality of our State's services. It is a lesson for members opposite who have much to learn after years of neglect— *[Time expired.]*

**Ms CARMEL TEBBUTT** (Marrickville) [3.43 p.m.]: I move:

That the motion be amended by inserting "and Australian" before "Government's".

The motion will then read:

That this House supports the New South Wales and Australian governments' prioritisation of school education...

Contrary to what we have just heard from the member for Oatley the New South Wales Opposition supports this motion and we congratulate both the New South Wales Government and the Australian Government on signing this agreement. There is no doubt that the national education reforms and the agreement that has been signed by the Australian and New South Wales governments are in the best interests of students in New South Wales and we laud the move. The Gonski review was one of the most comprehensive reviews of school funding ever undertaken. It found two things: first, that Australia's education performance while still good was slipping when compared to other countries; and, secondly, we have what is called a long equity tail with there being a clear correlation between poor performance of some students and their socio-economic background.

The Gonski review recommended that all governments needed to increase their investment in education and that the greatest share of that increased investment should go to the students most in need. It also recommended that funding be distributed according to a resource standard, which represented the resources required for students to meet a particular performance standard. These recommendations have now been encapsulated in an agreement that has been signed by the State and Federal governments.

Given that education is the great equaliser and the path out of disadvantage for so many students, it was concerning that Gonski and his review confirmed something that many of us already understood, which is that for many students the school system was not delivering on its promise that it would give them a path out of disadvantage. It was not providing some students with an opportunity to have a future that was better than that of their parents. This is extremely disturbing in a very wealthy country like Australia and something that cannot continue. That is why signing this agreement is so important. It gives an opportunity for there to be greater resources in schools and for those resources to be directed to the students most in need. I also concur with what the Premier said in question time today: It should help end one of the most divisive debates in education and one that has gone on for decades—funding for government and non-government sectors.

For all those reasons this is something that should be supported. I congratulate not just the New South Wales and Federal governments but also all those parents, teachers and other community members who campaigned for so long and so hard to make sure that this agreement would become a reality. This agreement did not come out of nowhere. There has been a long campaign and the Australian Education Union has been a critical part of that campaign and in fact has led many aspects of the campaign so that both the Federal and New South Wales governments could see that this was something that had strong support in the community. This agreement will be welcomed by the community and I think that was extremely important in ensuring that we reached this point today where we can celebrate the signing of this agreement. What does it mean? It means an additional \$5 billion over six years for New South Wales, \$3.2 billion of which is to be contributed by the Australian Government. That is why I moved an amendment to ensure that the Australian Government is recognised in this motion.

I am sure the New South Wales Government was not being churlish when it forgot to mention the Australian Government, given that it is putting in two-thirds of the funding. Nevertheless, the Opposition believes it is important to acknowledge the Australian Government. Of course, the New South Wales Government is putting in \$1.7 billion of the funding over six years. It has not escaped anyone's attention that New South Wales's contribution is almost the same as the amount that the New South Wales Government announced last year it would be cutting from the Education and Training portfolio. The Government has flagged a range of measures to fund its share. I urge the New South Wales Government not to make further cuts to TAFE, as has already been flagged, in order to fund its share. We know the importance of a strong and well-funded education sector but we also know the importance of a strong and well-funded vocational education and training sector. I note that universities' funding is not being cut but it is not growing at the same pace. [*Time expired.*]

**Mr CHRIS PATTERSON** (Camden) [3.48 p.m.]: This Government is the first in Australia to secure a historic \$5 billion in additional funding for our State's schools and \$1.76 billion of this will come from the Liberal-Nationals State Government. For the benefit of the member for Marrickville, \$3.27 billion will come from the Federal Government from 2014 to 2019. This funding will have a tremendous impact on all schools in my electorate. The government schools in my electorate are Camden South, Camden, Cobbitty, Mawarra,

Elderslie, Harrington Park, Narellan, Narellan Vale, Mount Annan, Currans Hill, Blairmount, Claymore, Kearns, Eschol Park, Leppington and Rossmore public schools and Camden, Elderslie, Elizabeth Macarthur, Mount Annan, Eagle Vale and Robert Townson high schools.

All those schools will benefit from the New South Wales Government signing up to the Gonski reforms, as will two new schools in my electorate—Oran Park Public School and Narellan Public School annexure. On Friday 12 April I met with Henry Rajendra from the New South Wales Teachers Federation; Diane Byers a local teacher; the president of the Camden-Campbelltown branch of the Teachers Federation; Scott Davidson, the principal of Camden Public School—a very good principal—and parents Leanne Farlow and Tom Farrell who presented me with signed postcards from teachers, parents and friends urging the State Government to sign the agreement with the Federal Government. The State Government listened to the people of New South Wales for the benefit of their children. Henry Rajendra subsequently telephoned me and complimented this Government on signing up to the Gonski reforms.

Camden is a fast growing electorate and young families are making lives for themselves in the Camden community. It is clear that these families have high on their agenda a sound education for their children. The role of any government is to reflect the values of those within its jurisdiction. Through these reforms the New South Wales Government has directly reflected on those values and it has acted in the way in which its constituents have asked it to act. The Premier seized the opportunity to secure this funding so that the children of New South Wales and Camden can have a stronger education system. This funding will support the already announced New South Wales Government reforms that will allow more local decision-making by principals and school communities, that will focus on quality teaching and that will enhance and improve the literacy and numeracy standards set out in the Gonski report. This sensible agreement highlights the commitment of the New South Wales Liberal-Nationals Government to delivering a world-class education system—something that all members in this House should support.

**Ms SONIA HORNERY** (Wallsend) [3.51 p.m.]: The Gonski reforms are about higher standards, more resources for our schools and investing in those schools. I agree with the member for Oatley: There is no higher priority than education for any member in this House. The Gonski reforms will result in the delivery of world-class education. I take my hat off to and congratulate every teacher in New South Wales who like me was willing to make sacrifices, to go to remote areas and to work at disadvantaged schools. I went through teachers college in the belief that education was important for the rich and the poor, and that all students deserve equality in education. I taught at a school in Walgett because I was reminded by my father of the things that I have mentioned and in which I firmly believe. I hope that the Gonski package means something for all those teachers in remote areas such as Wilcannia, Walgett, Cobar or White Cliffs. I hope that the Gonski package also means something for the children in those schools.

It is all very well to talk about Local Schools, Local Decisions, but if there is no fat to trim and a principal has no money to play with there is no point in implementing such reforms. I am hoping that this \$5 billion package ensures that teachers at Wilcannia, White Cliffs and Cobar improve the literacy and numeracy skills of our most disadvantaged students in New South Wales. Our job is to ensure that kids from poorer backgrounds get the same opportunities as rich kids, advantaged kids and kids with aspirational parents. For as long as I am a member of Parliament I will strive to ensure that disadvantaged kids are given the same opportunities as their wealthier counterparts. I hope we will be able to do something about that as a result of the agreement that has been signed by the Federal and State governments.

**Mr MARK COURE** (Oatley) [3.54 p.m.], in reply: The role of every generation should be to build a better future for the next generation. Essentially that is what we have done by signing up to the Gonski reforms. As I am married to a schoolteacher I am aware more than any other member of the importance of education to our children. I thank the member for Marrickville, the member for Wallsend and the member for Camden for their contributions to debate on this motion. One of the most significant gifts that any government can give is the gift of education. This Government is investing in our children's future and that investment is a priority. Yesterday I spoke to many school principals in my electorate many of whom were extremely happy and grateful to this Government for signing the agreement. It is the way of the future for education in New South Wales.

New South Wales will implement the Gonski national education reform, securing \$5 billion in additional funding for State schools, which is a huge win for all schools in our State, Catholic, independent and public, and all the local schools in my electorate such as Narwee Public School, Peakhurst Public School, Peakhurst West Public School, Lugarno Public School, Oatley West Public School—I am a member of the school council—Penshurst Public School, Hurstville Grove Infants School, South Hurstville Public School,

Mortdale Public School and Hurstville Public School. Last week the Minister for Education, the Premier of New South Wales and I visited Hurstville Public School and spoke to parents, teachers and students. Many students attended in their school uniform, even though it was a school holiday. They were aware of the importance of this funding announcement. We also visited Catholic schools such as St Joseph's, Oatley, where I went to school, and St Declan's.

The New South Wales Government has put this State's education system above party politics. This motion has been accorded priority because of years of mismanagement by the former Labor Government. Finally we have a government that is listening to principals, parents and teachers. As I am married to a schoolteacher these reforms are of particular significance to me. These reforms will significantly increase funding for schools, in particular, those who have the highest needs, build on the education reforms of the New South Wales Government, improve literacy and numeracy skills, empower principals and school communities to make local decisions and result in the employment of good quality teachers. It is good to see that members on both sides of the House are in support of this motion.

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

**Amendment agreed to.**

**Motion as amended agreed to.**

### **HEALTH LEGISLATION AMENDMENT BILL 2013**

#### **Second Reading**

**Debate resumed from 13 March 2013.**

**Mr STEPHEN BROMHEAD** (Myall Lakes) [4.00 p.m.]: I support the Health Legislation Amendment Bill 2013. This bill is part of a periodic review and update of health-related legislation. The amendments to the Health Care Complaints Act 1993 were prompted by the 2012 Supreme Court decision in *Australian Vaccination Inc. v Health Care Complaints Commission* in which it was found that the commission could investigate only if the complaint demonstrated that the health service in question affected the clinical management or care of an individual client rather than the potential or likelihood that a health service provider could adversely affect public health. The other amendments to the Act generally follow the recommendations of the 2010 joint parliamentary committee report entitled "Operation of the Health Care Complaints Act 1993."

The object of the Health Legislation Amendment Bill is to make miscellaneous amendments to various Acts relating to health and associated matters. In particular, the bill amends the Health Care Complaints Act 1993 to give the commissioner the power to initiate an investigation on his or her own accord without first requiring an external complainant to trigger the investigation. The bill also clarifies that a complaint can be made against a health service practitioner if the health service affects or is likely to affect the clinical management or care of an individual. Currently, a direct nexus must exist between a health care consumer and a health service practitioner before a complaint can be lodged.

Further amendments include providing for a set of broad principles to govern the work of the Health Care Complaints Commission, allowing the commission to give written notice of the making of a complaint to the employer of a health practitioner, and authorising the director of proceedings to refer a matter back to the commission if the director requires further information before deciding whether to prosecute a matter. The bill also makes various miscellaneous amendments to allow for staff of NSW Health to be suspended from duty without pay in limited circumstances, to allow the chair of the Medical Services Committee to serve for an extended period and to facilitate changes to the Mental Health Act and Mental Health (Forensic Provisions) Act that clarify a number of existing provisions dealing with the scheduling and detention of forensic patients who are on leave or conditional release.

I referred to *Australian Vaccination Inc. v Health Care Complaints Commission*, which was decided in 2012 and which involved complaints made in 2009 and 2010 in response to which the Health Care Complaints Commission investigated the Australian Vaccination Network. The network has a website that contains very critical statements about the benefits of vaccination. The complaints alleged that the network engaged in misleading and deceptive conduct in an attempt to persuade people not to vaccinate their children. Following the investigation the commission recommended that the network publish a disclaimer on its website, and when it failed to do so the commission issued a public warning.

The network then challenged the commission's jurisdiction on the basis that the complaints in question did not allege that an individual client was affected by the Australian Vaccination Network and it was ultimately successful. That is why this legislation amends the Health Care Complaints Act to provide that an individual client does not need to be affected before a complaint against a health service can be made. In view of that case, it is important to emphasise the importance of immunisation. Immunisation of a population is one of the most effective and cost-efficient ways to prevent disease. Before immunisation became widely available many infectious diseases such as diphtheria, measles, polio, tetanus and whooping cough were frequent causes of death and serious illness in New South Wales. Tuberculosis is another such disease.

**Dr Andrew McDonald:** We have never immunised against tuberculosis.

**Mr STEPHEN BROMHEAD:** I am sure I was immunised.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Myall Lakes will direct his comments through the Chair.

**Mr STEPHEN BROMHEAD:** I have always thought that we immunised people against tuberculosis, but I defer to the greater knowledge of medicine of the member for Macquarie Fields. Immunisation programs introduced over the past 70 years have resulted in significant reductions in the incidence of these infectious diseases. Such programs are not a thing of the past; new vaccines introduced in recent years have protected countless children and adults against chicken pox, pneumonia, meningococcal disease and cervical cancer. Vaccination against key diseases is free to children in New South Wales and about \$135.6 million is being invested by the State and Federal governments from 2012 to 2015 to maintain and improve vaccination coverage for children, adolescents and adults to help keep people healthy and out of hospital.

While immunisation provides good protection for individual children, it also indirectly protects children who are too young to be vaccinated because it creates "herd" immunity. The principle behind herd immunity is that if immunisation rates are high enough we can substantially reduce the chance that those who are too young to be vaccinated or those whose immunity is compromised will suffer the terrible effects of the disease. Therefore, we need as many people as possible vaccinated in New South Wales. Sadly, some groups actively discourage parents from immunising their children. These groups are a danger to the health of society. I recently read that the most affluent suburbs in the metropolitan area have the lowest rate of vaccination. I note that the member for Macquarie Fields is nodding in agreement. The unscientific opinions offered by these groups can result in parents not having their children vaccinated. Those children then contract an infection and pass it on to other children.

Anti-immunisation groups have also touted unscientific and discredited propaganda, including that there is a link between the measles vaccine and autism. Even the name of the Australian Vaccination Network is misleading because it implies that the group supports immunisation. I am therefore pleased that the Commissioner for Fair Trading has issued a direction under the Associations Incorporation Act directing the network to change its unacceptable name. Parents have the right to know the benefits and risks of immunisation and that is why NSW Health's strategy is to make accurate information about the benefits and safety of immunisation as proven by evidence and research widely available to parents and the broader community. NSW Health has a comprehensive system of surveillance for adverse events to ensure the safety of the immunisation program. It will also begin a new immunisation awareness campaign in 2013 to further educate and inform the community and immunisation providers about the importance of ensuring that children are fully immunised at the appropriate time. I commend the bill to the House.

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [4.09 p.m.]: I am 100 per cent for the Tweed. I support the Health Legislation Amendment Bill 2013. In accordance with recommendations made by a joint parliamentary committee, this bill contains amendments to a series of health Acts. The amendments aim to improve the provision of services and procedures that support health institutions in this State. I compliment the Minister for Health on her foresight in introducing this bill and her hard-working staff, who are ever diligent in this regard. Well done.

This bill proposes amendments to the Health Care Complaints Act in the wake of the 2012 Supreme Court decision that forced limitations on the Health Care Complaints Commission. Amendments to section 7 and subsequent relevant sections are proposed to clarify that a complaint against a health service can be made if the service affects or, most importantly, is likely to affect the clinical management or care of a client or

individual. This would ensure that the Health Care Complaints Commission has jurisdiction to investigate a complaint against a health service provider if its actions are likely to impact on the management or care of a patient, thereby preventing any negative impact.

In response to the Supreme Court ruling against the complaint of the Health Care Complaints Commission relating to the Australian Vaccination Network, this amendment justifies the jurisdiction of the Health Care Complaints Commission to investigate a complaint against a health service provider that may be acting in a way that is likely to affect the clinical management or care of a client, even if no identified client has been affected. Under this provision a written reason for the complaint is to be provided by the Health Care Complaints Commission detailing information to parties of the complaint concerning the outcome of its assessment, investigation of the complaint and the reasons for its decision.

As recommended in the report by the joint parliamentary committee, the bill also enables the Health Care Complaints Commission to give written notice of the making of a complaint to the employer of a health practitioner. Currently, notification to employers is only given following the assessment of a complaint if the Health Care Complaints Commission decides to investigate. However, this mandatory requirement will become optional if it appears to the Health Care Complaints Commission that notification would place the complainant or another person at risk of intimidation or harassment, or unreasonably prejudice the employment or engagement of the health practitioner.

Another amendment to the Health Care Complaints Act, which is based on the joint parliamentary committee's report, is the inclusion of a new section that would explicitly outline the principles of the Health Care Complaints Commission. Those principles established by this bill include accountability, transparency, fairness, effectiveness, efficiency and flexibility. I am sure all members agree they are fine attributes. A further amendment to the Act relates to the power of the Director of Proceedings. Currently there is no power to refer the matter back for investigation if the Director of Proceedings determines that further information is required before deciding whether to prosecute a matter. The bill will rectify this by allowing the Director of Proceedings to refer a matter back to the Health Care Complaints Commission for further investigation if the director cannot determine whether a matter should be prosecuted.

An amendment to the Health Services Act is proposed in this bill that would bring health services into line with the public sector, teachers and police officers by providing that staff be suspended without pay in limited circumstances. Currently if a person is employed by NSW Health, apart from members of the Ambulance Service, and is suspended from duty, that person must be retained on full pay regardless of the length of the suspension. As stated, this amendment will allow suspension without pay in specific circumstances, giving NSW Health an alternative to immediate termination of staff members who cannot perform their role in particular circumstances.

Limited circumstances are situations in which an employee has been charged with a serious criminal offence punishable by imprisonment for five years or more; a staff member who is a registered health practitioner has had his or her registration suspended or conditions imposed on his or her registration under section 150 of the Health Practitioner Regulation National Law (NSW); or, in the case of an unregistered health practitioner, the Health Care Complaints Commission has imposed an interim prohibition order or placed interim conditions on the unregistered health practitioner under the Health Care Complaints Act. Under the Health Administration Act this bill proposes two changes: first, to the composition of the Medical Services Committee and, secondly, to the disposal of Crown land proposed in this bill.

The bill seeks to amend the Act to allow a member of the Medical Services Committee to serve four consecutive terms on the committee, but only when the member is appointed as chairperson during the third consecutive term. The Medical Services Committee is a ministerial advisory body established to provide advice to the Minister on matters affecting the practice of medicine. This amendment will mean the committee is able to retain experienced members and chairpersons for a reasonable time, in contrast to current restrictions that provide for the chairperson to be appointed for a maximum of three terms, potentially dismissing experienced and expert members from the committee.

This bill also makes a minor amendment to the Health Administration Act to allow land held by the Health Administration Corporation to be disposed of notwithstanding a Crown grant if approval has been given by the Minister. This will allow the Health Administration Corporation to dispose of surplus land and use the proceeds for other health capital works projects that are more suited to the health service needs of the community. This will bring the Health Administration Corporation into line with existing provisions under the Health Services Act for land held by local health districts.

Amendments to section 150 of the Health Practitioner Regulation National Law (NSW) relate to the emergency suspension powers of New South Wales health professional councils regarding registered health practitioners who are a risk to public health or safety. This section provides that such a referral is to be treated as a complaint and must be investigated by the Health Care Complaints Commission. The amendment removes administrative red tape from the process of investigating a complaint so that further investigation is not required if the matter is already in the process of being investigated or has been investigated, as may be the case.

The second amendment to this legislation relates to the voluntary suspension or conditions of registration, which refers to the right of a health professional council to impose conditions or suspend a practitioner's registration if he or she has an impairment, if the Impaired Registrants Panel has recommended such action and the practitioner voluntarily agrees. The current section does not match the longstanding practice that requires the practitioner to consent to suspension and restrictions placed on the practitioner. This bill therefore amends the wording of this section to require the practitioner's consent for both the imposition of conditions and the suspension of registration.

Finally, this bill makes minor amendments to the Mental Health Act and Mental Health (Forensic Provisions) Act clarifying the provisions in relation to the detention of conditionally released forensic patients living in the community and the issuing of community treatment orders for forensic patients. These amendments are aimed at releasing administrative burden and clarifying a number of existing provisions. The smooth operation of health services and provisions, balanced with effective protection of the health and safety of the public, and those employed in the health services industry, are the motivations behind and the aims of this bill. I commend the Minister and her hardworking staff for bringing this important issue to the fore. I commend the bill to the House.

**Mr BART BASSETT** (Londonderry) [4.18 p.m.]: I support the Health Legislation Amendment Bill 2013, which makes miscellaneous amendments to various Acts and regulations including the Health Administration Act 1982, the Health Care Complaints Act 1993, the Health Practitioner Regulation National Law (NSW), the Health Services Act 1997 and the Mental Health Act 2007. The amendments became necessary following the Supreme Court decision in *Australian Vaccination Network Inc. v Health Care Complaints Commission*. The case limited areas where the commission could investigate matters of public health and safety. In addition, the bill contains provisions that came out of recommendations of the 2010 joint parliamentary report into the Health Care Complaints Act 1993.

The terms of reference for the cross-party committee that examined the workings of the Health Care Complaints Act were the identification and removal of any unnecessary complexities in the New South Wales Health Care Complaints system, the appropriateness of the current assessment and investigative powers of the Health Care Complaints Commission and the effectiveness of information-sharing between the Health Care Complaints Commission and area health services and registration authorities in New South Wales, and a report to Parliament on any matters connected with the committee's statutory functions.

A diverse range of individuals and groups such as the Midwives Association, the Country Women's Association, the Australian Dental Association and the Royal Australasian College of Physicians, amongst others, made 48 submissions to the committee. I am a member who has a background in health as a service provider, and I have had extensive dealings with both the medical profession and the general public. A robust complaints mechanism with the power to investigate allegations and complaints and to report on the findings without fear of retaliation or intimidation is needed. People's lives are at stake so it is important that the right processes are developed.

The Health Care Complaints Commission must be fair in its deliberations to ensure that procedural fairness and natural justice provisions are guaranteed to those subject to complaint—both individuals and institutions—as some complaints are motivated by malice and are simply vexatious. On one side the commission's work is vital to ensure that patients are protected and to minimise and prevent serious breaches of health care. On the other side the reputation of the individual medical professional and the institutions they are associated with also are at stake and could be ruined. The bill therefore incorporates a number of recommendations from the 2010 parliamentary committee's final report.

The Health Care Complaints Commission will have powers to investigate a complaint against the health service provider. The bill amends section 8 of the Act to allow the Commissioner of the Health Care Complaints Commission to make a complaint and investigate a matter. This important amendment will allow the Health Care Complaints Commission to conduct comprehensive investigations and be in a position to do



what it has been mandated to do—namely, investigate complaints that affect the health and safety of the public. Proposed section 3A (5B) provides that the Health Care Complaints Commission and other government agencies are to have regard to a range of measures to ensure transparency and accountability that maintains an acceptable balance between the rights of clients and the rights of healthcare providers, efficiency and flexibility.

The Health Care Complaints Commission will also have to provide written reasons in its post-assessment and post-investigation decisions. At present there is no requirement to provide information to parties to the complaint. The commission will also have to provide written reports to the parties to the complaint concerning the outcome of its assessment, investigation of the complaint and the reasons for the Health Care Complaints Commission's decision. The bill also contains provisions that allow the Health Care Complaints Commission to advise employers of an investigation against one of their employees. Currently, notification to employers is given only following the assessment of a complaint if the Health Care Complaints Commission decides to investigate the complaint.

As I mentioned earlier, it is important to protect individuals from suffering unnecessarily due to a vexatious complaint that has no basis. The bill provides for flexibility to enable the Health Care Complaints Commission to alert employers if necessary to assist the Health Care Complaints Commission in assessing the complaint properly or if it is necessary to protect the health and safety of the public. However, to balance the need to protect individuals the bill also gives flexibility to enable the Health Care Complaints Commission to use discretionary options if it appears to the commission that notification would unfairly disadvantage the individual subject of complaint.

In relation to the Australian Vaccination Network case and immunisation the community must keep vaccination rates high. In my time at Child Flight in the early 1990s we promoted in newsletters and other public venues wherever possible the benefits of vaccinations to individuals and the community. I continue to encourage parents to look at the enormous benefits of vaccinating their children rather than to listen to the negative comments promoted by some as to vaccinations. Parents should make their decisions about vaccination based on what they feel is necessary but, importantly, they should keep their eyes open to the enormous benefits vaccinations bring not only to their children but also to the community. I commend the bill to the House.

**Mr MATT KEAN** (Hornsby) [4.24 p.m.]: I support the Health Legislation Amendment Bill 2013. Several amendments are proposed in this bill, but I will focus my attention on the amendments proposed to the Health Care Complaints Act 1993. A strong, robust Health Care Complaints Commission is important in keeping our health system accountable to the public. Indeed, I recently chaired an inquiry into keeping public administration accountable to the public and I have seen the benefits in the area of land valuations and taxation—the health area is no different. The role of the Health Care Complaints Commission is to ensure that healthcare providers and other organisations that provide health services are accountable for the standards they maintain and for the impact they have on individuals and communities. That is why it is so important to make the Health Care Complaints Commission more robust and to give it greater powers with which to hold healthcare providers to account.

In *Australian Vaccination Network Inc. v Health Care Complaints Commission* the Health Care Complaints Commission was sued by a group that misleadingly calls itself the Australian Vaccination Network. The idea behind the use of that name is to convey the impression of balance and objectivity as to issues and questions on vaccination; nothing could be further from the truth. In reality the Australian Vaccination Network is a group of flat-earthers and wing-nuts who believe that vaccination is unnecessary. Indeed, the group has claimed that vaccination is harmful to individuals, which is contrary to all the scientific evidence. Immunisation and vaccination are important.

It is well known today that communities have benefited immensely from immunisation being widely available. Many infectious diseases such as diphtheria, measles, polio, tetanus and whooping cough were once frequent causes of death or serious illness in New South Wales but that is no longer the case because of a bipartisan approach to ensuring immunisation is widely available in this country. The other day I saw on *Lateline* the impact of these flat-earthers on Scotland, where there is an outbreak of whooping cough. The member for Parramatta called them wing-nuts—there seems to be a view in this Parliament that that may be the case. Preventable diseases could have been contained if immunisation had been widespread in that country.

**Mr Andrew Cornwell:** Measles.

**Mr MATT KEAN:** I note the interjection of the member for Charlestown. Immunisation programs introduced over the past 70 years have resulted in significant reductions in infectious diseases. Immunisation

programs are not only historical; new vaccines introduced in recent years have also protected countless children and adults against chickenpox, pneumonia, meningococcal disease and, more recently, cervical cancer but we still have a long way to go. This bill will enable consumers to complain to the Government not only about health information that has adversely affected their health but also about information that they deem is likely to cause harm in the community.

In the case of the misleadingly named *Australian Vaccination Network Inc. v Health Care Complaints Commission* it was said that complaints could be made only if the health service in question affected the clinical management or care of an individual client. In that case no individual client had been affected. These amendments seek to broaden the scope of the Health Care Complaints Commission to investigate matters of benefit to the community and to improve the accountability of our health system across the State. The Australian Vaccination Network challenged a public warning issued by the Health Care Complaints Commission in response to a complaint made by a member of the public about misleading health information distributed on the Australian Vaccination Network website.

The Health Care Complaints Commission deemed that the website provided information that was solely anti-vaccination, contained information that is incorrect and misleading, and quoted selectively from research to suggest that vaccination may be dangerous. As a result the Health Care Complaints Commission directed the Australian Vaccination Network to publish a disclaimer indicating that its information is purely anti-vaccination and should not be construed as medical advice. That seems to be a reasonable position for professional medical experts who are concerned about public health outcomes in this State.

The Australian Vaccination Network wanted to use a loophole in legislation to continue to peddle these myths in the community, which would have an adverse impact on public health. This bill seeks to close that loophole. I commend the Minister for Health—she is an outstanding Minister for Health. Residents in my community of Hornsby know only too well the positive impact of the Minister since she took on the role. We are delighted with the investment of \$120 million and the provision of the best healthcare services in Hornsby. I am excited about the new Hornsby Hospital redevelopment occurring later this year. This bill is yet another example of Minister Skinner's commitment to improving public health outcomes in New South Wales. She is not only improving infrastructure for communities across the State but also improving public health outcomes by making the independent oversight body, the Health Care Complaints Commission, more robust, more accountable and more transparent so that members of the public can benefit from this organisation.

The proposed changes amending section 7 of the Health Care Complaints Act make clear that a complaint can be made against a health service if the health service affects, or is likely to affect, the clinical management or care of an individual client. It will also ensure that the Health Care Complaints Commission is able to investigate claims that it deems to cause harm on the broader scale. So it does not need to impact only an individual. This is a move in the right direction. Minister Skinner should be congratulated on her continued hard work in improving public health in New South Wales. She is an outstanding Minister: unquestionably she is one of the finest Ministers we have seen in this State. Again I put on the public record my commitment to ensuring that we reduce infectious disease in this State and that we do so by rolling out and strengthening immunisation programs.

I note that vaccination for key vaccines is free for children in New South Wales. Roughly \$135 million is being invested by both the New South Wales and Commonwealth governments in 2012-13 to maintain and improve the high vaccination coverage rates for children, adolescents and adults to keep people healthy and out of hospital. I note that tomorrow I will get my influenza vaccination. I encourage other members to inoculate themselves against the flu. Immunisation provides good protection for individual children who are vaccinated. It also indirectly protects through herd immunity those children who are too young to be vaccinated. Again I congratulate Minister Skinner on her excellent work in promoting public health in New South Wales, improving public health in New South Wales and improving infrastructure for health service delivery in this State.

**The DEPUTY-SPEAKER (Mr Thomas George):** I support the member for Hornsby in promoting flu vaccinations, which are available on level 9 of Parliament House tomorrow. I encourage members to make a booking.

**Dr GEOFF LEE (Parramatta) [4.34 p.m.]:** I support the Health Legislation Amendment Bill 2013, which seeks to make miscellaneous amendments to various Acts relating to health and associated matters. I commend the member for Hornsby for his passionate and at times colourful language, using the terms "flat

earth", "flat-earthers" and "wing nuts" to describe people who do not believe in programs to vaccinate the general population against some of the more serious and deadly diseases that have been almost eradicated. I commend the sentiments of the member for Hornsby. While I may not use such colourful language as "wing nuts" or "flat-earthers", those people are ill-informed. Perhaps more informed people, such as my friends the member for Hornsby and the member for Londonderry, provide a more balanced and objective view of what is best for the population and for individuals. It is especially important for young children who are too young to be vaccinated safely. We should practise herd immunity so that those young children are protected in the early stages of life from some of those diseases.

The bill addresses critical incidents. One case that has been mentioned in the Chamber is that of the Australian Vaccination Network, which has highly sceptical views about the benefits of vaccination. Like many of my colleagues, I believe that immunisation is important for the health of the New South Wales population and individuals, and it should be encouraged. I note that in 2013 Minister Skinner, who is a good Minister, will launch a new immunisation awareness campaign to further educate and inform the community, as well as immunisation providers, about the importance of ensuring that all children are fully immunised on time. That was brought home to me during my recent trip to India, where I saw the devastating results of polio and its effect on young children. Polio is a terrible disease, but through immunisation we have been able to eradicate it from Australia. Hopefully, polio will be eradicated from India and other parts of the world. I support population immunisation programs and their benefits to the whole of society.

Health is important not only to the State but particularly to my electorate of Parramatta. As we know, Parramatta has the largest healthcare precinct in Australia, with some 11,000 staff employed in the area. That figure is expected to grow by 7,000 in another 25 years. It has internationally recognised teaching and research facilities, and it has teamed up with universities such as the University of Sydney to provide nurse, doctor and allied health training. Major stakeholders in the clinical area include Westmead Hospital, which is the major teaching and research facility, with more than 160 departments. In January this year we got 70 new interns. That hospital alone has more than 5,000 staff, and it caters for 29,400-plus admissions every year. The emergency department is currently undergoing renovations.

I commend the Minister for devoting \$41.8 million to refurbishment of the emergency department, which is particularly busy, with about 51,600 emergency patients per year. From talking to the doctors and nurses in the health precinct it is obvious that the hospital services not only Parramatta but also the whole of western Sydney and New South Wales. Complex cases that present difficulties are often transferred to Westmead from outlying hospitals because Westmead has the critical mass and the specialists who are able to treat some of the more difficult cases. They do a fantastic job.

The Children's Hospital Westmead is home to the Bandaged Bear—a great character who often appears, to the delight of the children. We also have Westmead Private Hospital and research institutes such as the Westmead medical research institute. The Government provided \$20 million to kick off stage one of the development, enabling an increase in the number of research staff to 400. It was a pleasure to attend the sod-turning ceremony with the Minister. The Parramatta area also has the Westmead Millennium Institute, the Kids Research Institute, Ronald McDonald House and more than 150 allied health care specialists. The question facing us now is whether we can facilitate the growth of the biomedical precinct to provide more job opportunities in research and teaching, and better patient care.

**Mr Robert Furolo:** Point of order: I am fascinated by the member's discussion about the precinct in his electorate, which is fabulous, but it is not relevant to debate on the Health Legislation Amendment Bill 2013. I ask you to draw the member back to the leave of the bill.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I have been listening to the member's contribution.

**Mr Robert Furolo:** He has been talking about staffing.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! In relation to the Health Legislation Amendment Bill 2013, he is paying tribute to the health services within his area. It is a wide-ranging debate. The member for Parramatta has the call.

**Dr GEOFF LEE:** I thank you for your learned opinion, advice and deliberations on this issue. It is the reason you hold the position of Deputy-Speaker. I thank you for your wisdom and objectivity in these matters. It

is disappointing and sad when Opposition members do not want to hear good news. Those opposite have nothing good or positive to say; it is all doom and gloom on their side. On this side of the House we consider the glass to be half full; those opposite consider it to be half empty. I feel sure that Opposition members will see shortly how my comments relate to the Health Legislation Amendment Bill 2013. It is most important to grow jobs in western Sydney in a precinct that offers employment opportunities. It is important to grow jobs in the heart of western Sydney, and not only in the Sydney central business district.

The 2011 census showed that health care and its allied services is the fastest-growing sector, by job numbers, in western Sydney. The sector provides fantastic opportunities for job growth, not just in Parramatta but in the whole of western Sydney. A good job gives people the ability to buy a house, to pay the mortgage, to put food on the table and to pay school fees and for child care. It is necessary not only to create jobs but also to provide housing in the area so that people can live in close proximity to their workplaces. The facilitation of growth in health and allied services in the Parramatta precinct is both a challenge and an opportunity. The Westmead Precinct offers a continuum of clinical practice from research, training and trial to delivery in the same location. It can become the Silicon Valley of biomedical services in western Sydney.

We must harness the horsepower of the universities: University of Sydney, the University of Western Sydney and Macquarie University. We can utilise the innovation-driven research capability that exists in the area from the bench to clinical trials to improve the livelihood of local people. Clinical practices at Westmead and the other hospitals to which I have referred are excellent. First we need the clinical trials and then the bench to bedside translational research and finally—the thing that often eludes us—the commercialisation of that research. It is about a continuum from bench to bedside to world's best practice commercialisation. We must discover the barriers that prevent us from achieving that continuum and provide the synergies between each of those segments of the value chain to promote jobs and employment opportunities for people in western Sydney.

**Mr JOHN FLOWERS** (Rockdale) [4.42 p.m.]: In speaking in debate on the Health Legislation Amendment Bill 2013 I congratulate Jillian Skinner, the Minister for Health, and Minister for Medical Research on the first-class job she is doing in the Health portfolio. I thank the Minister for the \$39 million that is being allocated for the new emergency department and specialised mental health unit at St George Hospital. Those facilities will greatly benefit many residents in my electorate. The object of the bill is to make miscellaneous amendments to various Acts relating to health, and associated matters. In particular, the bill will amend the Health Care Complaints Act 1993 to give the commissioner the power to initiate an investigation on his or her own accord, without first requiring an external complainant to trigger the investigation. The amendments to this Act also clarify that a complaint can be made against a health service practitioner if the health service affects, or is likely to affect, the clinical management or care of an individual.

A direct link must exist between a health consumer and health service practitioner before a complaint can be lodged. Further amendments to the Act include providing for a set of broad principles to govern the work of the Health Care Complaints Commission [HCCC]. The amendments will allow the commission to give written notice of a complaint to the employer of a health practitioner and will authorise the director of proceedings to refer the matter back to the Health Care Complaints Commission if the director requires further information before deciding whether to prosecute. The bill will amend the Act to allow for staff of the New South Wales health service to be suspended from duty without pay in limited circumstances. Other amendments will allow the chair of the Medical Services Committee to serve for an extended period and facilitate changes to the Mental Health Act and the Mental Health Forensic Provisions Act that clarify a number of existing provisions concerning the scheduling and detention of forensic patients who are on leave or on conditional release.

The bill forms part of the periodic review and update of health-related legislation. The amendments to the Health Care Complaints Act 1993 were prompted by the 2012 Supreme Court decision in the matter of *Australian Vaccination Network Inc. v Health Care Complaints Commission*. In that matter it was found that the Health Care Complaints Commission can investigate only if the complainant shows that the health service in question affects the clinical management of care of an individual client rather than the potential or likelihood that a health service provider could adversely affect public health. The other amendments to the Health Care Complaints Act 1993 generally follow the recommendations in the report of the 2010 joint parliamentary Committee on the Health Care Complaints Commission. Changes are being made to the composition of the Medical Services Committee under the Health Administration Act. Under the Act members of the committee may hold office for a period of four years and are eligible for reappointment.

However, a member, including a chairperson, cannot be appointed for more than three consecutive terms. It will often be appropriate to appoint a person as chairperson of the committee who has already served a

number of terms. This is because such a person will bring the experience and expertise required to the role of chairperson. The current restriction in the Health Administration Act means that if a person is appointed as chairperson while in their third term as a member of the committee the person can remain in that position only for the remainder of their term. This restriction has the potential to result in a loss of experienced members to act as chairperson of the committee. In order to address this issue the bill amends schedule 4 to the Health Administration Act to allow a member to serve for four consecutive terms on the committee but only where the member is appointed as chairperson during their third consecutive term. This will allow the committee to have access to an experienced chairperson for a reasonable length of time.

Changes also are being made to the disposal of Crown land held by the Health Administration Corporation. Under section 34 of the Health Services Act Crown land held by a local health district or a statutory health corporation can be used or disposed of with the approval of the Minister. This is so notwithstanding that the use or disposal is contrary to a provision of the Crown grant. There is no equivalent provision to section 34 in the Health Administration Act with respect to land held by the Health Administration Corporation. The corporation holds land for purposes of the Ambulance Service as well as some land on behalf of local health districts.

The omission of a provision similar to section 34 in the Health Administration Act limits the ability of the corporation to dispose of surplus land efficiently and invest the proceeds in other capital works programs that are required by the community. The bill proposes to amend section 11 of the Health Administration Act to include a provision similar to section 34, thereby allowing land held by the Health Administration Corporation that is subject to a Crown grant to be disposed of with the approval of the Minister, notwithstanding that the use or disposal is contrary to a provision of the Crown grant. The amendment will provide the Minister for Health with consistent powers in the Health Services Act 1997 and the Health Administration Act 1982.

The Health Legislation Amendment Bill 2013 also deals with the Health Care Complaints Act. In 2010 the Joint Parliamentary Committee on the Health Care Complaints Commission made a number of recommendations concerning proposed amendments to the Health Care Complaints Act and the operations of the Health Care Complaints Commission. The bill makes amendments to the Act following the Supreme Court decision in *Australian Vaccination Network Inc. v Health Care Complaints Commission*, which has limited the ability of the commission to investigate complaints against health service providers. In addition, a number of minor amendments to the Act and the Health Practitioner Regulation National Law (NSW) have been included to help to support the ongoing role of the Health Care Complaints Commission.

Changes to the Health Care Complaints Act following the Supreme Court decision in *Australian Vaccination Network Inc. v Health Care Complaints Commission* require closer examination. In 2009 and 2010, following complaints, the Health Care Complaints Commission investigated the Australian Vaccination Network. Following the investigation the Health Care Complaints Commission recommended that the Australian Vaccination Network publish a disclaimer on its website and when it failed to do so the commission issued a public warning against the Australian Vaccination Network. The network then challenged the Health Care Complaints Commission investigation and public warning in the Supreme Court.

The court accepted the argument by the Australian Vaccination Network. The decision of the court has resulted in serious issues for the Health Care Complaints Commission and the public. The effect of the judgement means that a valid complaint cannot be made against, and the Health Care Complaints Commission cannot investigate, a health service provider where the health service has the potential to affect a client unless it can first be said that the health service has in fact affected an individual client. Such a limitation means that the Health Care Complaints Commission cannot investigate matters proactively when there are reasonable grounds to allege that a health service has the potential to affect the clinical management or care of an identified client.

Rather, the Health Care Complaints Commission will be forced to wait until the health service has affected clients. Accordingly, as mentioned previously, the bill proposes to amend section 7 of the Health Care Complaints Act to make clear that a complaint can be made against a health service practitioner if the health service affects, or is likely to affect, the clinical management or care of an individual client. Consequential amendments are also made to sections 25, 25A and 80 of the Act. This bill will help ensure that the Health Care Complaints Commission can respond proactively to complaints in respect of health services that are likely to affect the clinical management or care of a patient before the health service has affected clients. I commend the bill to the House.

**Mr ROB STOKES** (Pittwater—Parliamentary Secretary) [4.52 p.m.]: I make a brief contribution in relation to the Health Legislation Amendment Bill 2013. I note that the bill makes a range of miscellaneous

amendments to various Acts relating to health and associated matters. I refer specifically to schedule 2 of the bill, which relates to amendment of the Health Care Complaints Act 1993. Other members have already mentioned the case of the *Australian Vaccination Network Inc. v Health Care Complaints Commission* in 2012 that turned on the technicality of whether the Health Care Complaints Commission had the power to make findings in relation to matters that did not affect an individual client but were likely to, or whether it was only empowered to act in relation to an individual client and a health service provider on a matter that did affect an individual client. The bill clarifies that the Health Care Complaints Commission has the flexibility to make findings or to act in relation to health service providers that are likely to affect a client as well as those that do.

Members will be aware of the activities of the Australian Vaccination Network and its strange, and frankly ludicrous, claims about the dangers of immunisation. As a father of young children I am quite frustrated and even angry at people who choose not to vaccinate their children because, if nothing else, it places my children at risk as well as those of other members of this place and people in the broader community. I am very supportive of the parts of this legislation that clarify that the Health Care Complaints Commission can make findings in relation to organisations such as the Australian Vaccination Network. I note the range of weird and wacky claims that that organisation has made, a number of which follow litigation in the United Kingdom relating to former doctor Andrew Wakefield and his strange, and frankly wrong, claims about the links between immunisation and autism in children. These weird claims are among those that the Australian Vaccination Network has been supporting.

It is very important that the Health Care Complaints Commission has the powers it needs to be able to make complaints where a complainant raises a significant issue not only about public health or safety but also about a health service that affects, or as the legislation makes clear is likely to affect, the clinical management or care of an individual client. I recognise also that the bill makes a number of changes to other Acts, one of which relates to the Health Administration Commission and effectively mirrors the powers that local health districts already have in relation to the disposal of surplus land. I support those parts of this legislation because they allow assets that are no longer required for health purposes to be sold so that the moneys can go into the health services that our communities require. In that way we can ensure that all the resources of the State available to health services are directed at the people who need them most, the people of New South Wales. I commend the bill to the House.

**Mr ANDREW ROHAN** (Smithfield) [4.59 p.m.]: I support the Health Legislation Amendment Bill 2013. As part of the periodic review of legislation within the Health portfolio the bill proposes to incorporate a number of miscellaneous amendments to various Acts, namely the Health Administration Act 1982, the Health Care Complaints Act 1993, the Health Practitioner Regulation National Law (NSW), the Health Services Act 1997, the Mental Health Act 2007, and the Mental Health (Forensic Provisions) Act 1990. Each and every amendment to the Health Legislation Amendment Bill 2013 is made to ensure that these Acts are up to date and operate effectively. This is especially important in the context of an ageing population in New South Wales from which demand for health services and dealings with health service providers and practitioners will be likely to increase dramatically. The New South Wales State and Regional Population Projections (2008 Release) report by the New South Wales Department of Planning estimates that 21.5 per cent of the population of New South Wales will be aged 65 and over compared with 13.5 per cent in 2006. That is a tremendous increase. The amendments in this bill look to build and maintain a robust healthcare framework that will provide for the needs of an ageing population in New South Wales.

As a member of the parliamentary Committee of the Health Care Complaints Commission, the bill gives me the opportunity to deal first and foremost with the proposed amendments to the Health Care Complaints Act 1993. These amendments arise in response to the Supreme Court decision in *Australian Vaccination Network Inc. v Health Care Complaints Commission*. The decision effectively limits the jurisdiction of the Health Care Complaints Commission—the commission—in its investigation of complaints concerning the clinical management or care of an individual client by a health service provider that specifically identifies an individual affected. This is of significance because the complaint cannot be investigated by the commissioner if the matter raises a real likelihood of impacting on public health or safety. In other words, the public interest of receiving proper and effective health services is curtailed by the commission's inability to raise complaints in regard to the clinical management or care of an individual simply because no specifically identifiable individual was affected by the health services in question.

This is the sword of Damocles hanging over the heads of the people of New South Wales. It does not sit well with the running of a modern society that prides itself on educated convention. If we must wait for an individual to be adversely affected—possibly fatally—in order to meet the requirements for investigation then

we cannot say that we belong to a modern, first-rate nation in respect of health economics. The amendments in new section 7 will broaden the scope of the definition of "complaint", and will enable a complaint by making it clear that the complaint can be made against a health service if the service affects or is likely to affect the clinical management or care of an individual client. Amendments will also be made to sections 25, 25A and 80 of the Act to ensure consistency in the language used. This has the effect of broadening the scope of complaints that the commission investigates, including cases where no specific individual is found.

Another amendment to the Health Care Complaints Act generally follows the recommendations of the 2010 joint parliamentary committee's report, entitled "Operation of the Health Care Complaints Act 1993". In another effort to expand the jurisdiction of the Health Care Complaints Commission in order to ensure its continued effectiveness in accordance with the original intentions for its existence, the discretionary power to conduct investigations on the commission's own motion is proposed via amending section 8. This is achieved by the commission being able to lodge a complaint. Therefore, it can investigate a matter if it appears to the commissioner that the subject of the complaint raises a significant issue of public health or safety, raises a significant question regarding a health service that affects or is likely to affect the clinical management or care of an individual client and, if substantiated, would be grounds for disciplinary action against a health practitioner, or involves gross negligence on the part of the health practitioner.

This "own motion" power is consistent with that of various other bodies, including, but not limited to, the Privacy Commissioner of New South Wales and the NSW Ombudsman. The new power casts a net over concerns by private individuals that may have been lost due to the fear of embarrassment on the part of the individual affected, or for other personal or systemic reasons. The next set of amendments affecting the Act creates a section that would establish broad principles to govern the work of the commission and other government agencies responsible for healthcare complaints. Via new section 3A, the commission and the agencies referred to must have regard to a range of general principles when carrying out functions under the Act. These include: accountability, finding an acceptable balance between the rights and interests of the client and the freedom of healthcare providers, efficiency and flexibility.

Amendments to sections 28 and 45 require the commission expressly to provide written reasons in relation to post-assessment and post-investigation decisions. This is in line with the current practice of the commission under this Government consistently to provide information to parties to a complaint. This falls in line with the general principles as proposed by new section 3A. Another amendment in support of the report's recommendations is in new section 16A, which allows the commission to give written notice of the making of a complaint to the employer of a health practitioner. The current position is that notification to the employer is given only after the assessment of a complaint and if the commission decides to pursue it. This is in response to the report's findings that early notification is necessary at times to assist in assessment of the complaint or to protect the health and safety of the public.

An amendment made independently of the recommendations is in new section 90B, regarding referrals of complaints by the commissioner to the Director of Proceedings. The new power will enable the director to refer the matter back to the commission for further investigation if the director determines that further information is required before deciding to prosecute the matter. This ability to refer back is currently unavailable and is an inefficient aspect of the health system. The other amendment in regard to removing procedural inefficiencies in the healthcare system involves section 150D of the Health Practitioner Regulation National Law (NSW), with respect to the commissioner's duty to investigate matters. It effectively removes the administrative burden of requiring an investigation that may possibly involve duplicate or substantially equivalent facts from a previous and separate investigation. An amendment linked to this issue involves schedule 5C of the national law to allow the Minister rather than the Governor to appoint a person to act as a member of the Health Professional Councils Authority. This obviously expedites the process.

In short, the intention of each amendment is to align current practices with those in existing legislation. For example, schedule 4 of the bill amends the Health Services Act to allow suspension from duty without pay of staff of the New South Wales health service in limited circumstances via new section 120A. The new section 11 amendment to the Health Administration Act 1982 reallocates healthcare capital by allowing the Health Administration Corporation to dispose of land, notwithstanding any Crown grant, if it has ministerial approval. The amendments will also ensure that we maintain high-quality human capital by allowing an extension of the term of office of a member as chair of the Medical Services Committee to a fourth term if the member is serving a third term as chairperson. [*Extension of time agreed to.*]

In schedules 5 and 6 the bill also tidies up and clarifies a number of provisions of the Mental Health Act and the Mental Health (Forensic Provisions) Act. An amendment inserting proposed new section 76HA

expressly makes it clear that a forensic patient on leave or release can be detained and scheduled under the Mental Health Act. This is a response to the ambiguity with regard to the application of that Act to forensic patients. The bill will also lessen the administrative burden by removing the requirement to hold two hearings of the Mental Health Review Tribunal about a release order made concurrently with a treatment order. It will also resolve the normative position that as a result of an appeal against a decision of the tribunal it is open to the court to suspend the operation of the tribunal order until the court resolves the appeal, irrespective of whether the appeal was made on a ground of law or fact. That is dealt with in proposed section 77A.

The piecemeal amendments made to health care legislation can be understood to be working towards the robust framework that I mentioned earlier. The fact that the health system is always at the forefront of public interest and that health services are ever changing to meet the demands of new medical processes means that our legislative framework should be monitored and evaluated continually. The amendments in this bill effectively consolidate, rationalise and, most importantly, simplify the legislative framework covering the healthcare system in New South Wales. It represents a continuous reform process, which is what good representatives and responsible governments should implement. I am proud to be a member of a government that does that with such efficiency and effectiveness. I thank the Minister for Health, the Hon. Jillian Skinner, for implementing such comprehensive and much-needed amendments to health legislation in this State.

**Mr CLAYTON BARR** (Cessnock) [5.14 p.m.]: The object of the Health Legislation Amendment Bill 2013 is to make miscellaneous amendments to various health-related Acts. Schedule 1 amends the Health Administration Act 1982; schedule 2 amends the Health Care Complaints Act 1993; schedule 3 amends the Health Practitioner Regulation Act 2009; schedule 4 amends the Health Services Act 1997; schedule 5 amends the Mental Health Act 2007; and schedule 6 amends the Mental Health (Forensic Provisions) Act 1990. I will address three of those schedules and raise a couple of concerns, but I will also offer the Minister for Health a bouquet. Schedule 1 amends the Health Administration Act 1982, but it is simply a strategy designed to facilitate the sale of public assets.

Members opposite say that the State is open for business, but they really mean that it is for sale. We are being asked to trust the Minister for Health with regard to what will be sold. Of course, she would have us believe that the assets that will be sold are beyond repair, no longer required, surplus and so on. I draw the attention of the House to the Stockton mental health facility. It is old and it is in need of repair, but it still provides important services to the community. It just happens to be beside a beach and a residential development known as Fern Bay, and it would be incredibly valuable if it were rezoned. I am concerned that it will be sold in a greedy grab for cash rather than to address the health needs of the Hunter and more broadly of New South Wales. That is only one example of what could happen.

**ACTING-SPEAKER (Mr Gareth Ward)**: Order! The member for Hornsby and the member for Orange will cease interjecting. The member for Cessnock will be heard in silence. He does not need their assistance.

**Mr CLAYTON BARR**: The Government is once again asking the people of this State to trust that it will do the right thing. It also asked us to trust it when it introduced the ports legislation. Members opposite said that they had no plans to sell the ports and the legislation was passed. What did it do? It announced that it would sell the ports, including Port Kembla. As a result of that any call for trust will now be met with cynicism. Schedule 2 amends the Health Care Complaints Act. During his contribution to this debate the member for Hornsby referred to the flat-earthers and wingnuts. Of course, he was referring to the Australian Vaccination Network. I offer the Minister a bouquet for introducing this amendment, which is the result of the 2012 Supreme Court decision in *Australian Vaccination Network Inc. v Health Care Complaints Commission*. That decision allowed the network to ignore the commission's instruction to make clear that it does not offer genuine health services.

The shadow Minister for Health mistakenly referred to the network as a health service provider. I disagree because it impedes the provision of health services. I will go further than the member for Hornsby by saying that I believe the Australian Vaccination Network is negligent in its provision of information. In fact, it is wilful with regard to manslaughter and potentially murderous because it puts young children at risk based on unfounded and unscientific beliefs. Young people die because of the information that it provides and it should be held to account. The people who read the network's website or the material that it distributes must understand that it contains ill-founded, ill-considered and disreputable information that has been disputed by the medical fraternity, which has hundreds of years of experience.



Schedule 4 amends the Health Services Act 1997. Proposed new section 120A provides that staff can be suspended from duty without salary if they are charged with an offence that can lead to imprisonment for five years. This country's legal system enshrines the presumption that an accused is innocent until found guilty. This legislation does not provide any assurance that that right will be preserved for members of the medical fraternity. Soon after we graduated a university colleague of mine who also trained to be a teacher was the subject of accusations of improper behaviour made by some mischievous 14-year-old girls. He was immediately removed from his position. After about 18 months of investigation the young girls admitted that the accusations were baseless. By the time he was reinstated his career was completely smashed, damaged and tattered beyond repair and he was unable to return to teaching.

Under this amendment such a circumstance would be feared. Having said that, at least he was moved to another part of the education system where he continued to earn a salary or wage to pay off his mortgage and to feed his family. The serious changes proposed by this bill will mean that those who are removed from their positions without pay will lose their presumption of innocence and their ability to feed, house and clothe themselves even though ultimately they might be exonerated. In the event that they are exonerated, this bill will not ensure that they receive back pay for wages lost or that they will be given an opportunity to earn any wages lost during the investigation process. I hope that all members are aware of those significant concerns. The member for Macquarie Fields, the shadow Minister, foreshadowed amendments that will be moved in the upper House to strengthen the quality of this legislation. The Opposition does not oppose this bill but I ask the Minister to give due consideration to those foreshadowed amendments.

**Mr CHRIS PATTERSON** (Camden) [5.21 p.m.]: I support the Health Legislation Amendment Bill 2013, which seeks to make amendments to numerous Acts after the Government's regular review of legislation. The Health Care Complaints Act 1993 will be amended through recommendations made by the joint parliamentary Committee on the Health Care Complaints Commission. In 2012 the Supreme Court found that the Health Care Complaints Commission can investigate a complaint only if the complaint shows that the health service in question affects the clinical management or care of an individual client. This limits the capacity of the Health Care Complaints Commission to act in the public interest as a complaint cannot be investigated by the Health Care Complaints Commission if there is a likelihood of impacting on public health or safety. Other recommendations were made to ensure the commission's continued effectiveness. This bill will also address those recommendations.

This bill will require the Health Care Complaints Commission to notify the employer of a health practitioner upon the making of a complaint against a health practitioner when it is necessary to assess the matter effectively or it is in the public interest to do so. The Health Care Complaints Commission will be required to provide written reasons for its decision to both the complainant and respondent. An own motion complaint will be allowed. Finally, a complaint against a health service provider that affects or is likely to affect the clinical management or care of an individual client will now be allowed.

The Health Services Act 1997 will be amended to bring NSW Health into line with police and teachers so that staff employed under the Act can be suspended without pay in limited circumstances. Previously under the Act there had been no mention as to whether that could happen. The bill outlines these circumstances as follows: where an employee has been charged with a serious criminal offence punishable by five or more years imprisonment; where a registered staff member had his or her registration suspended or conditions imposed on his or her registration; or where the Health Care Complaints Commission placed an interim prohibition order or interim conditions on an unregistered health practitioner.

The Health Administration Act 1982 will be amended to allow the Health Administration Corporation to dispose of surplus land, notwithstanding Crown grant conditions, and use the proceeds towards other health capital works projects that are more suited to the health service needs of the community. The Act will also be amended to allow a member of the Medical Services Committee to serve four consecutive terms when the member is appointed chairperson during his or her third term, allowing the committee to have access to an experienced member as chair of the committee for a reasonable amount of time.

The Health Practitioner Regulation National Law (NSW) will be amended so that the Health Care Complaints Commission is not required to investigate a matter referred to it under section 150D of the national law if the matter is already under investigation or has been investigated by the Health Care Complaints Commission. The Health Practitioner Regulation National Law (NSW) will also be amended so that a health practitioner can have conditions imposed or his or her registration suspended by a health professional council if the practitioner is being dealt with by the impaired registrants' panel with a view to rehabilitation and return to practice.

Finally, this bill will clarify in the Mental Health Act 2007 and the Mental Health (Forensic Provisions) Act 1990 provisions relating to the detention of conditionally released forensic patients living in the community. This amendment will clear up any confusion that the Mental Health Act does not apply to forensic patients who have been conditionally released into the community who become sick again whilst living in the community and who need to be detained. It will now be clear that a forensic patient on leave or release can be detained under the Mental Health Act. The Mental Health Review Tribunal is authorised to issue an order for apprehension of a forensic patient who has breached his or her conditions of release or leave. The tribunal will now be able to make a community treatment order in relation to a forensic patient at the same time as the tribunal is considering releasing the patient, and for that community treatment order to continue in effect under the Mental Health Act.

There will no longer be a need for two hearings to be held. This bill also will be amended to allow the court or tribunal to suspend the operation of an order if an appeal is made on a question of law or fact as currently the Minister for Health can appeal a decision of the tribunal on a question of law or fact and the Attorney General on a question of law. This bill will ensure that the court has the ability to suspend the operation of that tribunal order until the court resolves the appeal regardless of whether the appeal is made on grounds of law or fact. The Health Legislation Amendment Bill 2013 will ensure the smooth running of the Acts that are being amended and will benefit the people of New South Wales. I commend the bill to the House.

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [5.27 p.m.], in reply: On behalf of the Minister for Health, and Minister for Medical Research, I thank members for their support for the Health Legislation Amendment Bill 2013. The bill makes changes to the Health Administration Act 1982, the Health Care Complaints Act 1993, the Health Practitioner Regulation National Law (NSW), the Health Services Act 1997, the Mental Health Act 2007 and the Mental Health (Forensic Provisions) Act 1990.

I thank members for their contributions to debate on this bill, including the member for Macquarie Fields and the Minister for Ageing, and Minister for Disability Services, who made a heartfelt contribution about the terrible experiences of his community and who highlighted the importance of protecting public health and safety. I also thank members representing the electorates of Auburn, Blue Mountains, Fairfield, Port Macquarie, Lake Macquarie, Cronulla, Bankstown, Menai, Cabramatta, Gosford, Myall Lakes, Tweed, Londonderry, Hornsby, Parramatta, Rockdale, Pittwater, Smithfield, Cessnock and Camden.

The amendments to the Health Administration Act will allow the Health Administration Corporation to seek the Minister's approval to dispose of land held by the Health Administration Corporation notwithstanding a Crown grant, and use the proceeds towards other health capital works projects that are more suited to the health service needs of the community. This will bring the disposal of land held by the Health Administration Corporation into line with land held by local health districts under the Health Services Act. The Health Administration Corporation has not identified any parcels of land that are to be disposed of if this bill receives royal assent. This is in the broader context of clinical services planning and other health planning that is being conducted by local health districts and by the Ministry of Health to ensure that the needs of local communities are being adequately met.

Other amendments to the Health Administration Act will allow a member of the medical services committee who is appointed chairperson in his or her third term to serve an additional term as chair. This will enable the committee to have access to an experienced member as chair for a reasonable time. The amendments to the Health Services Act will allow staff employed in NSW Health to be suspended without pay in a limited set of circumstances. In essence the director general will be able to suspend a staff member without pay if the staff member is charged with a serious criminal offence or, in the case of health professionals, if an external body such as a health professional council or the Health Care Complaints Commission has taken interim action to prevent the person from practising as a health practitioner, such as when a health professional council imposes an interim suspension order on a practitioner. Earlier the member for Macquarie Fields foreshadowed that the following amendment would be moved in the upper House:

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

(7) In this section:

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

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

The Government has noted the amendment foreshadowed by the member for Macquarie Fields. The Government is currently seeking advice as to that amendment, particularly as to the interpretation of the conditions entitlement for persons who may be affected as well as those aspects relating to potential inconsistencies with other legislation. On behalf of the Government I have given an undertaking that the matter will be further considered if others seek to move that amendment in the upper House. However, the Government appreciates that the Opposition will not proceed with the amendment in this House and that it will reserve its option to move the amendment in the upper House after we have obtained further advice.

Furthermore, I am advised that since 2008 all unions have had an active involvement in the development of draft guidelines around suspension without pay. This has included discussions about the need to amend relevant legislation. The most recent discussions occurred on 26 March 2013 between the Australian Salaried Medical Officers Federation, Health Services Union, NSW Nurses Association and officers of the Ministry of Health. The amendments to the Health Practitioner Regulation National Law (NSW), the Mental Health Act and the Mental Health (Forensic Provisions) Act are generally minor in nature and aimed at tidying up and clarifying existing provisions. For example, the amendments will clarify that a forensic patient on leave or release in the community can be scheduled and detained under the Mental Health Act. Further amendments will clarify the role of a health professional council when dealing with impaired practitioners so that legislation accords with current practice.

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

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

**Motion agreed to.**

**Bill read a second time.**

### **Third Reading**

**Motion by Mr Brad Hazzard, on behalf of Mrs Jillian Skinner, agreed to:**

That this bill be now read a third time.

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

### **BUSINESS OF THE HOUSE**

#### **Suspension of Standing and Sessional Orders: Divisions and Quorums**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [5.33 p.m.]: I move:

That standing and sessional orders be suspended to provide that from 6.00 p.m. until the rising of the House no divisions or quorums be called.

For the information of members, at 6.00 p.m. the House will deal with private members' statements and the matter of public importance will follow.

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

**Motion agreed to.**

**POWERS OF ATTORNEY AMENDMENT BILL 2013****Second Reading**

**Mr RAY WILLIAMS** (Hawkesbury—Parliamentary Secretary) [5.34 p.m.], on behalf of Mr Mike Baird: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 27 February 2013 and is in the same form. The second reading speech appears at pages 18044 and 18045 of the *Hansard* for that day. I commend the bill to the House.

**Mr PAUL LYNCH** (Liverpool) [5.34 p.m.]: I lead for the Opposition in debate on the Powers of Attorney Amendment Bill 2013. The object of the bill is to make several comparatively minor amendments to the Powers of Attorney Act 2003. Some of the amendments are aimed at clarifying existing provisions; others are aimed at making changes to assist users of powers of attorney. The principal Act of 2003 was a significant undertaking. Following lengthy and extensive consultation, statutory provisions relating to powers of attorney were removed from the Conveyancing Act and placed in a separate Act. It introduced the term "enduring power of attorney" and other significant modernising innovations. Legislation does not last forever and must be continually reviewed. I note that a statutory review was required to be commenced five years after the date of the Act's assent and the Department of Lands issued a review paper in 2009. Some of the issues raised in that paper seem to have found legislative incarnation in this bill.

The bill provides the following amendments to the principal Act. It removes the prescribed form for a power of attorney from the Act to the regulations. This will make it easier to amend in the future if that is regarded as desirable and, in turn, it will allow separate forms to be prescribed for a general power of attorney and an enduring power of attorney. The enduring power is one that continues even if the person giving the power subsequently loses mental capacity. The bill also makes it very explicit that substitute attorneys can be appointed to act when there are vacancies in the office of an appointed attorney. It is also made clear that the Guardianship Tribunal has the power to review the revocation of an enduring power of attorney—this will save otherwise expensive excursions to the Supreme Court. Finally, it is made clear that if a person appoints two or more joint attorneys then the power of attorney continues if the office of one or more of the attorneys becomes vacant. The Opposition does not oppose the bill.

**Mr ANDREW GEE** (Orange) [5.37 p.m.]: I support the Powers of Attorney Amendment Bill 2013. I congratulate Minister Pearce on introducing this legislation. Last week I had the privilege of welcoming the good Minister to an Anzac Day luncheon at Orange. The Minister gave a very inspiring and rousing speech and that eye for policy detail that he and other Ministers have sets the Government apart from the Opposition. For 16 years those opposite had no policy detail. They spent their time playing political games and politically kneecapping each other. In fact that behaviour continues today. I refer in particular to the new Solo man look of the member for Toongabbie—

**Mr Matt Kean:** Santa.

**Mr ANDREW GEE:** The member for Hornsby calls it the Santa look, the Treasurer referred to it as the George Clooney look but I refer to it as the Solo man look. It is evident that something is afoot on the other side of the House—namely, a challenge is on. The member for Toongabbie has taken a leaf out of the book of President Putin because members well know that the Russian influence is still very strong on that side of politics. Perhaps the member for Toongabbie is going for the Action Man look. Indeed, I would not be at all surprised if he were to be seen in the next Toongabbie newsletter as a bushranger with his shirt off, casting a fishing rod into Toongabbie Creek. His beard is a sign that something is afoot. The member for Heffron is sitting very quietly on the other side of the Chamber, perhaps nodding knowingly—

**ACTING-SPEAKER (Mr Gareth Ward):** Order! The member for Orange will return to the leave of the bill.

**Mr ANDREW GEE:** That is a salient point. I repeat that something is afoot on the other side of the House. Indeed, I saw a factional meeting in progress and I will share what I saw with the House. At the conclusion of one of the last sessions in this place I was minding my own business making my way through the garage on the lower levels of Parliament House when I heard a screeching of tyres and a convertible came flying up the ramp. Who was in that convertible? It was the member for Heffron and the member for Maroubra, both

of them with the top down. I kid you not; I witnessed this. And the member for Heffron knows it; he is not denying it. The wind was blowing through their hair. It was *Thelma and Louise* with blokes. It was certainly a factional bromance that I saw that day on level 4 of Parliament House. So the factional games on the other side of the Chamber continue. One can only wonder what the next instalment will be. Will it be Solo Man in Toongabbie Creek or *Thelma and Louise*? I do not know. I am glad that the Minister for Finance and Services has introduced this bill, which will make a positive contribution to the administration of justice in New South Wales. One feature of the bill is that it has the potential to reduce misuse for several reasons.

**Mr John Sidoti:** That's right—it will.

**Mr ANDREW GEE:** The member for Drummoyne would do well to take this on board. The redesigned prescribed form of power of attorney will alert attorneys to their duty to the principal and the consequences of acting against the principal's best interests. It will be of great interest to the people of Drummoyne. Many people appointed as attorneys are not experienced in the role and as a result mistakes can be made when handling a principal's financial affairs. Better and clearer information and guidance about carrying out an attorney's duties will reduce the likelihood of mistakes being made.

Earlier the member for Hornsby spoke with passion about flat-earthers and wing nuts. In stark contrast to what we saw on the other side for 16 years, this bill makes a constructive contribution to this area of the law. Furthermore, the redesigned form gives the principal greater flexibility in how his or her financial affairs are to be handled. While the bill does not introduce mandatory obligations such as compulsory auditing of accounts, a principal can choose to include such obligations in the power of attorney as a condition of appointment. The bill will also make specific provision for the appointment of substitute attorneys. They are persons who may act as attorneys under the power of attorney during certain vacancies in the office of the specified attorney.

**Mr John Sidoti:** What about the wing nuts?

**Mr ANDREW GEE:** I heard the calls of the member for Drummoyne. I will conclude with a reference to *Thelma and Louise*. A substitute attorney has the same powers and responsibilities as the original attorney, and anyone dealing with a substitute attorney has the same protection at law as if he or she were dealing with the original attorney. Appointing a substitute attorney will help prevent the need for the Guardianship Tribunal to appoint a new attorney in circumstances where the principal has lost mental capacity. This is a sensible and straightforward amendment that makes for better self-management of the principal's affairs by allowing him or her to decide on any replacements as attorney and in what circumstances they are to take office.

I turn to revocations. The bill makes an important amendment by clarifying the position of the Guardianship Tribunal and specifically grants it the power to review the revocation of an enduring power of attorney. This amendment allows for matters that may involve the validity or otherwise of a revocation of a power of attorney to be dealt with by the tribunal, rather than the Supreme Court. This will save time and costs for the parties involved and provide certainty that the tribunal may hear matters involving revocations. I turn now to section 46. Another amendment this bill makes is to allow a person who appoints two or more persons as joint attorneys under a power of attorney to provide for its continuation when the office of one or more of the attorneys becomes vacant. That is an important reform.

The Act states that a power of attorney terminates automatically if the office of one or more of the joint attorneys becomes vacant. This can be restrictive for someone wishing to appoint attorneys jointly. For example, if a principal loses capacity and one of the joint attorneys leaves office, he or she is left in a vulnerable position as a new power of attorney cannot be made validly. This bill amends the Act to allow more flexibility when a person makes these types of appointments by giving the option of whether the power of attorney is to continue despite the vacancy of a joint attorney.

**Mr Geoff Provest:** A salient point.

**Mr ANDREW GEE:** As the member for Tweed rightly points out, it is a salient point. If he listens he will take on much more salient information. The newly designed prescribed forms of power of attorney will provide the option to allow for its continuation despite the vacation of office of a joint attorney, together with relevant information for the principals. I will refer briefly to forms. The bill will remove the prescribed form for a power of attorney from the principle Act to enable such forms to be prescribed by the regulations made under the Act. This will enable any changes to the prescribed form to be made quickly and easily in response to any issues that may arise. It will also ensure that the prescribed form of power of attorney is at least being reviewed

as part of the statutory requirement to review subordinate legislation every five years. Complementing this, the prescribed form that will appear in the regulation will be redesigned completely to make it easier to use and understand.

The new prescribed form will now consist of two forms, one for the general powers of attorney and one for the enduring powers. The new forms have had substantial stakeholder consultation, as well as input from the community. The feedback on the proposed forms indicates that they are much easier to understand and use than the current forms. I could go on for many more minutes about the importance of this bill. In conclusion, I simply point out the stark contrast between the Government and those opposite. On this side we have constructive policy formulation with an eye to detail, making constructive reform in this area. What do we have on the other side? We have *Thelma and Louise* for blokes. It is a terrible indictment on members opposite that instead of making such a positive contribution to this sphere of legislation, they played factional games for 16 years. The Labor Party, like Thelma and Louise whom I saw drive out of Parliament House that day, is heading south; their fortunes are heading south, just like Thelma and Louise were on that infamous day. I commend the bill to the House.

**Mr RON HOENIG** (Heffron) [5.47 p.m.]: I am fascinated that the member for Orange spent his time closely examining the physical attributes of the member for Toongabbie or me giving the member for Maroubra a lift home from Parliament House.

**Mr Andrew Gee:** You don't deny it.

**Mr RON HOENIG:** Why would I deny it? For those who have no idea about the south-eastern suburbs, the Heffron electorate is adjacent to the Maroubra electorate, and the member for Maroubra lives a couple of kilometres away from where I live. So there is nothing untoward; I regularly give the member for Maroubra a lift home if we happen to be leaving at the same time. I would not see anything in it. But members opposite seem to see conspiracies everywhere. When you have an inflated backbench as the Government has, with more talent on its backbench than it has on its frontbench, you will always see conspiracies somewhere.

This amending bill is important. Enduring powers of attorney are significant documents, and significant steps are generally taken by people as they reach their relative senior years and as they contemplate the loss of their faculties and their ability to make judgements. Older people particularly can be vulnerable to persuasion by carers or members of their family to sign away their rights in an enduring power of attorney. The legislation contains protection that requires a legal practitioner to explain the consequences of an enduring power of attorney, but the form is confusing and it has been signed on too many occasions.

The Guardianship Tribunal and the Supreme Court have seen considerable disputations occur when people attempt to revoke their enduring powers of attorney. Arguments arise over whether they have the capacity to do so and whether those litigious issues should be resolved by the Supreme Court. The Power of Attorney Amendment Bill 2013 clarifies what the principal is authorising their attorney to do and the circumstances under which it will occur upon completing the documentation for an enduring power of attorney. It will also ensure that any attempt at revocation can be determined by the Guardianship Tribunal, which is consistent with a number of other States of the Commonwealth.

I know that members would be familiar with tragic circumstances where carers or family members try to persuade a principal to revoke an enduring power of attorney, often to the detriment of a joint beneficiary. It can be traumatic and detrimental to family relationships when those matters have to be resolved in drawn-out Supreme Court proceedings. In themselves, those two provisions should be supported. The Government has consulted over a lengthy period with practitioners and stakeholders to ensure that this legislation is right. For those reasons the Opposition does not oppose the Power of Attorney Amendment Bill 2013.

**Mr GREG APLIN** (Albury) [5.51 p.m.]: Most of us will have some degree of familiarity with a legal document such as a will. Once we start to own a home or enter the realm of family responsibilities, we may find we are steered towards writing a will, a document that sets out what is to happen to our assets and liabilities when we die. As we go through life we should consider what we have written in the light of important changes, such as marriage, separation, becoming a parent or guardian, and the delicate balance of family arrangements. Slowly, the message is getting through that a will is only the start. A will does not encompass the entire breadth of legal issues which surround aging, illness and even travel.

A will specifies what happens when we die, but not what is to happen while we are dying, incapacitated or slowly losing our control. It might say who gets what, but it is silent on what gets done to whom. Complex

issues such as life support, emergency surgery, dementia, medication, coma or the impacts of religious and cultural practices must be dealt with elsewhere. A will is not the complete management package. For these reasons, we are encouraged to prepare a power of attorney. This is a document that nominates a person, persons or organisation to make predominantly financial decisions on our behalf while we are still alive. A will, of course, takes over upon death.

The power of attorney was frequently used by businesspeople to ensure their business would continue in the event that they became incapacitated or disappeared on their travels. The attorney—generally a trusted friend, solicitor or perpetual organisation—could manage bank accounts, sign cheques, pay bills, receive money and, if appropriately authorised and the document registered, handle real estate. Other people would take up the idea of a power of attorney if they knew their capacity for ordinary financial decision-making could be compromised by a health condition, surgery or travel to far-flung or dangerous destinations. We can now choose between two types of power of attorney: A general or ordinary power of attorney, which ceases to have authority in the event that the principal loses mental capacity; and an enduring power of attorney, which will continue to be authoritative, despite the loss of mental capacity of its author. The Powers of Attorney Amendment Bill 2013 fixes a number of flaws within existing legislation.

In particular, the bill deals with the problem that arises when a joint attorney vacates his or her position. The bill makes clear that the power of attorney will continue in force, provided that at least one of the attorneys or a substitute attorney remains in office and the document creating the power of attorney provides for that continuation. The bill provides for the appointment of substitute attorneys by a principal. The substitute will be empowered to act as attorney during a vacancy in the office of a specified attorney. Prescribed forms for creating powers of attorney will be moved from the Act and into regulation. These are sensible amendments and I support them. It is pertinent, however, to take a moment to reflect on the confusion that remains in the realm of enduring powers of attorney and related documents that empower a person or trustee to make decisions in place of another. The New South Wales legislation governing enduring powers of attorney is the Powers of Attorney Act 2003. This Act expressly deals with enduring powers of attorney. Section 19 (a) states:

The instrument is expressed to be given with the intention that it will continue to be effective even if the principal lacks capacity through loss of mental capacity after execution of the instrument.

The problem is that it is very difficult to get to the bottom of the question of whether an enduring power of attorney executed in this State will be recognised and given force in the rest of Australia. We are, of course, dealing with State-based laws. Enduring powers of attorney are a valuable part of the process of managing long-term illness or of preparing for aging. Unfortunately, the laws of the various Australian States are not uniform on some elements of their design and operation. This can create difficulties, particularly when a person has assets such as property or savings in different States. This is not an uncommon position for those in my electorate of Albury. Section 25 (1) of the Powers of Attorney Act 2003 says:

An interstate enduring power of attorney has effect in this State as if it were an enduring power of attorney made under, and in compliance with, this Act, but only to the extent that the powers it gives under the law of the State or Territory in which it was made could validly have been given by an enduring power of attorney made under this Act.

Whereas the laws in New South Wales automatically recognise an enduring power of attorney properly made in accordance with the laws of another State or Territory of Australia, this equivalence is not standard across the nation. An enduring power of attorney made in New South Wales is not automatically valid elsewhere. Validity must be checked with a solicitor. Some information can be found on the websites of the Australian Guardianship and Administration Council and the Guardianship Tribunal, among others. The bill deals with enduring powers of attorney. These are not to be confused with what some call an Advance Care Directive or Living Will, but these documents are often prepared in tandem, as part of a more comprehensive approach to dealing with aging and/or disability. An Advance Care Directive is a document written to set out your specific wishes for treatment in the event of life-threatening illness or injury when one is unable to make one's preferences known with clarity. This could include medical treatments one would approve and those one would refuse to undergo. The Australian Guardianship and Administration Council says:

In some States and Territories the law permits not only the making of an enduring power of attorney (for financial management), but also an enduring power of attorney (medical treatment) and an enduring power of guardianship. Medical enduring powers of attorney empower an agent to make decisions about medical treatment. Enduring powers of guardianship empower an enduring guardian to make specific decisions about personal matters such as accommodation.

Add to this the discretionary value of a Living Will or Advance Care Directive and it all becomes highly confusing, even more so when one adds issues of guardianship and legal authority over a minor or a person with

serious disability. One asks: Which documents will be upheld by legislation? Which ones will bind a person's relatives and doctors? Which ones are but helpful suggestions that need not be followed? Which States will uphold a person's clearly expressed wishes? The answers are not straightforward. Western Australia's Office of the Public Advocate provides this advice:

The Public Advocate recommends that Western Australian residents with assets outside the State seek legal advice as to whether a Western Australian enduring power of attorney is recognised in the jurisdiction where the assets are held and, if not, whether they are entitled to execute an enduring power of attorney under the laws of that jurisdiction. Witnessing requirements vary between jurisdictions.

The lack of certainty and uniformity makes it near impossible for general public and community information sources to deal adequately with these major issues. The legalities are too complex for simple exposition in a widely read national magazine or on a popular radio or television program. Here, the Internet offers greater hope as there is room within its format for tangential discussion of technical points of difference. But I ask: Why can we not act to remove the unnecessary State and Territory differences in the first place? Why are we still running the risk of having our clearly expressed wishes overturned?

Speaking from personal experience, it is a messy, time-consuming process which usually comes to us at a time of stress. We talk about red tape affecting business; this is an example of red tape reducing productivity for families. The Australian Securities and Investments Commission in its MoneySmart information site inadvertently highlights the confusion facing the public trying to work out which documents will help them manage ageing, ageing parents and family or friends with particular disabilities. In the space of a few short paragraphs MoneySmart points to the range of products on offer when one is planning to care for another or in anticipation of future needs for oneself. You can have the general power of attorney or perhaps the more extensive enduring power of attorney, and maybe even something called a medical power of attorney while you are at it. Does your situation call for more help?

You might want to consider preparing an enduring power of guardianship or an anticipatory direction, not to be confused with an advance health care directive, or should that be advance care directive or advanced care directive, or in Western Australia and Queensland an advance health directive? If you turn to the Commonwealth Department of Health and Ageing you will be considering an advanced directive, a term which drops the "care" and "health" labels altogether. Advance directive, without the "d", pops up in information presented by the Federation of Community Legal Centres in Victoria, a State where there is also something called a "refusal of treatment certificate". Perhaps they all just mean a living will, which is a common name for a document that curiously is neither a living document in the traditional sense of boasting ongoing adaptability nor a will. I trust that is clear to everybody. What happens when information providers take these issues to their customers? It is just as you would expect. [*Extension of time agreed to.*]

**Debate interrupted and set down as an order of the day for a future day.**

## PRIVATE MEMBERS' STATEMENTS

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### LOCAL GOVERNMENT AMALGAMATIONS

**Mr RON HOENIG** (Heffron) [6.03 p.m.]: I draw the attention of the House to an issue impacting upon four local government areas in my electorate. I refer to the Independent Local Government Review Panel report that proposes to merge all Sydney's councils into 15 councils. Two of the mayors of councils in my electorate have raised considerable concern about the report of the panel, which was chaired by Professor Graham Sansom. The Government has spent \$2 million in resourcing a report that is more useless than the paper on which it has been printed. I concede there are some failures in local government, but some of the chief failures relate to this Parliament's fiddling with the Local Government Act on an ad hoc basis.

One of the main failures occurred when the 1993 Act took away the necessary qualifications for senior council officers. As a result there has been a failure in the quality of management of councils in New South Wales. There was a time prior to the 1993 Act when the town clerk or general manager was required to have qualifications and experience in finance administration. Civil engineers in charge of engineering were required to have engineering degrees. Health and building surveyors were required to have qualifications in their chosen profession. With the abolition and contracting out of those positions, of course councils were left with what I suggest are people who are unqualified in a number of respects to provide professional services.



So poor is the report from the Independent Local Government Review Panel that it fails to understand local government. Local government is local; it relates to local issues. To get around governing for local issues it proposes the establishment of local community boards, adding another tier of government below local government. It relies on the TCorp report for information on the financial sustainability of councils. I draw the attention of the House to the mayor of Mosman, someone with whom members opposite might share more affinity than I. He has a PhD in economics and has lectured at Sydney and Macquarie universities, and was the principal economic adviser to the New South Wales Treasury. He prepared a report on rate pegging and has researched local government finances for the Productivity Commission. He describes the TCorp report, on which Professor Sansom relied, as absolute nonsense.

Professor Sansom proposes councils increase their revenue base by abolishing pensioner rate rebates, which are payable up to a maximum of \$250. In chapter 6 of his report he suggests that councils can increase their revenue by selling assets such as parks, road reserves and community centres, and by increasing fees for swimming pools and things of that nature. That is the nature of the recommendations from that \$2 million failure of a report by Professor Sansom. Why is it such a failure? It is because instead of going to local government practitioners who might know something about local government—

**Mr John Sidoti:** We could do it ourselves.

**Mr RON HOENIG:** The member for Drummoyne interjects. I would not mind if the member for Drummoyne chaired a panel or the member for Kiama or the member for Rockdale because if the Government is going to do a politically biased job it should at least use its own people who know what they are talking about. Professor Sansom does not know what he is talking about. I call on councils in Sydney to utilise the provisions of the Local Government Act and resolve to call a referendum and engage in genuine community consultation. Let the people of Sydney vote to see whether they want this amalgamation nonsense.

When they reject it out of hand across Sydney the O'Farrell Government will know that pensioners might want to keep their pensioner rate rebates, people like Professor Sansom can return to academia knowing that his views are not acceptable in a democracy and that democracy in New South Wales is alive and well. He can send his report to countries that do not have democracy. I guarantee that someone in Beijing or Hanoi might appreciate the sort of local government structure that Professor Sansom advocates. It would not be supported by the people of Sydney if given the opportunity at a referendum. I call on Sydney councils to hold referendums and allow the people of Sydney to make these decisions.

#### **LANE COVE ELECTORATE FIRST WORLD WAR SERVICE PERSONNEL**

**Mr ANTHONY ROBERTS** (Lane Cove—Minister for Fair Trading) [6.08 p.m.]: Today I ask this House to acknowledge the contribution of past residents of the Lane Cove electorate who contributed to Australia's efforts as part of the First World War. I also thank the New South Wales Government for its efforts in helping to preserve a part of the Anzac history of Hunters Hill. The people of France continue to recognise our nation's sacrifice in the First World War. The Australian troops fought two savage battles at Villers-Bretonneux and the people of the town continue to this day to express their gratitude for that effort. Above the blackboards at the school is the phrase "N'oublions jamais l'Australie"—let us never forget Australia.

The effort our nation made in the Great War was massive and the communities in my electorate of Lane Cove played their part. Birth records show that during the war 157 men who were born in what is now my electorate enlisted in the Australian Imperial Force. Like the rest of Australia, these communities were far smaller places in the early twentieth century, so this was a huge contribution of able-bodied men. What a shame it would be if we were to forget this sacrifice. For generations we have lived with pride in what our soldiers achieved on foreign shores and the price that they paid for victory, and we owe it to their memory to remember them for all time.

In Hunters Hill there stands a war memorial commemorating the efforts of so many local men who left our shores to fight overseas—a 155 millimetre howitzer captured from German forces in October 1918 at La Motte, near Estrees in France. Forces of the 20th Battalion AIF were attacking a part of the Hindenburg line known as the Beaurevoir line when they overran German positions and seized the gun. The howitzer was presented to the people of Hunters Hill in 1922 in appreciation of their contribution to the war effort. This gun, which was once an engine of destruction and a symbol of the brutality of modern warfare, now stands silent in commemoration of the fallen.

Unfortunately, 91 years after its installation outside the Hunters Hill RSL the howitzer is beginning to deteriorate rapidly. The wooden wheels are weather beaten and the metal work is rusting. A restoration attempt made in 1988 by local TAFE students has extended its life somewhat. However, urgent work is now needed to save it. Allowing such an important part of our heritage to be lost is completely unacceptable. So all members can take pride in the fact that the New South Wales Government recently committed \$10,000 to its preservation and restoration. The total cost of the restoration is estimated at some \$20,000. Popular local community newspaper the *Weekly Times* and its owner, Mr John Booth, have launched an appeal to encourage the community to donate to the repair work. I recently joined Councillor Richard Quinn, the Mayor of Hunters Hill, and Councillor Astridge and Councillor Miles to launch the donation appeal with our friends from the *Weekly Times*.

We hope to have the gun restored in time for the centenary of the outbreak of the First World War in 2014. I find it particularly poignant that local historian John Birch, who initiated this project, believes his Uncle Albert was, alas, possibly killed by this gun. Members of the community have already stepped forward to assist by donating money and time to the endeavour. I pay special mention to Ryde resident Jason Walz, who has volunteered his time and that of his business, Sydney Timber and Deck Renewals, to repair the wooden wheels and restore the armour plating. Restoring the howitzer in time for the centenary is a fine goal, and I congratulate everyone associated with the project. I mention and acknowledge the great work done by the member for Ryde, the Hon. Victor Dominello, to make this funding available. This is an initiative that combines grassroots community involvement with the preservation of our nation's military heritage for future generations. Lest we forget. I commend the initiative to the House.

**Mr TROY GRANT** (Dubbo—Parliamentary Secretary) [6.13 p.m.]: As Parliamentary Secretary, I thank the member for Lane Cove, and Minister for Fair Trading, for relating that wonderful news regarding the preservation of such an important piece of Anzac history. I know that his military service gives him a greater insight into the sacrifice of and the camaraderie within our armed forces. I thank him for supporting this very special day in our national calendar and this investment of \$10,000 to preserve the howitzer—memorabilia that stands as a reminder to us all of the ultimate sacrifice that was made. On behalf of the Government, I commend the member for his outstanding work and support of the Anzacs and other returned service men and women in the Lane Cove electorate. I compliment the member for Ryde for providing generous assistance.

#### **CAMDEN ELECTORATE ANZAC DAY SERVICES**

**Mr CHRIS PATTERSON** (Camden) [6:14 p.m.]: Today I speak about the Anzac ceremonies held in the Camden electorate. The first ceremony I attended was the annual ceremony held at Carrington Retirement Village on 24 April. The retirement village has held its own Anzac ceremony for many years. The village residents—many of who are returned servicemen, servicewomen or war widows—are proud of their tribute to Anzac Day. I acknowledge young singer Kate Shaw, who did a wonderful job leading the singing of hymns. I thank the Camden Community Band for its music. The Anzac address was given by Mrs Anne Garland. Mr Raad Richards, the chief executive officer of Carrington Retirement Village, and Mrs Betty Munro and Heather Crosland, both war widows, also read prayers at the ceremony.

Mr Laurie Giles read a poem, *Final Inspection*, which was very moving and I am sure brought back many memories to all present. Later that day I attended the Camden Downs Retirement Village's inaugural Anzac ceremony. Again, Kate Shaw led the singing, and I thank her for assisting in both ceremonies on the day. I thank Nicky Oram, who offered the prayers. Mrs Diane Richard-Evan gave a very moving Anzac address. I thank the manager of the village, Terry Belleville, for his outstanding initiative. I also thank the Campbelltown Camden District Band for providing music at the ceremony.

On Anzac Day I attended the dawn service in Camden. This is held in the rose garden outside the RSL club, and the attendance grows each year. More than 4,000 people attended this year's very touching service. Tash Hodges was delightful in leading the crowd in the singing of the hymns, with the Camden Community Band providing the music. Without Tash's renditions, the Anzac Day ceremonies would not have been as heartfelt. Federal member for Macarthur, Russell Matheson, gave the address. He spoke about what it was like to be the son of a Vietnam veteran and the significant effect it had on his family to have a husband and father serving overseas. I acknowledge the work of the Land Army in our local area to keep the home fires burning while our men were fighting overseas. Later in the morning the troops assembled for the march through town. Sadly, the number of veterans in the Anzac Day marches is dwindling.

However, many local school students also marched in Camden to show their respect and gratitude to those who fought for our country. The march concluded at the Bicentennial Equestrian Park in Camden, where a

magnificent memorial has been constructed. This service was also attended by approximately 4,000 people. Once again, Tash Hodges led the singing, accompanied by the Campbelltown Camden District Band. The address was given by Colonel Michael Campion, who spoke of the significance of Anzac and why we must never forget the sacrifices made by our troops then and in all theatres of war since. Elderslie High School captains Isabella Wisniewska and Joel Berrell read the prayers. There was a moving insight from another Elderslie High student, Ani Hoxha, who is one of this year's Premier's Anzac Memorial Scholarship recipients. I also thank the Ingleburn RSL and Campbelltown Pipes and Drums for their contribution to Anzac Day.

Each year the Camden RSL Sub-Branch runs an essay competition among local primary schools and the winner has the opportunity to read their essay at the ceremony. I acknowledge and thank Joshua Crawford for his amazing story about his father who served in the Australian Army. Joshua told us how his father joined the army and met and married his mother. His father now attends the march in Sydney every year to catch up with his army mates. Joshua spoke eloquently about how he appreciates his father's sacrifices. It was captivating listening to his story. Yesterday I attended MacArthur Anglican School's Anzac service, led by acting headmaster, Mr Kokic, and the school chaplain, Reverend Hayman. The students involved in this moving service were Sophie McNamara, Emily Mackie, Chloe Maric, Katherine Harris, Tynan Williams and Caitlin Sendt.

Last but not least, I thank the President of the Camden RSL Sub-Branch, Mr Iain Richard-Evan, a Vietnam veteran who works tirelessly to ensure that all the ceremonies are successful. Mr Richard-Evan's commitment throughout the year to our local veterans and our war widows is invaluable. I know that people such as Mr Richard-Evan and all other members of the RSL sub-branch work hard. I assure him that I have received many compliments from residents who express their gratitude for the work that is done to ensure our Anzac Day ceremonies are a success. The people of Camden supported Anzac Day this year, as they do every year. I commend all those who have lost their lives for our country, and the men and women who continue to serve the Australian people.

### **ALBION PARK AEROMEDICAL SERVICES**

**Mr RYAN PARK** (Keira) [6.19 p.m.]: I speak tonight about an issue that is important not only to my electorate but to the entire Illawarra community: the future of the aeromedical helicopter that is currently based at Albion Park Airport. Many of us are familiar with this helicopter service, including you, Mr Acting-Speaker, as an Illawarra member of Parliament, the member for Wollongong, the member for Shellharbour, and the member for Kiama. The service is based at Albion Park because it is a central location for our respective communities. Unfortunately, we are all aware of people who have been lost off our coastline or through accidents in local industry.

It is some months since the Government received the consultant's report—I believe it was by KPMG—that recommended the aeromedical helicopter be moved to Sydney. It is now time for the New South Wales Government to save the community that I represent—the constituents of Keira. The Keira electorate is located on the escarpment and between the escarpment and the coastline. It is home to some high-risk industries, including manufacturing and coalmining. For this reason we need answers this week from the health Minister. She must say once and for all whether this helicopter is going to stay where it needs to stay: at Albion Park.

None of us wants to acknowledge to a constituent who has lost someone in an accident at sea, on the escarpment or in one of our high-risk workplaces that their loved one would have survived if the helicopter service had been retained at Albion Park. Mr Acting-Speaker, you and I know that the Illawarra is a pristine and beautiful part of the world. However, we also know that it can be dangerous, particularly during the summer months when people come to the area to enjoy the surf, the escarpment and the coastal lifestyle. The Illawarra is also home to some of the most dangerous industries in the State; it still has significant manufacturing and coalmining enterprises. The helicopter service must remain at Albion Park so that the men and women of our communities and their families can access it when they need it most.

I am speaking not only as a member of Parliament but also as a person who has lived in the region all my life. I have seen too often too many people who need to access that service as quickly as possible. People do not need to access it if they have suffered a minor injury; they need it if they have life-threatening injuries. The Government must not disband this service as part of a cost-cutting exercise. The Illawarra community fought hard to establish it, and it did so for a reason. We know that the area has extensive high-risk industries such as mining, that it attracts a huge number of tourists during the summer months and that it is located between the Pacific Ocean and an escarpment.

It is therefore extremely important that the helicopter service be retained at Albion Park. The Government cannot justify moving it. The community fought hard for it and it has fought hard to maintain it. If the Minister for Health does nothing else this week she should announce to the people of the Illawarra that the report was ill conceived, that it has been considered and that it has been rejected. The helicopter must be based at Albion Park so that it can service the communities of Heathcote, Keira, Wollongong, Shellharbour, Wollondilly and Kiama. I beg the Minister to make that announcement. That is what we need and it is what we demand.

**Mr TROY GRANT** (Dubbo—Parliamentary Secretary) [6.24 p.m.]: The member for Keira should get a history lesson from his colleagues who were members of the former Government. The service that he is begging the Government to retain was stolen from the Central West by his colleagues. That area has much more extensive mining than the Wollongong region and must also deal with isolation, major highways and many more heavy vehicle movements. I believe the Minister for Health will make a sound decision after considering the needs of the entire State, which she has done from day one. Rather than blubbing and begging desperately, the member for Keira should consult his colleagues and hear how they ripped the heart out of services in regional New South Wales.

### TRIBUTE TO IAN WALSH

**Mr TROY GRANT** (Dubbo—Parliamentary Secretary) [6.25 p.m.]: I draw to the attention of the House the sad passing of former rugby league football legend Ian Walsh at the age of 80 in his home town of Forbes earlier this month. Walsh, who returned to Forbes a decade ago, unfortunately passed away on 4 April after a long illness. Ian is probably best remembered for his distinguished career with the Kangaroos on their triumphant tour of Great Britain in 1963 and as a member of the legendary St George Dragons side that won 11 straight first grade premierships in the 1950s and 1960s. Walsh had the distinction of being the only player to captain-coach his club to a premiership and his country to an Ashes win.

A peerless hooker forward, Walsh began his footballing career in Condobolin followed by stints in Parkes, Forbes and Eugowra before heading to Sydney. Ian claims that it was in the bush that he learnt to look after himself in the front row of a scrum. He first came to prominence as a 17-year-old playing for Western Division against the famous French team of 1951 and went on to captain the 1958 Western Division team against Great Britain before touring with the Kangaroos in 1959. Born on 20 March 1933 in Bogan Gate, Ian played 25 tests for his country, 10 of them as captain between 1959 and 1966, and 96 first grade games for St George between 1962 and 1967.

Ian's stature in the game he played with such obvious distinction is guaranteed. As a hooker, he was a great ball winner in the tough scrums of the time and as a clever reader of the game and a perfect dummy half with his handling and passing skills. Walsh helped to establish the template for modern hookers. He was captain of the Kangaroos when they won the Ashes in England for the first time in 1963 following the 50-12 thrashing of Great Britain known as the Swinton massacre and was the man responsible for leading St George as captain-coach to the last of their 11 premierships in 1966.

Ian Walsh walked away from his first grade football career at the end of the 1967 season while still near the top of his game. A worthy inclusion in the list of the 100 greatest players the game has produced, Ian's love of rugby league followed him into retirement with stints as coach of the Parramatta Eels in 1971-72 and later as a country and State selector. A 20-year career as a newspaper sports columnist with the *Daily Telegraph* followed. Ian Walsh's subsequent involvement with the Men of League brought him into contact with players of more recent generations, offering a fresh perspective on his footballing achievements.

Prior to joining St George in 1962, Walsh had been a budding pig farmer in Eugowra. The small town snared him from Forbes with an offer that included free board and lodgings and a weekly wage that would help offset medical bills. Having accepted the offer from legendary club secretary Frank Facer, St George organised a job for Walsh selling cars. So good did he become at the job that he ran a close second to the car dealership's ace salesman, none other than the late Rex Mossop. When Walsh retired from the game he settled in Narrandera, where he ran a pub for a number of years followed by a venture into a chicken wholesale business and processing plant, and a stint as a sales representative with a graphic design company. When he was interviewed by Larry Writer in 1994 for his book *Never Before, Never Again*, which was about St George's era of dominance of rugby league, he told the author:

If I had my time over I don't think I'd change a thing as far as rugby league goes, I'd love to play in all those country towns again Forbes, Parkes, Condobolin and end up captain-coach of St George and Australia. Who wouldn't? I could never stop loving St George.

Walsh also reflected on his early introduction to rugby league in the same interview, and said:

At three or four years of age I was already into rugby league, as mascot of the Dubbo team that swept the country championships in the mid-1930s. Dad was a good hooker, so I grew up determined to play in the engine room. My sportsmaster at Dubbo Primary once told me, "It's not always the good players who score the tries", and that philosophy stuck with me throughout my career.

Earlier this month the Dubbo electorate and the town of Forbes in particular said its final goodbye to Ian Walsh. I felt privileged to be in the congregation of mourners that included some of the game's immortals, who gathered at St Laurence Catholic Church in Forbes to celebrate the life of one of the region's greatest sons. The eulogy was delivered by his friend and ghost writer, journalist Ray Chesterton, who provided some personal insights into Ian Walsh the man. John Raper, Graeme Langland and Bob Fulton were also there to pay tribute to their former teammate and friend.

Spending time in many of the communities Ian Walsh played for during his career, as I have, helps one understand the deep affection that the people of Bogan Gate, Condobolin, Parkes, Forbes and Eugowra had for him, with each town vying to claim him as their own. Rarely has a former player had that sort of a hold over a community almost half a century after he last laced up a pair of football boots. It is little wonder that the Dubbo electorate is so much the poorer for his passing. I conclude by quoting from the passage that was included in the booklet for his funeral service:

Eternal rest grant unto him, O Lord,  
And let your perpetual light shine upon him.  
May he rest in peace. Amen.

**Private members' statements concluded.**

## POOL SAFETY

### Matter of Public Importance

**Dr GEOFF LEE** (Parramatta) [6.30 p.m.]: I bring to the attention of the House as a matter of public importance swimming pool safety and pool fencing. Each year approximately 60 children are admitted to hospital following a near-drowning incident with around half occurring in a backyard pool. That is a tragedy for the families involved as well as for their local communities and the entire State. Our communities and governments must do better. On Monday 29 April changes to the New South Wales Swimming Pools Act came into force requiring pool owners to register their pool. Under the changes, all New South Wales pool owners are required to complete a self-certification checklist that varies according to whether it is an indoor or outdoor pool or a spa and the pool's age. Pool owners can register their pools online for free at [swimmingpoolsregister.nsw.gov.au/checklist](http://swimmingpoolsregister.nsw.gov.au/checklist). The information is then collated so that the Government has an understanding of the number of pools in New South Wales and their locations.

On 29 April changes also come into force regarding the inspection of pools on rental properties and properties for sale, and pools at hotels and caravan parks, which are high-risk areas with short-term and long-term visitors. Fines will be applicable for owners who fail to register their pool, with a penalty of \$220 increasing to \$2,200 if the matter is taken to court. During the next six months the Government encourages people to go online and self-register their pool. It is a tragedy that three or four children drown each year in backyard swimming pools and 60 are admitted to hospital following a near drowning. Some people oppose the Government's endeavours to prevent drownings and near drownings and say that this is yet another piece of legislation and a further impost on pool owners. But the Minister for Local Government adopted a considered approach to this legislation: It was introduced after two years of investigation and community consultation, with experts looking at what could be done to prevent these incidents.

The Government is seeking to strike a balance between legislation and regulation and personal rights and liberties. We acknowledge that the legislation places a burden on pool owners, who may incur additional costs and effort in complying with the legislation. I use the analogy of the introduction of compulsory seatbelt use in vehicles. That was very difficult for most people to accept yet the overall benefit to the community is enormous. Nowadays it is common practice to buckle up for safety reasons. Pool safety measures save lives. A two-year study produced overwhelming evidence that more must be done in this area, which is why the Minister for Local Government introduced this legislation. The children of pool owners often know how to swim but the children next door or others who visit may not. Water is very attractive to young children and a

child may see a pool from the street, enter the property and have an accident. It may not be the fault of the supervising adult as children move quickly and can slip into the water without a sound. It is important to realise that drownings can occur in a split second and pool safety measures can prevent them.

**Mrs BARBARA PERRY** (Auburn) [6.35 p.m.]: I thank the member for Parramatta for raising the timely issue of pool safety given the Government's legislation that built upon the reforms introduced by the former Government. The Government's legislation has bipartisan support. Summer has gone and we are heading into the winter months but children still swim in backyard pools. With more than 300,000 backyard swimming pools in New South Wales, all members of the community must remain vigilant about pool safety—even during winter. The mid-winter pool safety warning to which I refer tonight comes on the eve of the requirement for all pool owners to register online and comply with a pool safety check.

The laws introduced since 1990 were designed to reduce the incidence of toddler drownings. During that time the number of pool drownings in New South Wales has reduced by half but more work must be done in this area. Pool safety is also relevant during the winter months. We must remain vigilant, and I urge all pool owners to conduct a mid-winter safety check. It is almost winter but there are still pool-related dangers. Pool owners need to check that their pools are as safe as possible. For example, they should make sure that the gate to the pool area locks properly and that nothing is propped against the pool fence that would enable children to climb into the pool area.

My heart goes out to every parent whose child has drowned or has sustained a permanent brain injury as a result of a near drowning. The member for Parramatta stated that each year 60 children are admitted to hospital and possibly end up with a permanent brain injury. Westmead Hospital has many such admissions. This matter is important because on 22 April—just 10 days before the introduction of the new swimming laws in New South Wales—I read an article in the *Sydney Morning Herald* by Emma Partridge about two toddlers who had died in separate drowning incidents in western Sydney. How tragic. In the 10 years from 1 July 2002 to 30 June 2012, 329 children under the age of five drowned. Of those, 167 children drowned in a swimming pool and 67 of those deaths occurred in New South Wales. I am very supportive of the new swimming pool laws, but their implementation is important. We must send a message that vigilance and supervision are vital in preventing drownings.

In a number of cases there was a properly installed fence but someone left the gate open, took their eye off the child for a minute and a tragedy occurred. As Minister for Local Government I noted those incidents. Winter is a good time to learn cardiopulmonary resuscitation [CPR]. Some 70 per cent of drownings occur in backyard swimming pools so it is vital that families learn cardiopulmonary resuscitation. Earlier I logged on to the website of the Department of Local Government, which contains a lot of information. When the legislation was introduced I raised a couple of issues. First, I wanted to ensure communication in those communities in western Sydney where English is the second language. Brochures were sent to councils in different languages and I also urged that information be included in rates notices. Finally, the good policy work from the data received needs to be ongoing. I hope the Government will continue with those initiatives. I thank the member for Parramatta for raising this matter of public importance tonight.

**Mr CHRIS HOLSTEIN** (Gosford) [6.40 p.m.]: Swimming pools are an important part of family life as they bring families together and provide everyone with endless hours of healthy fun. However, it is a sad fact that each year a number of children continue to drown in backyard swimming pools. Each drowning or injury in a backyard pool is a tragedy for families and for local communities. Effective and well maintained swimming pool fences, combined with vigilant adult supervision, could have prevented most, if not all, of those drownings. The main objectives of the Swimming Pools Amendment Bill 2012, introduced by the Minister for Local Government, were to establish a statewide online register of all private swimming pools in New South Wales; to require pool owners to self-register and to certify to the best of their knowledge that their pools complied with the relevant requirements; to require councils to develop and adopt a locally appropriate and affordable inspection program; and to enable councils to conduct mandatory periodic inspections of pools associated with tourist and visitor accommodation, amongst other things.

In summary, the bill was designed to ensure that pool owners take responsibility for pool safety, that councils have the right tools to make sure pool barriers are compliant and that the Government provides the best possible legislation and policy framework to reduce drowning deaths in swimming pools. I am the grandfather of five children, three of whom fall within the age bracket referred to in the April 2012 report of the Child Death Review Team. In the five years between 2007 and 2011 the drowning deaths of 40 children were reported. Thirty-four of those 40 children were under five years of age and most of them drowned in a swimming pool at

their own home. Twenty-eight of the pools were fenced and the safety barriers for 24 of those pools had one or more defects that potentially enabled a child to gain access to the pool area. All 24 barriers had reported issues with the gate or latch mechanism and in most cases that meant that the pool gate did not self-close.

Damage or problems with the gate or fence resulted in the gate jamming open. In addition, 15 of the 24 barriers had additional defects, which mostly related to broken palings or damage to the fence, or they did not meet minimum height requirements. All the children who drowned in that five-year period did so in the absence of adult supervision. The Child Death Review Team confirmed that there are two critical factors in keeping children safe around swimming pools: supervision and restricted access. Adults must actively supervise young children in or around water, and pool fences must be regularly inspected and maintained to ensure that they remain child resistant. Pool fences can never take the place of active supervision of children around pools but where there is a lapse in supervision a child-resistant safety barrier will save lives. Our most valuable assets are our children and they must be protected.

**Mr NICK LALICH** (Cabramatta) [6.43 p.m.], by leave: I was not going to make a contribution to debate on this important matter of public importance but I was asked to do so. The issue of pool safety is paramount for our children. I thank the member for Parramatta for bringing this matter to the attention of the House tonight. A member of my family once lived in a beautiful house at Bonnyrigg Heights that had a pool no more than 1.5 metres from the back door. The pool was fenced on three sides but he considered it unnecessary to fence the section between the house and the pool as the fence finished at both ends of the house. I told him that he could not do that but his argument was that his children knew how to swim. I pointed out that the neighbours' children might not be able to swim and he replied that they would have to enter the house via the front door. But those children would enter via the front door with either his children or their mothers and there would be nothing to stop a little child walking out the back door and falling into the pool. We had many arguments about this issue. He never fenced the fourth side of the pool but I think the subsequent owners of the house did.

Almost every day we hear of children drowning in pools and each time we speak about this matter we reinforce the importance of pool safety. Historically all governments have done things to improve pool safety. Some governments have gone a bit further than others but when the pool building industry has attacked some have backed off on certain issues. We need to bite the bullet and not worry about the industry. We need to make sure that the \$10 fee and the periodic inspections by councils, which must be done at random, are maintained. When I worked as an electrician for Prospect Electricity I visited many houses. I would see lots of fences open around pools and/or falling down and the people did not care. Generally the attitude was that their children could swim and that they would worry about it only if another child entered their property.

Many years ago I attended a conference at which the great Australian swimming coach Laurie Lawrence spoke. Laurie's son drowned. I remember how he spoke about what had happened to his son and how he felt when he saw the body of his little son at the hospital—in fact, he took his son home and returned him to the hospital morgue a day or so later. Laurie Lawrence had shown great initiative in pushing for drowning prevention long before his son lost his life. Today videos and other media emphasising the importance of pool safety are available from councils, but everyone who has a pool must ensure that his or her pool fencing is maintained and that the gates are locked.

**Dr GEOFF LEE** (Parramatta) [6.46 p.m.], in reply: I reiterate that pool safety is a significant and important issue in our community. It was great to see the bipartisan support shown by those members representing the electorates of Auburn, Gosford and Cabramatta. I thank them for their contributions to this debate. In December last year I joined the Minister for Health and other health representatives along with the family of Samuel Morris at the launch of the Kids Can Drown Without a Sound campaign. In 2006 JoAnn Morris found her two-year-old son Samuel face down in their pool—at the time the family was unaware that the fence had a broken panel. As a result of that accident Samuel experienced a severe hypoxic brain injury. In 2007 the Samuel Morris Foundation was established. It is the only Australian charity that supports children disabled by near drowning or other hypoxic brain injuries and it aims to prevent future drowning deaths and disabilities through drowning prevention education and awareness.

JoAnn Morris wants to raise public awareness in relation to the following statement: "If a child survives a drowning it does not mean that they will be normal. Nearly one-quarter (22.5 per cent) of all near drowning survivors are left with a brain injury that leaves them with disabilities for life." I commend the Morris family for sharing their personal struggle with our community and for dedicating their lives not only to their son but also to drowning prevention education and awareness. I conclude by acknowledging some of the comments

that were made by the member for Auburn. I agree with the member for Auburn that winter is a good time to check on pool safety. It may no longer be summer but kids can still fall into swimming pools because that body of water remains. Winter is also a perfect time for people to learn cardiopulmonary resuscitation [CPR]. Like the member for Auburn, I have many constituents for whom English is a second language, so this discussion will serve to remind people that pool safety is a good message to spread in our communities.

The member for Gosford, who is present in the Chamber, commended the legislation and by his analysis contributed significantly to the discussion. He added a personal touch by speaking as the grandfather of five children, three of whom are in the age category at risk. He really brought home the importance of the issue when he referred to statistics relating to broken fences and gates being significant sources of most injuries. His speech constitutes a timely warning. The member for Cabramatta also drew on personal experience to reinforce the message that, as safety is of paramount importance, safety equipment must be kept in good condition and safe practices must be adopted to provide maximum safe conditions around swimming pools.

**Discussion concluded.**

**The House adjourned pursuant to standing and sessional orders at 6.50 p.m. until  
Wednesday 1 May 2013 at 10.00 a.m.**

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