

LEGISLATIVE ASSEMBLY

Tuesday 17 September 2002

Mr Speaker (The Hon. John Henry Murray) took the chair at 2.15 p.m.

Mr Speaker offered the Prayer.

QUESTIONS WITHOUT NOTICE

Supplementary Answer

EASTERN SUBURBS BUS SERVICE REVIEW

Mr SCULLY, by leave: On 28 May the honourable member for Bligh asked about bus routes and services in the Eastern Suburbs. I advise the House that last Wednesday staff from my office and officers of State Transit Authority met with the honourable member for Bligh and reaffirmed State Transit's commitment to ongoing monitoring and finetuning, where necessary, of the services. I am pleased to advise the House that a number of minor adjustments have already been made to services, including increased frequency on 11 bus routes and the addition of at least an extra 25 passenger trips per weekday to the new network. I further advise the House that I am in receipt of a submission from the honourable member for Bligh outlining her concerns. I appreciate the extent of the honourable member's detailed submission.

Mr SPEAKER: Order! The Minister for Transport is providing a supplementary answer to a question without notice. The honourable member for Murrumbidgee will resume his seat.

Mr SCULLY: I have requested State Transit to consider the concerns raised in the honourable member's detailed submission and to report back to me on further potential changes as soon as possible. While I am speaking about buses in the Eastern Suburbs, I take the opportunity to respond to a rare policy outburst from the Opposition. The honourable member for Vacluse has promised a trip down memory lane with the reintroduction of United Kingdom style double-decker buses. This is what Double-decker Debnam had to say on radio 2BL.

Mr Hartcher: Point of order: The House granted leave for a supplementary answer to a specific question raised by the honourable member for Bligh. The Minister for Transport was unable to answer that question at the time. He has had two weeks to prepare an answer. The leave was not a general licence for the Minister to engage in a wide-ranging discussion on policy matters.

Mr SPEAKER: Order! As interruptions are disorderly at all times the Minister is under no obligation to respond.

Mr SCULLY: Double-decker Debnam breathlessly told 2BL's Angela Catterns:

[We] need more capacity on those trunk routes. The new buses, they're ... I mean, they're not the old style double-deckers. They're a new generation. They worked very successfully in Europe and we want to see them trialled here.

Mr Kerr: Point of order: The Minister for Transport sought leave to provide a supplementary answer to a question in the House. He has now provided that supplementary answer. He is now speaking about a radio interview that was the subject of an interjection by the honourable member for Vacluse. The Minister is now outside the leave that was granted to him relating to a supplementary answer.

Mr SPEAKER: Order! The difficulty about that point of order is that the honourable member for Vacluse claimed by way of interjection that it was a good interview. He obviously wants the Minister to continue.

Mr SCULLY: Opposition policy is so rare we have to treat it seriously when it is raised. When the Opposition made a commitment to reintroduce double-decker buses, I asked transport planners to look at the proposal and to provide me with some advice, particularly a comparison of double-decker buses and the bendy-buses that are currently in use. The facts are that double-decker buses carry 91 passenger and bendy-buses carry 112.

Mr Brogden: How many dogs on the back seat?

Mr SCULLY: The Leader of the Opposition promised this as well. The purchase price of a double-decker bus is up to twice as much per passenger as the price of a bendy-bus. Double-deckers damage road surfaces at almost double the normal rate and, most important, they break the Australian road rules for mass limits. Clearly, double-decker buses are more expensive than bendy-buses and they wreck the road at a faster rate. Are they safe? As to the safety of the new generation double decker buses, Double-decker Debnam said:

The safety record of the new double-deckers is as good if not better than the single-deckers.

Obviously the honourable member for Vacluse is unaware of Robert Bush, an English bus driver.

Mr O'Farrell: George Bush?

Mr SCULLY: No, Robert Bush. You should be aware of him.

Mr SPEAKER: Order! There is far too much interjection from both sides of the House.

Mr SCULLY: A few months ago Mr Bush cut the top off his bus while travelling under a bridge. His defence was that he forgot he was driving a double-decker. Mr Bush, who forgot he was driving a double decker and wrecked his bus driving under a bridge, was charged. At his trial a passenger told the jury:

We continued along the road at what seemed a normal speed ... when I realised it wasn't going to turn left people were shouting and screaming, "Where is the driver going?" We were literally five feet from the bridge when everyone went quiet. There was a loud bang and the roof that was directly over our heads at the back of the bus began to slide back just like the lid of a dominoes box.

The honourable member for Vacluse has said that these double-decker buses are being used in Europe and that the Opposition, if elected—God forbid!—wants to introduce them into Sydney. What is happening around the world? I am told that double-deckers are being phased out in Cardiff, Cork, Limerick, Galway, Waterford, Reading and even in Bangalore in India. But what about London? The honourable member for Vacluse said, "We have to introduce these double-decker buses. They are doing it in London; they have done it for years and they are going to keep doing it." Even Red Ken Livingstone is getting rid of them; he has them in his sights. He is going to introduce in London, the icon of Double-decker Debnam, New South Wales style bendy-buses. That is a big tick for the Government. Ken has purchased 31 Mercedes-Benz buses and there are another 70 on order, each emblazoned with an image of himself and the slogan, "More Bus—Less Fuss". Why are they getting rid of double-decker buses? This is what the BBC had to say:

At 18 metres long, the bendy ... bus services are able to carry up to 140 people, at least 60 more than a double-decker ...

Mr Livingstone said: "These two new bendy bus services are just one of the many bus improvements for London ...

"Just like on the continent, all the doors can be used for getting on and off the bus, providing hassle-free, comfortable and reliable travel ... "

This is the city that the Opposition has used to justify the introduction of double-decker buses. The Chair of the London Transport Users Committee, Suzanne May, welcomed the initiative bendy-bus initiative. She said that bendy buses are a common sight in many towns and cities around Europe and in some ways their introduction to London is overdue. Here we have a proposal to reintroduce old style, unsafe technology which ripped up the roads. People who are disabled and immobile cannot use double-decker buses. Double-decker Debnam is taking us back into the past and we will not let that happen.

GOVERNMENT (OPEN MARKET COMPETITION) BILL

Bill received and read a first time.

Mr SPEAKER: I have received a message from the honourable member for Bligh indicating that she will have the carriage of the bill in this House.

ASSENT TO BILLS

Assent to the following bills reported:

Young Offenders Amendment Bill 2002
Courts Legislation Further Amendment Bill

RIVERINA FIREFIGHTING SERVICES

Ministerial Statement

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [2.25 p.m.]: I am pleased to inform the House about new developments in the Riverina as we prepare for the upcoming fire season. State Forests has enhanced its firefighting capabilities by installing a new very high frequency [VHF] two-way radio network.

Mr Scully: A double-decker bus?

Mr YEADON: No, this is modern technology, not 1950s technology. The new network will improve radio coverage across State forests in the Central Murray region, including some of the flattest areas in Australia. It will significantly boost the co-ordination of firefighting resources because communication is one of the key issues in any firefighting situation. The VHF system covers the area from Corowa in the east, Swan Hill in the west, south to the Murray and north to Conargo. On Saturday for the first time Riverina region crews used the new system at night with excellent results. It was the fourth fire, unfortunately, that the region has had this season.

State Forests Riverina region has also taken delivery of the first of three new super fire tankers. These tankers are specially developed and designed by State Forests workers based on experience during firefighting. They improve firefighting and, more importantly, are safer for crews to operate. The new tankers have increased pump capacity, more efficient pipe work and improved foam control. The wildfires over Christmas and New Year last showed us that it is important to ensure that fire crews have the best possible equipment available to them.

Other measures are also being taken. The Riverina region is expected to impose a ban on solid fuel fires in the forests next month following increasingly dry conditions. The escape of camp fires is one of the most common causes of wildfire in the forests in that area. The ban is usually imposed in early December in time for the holiday period when thousands of people from New South Wales and Victoria flock to forests in the region to camp. However, the ban will be introduced earlier this year. Because of its effectiveness the ban has reduced camp fire escapes during the fire season by up to 70 per cent to 80 per cent.

Mr D. L. PAGE (Ballina) [2.28 p.m.]: The Government did not advise the Opposition of this ministerial statement. However, we welcome any addition to our firefighting capacity. In this case it is new equipment, including three new fire tankers. The National Parks and Wildlife Service would do everyone a big favour if it undertook more hazard reduction burning for the safety of the community. With regard to reducing the risk of fires, it is all very well for State Forests to have the latest technical equipment—that is great—but we also need to manage our land intelligently.

DROUGHT RELIEF

Ministerial Statement

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Corrective Services) [2.29 p.m.]: Earlier this month I announced that 86 per cent of the State was in drought, with 12 per cent considered marginal, which left only 2 per cent of the land mass of New South Wales not affected by drought and classified as satisfactory. Since then useful rain has fallen, particularly in the past 24 hours, in parts of the Central West, the south-west slopes and plains, and in isolated areas in the west of the State. This rain, while welcome, is by no means regarded as drought breaking. A week of continuous, steady, soaking rain might be considered drought breaking in some areas as long as follow-up rain falls. Surface run-off into dams would require possibly up to two weeks of steady rain. However, the rain will provide sufficient moisture for cereal crops on the southern and south-western slopes and may be sufficient to "finish" them and result in reasonable yields and grain quality. Some pasture growth is likely to result from the rainfall but this will not become available to livestock for three or four weeks.

For the record, significant falls recorded in the 24 hours to 9 o'clock this morning include Cobar with 21.6 millimetres; Forbes, 38.2 millimetres; Orange, 32.6 millimetres; Parkes, 42.4 millimetres; Wagga Wagga, 25.2 millimetres; West Wyalong, 38.4 millimetres; and Young, 49.2 millimetres. Areas that have recorded poor falls from this rainfall event include Broken Hill, which received only 1.2 millimetres; Gunnedah, 6.4

millimetres; Moree, 1.8 millimetres; Narrabri, 4.6 millimetres; Tamworth, 5.0 millimetres; Tibooburra, 1 millimetre; and Walgett, 8 millimetres. I am sure that all honourable members join me in hoping for more rain and in wishing farmers the very best of luck during this trying time. We hope that the rain predicted in today's news bulletins falls in the days ahead.

Mr ARMSTRONG (Lachlan) [2.31 p.m.]: The recent rainfall is certainly welcome across the parched lands of New South Wales. It will not only bring some relief to farmers—it might be short-term but we hope that is not the case—but will give some incentive to business houses in our towns. Those businesses are suffering desperately from the drought and the resulting reduced cash flow. City people often do not understand that, while the income from cereal crops is not due until October, November or December, the adverse impact is being felt now because people have stopped spending. For example, mechanics have been put off by machinery dealers throughout the wheat belt and those who leave small country towns will probably never return.

The rainfall detailed by the Minister for Agriculture has been significant in some places. It will allow lucerne crops in the river areas such as the Lachlan to be cut in about four weeks. We should remember that last year the Government released 125,000 megalitres of water for the environment in the Lachlan. That water will not be available to farmers this year so an average of 30,000 tonnes of lucerne will be produced in the Lachlan this season instead of the usual 93,000 tonnes. The recent rainfall might enable the production of a further 20,000 or 30,000 tonnes of lucerne, which could be released to the marketplace, first, to reduce the price of fodder and, second, to provide sustenance. No doubt many farmers will now prepare to sow summer crops, including fast-growing fodder crops such as sugardrips and millet. That will provide some assistance. The rainfall is a lucky break. The Government is not responsible for it, and I am pleased that the Minister for Agriculture did not take the credit as did a previous Labor Prime Minister of this country. Whoever is responsible for the rain, keep up the good work!

OFFICE OF THE OMBUDSMAN

Report

Mr SPEAKER: I announce the receipt, pursuant to section 31AA of the Ombudsman Act 1974, of the report entitled "Improving the Management of Complaints—Police Complaints and Repeat Offenders", dated September 2002

Ordered to be printed.

PETITIONS

Moore Park Car Parking

Petition calling for permanent removal of car parking from Moore Park, and praying that Moore Park be landscaped to the same standard as Centennial Park, with strategic mounding and tree planting to prevent future car parking, received from **Ms Moore**.

Drug Reform

Petition praying that the establishment of heroin shooting galleries be opposed and that consideration be given to the introduction of legislation for drug reform, received from **Mr Tink**.

Harbord Telecommunication Facilities

Petition objecting to the installation of a telecommunications tower and antennas at 87 Harbord Road, Harbord, received from **Mr Barr**.

Allambie Heights Telecommunication Antennas

Petition opposing construction of telecommunication antennas at Allambie Heights Oval, received from **Mr Hazzard**

Planning Control Reform

Petition requesting reform of planning controls by gazettal as a legal document, oversight by the Department of Planning, public benefit assessment of variations, and a ban on development-related donations to political parties and elected officials, received from **Ms Moore**.

Nurses Salaries

Petition praying that the Government grant New South Wales nurses an increase in salary to help overcome the shortage of nurses, received from **Mr Barr**.

Mental Health Services

Petition requesting urgent maintenance and increase of funding for mental health services, received from **Ms Moore**.

Stem Cell Research

Petition praying that the House support adult stem cell research and oppose the creation and use of embryos for stem cell extraction, received from **Mr O'Farrell**.

Illegal Street Sex Work

Petition seeking the establishment of a high-level, co-ordinated strategy to address illegal street sex work in residential areas, received from **Ms Moore**.

National Parks and Wildlife Service Prosecutions

Petition asking that the National Parks and Wildlife Service be directed to redress the injustice suffered by the Bacic family and to ensure that future prosecutions under the National Parks and Wildlife Act are properly and responsibly based, received from **Mr Rozzoli**.

Freedom of Religion

Petition praying that the House reject legislative proposals that would detract from the exercise of freedom of religion, and retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **Mr Tink**.

Lane Cove Tunnel Works

Petition praying that the House initiate a review of Lane Cove tunnel works, received from **Mr Collins**.

Cammeray Traffic Arrangements

Petition praying that pedestrian traffic signals be installed at Raleigh Plaza on Miller Street, Cammeray, and that the 1997 traffic study be implemented, received from **Mr Collins**.

Blacktown to Castle Hill Bus Transitway

Petition requesting that construction of the Blacktown to Castle Hill Bus Transitway, proposed for the eastern side of Sunnyholt Road, be moved to the western side of Sunnyholt Road, received from **Mr Gibson**.

Tallong Railway Station

Petition requesting allocation of funds to raise the Tallong railway station platform to a safe height, received from **Ms Hodgkinson**.

Cross-city Tunnel Traffic Management

Petition praying that the Roads and Traffic Authority work with Woollahra Municipal Council and local communities to identify and implement traffic management strategies in advance before any toll is collected on the Cross City Tunnel, received from **Ms Moore**.

Redfern Bus Services

Petition praying for an urgent increase in the reliability and adequacy of Redfern bus services, received from **Ms Moore**.

Darling Point Bus Services

Petition seeking restoration of Darling Point bus routes 323 and 330, extension of the 200 bus service, reinstatement of bus stops, and provision of bus shelters and seats, received from **Ms Moore**.

Bus Service 311

Petition requesting reinstatement of bus route 311, bus shelters and seats, and the Market Street bus stop, and provision of mini-buses and better information and timetables, received from **Ms Moore**.

Sydney Harbour Bridge Toll

Petition requesting reversal of the decision to increase the Sydney Harbour Bridge toll, received from **Mrs Skinner**.

Spit Bridge Traffic Lanes

Petition praying that the House oppose the proposed addition of two extra lanes to the Spit Bridge, received from **Mrs Skinner**.

Manly Lagoon Remediation

Petition praying that funds be made available to assist in the remediation of Manly Lagoon, received from **Mr Barr**.

Darling Anabranch Management Plan

Petition praying that the Darling Anabranch Management Plan, incorporating a pipeline proposal, be rejected, received from **Mr Black**.

Lake Burrinjuck Water Level

Petition asking that the Department of Land and Water Conservation be instructed to maintain the level of water in Lake Burrinjuck at a minimum of 45 per cent, received from **Ms Hodgkinson**.

Underground Cables

Petition requesting that the House ensure that an achievable plan to put aerial cables underground is urgently implemented, received from **Ms Moore**.

Old-growth Forests Protection

Petition praying that consideration be given to the permanent protection of old-growth forests and all other areas of high conservation value, and to the implementation of tree planting strategies, received from **Ms Moore**.

Hunters Hill High School

Petition praying that the decision to close Hunters Hill High School be reversed, received from **Mrs Chikarovski**.

School Homework

Petition requesting that all schools stop giving out homework, received from **Dr Refshauge**.

Genetic Engineering Five-year Freeze

Petition praying that the Government legislate for a five-year freeze on the release of new genetically engineered crops and guarantee the rights of farmers who wish to remain 100 per cent free from genetic engineering contamination, received from **Mr Armstrong**.

Richmond Regional Vegetation Management Plan

Petitions seeking extension of the exhibition period of the draft Richmond Regional Vegetation Management Plan, received from **Mr Fraser**, **Mr George**, and **Mr D. L. Page**.

Circus Animals

Petition praying for opposition to the suffering of wild animals and their use in circuses, received from **Ms Moore**.

White City Site Rezoning Proposal

Petition praying that any rezoning of the White City site be opposed, received from **Ms Moore**.

Companion Animals Legislation Obligations

Petition asking that the House ensure that State Government authorities and local councils meet their obligations under the Companion Animals Act, received from **Ms Moore**.

Graffiti Controls

Petition requesting further legislative changes to reduce graffiti on private and public property, received from **Ms Moore**.

Homeless Services Funding

Petition asking that homeless services funding be increased urgently and maintained until no longer needed, received from **Ms Moore**.

Cronulla Police Station Upgrading

Petition praying that the House restore to Cronulla a fully functioning police patrol and upgrade the police station, received from **Mr Kerr**.

Surry Hills Policing

Petition praying for increased police presence in the Surry Hills area, received from **Ms Moore**.

Kings Cross Area Policing

Petition praying for increased police strength for Kings Cross local area command and for uniformed police foot patrols, received from **Ms Moore**.

Redfern, Darlington and Chippendale Policing

Petition praying for increased police presence in the Redfern, Darlington and Chippendale areas, received from **Ms Moore**.

Malabar Policing

Petition praying that the House note the concern of Malabar residents at the closure of Malabar Police Station and praying that the station be reopened and staffed by locally based and led police, received from **Mr Tink**.

QUESTIONS WITHOUT NOTICE

DEPARTMENT OF COMMUNITY SERVICES STATE WARD PLACEMENT

Mr BROGDEN: How does the Premier justify, after almost eight years in government, an incident last month in which the Department of Community Services [DOCS] required police to locate and detain a 13-year-old male ward of the State and then, despite repeated phone calls, was unable to collect him from Dee Why police station? Why was the boy required to sleep on the floor of the police station overnight before DOCS told police the next morning to "put him on a bus to Manly"?

Mr CARR: I am advised that DOCS has worked extensively with this young person to try to place him in a safe environment. The placements have broken down due to the young person's challenging behaviour. Just as parents may not be in a position to force a child to stay at home, DOCS cannot force young people to accept or to stay in placements. I am advised that a short-term placement was arranged last week and DOCS is continuing to work on longer-term arrangements. I am advised further that the young person attended Dee Why police station to visit a young friend in custody. Subsequently police were advised that his then current carer would not have him back. So my advice is that this person attended Dee Why police station to insist on seeing a young friend in custody—

Mr Brogden: Point of order: My point of order is clarification. The Premier has been misled in terms of the advice he was given—

Mr SPEAKER: Order! The Leader of the Opposition can seek clarification at the end of question time. He cannot seek clarification as a point of order.

Mr Brogden: I seek leave to table this paper. Get some better advice, Bob! This is from the police officer. You have got the wrong advice.

Mr SPEAKER: Order! The point of order has been ruled out of order. Does the Leader of the Opposition want to pursue some other matter?

Mr Brogden: Yes. I seek leave to table a letter of complaint from the local area commander of the Northern Beaches Local Area Command.

Leave not granted.

Mr CARR: What juvenile behaviour!

Mr SPEAKER: Order! The Minister for Tourism will remain silent.

Mr CARR: It is just juvenile behaviour.

Mr SPEAKER: Order! The Leader of the Opposition will cease interjecting and remain silent.

Mr CARR: I am advised that DOCS has worked extensively with this young person to try to place him in a safe environment. Just as a parent may not be in a position to force a child to stay at home, DOCS cannot force young people to accept or stay in placements. I am advised that a short-term placement was arranged last week and DOCS is continuing to work on a longer-term arrangement. We are dealing here, according to DOCS, with a young person with very, very challenging behaviour. I am advised that when this young person attended the police station to visit a young friend in custody police were advised that his then current carer would not have him back. Because of the young person's behavioural difficulties it took some time to secure an alternative placement. I am advised—

Mr Hazzard: Point of order: This young boy does have a crisis in his life and the issue in terms of relevance, Mr Premier, is that his grandmother is sitting in the Chamber today and she wants to hear what you are going to do to support this child.

Mr CARR: I am advised that because of the young person's behavioural difficulties it took some time—

Mr SPEAKER: Order! I place the honourable member for Wakehurst on two calls to order.

Mr CARR: I am advised that because of the young person's behavioural difficulties it took some time—

Mr SPEAKER: Order! I call the honourable member for Wakehurst to order for the third time.

Mr CARR: I am advised that because of the young person's behavioural difficulties it took some time to secure an alternative placement. I am advised that, faced with this problem, the police kept him in a safe environment in the police station. If they had not done that they would be charged today with turning this vulnerable young person out into the street.

Mr SPEAKER: Order! I place the honourable member for Ku-ring-gai on two calls to order. I call the honourable member for Ku-ring-gai to order for the third time.

CENTRAL WEST PRISON FACILITY

Mr MARTIN: My question is to the Premier. What is the latest information on plans to build a new prison in the State's Central West and related matters?

Mr SPEAKER: Order! Two members of the Opposition have been called to order three times. Members should understand that a repetition of the behaviour that gave rise to those calls will not be tolerated during the Premier's answer.

Mr CARR: We are all safer if violent criminals are locked behind bars. Under this Government more of these criminals are being locked away than ever before. The figures about the increase in the prison population, sad as they are, mean that we are safer because violent people and repeat offenders are not on the streets. Tougher sentences, changes to the Bail Act and increased police activity all play their part in this. That is the conclusion of the upper House inquiry chaired by Liberal MLC John Ryan. He said:

A major increase in the remand population appears to be the most significant contributing factor to the increase in the total number of people in custody. Other factors include longer sentences and increased police activity.

That is from the executive summary of the committee's report. The same inquiry rejected the argument that more crime was responsible for the increase in the prison population. It went on to say that there is no evidence of this. Our new minimum gaol sentences and the changes we have made to the Bail Act mean that the prison population will continue to grow as more repeat offenders and people with violent instincts are put behind bars. Remember that in June we removed the presumption in favour of bail for repeat offenders. At that time the Government said "Jail not Bail" for repeat offenders. At the time of that announcement we expected the remand population to increase by about 800 over the next two years. In the first 10 weeks of operation the remand population has gone up by about 100.

I have asked New South Wales Police to advise me of the first three months of operation of the bail laws. I announced, two weeks ago, our widely acclaimed new minimum sentencing plan, which will increase the prison population. There are critics who say that it is too tough, but I say that tougher sentences are deserved for violent offenders and repeat offenders. That will result in an increase in the prison population by a further 800 over the next two years. We made the decision that a new prison would be built in the Central West. The Central West prison was intended to house 350 prisoners and the impact of our new bail laws and our new minimum sentences mean that it will now have to be increased to 500. The prison will cost \$115 million to build and will be completed by 2006. Work on the site is expected to start next year.

[Interruption]

Silly, infantile behaviour, juvenile behaviour—the striking thing about the Opposition front bench is its chronic immaturity. The members opposite will now want to ask where is the prison to be located? The honourable members interject that perhaps it will be a high rise in Ku-ring-gai. At the rate the prison population is increasing, that could be taken as a formal submission for the next gaol! Today I announce the site selected, and there was a lot of competition, is Wellington. The prison will be built on an 80-hectare site, owned by Wellington council, on Gilmer Road, five kilometres north-east of Wellington. It is based upon the design for the correctional centre currently under construction at Kempsey. It is the same design; we could almost lift the prison out of Kempsey and deposit it at Wellington. The prison will house high, medium and minimum security prisoners and will include a remand centre and have facilities for up to 68 female prisoners.

It will take pressure off the Bathurst Correctional Centre, which is currently operating near capacity, but it will be a major boost to the local economy. The House will recall I have often described the Central West of New South Wales as a band of prosperity. Many people, in Orange in particular, appreciate that I have talked up Orange as part of this band of prosperity. I have mentioned that in Orange the average incomes are \$10,000 above the average for regional New South Wales. The Minister can confirm this. It is all because of decisions we have made and promoted. Meanwhile, the local member for Orange—

Mr Armstrong: Point of order: The Premier made a point regarding Orange. When the Coalition was in government, we moved 482 people from the Department of Agriculture to Orange. It was that move that got the economy going that the Premier is now endeavouring to reap the harvest from.

Mr SPEAKER: Order! There is no point of order.

Mr CARR: The honourable member for Lachlan made a point of justifying the record of what I think was called the Greiner Government. It is so far back in history, he could be making a point about the Medes and the Persians, or the Gilgamesh epic. The honourable member for Lachlan did a good job in establishing an office of the Department of Agriculture in Orange, but look at what we did: two gold and copper mines, and whitegoods manufacturing.

Mr Armstrong: Point of order: It is opportune for the Premier to tell us when the Government put the gold there so that the mines could operate.

Mr SPEAKER: Order! No point of order is involved.

Mr CARR: We got the water there that enabled the mine to start up and we gave them development approval. As a result, hundreds of good jobs were established. However, let us not be distracted. The people of Orange know all about that. But now with a gaol being located in Wellington the band of prosperity is extended. It is a big day for the honourable member for Dubbo and all our congratulations are with him today. The prison will inject about \$8 million into the local economy each year, through wages, visitors and other associated business links. More than 300 people will be employed in the construction phase and, when it comes to ongoing positions, 200 people will be employed. During the construction phase 600 indirect jobs will be created. The honourable member for Vacluse is trying to get some of his double-decker buses out there, I see him sitting on the edge of his seat.

Another local benefit will be the opportunity to reduce police involvement in court escort duty. The honourable member would be interested to know that the site selection process began in December 2001. Local councils within a 200-kilometre radius of Dubbo and land-holders willing to sell their land were invited to express their interest. As a result, 29 expressions of interest were received. In May this year the Minister announced a short list of seven sites considered worthy of detailed investigation. The Department of Corrective Services employed the Department of Public Works and Services and the firm Kerry Morrison and Associates to provide separate investigations and assessments of the site.

The investigations included gathering of geotechnical data, studies of flora and fauna, traffic impact, noise assessment, assessment of the costs involved in delivering water, sewer, power, gas and telephone services to the sites. Both concluded that the Wellington site was the most suitable. We build prisons if local communities want them. The feedback from the people of Wellington has been overwhelmingly positive. Of about a 5,200 population, 1,176 attended information day, with 647 people submitting feedback forms. These were extremely positive with a large number of respondents saying that the new prison would bring employment and other economic benefits to the town. The Government continues to contribute to that band of prosperity in the Central West of New South Wales. The prison is going where it is wanted.

[Questions without notice interrupted.]

DISTINGUISHED VISITORS

Mr SPEAKER: I draw the attention of members to the presence in the gallery of the Anglican Bishop of the Diocese of Gahini, Rwanda, Alexis Bilindabagabo, who is accompanied by Ms Kim Vanden Hengel. We welcome them to the New South Wales Parliament. I also draw the attention of members to the presence in the gallery of Mrs Boontahika Junhanandana and Mr Tonpong Tangtermong from the House of Representatives and the Senate of the Parliament of Thailand. They are taking part in an exchange program between the Thailand Parliament and New South Wales Parliament. We welcome them to our Parliament and trust that their stay with us is an enjoyable one.

QUESTIONS WITHOUT NOTICE

[Questions without notice resumed.]

INTEGRAL ENERGY LITIGATION COSTS

Mr SOURIS: My question without notice is directed to the Minister for Energy. Now that proceedings brought against Integral Energy by the liquidators of Enron Australia have concluded, will he advise the House of the total cost to date of this action to New South Wales taxpayers? Will he also guarantee that Integral Energy is not pursuing legal action and wasting taxpayers' money to avoid its contractual obligations?

Mr YEADON: It is more a question for a shareholding Minister of Energy Australia, but I will seek to obtain the information for the Leader of the National Party and convey it to him.

KOALA PROTECTION

Mr HUNTER: My question without notice is to the Minister for the Environment. How is the Government helping to protect koalas?

Mr DEBUS: I am aware of the honourable member's interest in the protection of the environment in his local area, particularly as it supports existing threatened koala populations in the Hunter and Central Coast regions. I am pleased to announce today a number of significant new projects aimed at boosting the survival chances of Australia's icon native animal, the koala. Over the next two years the Government will spend more than half a million dollars on target projects to protect koala habitat and to survey koala populations in the far South Coast, the western area, the North Coast, and the Sydney and Hunter regions. Koalas are perhaps our best-loved and most famous native animals. Sadly, their numbers are in decline, particularly in coastal New South Wales. It is estimated that koala populations in the eastern part of the State, where development pressure is greatest, number only a handful of individuals in some areas, and larger populations are generally estimated to be only a few hundred strong. The wild populations in the north-west of the State are larger, with estimates of up to 10,000 koalas in that region.

Mr Slack-Smith: Some 20,000.

Mr DEBUS: As the honourable member is demonstrating, more work is needed to gain a greater understanding of the present size of the koala population in New South Wales. The major threats to koalas include the destruction of habitat through clearing for urban development, roads and agriculture, but koalas are also vulnerable to attack from dogs, they are frequently road fatalities and they are badly affected by fires and drought. The National Parks and Wildlife Service is currently working on a koala recovery plan that will provide a statewide plan of action for the long-term protection of this marsupial. The new targeted programs I announce today include a \$30,000 joint National Parks and Wildlife Service and community project that aims to assist the conservation and restoration of koala habitat on private properties on the far South Coast. This project involves the establishment of a koala habitat zone, with bushland rehabilitated to restore koala habitat on private lands.

More than 20 suitable properties have been identified, and over the past two months restoration work has been carried out at 10 properties within the Bega Valley shire. Most of the work has been undertaken in the more fertile areas that can produce more nutritious feed. This is a community project funded by the National Parks and Wildlife Service, and, consequently, a great many community groups are lending a hand. Local Aboriginal groups have collected several kilograms of eucalypt seed from species that koalas feed upon, primarily for direct seeding. Pupils from the Bermagui Primary School have also collected seed, and assisted with planting and surveys. Both Greencorp and Conservation Volunteers Australia have been directly involved in supporting the project. They have worked on up to nine sites carrying out planting and fencing. Some of them have also been involved in survey work in an adjoining national park. Staff at the Western Plains Zoo at Dubbo are involved in a major project to assist the koala population at the zoo.

From 1 October planting will begin on a very large project to establish a plantation of koala browse. That project will cost \$125,000. In 18 months to two years, when 15,000 koala browse eucalypts and 7,500 other native plant have grown, that plantation will be harvested to provide a ready supply of food for koalas at Western Plains Zoo and, therefore, enable the zoo to substantially expand its breeding program. Other projects include a \$400,000 study over two years to look at fauna populations in the Sydney catchment authority, and a

survey to establish koala numbers on Pulbah Island Nature Reserve, a 69-hectare island located off Lake Macquarie. Working with local communities, wildlife groups and relevant government agencies, the National Parks and Wildlife Service is involved in ongoing management and protection of koala populations. These new target projects will contribute greatly to the long-term survival of important koala populations and will help to protect the nation's icon native animal for the enjoyment of future generations.

OASIS LIVERPOOL DEVELOPMENT

Mr O'FARRELL: My question is directed to the Minister for Sport and Recreation. Given his admission to this House that he met with Gary McIntyre on a number of occasions, will he now table details of all meetings—including who was present and where each was held—that he or his members of staff, including Canterbury Councillor Robert Furolo, have had relating to the Oasis and Belmore Towers developments?

Mr IEMMA: It is the same question that was asked on the Wednesday or the Thursday by the Leader of the Opposition. I will again provide the information for the shadow Minister. There has never been a meeting between Gary McIntyre and me or other officials of the Bulldogs at my electorate office. As I stated in the House, a meeting occurred here in Parliament House on 7 June between McIntyre, me and a number of other officials from the Bulldogs. That meeting was about Belmore. No other member of Parliament and no other Minister was present. Mr Furolo was not at that meeting. A member of my staff was present to record the proceedings, listen in on the meeting and provide advice. That meeting was about Belmore.

The other occasions—apart from football matches I have attended as a guest of the Bulldogs, and that goes back a couple of years—include two recent meetings: one in June at Canterbury-Bankstown leagues club and another one in August. Both those meetings were about the Arabic Youth Partnership Plan. The first was an implementation plan meeting between me and members of the Arabic community and sporting organisations in Canterbury-Bankstown. One of the organisations that was invited was the Bulldogs, which sent representatives along. The second one occurred around the middle of August; I think it was the 18th, but I can confirm the date. It was also at the Canterbury-Bankstown leagues club, and it was also about the Arabic Youth Partnership Plan. Gary McIntyre was present, as were approximately 200 other people. I understand it was in the Bulldogs auditorium.

RURAL HEALTH SERVICES

Mr BLACK: My question without notice is to the Minister for Health. What is the latest information on initiatives to improve rural health services?

Mr KNOWLES: Honourable members who attended the Australian Labor Party country conference in Cooma will recall that at that conference the Premier announced an \$11 million plan to boost the rural health work force. The plan included: \$3.5 million to provide up to 30 new training positions for general practice proceduralists, with particular focus on general practice obstetrics, anaesthetics, surgery and mental health; \$3.6 million over three years to increase the number of anaesthetic training positions in rural areas; and a further \$3 million to provide back-up locum services for rural doctors, nurses and allied professionals, particularly those who work in isolation and need time out, time with their families or time to improve their skills.

Earlier today the Government took our plans for rural health further with the announcement of an additional \$25 million worth of initiatives to strengthen existing services, provide new services and ensure, wherever possible, that those services are provided closer to where people live. The plan has been built on the long experience of more than 500 doctors, nurses and health professionals from rural New South Wales. Their experience has delivered a commonsense plan to address many of the pressure points in rural communities.

Honourable members who represent rural electorates would appreciate that under this \$25 million there is almost \$22 million recurrent expenditure for additional orthopaedic services, cancer services, renal services, including dialysis, and cardiac care. For example, the \$7.5 million additional recurrent expenditure for extra orthopaedic elective surgery has been worked out in co-operation with not only rural orthopods but also the Australian Orthopaedic Association. The money will allow orthopaedic surgeons to undertake the extra elective surgery they need to maintain their income levels and will act as an attraction for doctors to practise in rural centres.

At the same time, it will ensure that the on-call trauma work, attendance at motor vehicle accidents and presentations—areas vital to rural communities—are well and truly covered. The funding for cardiac care will

see the development of on-site catheter laboratories which will dramatically improve the care of those hundreds of patients who currently have to travel to Sydney for their diagnostic cardiac services and will serve as a further incentive for cardiologists to work in rural communities. Similar approaches have been taken to cancer care and renal services, which are both the focus of increased funds and better access for rural communities.

The Government has announced a further expansion of rural health transport. This major initiative includes an additional \$2.5 million and a streamlined process for regular users of health-related rural transport. It will include an additional 20,000 passenger trips, or an estimated additional two million kilometres, to our already expanded patient transport programs. This plan has been underpinned by a further commitment to teaching and training rural health practitioners in rural settings—an area of need identified by clinicians, doctors, nurses and health professionals. The clinicians involved in this plan have recommended, and the Government has accepted, that there needs to be an Institute of Rural Clinical Services and Teaching to underpin the ongoing development of our rural health work force.

This is an Australian first. In addition to its prime role of providing professional and academic support for rural clinicians, the body will be given the responsibility of overseeing the implementation of the rural health plans. These are just some of the large number of initiatives contained in the Government's rural health plan, which has been built off the back of the experience of hundreds of doctors and nurses. The people on the front line have identified their needs and the Government has responded to them. I thank every single one of those individuals for the work they have done. When the Opposition, through its spokesperson, carps and criticises, it is not criticising the Government. In effect, it is having a shot at all the doctors and nurses who have been engaged in this work.

I know that the honourable member for Lismore will not be critical of this plan because of the sterling effort over the past year of one of the leading surgeons at Lismore, Austin Curtin, to build this plan. Equally, I refer to Bill Hunter in Moree. I am sure the honourable member who represents Moree will not complain because the first person he will hear from is Bill Hunter, a man who was recently awarded an Order of Australia for his commitment and service to medical practice in rural communities. These are some of the people, 500 in all, who have worked with the Government over the past 12 months to build this plan. This year the Government will roll out \$36 million in recurrent expenditure to back up their needs and to provide additional services, additional support, additional positions, work force initiatives and additional teaching and training.

The Opposition is not pleased that the plan follows step by step the blueprint laid down by Ian Sinclair, a former National Party leader, who, because of his dedication and commitment to rural health and rural communities, has been working with the Government, with those 500 doctors and nurses, to make sure that this plan is delivered. Over the past several months Ian Sinclair has been back in the saddle travelling around rural New South Wales consulting and talking with country communities about their response to this plan. I have many testimonials—which I will not trouble the House by reading onto *Hansard*—recognising the fact that this plan addresses many of the concerns raised by the professionals on behalf of the communities they serve. This plan is a tribute to them. I appreciate the work they have done and I thank every single one of them. We have produced a great result which allows the Government to put in place large amounts of money targeted to where they are needed and to provide better health care for rural New South Wales.

OASIS LIVERPOOL DEVELOPMENT

Mr TINK: My question is to the Minister for Local Government. Now that police have been asked to investigate claims of a \$23 million blow-out in the Oasis project, including allegations of excessive payouts to key figures, can the Minister explain what action the Department of Local Government took with regard to earlier complaints about financial commitments, including that of the East Liverpool Progress Association?

Mr WOODS: The ICAC and the police are investigating this matter. This question demonstrates once again the inexperience of the Opposition. It should know that certain aspects of this matter belong to the ICAC.

Mr SPEAKER: Order! I call the honourable member for Myall Lakes to order.

Mr WOODS: I am awaiting the outcome of the investigations by the ICAC and the police. I am advised that Liverpool councillors Harrington and Dobell-Brown attended Liverpool police station on 15 September to raise concerns about the Oasis project. A further meeting was held with police on 16 September. I am advised that at that meeting the superintendent outlined the role of the police, the ICAC and the Australian Securities and Investments Commission [ASIC] and informed councillors that there was insufficient basis to

initiate a police investigation and that no police investigation was contemplated at this point. The superintendent also advised that Liverpool City Council had contacted him and had indicated that it was prepared to co-operate in any investigation. I will continue to watch what happens in this matter and I will consider holding a public inquiry at a later stage if the need arises.

As to the inexperience of the Opposition, in a very short time the Leader of the Opposition has made so many gaffes about local government I could not count them on two hands. On 8 May he asked the Premier to take action on Rockdale City Council. He was told in this House by the Premier that the Government's capacity to dismiss a council was subject to a lengthy public inquiry process. On 15 May, a week later, in a press release he called on me to hold a quick, sharp inquiry in relation to Rockdale City Council. Either he does not listen or he just does not know.

Mr SPEAKER: Order! I call the honourable member for Baulkham Hills to order.

Mr WOODS: What the Leader of the Opposition fails to realise is that under changes made to the Act in 1991 by the previous Coalition Government, a council cannot be sacked until a lengthy public inquiry has been held. That underlines the inexperience not only of the Leader of the Opposition but the whole of its front bench.

TUMBARUMBA ECONOMY

Mr BROWN: My question without notice is to the Minister for Regional Development, and Minister for Rural Affairs. What is the latest information on the economic situation in Tumbarumba in the State's south?

Mr WOODS: I thank the honourable member for Kiama for his interest in regional development, particularly in the southern area. Tumbarumba is a small town on the southern slopes that is currently experiencing exceptional economic growth. Last Friday the *Wagga Daily Advertiser* stated:

Booming town economy leads to shortage of rental properties.

On 29 August the *Border Morning Mail* led its report with the statement:

Tumbarumba is desperately short of housing for its workers from the booming timber, winery and horticulture industries.

The town's demand for workers is outstripping its supply of housing. Tumbarumba's unemployment rate has dropped to 2.8 per cent and employment in the region has grown by 23 per cent since 1994. This success story is due to specialisation, innovation and the not so invisible helping hand of the State Government. It has also been assisted by a hardworking council, led by long-time mayor George Martin. Tumbarumba Blueberries, a company established six years ago, exports fresh, frozen and processed berries to niche markets in the United Kingdom, Europe and Japan. It is selling blueberries to west Tokyo for \$50 a litre. The berries are unique in their production: no chemicals are used, all trees are irrigated and spring mountain water is used. Two of the company's farms are now undertaking organic conversion.

Also, the timber industry has long been associated with Tumbarumba's past. Last year Hyne and Son purchased the Boral timber mill. At the time a \$20-million investment to modernise and expand the plant was committed, securing 157 jobs in the region. This long-term investment was secured by a 20-year sawlog supply agreement with State Forests. The investment has now reached some \$65 million, and timber harvesting and processing has increased from 200 cubic metres to 600 cubic metres within three years. That means more jobs for Tumbarumba and the region. The softwood industry has made an enormous contribution to the region in recent years. Visy's \$400 million investment in its pulp and paper mill in Tumut has led to the creation of 150 full-time jobs for the region, 800 during the construction phase. The growth does not end there. The wine industry in Tumbarumba continues to grow. With the support of the State Government the Tumbarumba wine industry has been successfully promoted through the Hume Murray Development Bowl.

Companies such as Black Range, Excelsior Peak and Tumbarumba Wine Estates have participated in such events as Regional Flavours New South Wales, the Taste of Canberra and the Albury-Wodonga Food and Wine Festival. Tumbarumba has come a long way, and with a little help from the State Government it is positioning itself for further extraordinary growth. But we know the job is not complete and we do not take what has happened for granted. As the Premier said, the band of prosperity is growing and we are pushing it down into the southern slopes in Tumbarumba, into the Riverina, up to the North Coast, out onto the Tablelands, down to the South Coast and up to the far North Coast. We have the plans, developed through our experience, to ensure that that band of prosperity and the jobs that go with it expand throughout New South Wales.

KANGAROO CONTROL

Mr R. W. TURNER: My question is addressed to the Minister for the Environment. In view of the widespread damage to pastures and cereal crops by drought-driven kangaroos, will the Minister recommend the extension of the commercial kangaroo management zone into eastern areas of the State so that kangaroo numbers can be controlled by commercial operators?

Mr DEBUS: That matter is under investigation.

HIGHER EDUCATION REVIEW

Mr GAUDRY: My question without notice is to the Minister for Education and Training. What is the Government's response to the Federal Government's higher education review of university education in Australia?

Mr WATKINS: As a local member of Parliament, the honourable member for Newcastle is fortunate to have one of our fine regional universities, the University of Newcastle, in his area. The University of Newcastle is one of 20 university campuses outside the metropolitan area of Sydney that serves the needs of more than 87,000 students. If the Federal Government gets its way all of these institutions could be at risk. It is estimated that New South Wales regional universities inject a total of \$817 million into their regional economies. When the flow-on impacts on local economies are taken into account, that adds \$1.1 billion to regional economies around New South Wales.

More than 28,000 full-time jobs are created by these regional and rural universities. Over recent months the Commonwealth Government has been undertaking a review of higher education. The Federal Minister has issued seven discussion papers that outline a range of quite frightening scenarios for higher education in this country. From the universities to TAFE the higher education sector is extremely nervous, in some cases panicked, about the possible outcomes of these discussion papers. Dr Nelson's papers contain proposals which, if implemented, would strike at the very heart of our regional universities.

Yesterday the New South Wales Government provided its detailed response to that review and today I release a copy of that in its entirety. The potential damage to our regional and rural universities should Dr Nelson proceed on the path he has foreshadowed is obvious and alarming. The centrepiece of Dr Nelson's reform plans is the proposal to create teaching-only universities. This would see the removal of the research component of many of our regional universities. Related to this is the proposal to reclassify some universities as primarily having a community charter. In short, these proposals would make rural and regional universities second-class citizens of the higher education community. They would downgrade the reputation of rural and regional universities and lead to an inevitable loss of high-quality staff and students.

This proposal is not only foolish, it is offensive to our fine rural and regional universities, which currently make a fine contribution to our higher education community and local economies throughout New South Wales. For example, Charles Sturt University is a national leader in wine science and research into dry land salinity. That would be compromised. The University of Newcastle plays a leading role in engineering, technology and medicine. There are also serious equity concerns about what the Commonwealth Government is proposing. Opportunities opened up in tertiary education to underrepresented groups of people, young and mature-age people in rural and isolated areas, would inevitably be closed down.

For example, more than 61 per cent of all domestic students at Southern Cross University are from rural or isolated areas, as against the national average of 19.4 per cent. Many country kids simply would not get the opportunity to go to university without regional universities. Should Dr Nelson's plans be implemented, not only would they be disadvantaged but the enormous educational, cultural, social and economic benefits to these local communities would be damaged. The Howard Government has a plan to take us back to the old days of a two-tier system of higher education. Regional universities would be relegated to the second tier—underfunded, underresourced and unable to compete with the larger city-based universities.

Instead of rising to the challenge that rural and regional universities face, the Commonwealth Government is using this review as a pretext for giving up on higher education in the bush. When this review is combined with plans to apply the Higher Education Contribution Scheme to TAFE, the situation is truly alarming for families in rural and regional centres. These universities occupy a special place in country communities and they deserve the strongest support. Higher education is for all Australians, not just city

dwellers. The crux of this problem is clear even to the casual observer: The entire review is a dismal effort to compensate for the negative impacts of Commonwealth underfunding in recent years. Since 1996, \$3.5 billion has been ripped out of the university sector. All our universities have suffered, but particularly our regional and rural universities. With these latest Federal plans, regional universities, regional economies and regional populations will pay the ultimate price.

OASIS LIVERPOOL DEVELOPMENT

Mr IEMMA: In response to a question asked earlier today by the honourable member for Ku-ring-gai, the dates of the meetings to which I referred in my answer were: 7 June at Parliament House; 18 June, which was the Arabic youth meeting at the leagues club; and 7 August, also an Arabic youth meeting at the leagues club. I can confirm that Mr Furolo was not present at any of those meetings. I also confirm the advice that I gave to the House in my answers today and last week about Mr McIntyre and the Bulldogs.

Questions without notice concluded.

BUSINESS OF THE HOUSE

Parliamentary Seminar: Suspension of Standing and Sessional Orders

Mr WHELAN (Strathfield—Parliamentary Secretary) [3.41 p.m.], by leave: I move:

That standing and sessional orders be suspended to provide that:

- (1) on Wednesday 18 September 2002 a joint sitting of members of the Legislative Assembly and the Legislative Council be convened for the purposes of a Parliamentary Seminar on Reform of the Law of Negligence with such sitting commencing at 10.05 a.m. at the ringing of one long bell and concluding at 1.00 p.m. without question being put.
- (2) at such joint sitting the following persons be admitted to the floor of the House to address members:

Professor Peter Cane, Professor of Law at the Australian National University.
Mr Michael Gill, insurance specialist and partner, Phillips Fox Lawyers.
Mr Bret Walker SC, Senior Counsel and President of the NSW Bar Association, and
Mr Geoff Atkins, general insurance specialist, Trowbridge Consulting.
- (3) during the joint sitting the standing orders of the Legislative Assembly will apply.
- (4) a message be sent requesting the Legislative Council to pass a similar resolution to permit members and officers of the Council to be present in the Legislative Assembly at 10.05 a.m. on Wednesday 18 September 2002 for a joint sitting for purposes of a Parliamentary Seminar on Reform of the Law of Negligence.

There is no more important reform than reform of the law of negligence, which has not been reformed—or even looked at—for almost 70 years. This seminar, under the expert guidance of those involved in the day-to-day management of the law of negligence, will afford all members of Parliament a unique opportunity. I urge all honourable members to be in the Chamber at 10.00 a.m. tomorrow, as there will be an opportunity to ask questions of the legal experts who will be present. The seminar will be invaluable in helping members to understand both the law of negligence as it applies and how we, as legislators, should determine future law on negligence in this State. This is an important subject and I urge all honourable members to attend the seminar.

Mr TINK (Epping) [3.44 p.m.]: This motion is proof positive that the Government has run out of business. It has no legislation of any consequence to put before the House. In March next year the Government will seek a popular mandate for another four years, yet it has run out of ideas in the preceding September. This seminar is a farce. There were plenty of opportunities to hold the seminar in another place when it would not take up parliamentary sitting time. Opposition and Independent members of Parliament have plenty of legislation to introduce and debate in this place and plenty of ideas to advance on how to make New South Wales a better place. The Government has no ideas. It has run out of puff. It has nothing to do, so it decides to hold a seminar during a parliamentary sitting.

As the honourable member for Vacluse said some months ago, if this seminar were required at all it should have been held in July or August so that the Civil Liability Amendment (Personal Responsibility) Bill—which is yet to be formally introduced in Parliament—could have been presented in the sitting week before last and passed its second reading in this place. It should be in the upper House now so that it could be returned to this place by the end of next week. That would ensure insurance coverage of small businesses involved in adventure sports and other outdoor activities that require legislative backing, waivers and warnings about the

inherent risks of those activities. This law could be enacted if the Government got its act together. The seminar should have been held in July or August, and tomorrow we should have been concluding the final stages of debate on that legislation. Instead the Civil Liability Amendment (Personal Responsibility) Bill has not even been introduced in this place.

Mr Whelan: You've got it.

Mr TINK: We cannot do anything with it until it is introduced in this Chamber. The Government should get on with it and introduce it this afternoon. We could then debate it tomorrow morning. That is not the only bill that is important to the New South Wales community. There is another consultation draft of the rail safety bill. That legislation has not yet hit the deck in this Chamber. It has somehow found its way onto the business paper—probably via the pigeon post or because somebody circumnavigated the globe to put it there. However, it has not been introduced in this House for debate. The most farcical of all is the Crime Sentencing Procedure Amendment Bill, which has not even made it onto the business paper via the pigeon post or any other means. The Opposition obtained a copy of that bill only because it was attached to a press release from the Premier. It is stunt after stunt: one bill is an annexure to a press release and another bill is not even before Parliament. Yet Parliament's time is to be taken up by a seminar that could be held outside the Chamber on a non-sitting day and attended by those who are interested in this subject.

Parliament's time is being wasted because, after seven long years, this Government has not one idea to bless itself with. Even when the Government claims to have an idea—such as its so-called minimum sentencing bill—it does not have the gumption to put it on the business paper let alone introduce it into this place. We know why: because it is a dud bill that contains 13 excuses. The civil liability bill is no better. Those bills are stunts. The seminar will take up the time of Parliament tomorrow morning when it could have been held two months ago in another forum. That is a disgraceful indictment on Labor's ideas and parliamentary program after seven long years in government. It is time the Leader of the House retired to Terrigal to enjoy himself. It is time the Minister for Gaming and Racing retired. I am sure we will say goodbye to many other Government members also. They do not know it yet, but they will get a tap on the shoulder from the powers that be: "Knock, knock, who's there? The right wing. The left wing. You're out and so are you." Their factional friends will tell them it is time to go and they will be replaced by others who will continue this farce. It is time for a change of government.

Motion agreed to.

CONSIDERATION OF URGENT MOTIONS

SaskTel International Hunter Broadband Project

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [3.50 p.m.]: This matter is very urgent because, given the state of the local economy at present, this project is probably one of the most exciting developments that could take place in the Hunter region. It is likely to create jobs during the construction period and also during its operation and, of course, other developments will flow from it. From that point of view the matter is urgent.

Sutherland Shire Housing Network

Mr RICHARDSON (The Hills) [3.51 p.m.]: This motion is urgent because the Sutherland Shire Housing Network provides housing assistance to 114 tenants and has a further 1,500 applicants on the waiting list. These are low income people—people who need a helping hand from the Government but people whom this Government has abandoned. This motion is urgent because Sutherland shire needs its own housing service. The Sutherland Shire Housing Network has been operating for 20 years. The Minister needs to explain how he intends to provide a housing service for Sutherland shire in the future.

This motion is urgent because the Minister for Housing knew about the network's financial difficulties 12 months ago, yet he did nothing to address them. This has implications for the entire community housing sector and for every member in this place. This motion is urgent because a police investigation into alleged irregularities in the Sutherland Shire Housing Network appears to have stalled. If this House does not put a rocket under the police, there is a real danger that the trail could go cold. These allegations are, inter alia: that the manager of the network collected \$3,200 in rent from a tenant at the Crossroads Community Care Centre but never banked it; that the manager drove a second tenant to the bank to collect \$1,000 in cash for rent but never

banked it; that the manager altered three cheques made out to different real estate agents to "Pay cash"; that the manager altered another cheque made out to the rental tribunal to his favour; and that a piece of paper in the manager's desk showed evidence of the manager practising the chairperson's signature.

Who was that chairperson? None other than Ms Peri Young, the former Labor candidate for Cook at the last Federal election. Another allegation is that she told the manager that if he paid the money back she would forget about his indiscretions. This is clearly a disgrace. Tens of thousands of dollars, potentially, of taxpayers' money has been wasted; 114 tenants are at risk of losing the roofs over their heads; and 1,500 people on the waiting list may never find a home through the auspices of the Sutherland Shire Housing Network. I cannot stress how urgent this matter is. Information has come to the Opposition that the board of the network was told on 13 March this year that the manager had been seen on several occasions playing poker machines at the local hotel mid-morning, yet the board did nothing to bring him into line.

What have we heard from the new Minister for Housing, the honourable member for Miranda, the honourable member for Heathcote, or the honourable member for Menai, about this issue? It is pretty clear that Labor does not care about social housing tenants. Labor does not care about the scandalous waste and embezzlement of public money. This motion is urgent because the Minister has not explained why this has happened. He has not explained why even though he has known about the difficulties facing the Sutherland Shire Housing Network for the past 12 months, he did nothing to address them and did not put in place a system of oversight management for the network to ensure it did not collapse, and to ensure that what has occurred did not occur.

I am appalled to realise not only the depth of what has happened to the Sutherland Shire Housing Network but also that both the board and the Office of Community Housing were warned a long time ago what was going on. Tom Ledden, who was the financial manager of the Sutherland Shire Housing Network, wrote to the board on 31 May this year as follows:

I am concerned about the number of quite large debts that are occurring at the end of some tenancies both for arrears and for repairs and the failure of the organisation to do anything about recovering these. When a tenancy ends, the tenant if they have arrears will cease to appear on the "Arrears Report" but will appear on the "Aged Receivables Report" with an "A" or "B" after the tenant's number. This "Aged Receivables Report" only includes debts that have been generated this financial year or carried forward... Some tenants ... have had more than one transfer and there are debts associated with each tenancy.

Not only is there the likelihood that money has been embezzled, but what has occurred is a complete indictment on the Sutherland Shire Housing Network board's financial management—the board, of course, headed up by Ms Peri Young, the Labor candidate for Cook in the last Federal election—obviously a case of jobs for the girls. She was out of her depth. It is about time Parliament brought this matter to book.

Question—That the motion for urgent consideration of the honourable member for Charlestown be proceeded with—put.

The House divided.

Ayes, 49

Mr Amery
Ms Andrews
Mr Aquilina
Mr Ashton
Mr Bartlett
Ms Beamer
Mr Brown
Miss Burton
Mr Campbell
Mr Collier
Mr Crittenden
Mr Debus
Mr Face
Mr Gaudry
Mr Gibson
Mr Greene
Mr Hickey

Mr Hunter
Mr Iemma
Mr Knowles
Mrs Lo Po'
Mr Lynch
Mr Martin
Mr McGrane
Mr McManus
Ms Meagher
Ms Megarrity
Mr Mills
Mr Moss
Mr Newell
Ms Nori
Mr Oakeshott
Mr Orkopoulos
Mr E. T. Page

Mrs Perry
Mr Price
Dr Refshauge
Ms Saliba
Mr Scully
Mr W. D. Smith
Mr Stewart
Mr Tripodi
Mr Watkins
Mr West
Mr Whelan
Mr Woods
Mr Yeadon

Tellers,
Mr Anderson
Mr Thompson

Noes, 34

Mr Armstrong	Mrs Hopwood	Mr Slack-Smith
Mr Barr	Mr Humpherson	Mr Souris
Mr Brogden	Dr Kernohan	Mr Stoner
Mrs Chikarovski	Mr Kerr	Mr Tink
Mr Collins	Mr Merton	Mr Torbay
Mr Cull	Ms Moore	Mr J. H. Turner
Mr Debnam	Mr O'Farrell	Mr R. W. Turner
Mr George	Mr D. L. Page	Mr Webb
Mr Glachan	Mr Piccoli	
Mr Hartcher	Mr Richardson	<i>Tellers,</i>
Mr Hazzard	Mr Rozzoli	Mr Fraser
Ms Hodgkinson	Mrs Skinner	Mr R. H. L. Smith

Pair

Ms Harrison

Mr Maguire

Question resolved in the affirmative.**SASKTEL INTERNATIONAL HUNTER BROADBAND PROJECT****Urgent Motion**

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.08 p.m.]: I move:

That this House supports the SaskTel International Hunter Broadband Project, which will inject \$180 million into the local economy and create 250 jobs in construction and another 200 jobs in operation.

This project first came to the notice of my office in the middle of 2000, just prior to the Olympic Games. At first it seemed a little too good to be true that the Hunter area had been chosen but, as I will explain later, there is a simple reason. While the rest of New South Wales was being gripped by Olympic fever, in Newcastle we were being gripped by broadband fever. SaskTel International is a wholly owned subsidiary of Saskatchewan Telecommunications, or SaskTel as it is more commonly known. SaskTel in turn is a Crown corporation, the equivalent of one of our State-owned corporations. It is 100 per cent owned by the Province of Saskatchewan in Canada. The company services an area of 640,000 square kilometres.

In that vast area there are only one million people, 380,000 homes and farms and about 35,000 businesses. The company has achieved many firsts in the telecommunications sector. It was the first telephone company in Canada to have a full digital network, the first in the world to offer a commercial high-speed Internet service based on digital subscriber line technology, known as DSL, and the first to eliminate multiparty lines. One might ask "Why Saskatchewan?" Obviously with its small population and vast areas that service was crucial to its further development and fiscal consolidation. SaskTel International was formed in 1986 as an arm to market the company's extensive expertise in advancing the development of telecommunication infrastructure and services in rural and regional areas.

The company is, and has been, experienced in both developed and developing nations. It has completed projects in the Leicester area of the United Kingdom, New Zealand, Tanzania and the Philippines. SaskTel is a world's leading contractor in the installation of telecommunication cabling and equipment in the channel tunnel. The company chose the Hunter region because its demographic scale and collective population is similar to its home province of Saskatchewan and to areas in which it had development experience such as the United Kingdom and New Zealand. The company intends to construct a competitive broadband customer access network and to offer dial-up and high-speed Internet, voice telephony and pay-television services to the Newcastle and Lake Macquarie local government areas.

The company has not ruled out the possibility that the services could be extended, in the fullness of time, to Maitland, Cessnock and parts of Port Stephens. The company has not ruled out the possibility of the introduction of parts of those services, if not the full services, to the Central Coast. However, the company has made it plain that it does not want to get into the mass market; it simply wants to get into a regional marketplace in which it has expertise. For the Hunter the investment involved in the project is a massive \$180 million and the project will employ up to 250 people in the build-up period and up to 200 people in the operating period. That will provide a substantial input into the region and provide broadband services to the Hunter.

The company has also made a commitment to build its national headquarters in the Hunter and to involve itself in the community in much the same way as it does in its home province of Saskatchewan. Last November I had the pleasure of visiting the company in Saskatchewan to jointly announce the agreement between the Saskatchewan and New South Wales governments. I spoke to many senior people and inspected the network. I was extremely impressed. The professionalism of the people involved in the company cannot be underestimated; it is world-class and first-class. My host during the visit was Garry Simons, President of SaskTel International, whose knowledge is immense.

I also had the pleasure of meeting the Minister responsible for the Crown Investments Corporation, the Hon. Maynard Sonntag, who has since visited Australia. I attended the annual Premier's dinner, where I had the privilege of being one of the guests of the Premier, Lorne Calvert. I place on record my thanks for the hospitality afforded to me during that visit. But seeing is believing. The provision of a broadband network will enhance the competitiveness of the Hunter by delivering cost savings to both commercial and residential customers. Most importantly, it will enhance our ability to attract high-tech and other data-intensive industries to the Hunter and New South Wales from outside the State and from overseas and to retain them.

I pay tribute to the work of the Hunter Economic Development Corporation, PlanningNSW, Lake Macquarie City Council, Newcastle City Council, the Premier's Department, my Hunter regional co-ordinator, Ben Chard, and, of course, the Hunter Development Office. All have worked tirelessly to ensure this project gets across the line. Last night the master plan for the project was unanimously supported by Lake Macquarie City Council. However, Newcastle City Council will consider the master plan tonight. I publicly urge Newcastle councillors to follow the lead of Lake Macquarie City Council and support this project. There may be some concerns, but I would not imagine that they would be major.

I hope that the councillors, regardless of their political persuasion, do not defer this important decision. There will be grave implications if it is not agreed to by the end of this month, and the Hunter region will suffer a great loss. This is an opportunity that will come only once in a lifetime. There is no way I am trying to influence Newcastle City Council councillors. However, I am saying to them that if they have reservations they have had ample time to make them known. If they have reservations, they should put them forward tonight so that the people of the region can judge whether they are sufficiently valid to warrant the deferral of the decision, which may lead to the whole proposal falling over. That is the difference between telling councillors what to do and putting them on notice: It will be on their heads if they knock it back as a cheap political stunt and one of the most exciting developments in the region is lost.

The SaskTel International Hunter Broadband Project is in the best interests of the Hunter. We are not likely to get another opportunity to have technical broadband services in our region for many years to come. It is obvious that the major providers of broadband services in Australia will not be able to provide that technical facility to the development industry for at least 10 years—or more like 15 years, as I am told by people in the industry. The Hunter cannot wait that long. The Hunter has a stubborn 11.2 per cent unemployment rate which has been brought about by redundancies, the cessation of steelmaking at BHP and the impact of other events on the mining industry. That unemployment rate needs to be addressed urgently. This broadband project is an opportunity to expand a range of industries, and I commend it to the House.

Mr J. H. TURNER (Myall Lakes—Deputy Leader of the National Party) [4.18 p.m.]: The first part of the debate on this urgent motion relates to SaskTel International. I am concerned about the strange timing of this debate, bearing in mind when the council is due to consider the matter. As the Minister said, SaskTel is based in Saskatchewan and is a State-owned communication supplier that employs about 3,800 people. I am told from press sources and from other means that the technology is cutting edge. Anything I say in this debate is in no way a reflection on the company. Obviously, its integrity, skill and product are first rate. The network will enable video stores to provide movies at home on request, as well as run home security systems.

One concern is the slinging of cables some 700 millimetres below existing cables in various suburbs of Newcastle, Lake Macquarie and other affected areas. However, I note that cables can be laid underground if necessary. Obviously, broadband is the way forward in information technology. Broadband is the means by which information data, sound and vision are sent and received quickly. Broadband cable allows the flow of large quantities of data at fast speeds to an electronic receiver. That technology will enable people to work more easily from home. For instance, it takes about 40 minutes to download via telephone cables onto a Windows software program. This technology will reduce that time to only 24 seconds. The Opposition does not object in any way to SaskTel's proposal. It will be well received in the Hunter and Lake Macquarie areas because it will allow expansion into other areas.

It is disturbing that Newcastle City Council will debate and determine this matter tonight. The Minister has said that he is not trying to influence the council. However, there is no question in the world that a claim that there will be grave implications if this matter is not resolved by the end of the month is a clear attempt to interfere with the autonomy of Newcastle City Council. The Opposition agrees with the technology and proposal; we agree that the company is above reproach in every way. However, the Minister has turned the debate into a tawdry exercise by using this Chamber to try to impose his will on Newcastle City Council and to have the proposal pushed through. The Minister failed to spell out the grave implications he referred to. He left the claim hanging in the air, as though it would be upon the head of Newcastle City Council forever and a day if the proposal does not go ahead.

The Minister cannot leave hanging in the air a claim that there will be grave implications for the council, which is trying to make a decision that is in the best interests of its ratepayers, if the proposal is not agreed to and signed off by the end of the month. He must spell out in reply what he means. He has cast aspersions upon Newcastle City Council. He has put unnecessary pressure on the council, which will debate this matter tonight. I note that some Australian Labor Party councillors have some concerns about the proposal. I wonder whether the so-called grave implications and the implied threat might not be a way of trying to lock in some councillors. I note that Councillor Scobie is concerned about the loss of citizens' rights under State environmental planning policy 72. If the proposal is approved the council will be the decision-making authority rather than the State Government. Perhaps that is the reason the Minister is seeking to put pressure on the council.

We have no problems whatsoever with the company, provided the bona fides of the deal have been examined prudentially. We have not seen any contracts and we have not been told about them. We have not been told of any arrangements made with the State Government, the Minister's department or any other government department. We are unaware whether funds have been provided for feasibility studies or whether financial assistance packages have been promised to SaskTel. If that is so we would like more information about them. These things come with a cost and the cost comes from the State Government. If some assistance has been given to SaskTel through the Hunter Economic Development Corporation, the Department of State Development or any other organisation or government body we want to know about it. It is a strange coincidence that we are debating this matter today when the council meets tonight.

I understand that the matter went through committee at Lake Macquarie City Council only yesterday and that the matter will go to a full council meeting next week. If that is the case, is pressure being applied to Lake Macquarie City Council as well as Newcastle City Council? The Minister has an opportunity in reply to spell out the grave implications he referred to. He has a chance to spell out why, when Newcastle City Council meets today and when a full meeting of Lake Macquarie Council will possibly consider the matter in a week, he has chosen today of all days to move this motion. It is not good enough for the Minister to threaten grave implications to councils in the Hunter and Lake Macquarie areas without elaborating on those grave implications and without spelling out what packages of incentives, if any, have been given to the company by the State Government to locate in the Newcastle area.

Mr MILLS (Wallsend) [4.25 p.m.]: It is a pleasure for me to support the urgent motion, which reads:

That this House support the SaskTel International Hunter Broadband project, which will inject \$180 million into the local economy and create 250 jobs in construction and another 200 jobs in operation.

I publicly endorse this important project. Earlier this year I had the pleasure of representing the Minister Assisting the Premier on Hunter Development in relation to this project. In February the Saskatchewan Minister for Crown Investments Corporation, the Hon. Maynard Sonntag, MP, visited the Hunter to meet with leaders of the Hunter community, business and government sectors. He also visited British Aerospace, another investment coup for the Hunter, and two of our world-renowned vineyards. Minister Sonntag saw the very best of the region, and I am sure he returned to Canada with his confidence strengthened in the knowledge that the Hunter is a good place to invest.

I also represented the Minister Assisting the Premier on Hunter Development at the joint council meeting of Newcastle City Council and Lake Macquarie City Council on 4 July, when the draft master plan for the Hunter broadband project was presented. The meeting was well attended by councillors and officials, as well as people from SaskTel in Canada and their Australian advisers. Broadband technology will be one of the key factors in determining the success or otherwise of regions in the next few decades. Regions that have the technology will be able to attract high-tech and data-intensive industries; regions without it will not. It is as simple as that. It is a stark choice between being at the cutting edge of the telecommunications revolution or missing out. The Hunter has high and stubborn levels of unemployment. Typically they are 50 per cent higher than the New South Wales average. Sometimes they are higher than that, as is the case at the moment.

This project will create 250 jobs in the building period and another 200 jobs when the project is in operation. Those highly skilled jobs will develop the human capital of our region and add depth to both university and TAFE training regimes. A critical mass of high-skilled, knowledge-intensive jobs will create many positive spin-offs for our region. For example, dormant skills in the steel industry will enable us to quickly ramp up a new steel mill. Another spin-off will be that high-technology training courses that currently fail due to lack of numbers will become viable and enable students in the Hunter to pursue high-tech careers without having to travel or move to Sydney. The opportunities for telemedicine are important. The broadband project will make a big difference to people in remote areas of northern and north-western New South Wales. Patients will have rapid access to many of the specialist services at John Hunter Hospital and the Mater Hospital in Newcastle for diagnosis and consultation without having to visit the doctor or the doctor having to visit the patient.

Telemedicine is currently available, but its scope is severely limited by bandwidth capacity. The broadband project will also facilitate health support services, such as health interpreters, particularly in remote locations. The opportunities for remote education are also strong. Teleteaching is possible at present but, again, the limited bandwidth restricts its application. In addition to the public and private educational sectors, teleteaching is important in business education. Another significant advantage in the education sector is the ability of rapid downloading from the Internet.

SaskTel International has been involved in the development of telecommunications infrastructure in the developing world, specifically in Tanzania and the Philippines. Those projects, which were sponsored by the World Bank, were the result of a desire on the part of the company to build social and economic capital in those countries and to prove their credentials in the international arena. I applaud the company for that pioneering work and assure SaskTel that this type of involvement does not go unnoticed. As the two previous speakers have said, last night Lake Macquarie City Council committee, of which all Lake Macquarie councillors are members, unanimously approved the master plan, which will come before Newcastle City Council tonight. I commend the project to Newcastle councillors and hope I read the news tomorrow that Newcastle City Council has joined Lake Macquarie City Council in approving the master plan.

Mr DEPUTY-SPEAKER: I call the honourable member for Port Macquarie.

Mr Humpherson: Point of order: It is common practice for the Opposition to have two speakers on a motion for urgent consideration. The honourable member for Myall Lakes, who represents the Opposition in relation to matters affecting the Hunter, spoke to the motion and as the shadow Minister for Innovation it is also appropriate for me to speak on the matter. I seek the call on behalf of the Opposition.

Mr DEPUTY-SPEAKER: Order! Nothing in the standing orders indicates that two of the five-minute speakers to the motion must be members of the Opposition. So far as I am concerned, an Independent member acts as a member of the Opposition. The honourable member for Port Macquarie was first to seek the call, and I gave him the call.

Mr OAKESHOTT (Port Macquarie) [4.31 p.m.]: Communications infrastructure is critically important in regional and rural areas of New South Wales; it is the number one infrastructure need on the mid North Coast. I strongly support any effort, such as this broadband initiative in the Hunter region, to improve communications infrastructure. The Hunter and the mid North Coast have a natural relationship, and I am keen to have that relationship strengthened. Statistics show that 40 per cent of mid North Coast residents who leave the area for university education attend the University of Newcastle. That statistic reveals a strong link with the Hunter. Further, the Mid North Coast Area Health Service relies heavily on health services based in and around the Newcastle and Hunter region. The mental health service at James Fletcher Hospital is one example of the close link between Newcastle, the Hunter and the mid North Coast.

For that reason, I strongly support this initiative and hope it is successful. I hope also that at some stage in the near future the Government looks further north than the Hunter and extends the initiative to the mid North Coast. Last week I attended the signing of a memorandum of understanding between the North Coast Institute of TAFE and the University of Newcastle. I sat with Neil Black, Director of the North Coast Institute of TAFE, and Roger Holmes, Vice-Chancellor of the University of Newcastle. The message at that lunch was clear: the meeting of future education needs on the mid North Coast will depend on an improved communication network. That is why projects such as this are critically important. Previous speakers have referred to the entrenched long-term unemployment rate in the Hunter and on the mid North Coast, particularly youth unemployment. In addition, census data shows that the number of people on the mid North Coast with tertiary level qualifications is not high.

The work of the University of Newcastle and the North Coast Institute of TAFE is important to future continued growth on the mid North Coast. Initiatives to improve the communications infrastructure, such as this broadband project, are important in the development of our area. There is rapid growth in the Hunter and on the mid North Coast, and we are entering an exciting era that I would label as smart growth. Many businesses which in the past have been based in metropolitan areas are now based in rural and regional areas such as the Hunter and the mid North Coast. The improvement in communications standards has allowed people to set up business in those areas. More steps need to be taken and we should not be slack in implementing the broadband and fibre network and improving technology across the board. I believe the time is right to include the mid North Coast in the ministerial portfolio of Hunter Development. The mid North Coast could be placed under the same umbrella. Because of our close links with the Hunter and our similar needs, such as improved communications infrastructure, I encourage the Government to consider a ministry for the Hunter and the mid North Coast.

Mr HUNTER (Lake Macquarie) [4.36 p.m.]: I have pleasure in supporting my colleagues the Minister Assisting the Premier on Hunter Development and the honourable member for Wallsend, who have outlined the SaskTel International proposal. The project is of particular significance to me as the member for Lake Macquarie for two reasons. First, the SaskTel Hunter broadband telecommunications network master plan includes three proposed pilot areas in my electorate. They are located at Toronto, Macquarie Hills and west Wallsend. I will say more about the pilot projects as part of the master plan later in my speech. Second, a high proportion of those who live in my electorate travel daily to their places of work outside the electorate. Some residents, and I am one of them, travel regularly out of the electorate to work in Sydney. Access to broadband technology will enable many Lake Macquarie residents to work from home. National figures from the Australian Bureau of Statistics show that home office expansion continues to grow in the double digits. Latest figures show that the number of home offices grew by over 20 per cent in the 2000-01 financial year.

Broadband enables workers to do everything from a home office that they can do from a company office. They can send and receive emails, access high-speed Internet facilities, participate in video-conferencing and speak directly with colleagues in real time. In addition, data can be transferred with ease and files can be accessed from a remote centralised location. People can even submit their footy tips. SaskTel International will deploy a hybrid fibre-coax-copper network which is installed extensively throughout the United Kingdom and New Zealand. This combination minimises the distance between a home or office and the nearest fibre loop and means that Internet access will be up to 150 times faster than the type of service we are used to in the Hunter.

Just as the honourable member for Wallsend was attracted to the international involvement of the company, I was attracted by its track record in the community. In its home province the company is heavily involved in sponsoring community, sporting and charitable organisations. Concessional arrangements are also made available to the same organisations when they are sourcing telecommunications services. Another benefit of this network will be to the consumer and business person. I am advised by the office of the Minister Assisting the Premier on Hunter Development that householders and businesses can expect SaskTel to bundle telephone, Internet and pay-television services, cutting an average of 15 per cent from their telecommunications bills.

I said previously that I would speak about the pilot areas. There will be pilot assessment areas at Belmont, which is located in Lake Macquarie city, and at Toronto, Macquarie Hills and Wallsend, which are located in my electorate. As part of the preparatory work to install the service in the pilot areas, we would see broadband cabling on existing electricity infrastructure, the establishment of site work facilities if required, overhead cable installation, including the provision of pole-mounted and cable-mounted equipment, installation of an equipment cabinet, underground installation of cable conduits in areas currently serviced by underground power, minor tree trimming where branches are in the direct path of overhead cable equipment, and root pruning where tree roots are in the direct path of cable conduits. These are some of the issues that both Newcastle and Lake Macquarie councils have had to consider.

The honourable member for Myall Lakes said earlier that Lake Macquarie City Council had endorsed the proposal at a council meeting yesterday. I remind him that council committee meetings consist of all councillors and it is rare that a subsequent full council meeting would overturn a council committee decision. I am glad that the company has been receptive to community opinion, and last night's overwhelming vote of support by Lake Macquarie City Council bodes well for the future of that vital relationship. I, too, join with my colleagues and urge Newcastle to follow the lead of Lake Macquarie and endorse this project. It has many benefits not only for Lake Macquarie and Newcastle but for the Hunter region and eventually the entire State.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.41 p.m.], in reply: I thank honourable members representing the electorates of

Wallsend, Port Macquarie and Lake Macquarie for their constructive comments. I could not say the same for the honourable member for Myall Lakes, who, as usual, does not want the project to go ahead. No wonder he is known as tentative Turner. He is a nark and he knocks every proposal that is put forward, demonstrating negativity at its strongest. He believes everything has a sinister overtone. If he believes I have done something wrong he is at liberty to have that matter addressed elsewhere.

His comments about September are correct, and I make no apology for moving this motion. I do not threaten the council: it must take responsibility for its own conscious decisions. The final date for this project was extended from June to September and the State-owned corporation will walk away from the project if the matter is not finalised by 30 September. I have promoted the project for two years and there has been nothing sinister in my actions. The New South Wales Government has done everything in its power to plan and promote the project. Today I serve notice on the council that if it has any reservations about the project, it should put them forward and we will endeavour to address them. The matter can be deferred for a few days, but really two years is ample.

This is the most exciting project to be proposed for the Hunter in the last 10 years, but the honourable member for Myall Lakes opposes it. It has been alleged that there is something sinister about the project. The Government has provided no financial contribution. The honourable member for Myall Lakes makes such assertions because that is the way he operates. For the 30 years that I have been a member of this Parliament I have been fair and above board, and I am not about to change. This project is likely to provide my children and grandchildren with a job. There are some people in my electorate who are more than 30 years of age and have never worked. The unemployment rate in the area is 11.2 per cent, which is double that of any other area of the State. Miners have lost their jobs and employees of BHP who are in their 50s will not obtain another job, despite more jobs being created in the region.

The broadband network will enhance the competitiveness of the region by delivering cost savings for commercial and residential customers. For example, a typical residential customer can expect to pay 15 per cent less for telecommunications services as a result of the SaskTel project. Despite the rhetoric of Telstra, other telecommunications companies are not prepared to come into the region for the next 10 to 15 years. The honourable member for Port Macquarie made a valid point: The North Coast is increasingly becoming part of the Hunter region. On a recent visit to the Great Lakes I was told by members of the community that although they are part of the Manning, they are also very much part of the Hunter.

The honourable member for Port Macquarie participated in this debate because any person with foresight would realise that people moving to Port Macquarie and other towns on the North Coast seeking a better lifestyle will want jobs. With this technology they can work from their homes. If Newcastle City Council has good reasons to reject the proposal, it should do so. This is not a threat. However, it should not just defer the proposal for a few weeks for further consideration. To its credit, last night at its committee meeting Lake Macquarie City Council realised the urgency of the matter. The father of the honourable member for Lake Macquarie is probably the best president Lake Macquarie has ever had. His brother is a member of the council. They know what is happening. The Lake Macquarie area will be the recipient of this technology. I deprecate the actions of the two-bob-each-way member for Myall Lakes. I commend the motion to the House.

Motion agreed to.

BUSINESS TOURISM

Matter of Public Importance

Ms NORI (Port Jackson—Minister for Small Business, Minister for Tourism and Minister for Women) [4.47 p.m.]: I would like to speak about the importance of business tourism to the New South Wales economy, in particular, the value of science and medical conferences to the State's economy. Despite the events of September 11 and other events, Sydney thankfully continues to be regarded as—and in fact is—a world force in the international conference industry. This sector is worth about \$2.1 billion in income to our State. Only two months into the current financial year the Sydney Convention and Visitors Bureau [SCVB] has shown an 81 per cent success rate on conference bids compared to 71 per cent at the same time last year.

I take this opportunity to highlight the economic significance of medical conventions because they are, more typically than not, the largest and highest yielding of the conventions held in this city and, indeed, around the world. Earlier this year Sydney hosted the fourteenth World Congress of Cardiology, which comprised 8,000

delegates. This followed the International Congress on Ophthalmology, with 5,000 delegates, which was held in April. It is difficult to overestimate the importance of these events to Sydney. These prestigious conferences provide an important opportunity for professionals within those medical specialties to showcase Australian technologies and skills.

Sydney is well placed as the home city to the majority of Australia's medical and biotechnology companies. They are also multimillion-dollar earners for our city and our State. Increasingly we find that conventions and conferences also create a linchpin and opportunity for an exhibition component. That provides an opportunity for our biotechnology companies to showcase themselves and for other business to be conducted. It encompasses the entire business community. The SCVB estimates that these two medical conferences alone generated some \$106 million for Sydney. Some of the figures are extremely impressive.

The estimated income of hotels was \$33.6 million; shopping, \$14.5 million; restaurants, \$10.6 million; and social functions, \$3.4 million. The list goes on: For instance, the city newsagent who sells more newspapers and magazines to visitors is enjoying a tourism benefit—even though he or she may not realise it. The two medical conventions that I mentioned reinforce the fact that for modern international cities such as Sydney business tourism is a significant driver of economic growth, and indeed a linchpin for employment in the tourism industry.

Our success as a world business tourism centre received a great boost from the Sydney Olympic Games. The Olympic Games were held only two years ago and it is difficult for any of us to forget how magnificent they were and how they showcased Sydney—and, most importantly, the friendliness of our people—to the world. The Olympics also demonstrated our exceptional skill and capacity to host large-scale, popular, international events that involve top-notch expertise across a range of areas. The success of the Olympics and the two recent large-scale conventions that I mentioned reinforce Sydney's status as an international city, with the reputation and credibility to mix with the premier cities of the world. Sydney often beats the likes of Paris, Rome or New York in polls of the world's favourite cities.

However, being an international city means that Sydney is not immune to the challenges and fluctuations of the world economy. This can be seen in the international arena of business tourism. Tourism is tied particularly to the performance of the world economy. There was no clearer demonstration of this than the impact of September 11. One year on, we are able to reflect on the enormity of that impact, and we will continue to discern more in the future. Undoubtedly the events of September 11 shook the global tourism industry. The World Tourism Organisation reports that prior to September 11 the economic situation in western countries, such as Germany and the United States, and in Asia had already begun to impact on the travel industry.

The immediate impact of September 11 was not only that people stopped travelling but that the way in which they travelled changed. For instance, people travelled to destinations that they perceived to be safe, and travelled less by air. The events of September 11 also impacted on business travel: there was simply less of it. According to the World Tourism Organisation—of which I am pleased to hear that the Federal Minister for Small Business and Tourism, Mr Hockey, is considering making this country a member—the current global tourism picture is that there has been a contraction in international tourism that, thankfully, seems to be easing gradually. On the whole, growth is still forecast—although we must ponder what might occur if certain events take place in Iraq.

The Tourism Forecasting Council expects that international visitors to this State will increase from 2.69 million in 2001 to 6.69 million in 2020—an average growth rate of 4.9 per cent a year. However, it is less than the council predicted a couple of years ago. Last year I announced a \$15-million tourism recovery strategy in response to the events of September 11 and the collapse of Ansett. Let me state once and for all in this Chamber that in many ways the collapse of Ansett has had the greatest impact on tourism in this country, not just because we lost tourism capacity out of Japan, Hong Kong and other countries that Ansett serviced but because there is no Star Alliance connection to distribute and disperse travellers when they arrive in this country. That has also had an impact.

A key component of the Government's strategy post September 11 was directed at the business tourism sector, and \$5.7 million has been provided to the SCVB over two years. Looking at the results, I think we can say that that organisation has done extremely well. The figures show that it has secured 38 international meetings valued at just under \$200 million in the 12 months since September 2001. That compares with 35 events won over a similar period in the previous year. At the latest count, it is estimated that from September 2002 to 2012 Sydney will host \$197 million worth of meetings business. Of course it is early days yet; there are many more conventions and conferences to bid for over that period.

While I am confident that the tourism industry in this country is resilient and that long-term growth is looking good, we cannot be complacent and we must obviously be strategic. As part of the recovery strategy, the SCVB targeted international conference organisers through a direct contact program, selling Sydney and New South Wales as a safe, easily accessible, desirable and well-priced destination. When we win a convention we go about strategically boosting the number of delegates who will attend. Sydney often wins in a showdown between other bid cities in Australia because we can argue—quite correctly—and demonstrate that holding a conference in Sydney is more likely to boost the number of delegates who are likely to attend. An element of this strategy is a focused and concerted effort at targeting the Asia convention market, and the SCVB employs a dedicated Asia specialist who is doing just that.

I conclude by congratulating the SCVB on its hard work in a highly competitive global market. Sydney often competes within the Oceania region with cities such as Hong Kong, Kuala Lumpur and Manila, which are keen to get that business. However, we continue to do extremely well. The New South Wales Government funds the SCVB because conventions bring an economic benefit that is spread throughout the State—whether to a retailer who sells a newspaper to a visitor or to a hotel that sells a room night. This translates into jobs. I shall talk about the work of the convention centre in regional New South Wales when I reply to the debate.

Mr J. H. TURNER (Myall Lakes—Deputy Leader of the National Party) [4.55 p.m.]: The Opposition joins the Government in acknowledging the importance of business tourism to the New South Wales economy. I also join the Minister for Small Business, Minister for Tourism and Minister for Women in acknowledging the role that the Sydney Convention and Visitors Bureau [SCVB] plays in securing business tourism for our area. It is a not-for-profit, membership-based organisation whose primary responsibility is to promote Sydney as a meetings, incentives, conventions, exhibitions and special events destination. It has been fulfilling that role since 1969. The SCVB report for 2000-01 notes that business tourism was worth \$2.1 billion to New South Wales in that year.

According to the International Congress and Convention Association, Sydney was listed in the top five international convention destinations in 2000, and was the only destination outside Europe to be in the top five. The Minister has outlined some events that have been won for Sydney. That is most impressive, particularly as we must compete with the Asian market. The very good discussion paper released by the Federal Minister for Small Business and Tourism entitled "The 10 Year Plan For Tourism" identifies business tourism as an expanding area. The paper refers to Australian business tourism in a broad sense, and states:

Business tourism expenditure, which includes visitors who may have a holiday in conjunction with a business trip, was around \$11.2 billion in 1999. Of this, international business tourism records an expenditure of around \$893 million.

The meetings, incentives, conferences and exhibitions sector is one of the tourism industry's highest yielding sectors, worth around \$6 billion a year. The growth of the meetings industry has been explosive in Australia—140 international meetings were held here in 2000. Sydney is in the top three cities internationally for meetings and events, having welcomed 44 000 participants in 1999, behind only Vienna's 46 000 and Berlin's 73 000.

When one considers the locations of those two capitals one can appreciate that we have done very well as we must overcome the tyranny of distance in attracting convention delegates to Sydney. I believe that what the SCVB has done is extraordinary. It has been kind enough to provide to me, for the purpose of this debate, some relevant information in relation to the impact of business tourism on Sydney and the rest of New South Wales. Before I put that information on record, I should say that I hope we can develop business tourism outside the gateway of Sydney. I know that Sydney is the capture point—it is understandable that people want to come to Sydney; it is a beautiful city—but it is important that we try, wherever possible, to get people out beyond the Blue Mountains. As nice as the Blue Mountains are, I would like people to have an opportunity to get out a bit further. Satellite convention days would give people the opportunity to enjoy part of the convention in another part of the State, which would be highly desirable for regional areas.

I realise that is highly unlikely at the present time whilst we have problems with the air industry. An international convention wishing to hold a sub-convention in a regional area would obviously need to be able to travel quickly, because time is of the essence when people visit our country to attend conventions. Some of the figures that have been given to me by the SCVB include the economic impact on business tourism. International convention delegates spend an average of \$749 per day, or \$4,330 during their stay in Sydney. By comparison, the average international tourist to Australia spends \$2,156. So there is a significant added value in having conference delegates come to our areas.

The latest study carried out by the SCVB found significant increases in delegates' spending in most areas. The largest increase, compared to the 1999 study, put domestic air travel up by 87 per cent. That comes

back to my statement a moment ago that there is a high dependence on air travel. We must get the airlines up to scratch, as they were before the disastrous failure of Ansett. Tours are up by 78 per cent, recreational facilities and social functions up by 37 per cent, shopping up by 21 per cent, and restaurants up by 10 per cent. Those last few figures are quite interesting in that people seem to be readjusting their spending habits and making sure that they participate more in recreation and tours than worry too much about shopping and restaurants. The top spenders for 2001 were the South American delegates at \$5,875, followed by North America at \$5,039.

I notice from the figures supplied by the SCVB that convention attendance directly influences first-time and repeat travellers to Australia: 76 per cent of delegates were first-time visitors to Australia, compared to 79 per cent in 1999 and 78 per cent in 1997; and 83 per cent of delegates believed they would return to Australia in the next five years—a significant increase of 7 per cent since 1999. That is a staggering figure. Even allowing for the afterglow and feeling of well-being that follows a trip away, that augurs well for future tourism in New South Wales and Australia from convention delegates.

There was an increase in the number of delegates undertaking pre-convention or post-convention travel in Australia to 57 per cent, an increase of 8 per cent since 1999. Regional New South Wales enjoyed an increase of 35 per cent in pre-convention and post-convention touring since 1999. I do not mean to take anything away from the Blue Mountains. I toured the Blue Mountains about a month ago. I climbed down the escarpment and walked through the valley. The Blue Mountains is the most popular pre-touring and post-touring destination, with 53 per cent of the market, followed by the Great Barrier Reef at 43 per cent, Ayers Rock at 18 per cent and the Hunter Valley at 11 per cent.

I believe we can do better in relation to dispersing international tourists into other areas. With the Pacific Highway upgrade, my area of Forster-Tuncurry is now a little over three hours from Sydney. We should be directing international tourists to areas other than what have become the traditional places for them to visit. Domestic conventions, of course, cannot be underestimated. The SCVB has advised me that the total average expenditure per domestic delegate for the duration of their stay in Sydney was \$1,935, and the average daily expenditure was \$601. They are very good figures, and show we are doing something right.

I pay tribute to the Australian Tourism Commission [ATC], which has had a significant campaign to build business tourism in Australia. Two initiatives have been announced, one on 1 July 2002 and one yesterday. The ATC's three cornerstones of business tourism activity now include: core marketing activities such as trade events, sale missions and educational seminars; integrated marketing programs with the provision of an additional \$1 million funding campaign to include advertising, corporate families and special publications; and Team of Australia, a joint program with the convention bureau, including sales missions with corporate and incentive buyers.

I accept and understand, as I am sure the Minister would, that the ATC plays a very important role in attracting international tourists to our market. I hope that Tourism New South Wales plays that role as well. I heard the Minister say of our activities in some of the other countries that we must do everything we can, in view of the uncertainty of previous world events, to get the confidence of people to come to Australia. I believe that is one of the key issues—to get the confidence of people to come to Australia and to make sure that they understand we are not that far away. Wherever I travel overseas people say it is a long way to come. It only takes 24 hours to travel to London. If we can overcome that major problem we will have a buoyant business tourism industry.

Mr BROWN (Kiama) [5.05 p.m.]: After listening to the contribution of the honourable member for Myall Lakes I am very pleased to add a contribution about regional conferences within New South Wales. Regional New South Wales has caught on to the fact that conferences are bringing great economic value to the State of New South Wales. Simply put, conferences are creating jobs. To date this Government has provided the Sydney Convention and Visitors Bureau with \$600,000 to deliver a regional conferencing strategy for country New South Wales—another Carr initiative that is hitting the mark. This strategy includes two major initiatives: firstly, the regional New South Wales business tourism brand, the New South Wales Convention Bureau. This is a vital step towards marketing and positioning regional New South Wales in the highly competitive global meetings market.

The New South Wales Convention Bureau brand will help establish regional New South Wales as a meeting and convention destination in its own right. It will also enable more focused marketing of the many unique attributes associated with New South Wales, including its scenery, cuisine and excellent meeting and conference facilities and infrastructure. Tourism New South Wales has worked closely with the Sydney

Convention and Visitors Bureau to establish this brand and to provide valuable assistance to develop regional business meetings. The second part to the strategy is the creation of the regional New South Wales conference planner. This is a comprehensive guide to regional New South Wales business tourism products and services.

This is another product created with close co-operation between Tourism New South Wales and the Sydney Convention and Visitors Bureau, along with the Department of State and Regional Development. It is a great example of a whole-of-government approach, with different departments coming together under different Ministers to ensure that regional areas prosper from this emerging tourism market. Regional tourism businesses are now in a much better position to market their products and services to potential clients, and to capitalise on business opportunities that may have otherwise been lost due to the limited amount of information available.

The regional strategy process includes an audit of the type of meeting infrastructure that is available in regional New South Wales. That means that people will be able to know all the different types of infrastructure throughout the State that might be of use to their potential meeting or conference. The regional New South Wales calendar of events now lists 1,168 regional meetings and events, a 19 per cent increase from last year's calendar of events. The first business tourism guide to regional New South Wales will be produced. The regional conference plan has been distributed to business tourism professionals across Australia. Three scholarships will be awarded to regional industry professionals to enhance their expertise. Education workshops will concentrate on marketing and sales and regional familiarisation programs will be held for organisers of meetings and conferences, in addition to media familiarisations as part of a detailed public relations plan.

The regions across New South Wales are responding well to the strategy and are working hard to ensure they do not miss out on the lucrative conference dollar. In June this year Australia's largest business event expo, Sydney on Sale, attracted 66 regional exhibitors. This is about double the number that exhibited at the same event two years ago. Sydney on Sale launched the 2002 regional New South Wales facilities guide, which was produced by the New South Wales Convention Bureau. The guide promotes regional business tourism expertise available throughout the State. The guide has been updated to provide plans with information on regional business tourism options with an emphasis on accessibility, major attractions, capacities and key industries. Regional New South Wales was seen as a serious conferencing destination. The appeal of regional New South Wales reflects a real desire by conference and event planners to offer delegates unique experiences in a focused environment that is easily accessible and cost-effective.

Ms NORI (Port Jackson—Minister for Small Business, Minister for Tourism, and Minister for Women) [5.10 p.m.], in reply: I appreciate the spirit in which the debate has been undertaken. The shadow Minister referred to satellite conferencing. Of course, that is something that the Sydney Convention and Visitors Bureau [SCVB] does attempt and is looking at. It is perhaps more appropriate for industry-based rather than medically based conventions. For example, a convention on mining might be partly conducted by satellite to connect it with a mine project in a remote area of the State. That would certainly provide an opportunity to spread the dollar further.

The shadow Minister exhorted us to try to keep people in New South Wales and beyond the Blue Mountains, and of course that is our aim. The difficulty is that conferences normally last about a week. United States delegates have probably only two weeks annual leave and they are very keen to get off to the rock and the reef. I can understand that with someone who has not been here before but people who live in Australia realise that they can do it all in New South Wales.

Convention and conference attendees are more likely to make a repeat visit after having had a taste of this country, this State and this city. Of course, we do encourage touring before and after conferences and conventions. We put all those options to the delegates. Technology will probably come to our aid. Delegates will take it upon themselves, as increasingly members of the travelling public do, to make their own arrangements by scouring the net. Only a week or so ago we announced an exciting initiative to enable the State's tourism products to engage in e-business as part of our e-business strategy. This will be particularly valuable to regional tourism products. For \$330 a year, a very reasonable sum, any tourism product in this State—no matter how far away it is from Sydney, how tucked away it is in a mountain environment, or how far it is out in western New South Wales—may be advertised through our web site.

That price also provides the tools to update the web site regularly, and access to still photographs, graphics and so on. It is very easy, very simple and does not require going through a web designer or anything like that. We are giving people the tools to design their own web page which will be linked to ours. We are then linked to the Australian tourism data warehouse, which is our link with the outside world coming in to Australia.

The *visitnsw.com.au* web site will host the web site for the Channel 9 program *Postcards*. That is a great accolade for our web site. We are linking into that program and it is also linking into us. I use this opportunity to exhort all tourism operators, no matter how large or small, to put their hand in their pocket and get that \$330 out and get themselves onto that web site.

I also exhort business in Sydney to understand the value of convention and conference business. Not all retailers, food sellers, newsagents, milk bars, banks and other industries may even realise the value of this business. Companies that provide audiovisual and multimedia facilities at conferences also can benefit. Not all businesses have seen their way clear to supporting the Sydney Convention and Visitors Bureau. The bureau offers gold, silver and bronze membership. It provides a fabulous service. As with the union movement, people should not be prepared to take the benefits of membership and not pay their fees. I say as nicely as possible: If you are a beneficiary of the Sydney Convention and Visitors Bureau's work you might kindly consider—I will not name some of the obvious exceptions—joining up and making your contribution. The ability of the SCVB to resource itself, to go out there and pitch and bid and do the research that is required to successfully win a conference against every other city in this world, depends on how large the kitty is. It is not up to the State Government to fund all of it; the private sector should get in and support the SCVB.

Discussion concluded.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

HUNTER HOME-START INCORPORATED AWARD PRESENTATION CEREMONY

Mr BARTLETT (Port Stephens) [5.15 p.m.]: Today I acknowledge the great work done by Hunter Home-Start Incorporated and the graduation and acknowledgement ceremony on Wednesday 21 August. At the New South Wales Drug Summit in 1999 I was involved in the young people's prevention program. We found that a two-year-old child who was sexually, physically or emotionally abused could have a physical brain size 15 to 20 per cent less than if that child had been from a nurtured background. So childhood development was a very important area that needed to be addressed. Out of that process came Families First, which now has under its umbrella Hunter Home-Start. It was my privilege to join with Marilyn Barnes, the Manager of Hunter Home-Start, and Ann Fletcher, the Co-ordinator of Hunter Home-Start, Raymond Terrace, for the graduation of the group 3 personnel and the presentation of 12 months service awards.

The graduates, who are all volunteers, did a 10-week course in their own time. At the graduation ceremony I thanked Robyn Bennett, Nicole Broom, Noni McLeay, Val Young, Kathryn Elloy and Glenis McInerney for their contribution to their community. They are getting involved in early intervention in relation to parenting that is not working. They go out into the community and work one-on-one for one day a week or half a day a week with families to try to establish proper parenting techniques. Seven people could not attend the ceremony to receive their 12 months service awards but the seven who did were Wendy Anderson, Gail Dine, Janette Cowan, Leanne McConnell, Julie Oliver, Fay Rinkin and Kellie Williamson.

Hunter Home-Start is targeting the most recent research into childhood development. Recent research highlighted that the outcomes for children depend on the quality of the parenting they receive, and that the quality of parenting is dependent on the amount and quality of support that the caregiver receives. The risk of developing antisocial problems is further increased if early onset conduct problems are combined with harsh and inconsistent parenting, low parental monitoring and low parental involvement in school. Early interactions directly affect the way a child's brain is wired, and the earlier the intervention the more successful it is likely to be.

Volunteers are going out into the community as required, one-on-one when they can, to give their time. They are trying to directly influence young parents by guiding them in the parenting skills they need to get young children through the major development period of birth to three years. That is done by nurturing the child so as not to produce an unwanted result. I congratulate the volunteers on their work. One volunteer, who graduated 12 months ago, was appointed to a lady who was so affected by post-natal depression that she could not get out of bed. Her six-month-old child was extremely neglected, abused if you like, because of that neglect. The volunteer went to that lady for half a day each week and has helped to turn around the family's life. I spoke

with Reverend Gary Parker, who runs the Kairos Seminar Group in prisons. He deals with hardened prisoners and in the 11 groups of 24 prisoners that he has managed he has found that the one common denominator is child abuse. I commend the volunteers who do as much as they can to help the community.

Ms NORI (Port Jackson—Minister for Small Business, Minister for Tourism, and Minister for Women) [5.20 p.m.]: I am pleased that the honourable member for Port Stephens has raised this matter, one that has been close to my heart for some time. I do not mean to be disrespectful, but, unfortunately, it has been only in more recent times that this matter has attracted public attention. Women, and the women's movement, have known for a long time that if we are to have a happy, healthy society with self-sufficient, self-disciplined, self-confident and happy people we have to focus on their socialisation. For too long society thought that some bad trends could be turned around through education. But, of course, most of the damage is done in the first 12 months of a child's life.

When a child is between one and three years, or maybe up to five years, there is a chance to turn around any social damage it has suffered, but after that it is very, very difficult. Of course, we should try. When I became Minister for Women I was given a briefing from the Families First program. I was very impressed with what it was trying to do to address the problems. It is critical that we give individuals the skills with which they can create a virtuous spiral, the dynamic that empowers them to pass skills on to their children and break that intergenerational cycle of abuse, neglect, or dysfunction. We have a strong and healthy Police Force and we can put police on as many corners as we like, but, at the end of the day, self-responsibility has to be somewhere in the equation.

We cannot expect NSW Police or other government infrastructure to solve all problems. Some problems can become so intractable if not caught in time that they become almost impossible to solve. We can all cite examples of disaster after disaster for an individual, and that is terribly sad to see and terribly difficult to change once the pathway has been set. I congratulate the honourable member on highlighting the importance of nurturing quality parenting. [*Time expired.*]

KU-RING-GAI ELECTORATE BUILDING DEVELOPMENTS

Mr O'FARRELL (Ku-ring-gai) [5.22 p.m.]: I again raise the State Government's continued attempts to foist inappropriate development upon my community in Ku-ring-gai. I do so in light of expectations that within the next week the Government will announce nine-storey and six-storey developments for sites at Lindfield and Pymble, in my electorate. I state upfront, again, my view that the local community is the best place to make planning decisions. By all means State governments should set targets and should require councils to meet those targets, but in meeting those targets and putting together plans to determine where aged and disabled people are to live, ultimately it ought to be the local communities who make the decisions, through their local councils.

I raise again my concern that on the one hand the Government is seeking to impose increased densities and inappropriate development upon Ku-ring-gai, and on the other hand refuses point-blank to provide infrastructure and services to cope with the increased demands. The sites at Avon Road, Pymble, and Lindfield Avenue, Lindfield, are major traffic black spots. The erection of a nine-storey building at Lindfield and a six-storey building at Pymble will exacerbate existing problems; and there has been no commitment to upgrade services.

The proposed developments are inappropriate because there is no other six-storey or nine-storey development across Ku-ring-gai. These decisions will ultimately change forever the face of my part of Sydney, the garden suburbs that form an inner ring around Sydney and provide oxygen to the city. The developments should be opposed and the Minister should not make these announcements at the very least until he meets with the mayor to discuss progress on the residential strategy. He should not make these announcements until the Government is prepared to put money upfront to provide commensurate infrastructure for those developments. The Government will not do that; therefore the developments should not go ahead.

I turn now to a related issue; the tactics of the Government to choose six sites across Ku-ring-gai and to assume ministerial control over planning consent. It is doing so as a device to force Ku-ring-gai Council to the table on the residential strategy. The Government is also using in-fill State environmental planning policy [SEPP] 5 developments across my electorate for the same purpose. I repeat: in areas such as North Turramurra and others where in-fill SEPP 5 developments are occurring—where a single home is being lost and multiple

units are being replaced, where there is no enforcement upon the covenants on who is occupying the places—the strain upon services and infrastructure is enormous. The developments are also having an impact on the aged people who live in my community and who share my concern about those types of developments. Recently when I conducted a survey in my electorate an aged woman from the northern end wrote to me. She stated:

I lost my husband eighteen months ago and they—

that is the developers—

have pursued me from the minute he passed away.

That is the sort of pressure that the Government is encouraging developers to impose upon residents in Ku-ring-gai. It is simply unacceptable. It is also unacceptable to me that council and a developer have come to an agreement despite concerns about North Turramurra and its proximity to the Ku-ring-gai Chase National Park and an historic fire path. The development should not have been approved because it is in a bushfire-prone area and no appropriate evacuation procedures are in place. I remind the House, again, that North Turramurra has one access road in and one access road out, and that there are already traffic problems. In a crisis, trying to evacuate North Turramurra would be a tremendous problem given the number of existing larger residential establishments for aged people as well as the hospital. The influx of in-fill SEPP 5 developments will make that worse.

I am appalled that an agreement has been reached for one development to have sealed rooms in which elderly and disabled residents would be placed while a fire passes by. I am sure that the developer could back up that proposal with technological arguments. However, I am concerned about the psychological impact that sealed rooms would have on aged residents anywhere in Sydney. The use of sealed rooms is despicable; it is simply a perverse way to try to justify a development in the face of overwhelming evidence that it should not be allowed in a bushfire-prone area. And it certainly should not be allowed in a place like North Turramurra.

The third issue I want to raise is one that I have been trying to get answers to this afternoon, again relating to overdevelopment, and I do not know whether it is the result of pressure from government on council to get maps together. Under the latest residential draft strategy, the Lindfield Public School site was zoned residential 2(d2), which would allow development units of three-storey plus an attic to be built on it. Given this Government's record of selling off land previously occupied by public schools, that concerns me. I want to know for how long that zoning has applied. I want to know what the implications are for Lindfield Public School. [*Time expired.*]

DEATH OF Mr SCOTT BAILEY

Mr GIBSON (Blacktown) [5.27 p.m.]: Often we make speeches in this Chamber about people who die, mainly fairly high-profile people. Tonight I wish to speak about Scott Richard Bailey, affectionately known as Scottie, a resident of Bidwill who recently passed away. He was a good little mate of mine. Some years ago I spoke in this Chamber about people who receive awards, especially the Australian of the Year award, and I referred to a fellow by the name of Ken Bailey and his wife, Gwen. There has never been a more deserving couple to receive such an award. Not only did they raise their two kids, but many years ago Gwen and Ken adopted a little baby with Down syndrome who was horribly handicapped. His name was Scottie. A couple of years later they adopted another little Down syndrome child who was also badly handicapped. Her name is Norma. Scottie and Norma were not brother and sister, but because they lived in such a loving family they became brother and sister.

Over the past 15 years I have had a lot to do with Scottie and Norma. I have watched them grow into teenagers and young adults. Often Scottie would come down to my office and sit in the chair. He would tell everyone that he was the boss. He would then tell my secretaries to sit on his knee because he was the boss—I do not know where he got that idea. Norma would take over the office like a real secretary. I remember one day before an election when Scottie was helping me give out how-to-vote cards in shopping centres. A group of bikies came in and refused to take pamphlets from him. Scottie became very terse. After an argument the bikies decided to take a pamphlet from him. But, really, he was a loving sort of bloke. When he turned 21 I gave him a watch for his birthday. Anyone would have thought that I had given him a sheep station because he was so pleased and proud of it.

On 19 June, aged 24, Scottie died in Royal Prince Alfred Hospital. It was a very sad day. We buried him at Pine Grove. Scottie taught me a lot of things, but he taught me one thing in particular: he had a great

habit of treating everyone the same. He was a touchy sort of person. Scottie would speak with his hands, and he did it very well. He was a very sensitive and loving person. He will be sorely missed by those who really knew him. He was a young bloke who absolutely loved movies, videos and TV shows. His favourite show was *All Saints*. He would play a movie or an episode of a TV show over and over until he could remember every part of that show. He would recite it, and be nearly as good as the actors who were in it. This was another way that his personality shone brightly. When Scottie passed away his brother wrote this poem:

When I look into your eyes in photos, I see your lust for life
No matter your age, your dark eyes sparkle as the core of your person
Delighted in your school uniform, I see the bursting enthusiasm
That your cheeky grin is holding back for the lens
I can see things which you took so seriously,
Though we all knew it was just part of the fun,
My mind sees animated conversations
And your bright beaming face is the star

I know that I already miss you and I know that you're not coming back
So I cherish these priceless photos, and the memories which keep coming back
Till that sunny day that I don't know when, I'll see you my brother, along up the track.

That poem is an indication of the type of family that Ken and Gwen Bailey raised. These two Down syndrome, handicapped kids blended into the family. The rest of the family were quite normal in every possible way. Ken and Gwen Bailey regarded everyone the same. They are well known to a lot of people in the Mount Druitt area, particularly at Bidwill. Scottie and Norma were also known to everyone out there. We have lost a very good young Australian. His mum and dad are entitled at least to be Australians of the Year.

SNOWY HYDRO WATER ALLOCATIONS

Mr PICCOLI (Murrumbidgee) [5.32 p.m.]: I draw the attention of this House to the ongoing drought. In the south-west of New South Wales the drought is significant for dry area farmers, but it is also impacting significantly on a large number of irrigators. The Murrumbidgee Valley currently has an allocation of 38 per cent of water, which is historically the lowest allocation ever announced at this time of the year. That allocation will enable irrigators on the Murrumbidgee River to water their winter cereals and their pastures, but they will not be able to grow any summer crops. More significantly, the 2,500 irrigators in the Murray Irrigation Area have an allocation of only 8 per cent of water, which is the second-lowest allocation on record at this time of the year. These very low allocations are impacting significantly on the economy of southern and south-western New South Wales, not just for Murray irrigation farmers but for all irrigators in New South Wales along the Murray River.

The drought is impacting not only on farmers' incomes but also on the communities that rely on those farmers. Of the 2,500 irrigators in the Murray Irrigation Area, 800 have already run out of water, including a large number of dairy farmers who need to water their pastures to keep their stock alive. It is not just a matter of waiting until next season when there is sufficient water to plant new crops. They have ongoing commitments and lifestyles to maintain. Milk production will be squeezed, with flow-on effects to the economies of the surrounding communities. We cannot make it rain, but the Snowy Mountains Hydro-Electric Scheme has a large store of water. The dams were built 50-odd years ago not only to generate electricity but also to regulate the flow along the Murrumbidgee and Murray rivers in western New South Wales for irrigation.

Regulations are in place to retain water for the ongoing supply of South Australia, but there is sufficient water to provide additional releases to Murray and Murrumbidgee irrigators. For some time Murray Irrigation and other groups along the Murray have been negotiating with the Snowy Hydro Corporation and the State Government with mixed success. Two or three years ago, prior to the Snowy Mountains Hydro-Electric Scheme being corporatised, the allocation was similarly low. The State Government was in a position to release additional water at a cost to irrigators, which they were prepared to pay. But now that the scheme has been corporatised, the greedy New South Wales Government, which is a 58 per cent shareholder in the corporation, is maximising its profit and return at the expense of irrigators. It is asking for \$275 a megalitre, by comparison with \$20 or \$30 two or three years ago.

Such conduct by Snowy Hydro and its major shareholder, the New South Wales Government, is unconscionable. They have a real opportunity to help the irrigators to produce wheat crops that are necessary for feedlots and people like Barthers, as well as for stockfeed for dry area farmers, livestock that need maintaining, and dairy farmers who will find themselves in a serious situation. I have received a number of letters, including one from Marie and Gary Farrell from Tocumwal, pleading with the State Government to do something about it.

I have letters inviting the Hon. John Della Bosca to the Murray to see the situation first hand. I extend the same invitation. But it has to be within days, not weeks, because the position is becoming extremely urgent. Whole communities are at risk. The drought is having a devastating impact. We cannot make it rain, but water is available. I ask the State Government to make it available to these irrigators at a reasonable cost.

GEORGES RIVER ELECTORATE DEVELOPMENT APPROVALS

Mr GREENE (Georges River) [5.37 p.m.]: One of the major issues in the electorate of Georges River and in many other electorates is overdevelopment. While approval of individual developments is the responsibility of local councils, planning codes have to be approved by PlanningNSW, a State Government authority, and signed off by the Minister for Planning. Since my election in 1999 I have been proactive in supporting any moves by the two councils in my electorate to contain development. When Kogarah and Hurstville councils needed support to change their planning codes to control development, I made personal representations to the Minister for Planning. Examples in the Kogarah council area include a two-storey restriction on the Oatley squash court site and gaining an exemption from State environmental planning policy [SEPP] 5.

In Hurstville I supported the local environmental plan [LEP] change that created a foreshore protection area and restricting development in that sensitive area. I also supported a change that restricts development in small shopping strips to two storeys. In some of those areas developers had proposed developments of five and six storeys, which is totally inappropriate. I am currently pushing for Hurstville to gain a SEPP 5 exemption. Each of those changes has been initiated with strong community support and has been successful in restricting overdevelopment. As has been stated previously, councils set the rules and if those rules need strengthening to restrict overdevelopment they will have my support.

Two proposed developments at Beverly Hills and Hurstville Grove are arousing a great deal of community interest. The Beverly Hills proposal is for a 14-storey building. In my recent newsletter I stated that the proposed development is too high. When the assessor presents a report to council I will make further comment. However, the development control plan for King Georges Road, which borders the site, restricts the height to four storeys. That would seem an appropriate height restriction for this proposal. The Hurstville Grove development involves a master plan for the site of the Hurstville Diggers Bowling Club, which is approximately 8,500 square metres. The master plan has been on exhibition at council and last Thursday evening and Saturday morning at Hurstville Grove Scout Hall.

The residents of Hurstville Grove are rightly horrified by the proposal to rezone the land to residential 2(b) and to construct 38 townhouses and villas. I fully support their concerns. I recently attended a meeting at which I advised the more than 120 residents in attendance that council has total control and the last say on the development. An appeal cannot be lodged against the refusal by council of a rezoning application. My opinion, which is shared by the majority of local residents, is that if this site is to be rezoned, it should be rezoned for residential 2(a) building blocks. Local residents have the opportunity to make submissions to council on this master plan, and I have encouraged them to do so. More than 150 people signed the attendance sheet at the scout hall exhibition, and there were others in attendance who did not sign. When I was there on Saturday the general feeling was one of total outrage at the master plan proposal.

I indicated to the residents committee representatives, Phil Ward and Rory Elston, and others on Saturday that I will make representations to council. My submission will include a recommendation, firstly, that as council has total control of the site it should reject the rezoning as currently outlined in the master plan. It should then facilitate a meeting between the developer and representatives of the residents committee, who would be more than pleased to meet with the developer. I have confirmed that with both Rory and Phil. In addition, if the residents agree, the developer should then subdivide the site into 15 or 16 500-square-metre building blocks. That would fit in with the character of Hurstville Grove. Any other development would be totally out of character with the area.

Some residents would like to have this land, which is currently zoned for private use, rezoned as an open park area. Obviously, the developer, who spent close to \$4 million to buy the site, will not wish to do so. The site cannot be left with rats and other vermin running through it. That would create more havoc for the residents. We have an opportunity to secure an appropriate subdivision that will fit in with the current scale of development at Hurstville Grove. I fully support the residents in seeking the more appropriate 2(a) zoning of 500-square-metre building blocks which will fit in with community needs. I give them my 100 per cent support.

Mr LUKE McSWEENEY COMPENSATION CLAIM

Mr COLLINS (Willoughby) [5.42 p.m.]: I draw to the attention of the House a matter that I drew to the attention of the Attorney General, and Minister for the Environment about five weeks ago. The matter relates to a fire which all honourable members of this House would be aware of. The fire occurred on 8 June 2000 during a backburn operation at Mount Kuring-gai. Today I draw to the attention of the House—and I have advised the Attorney that it is my intention to do so—the case of Luke McSweeney, an employee of the National Parks and Wildlife Service [NPWS] who survived the fire, which took four other lives. All honourable members will recall the shock they felt when four members of the National Parks and Wildlife Service who were engaged in a routine backburn during the winter months suddenly lost their lives. The same number of NPWS employees were injured on that day. I want to read briefly from a statement that Luke McSweeney, who is a constituent of mine, has provided to me. It will indicate why it is crucial that the Attorney resolve this matter as quickly as possible in favour of Luke McSweeney and the other survivors. Speaking of his experience on 8 June 2000, Luke McSweeney said:

As the wall of flame was about to consume me, I got to my feet and did a somersault through the wall of flame, cartwheeling and rolling down the hill into the burnt country. The right side of my body was on fire, which I eventually smothered on the ground. I gave thanks that I was still alive, then quickly focused my attention on the other crew members. I walked back up the hill and found the other three survivors wandering around in a daze, their skin hanging off them like rice paper. I remember the skin on my hands had liquefied and was dripping from the tips of my fingers.

This man still waits for compensation from the National Parks and Wildlife Service. He went on to say in his statement:

Throughout this period of rehabilitation (over the last two years) my emotional life has been totally dominated by feelings of loss, anger, bitterness and frustration, interspersed with depression, loss of words, loss of confidence and self-consciousness. The intensity and duration of these negative emotions is something that I had never experienced before the fire.

He went on to say:

It is 2 years since I was burnt, and I am yet to receive any apology or even an acknowledgment of responsibility or regret. This causes me enormous hurt. This only serves to add insult to injury.

Further, he said:

The attitude adopted by NPWS regarding this tragedy has served to hinder my rehabilitation. The feelings of betrayal, anger, bitterness, frustration and depression have been exacerbated by the irresponsible, self-serving, immoral stance NPWS has taken. NPWS could have assisted me in my recovery by limiting these negative emotions and feelings, thereby giving me the opportunity to focus on dealing with the trauma, grief and sense of loss that arises from such a tragedy.

I am sure the Attorney is aware of the details of this case and has the same feeling of compassion for Luke McSweeney that all honourable members of this House would have. It is crucial that this case be resolved so that this man is spared the rigours of further litigation. I have a further connection with Luke McSweeney. He served in the Army Reserve in 1 Commando Company during the time I was honorary colonel of that regiment. In an assessment of this case Major Mick Greenan, Officer Commanding 1 Commando Company, stated:

I am concerned that there may be a perception that he has lost potential earnings from his employment at 1 Commando Company and nothing more. This is a drastically incomplete appreciation of what being precluded from commando service has taken from Private McSweeney's life.

Luke McSweeney was a man with a fabulous future ahead of him, both in the Army Reserve and in the National Parks and Wildlife Service. I hope that resolution of this matter is speedy and that justice, which is deserved so richly by Luke McSweeney, is delivered.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [5.47 p.m.]: The tragic events at Ku-ring-gai National Park in mid-2000 have left scars throughout the National Parks and Wildlife Service. Luke McSweeney was one of the service staff caught up in those events who suffered terrible injuries. I have intimate knowledge of these events. My sympathy goes to Luke and all the staff and families who have been affected by this tragedy. From the very day of the incident I have directed that the National Parks and Wildlife Service do everything to ensure that the affected staff and families are given all the support they require, and I believe every effort has been made in this regard.

Since that time Mr McSweeney has received his full award wages. For the first 26 weeks workers compensation payments were made at that rate. At that time the statutory compensation rate would usually have

decreased, but with my approval the service has maintained the full rate of payment. Mr McSweeney's ongoing medical and rehabilitation expenses are also being paid. Most importantly, the National Parks and Wildlife Service admitted breach of duty of care very early in the proceedings arising from Mr McSweeney's claim. There will be no distressing or drawn-out arguments about the circumstances of the incident.

I am advised that the issue that remains to be resolved is the quantum of his claim, which includes a claim for future economic loss. As the honourable member for Willoughby has indicated and would understand, that can be a highly technical process and that is what is taking some time to resolve. I am advised that the question of resolving the quantum of Luke's future economic loss has been continuing even in the past few days. Every effort is being made to resolve his claim fairly and expeditiously. Like all honourable members, I hope that Luke will not have to face any time in a courtroom, but his case has been allocated a hearing day in November to deal with this outstanding issue, if that is necessary. I hope it is not.

BERESFIELD RAILWAY STATION UPGRADE

DUNGOG SHIRE ROADS

Mr PRICE (Maitland) [5.49 p.m.]: I raise two matters in my electorate. In relation to one I express words of praise and, in relation to the other, words of hope. I acknowledge publicly the actions of the Minister for Transport in providing easy access to three railway stations that are currently in various stages of outfitting with lifts, walkways and a number of other new platform facilities. Last Friday the Minister formally opened the new and improved Beresfield railway station, the first of those three stations. The improvements have had an extraordinary impact on the local community. Over the years considerable angst has been experienced by the elderly, young mothers with strollers and the disabled in gaining access to the station. The Easy Access program has allowed those people to now use this wonderful public facility to travel quickly and economically to Newcastle, particularly as the area does not have a bus service.

Second, I draw attention to the roads in the Dungog shire. Recently the Mayor of Dungog, Councillor Low, moved a mayoral minute declaring that he needed some \$20 million of State funds and \$30 million of Federal funds to maintain the roads in his shire. There are only two regional roads; the remaining roads are local. Although I have some sympathy for the mayor's concern, the practicalities still have to be sorted out. I support in principle the need for additional funding for the road network within the shire. It is a large shire that extends from Paterson in the south to Barrington Tops in the north. However, it has a population of less than 8,000. Consequently the rates are modest and, of course, no rates are collected from the large areas of national parks and forests within the area.

I have taken up the matter with the Minister and I understand that the request for funding is being considered. The shire also seems to have a problem in relation to spending funds over and above its normal allocation, and that has caused some frustration. I have asked the ministry and the Roads and Traffic Authority to sort out that matter. In questioning whether country roads are in good or bad condition, accident records and speed zones must be considered. Yesterday afternoon on my way home from Maitland to Vacy I was shocked when I passed a fatal accident involving a 27-year-old man. The police said the accident was caused by a combination of factors, and speed was one.

In 1995 the local council took over the responsibility for certain roads from the State Government. Compensation was paid. However, this accident occurred on an upgraded section on which some of the compensation had been spent, not on a rougher section. Therefore, it is difficult to blame the condition of the road, but it is tragic that a young man is dead, another is seriously injured and considerable disruption was experienced. Money cannot always solve road problems; commonsense must prevail. I will do my best to persuade the Government to support the roads program in Dungog shire, but we must reflect on how that money should be applied. We should not expect guarantees that life and limb will be any safer on a good road than on a bad road. We must play our part. I hope that message is made clear to everyone. I will discuss the Dungog road network with the Minister in due course.

ORANGE TRAIN CONTROL CENTRE

Mr R. W. TURNER (Orange) [5.54 p.m.]: The honourable member for Maitland spoke about good news regarding railway stations in his electorate. However, today I report on the frustration of employees at the Orange Train Control Centre and their uncertain employment future. On 19 August a meeting was called by the Australian Services Union and the Rail, Bus and Tram Union at which concerns were expressed about the

Minister's proposal to transfer up to 25 train controller positions from the Orange Train Control Centre and up to 300 jobs out of regional New South Wales to Broadmeadow, which is near Newcastle. That might be good news for the honourable member for Maitland, but it is not good news for those employees in Orange.

The meeting was told that in excess of \$1 million had been spent in the past 12 to 18 months upgrading the Orange Train Control Centre. Concern was expressed that few members would be able to take up any offer of a job transfer to Newcastle, given that many workers had families in Orange, and others had partners with jobs that they could not leave. In addition, many workers did not want to uproot their children from schools where they were settled. They expressed concern that house prices in the Newcastle area may be double those in Orange, and that would necessitate increased mortgages. They were also concerned that if they accepted the offer of a transfer, they would not be guaranteed equal positions in Newcastle. At the time I called on the Minister for Transport to come to Orange and meet the staff of the Train Control Centre to tell them face to face whether they would retain their jobs and what their future would be. It is interesting to note that the *Central Western Daily* of 16 September carried the headline "Reprieve for rail workers". The accompanying article stated:

A pledge by the Minister for Transport Carl Scully to visit Orange and review a decision to transfer 25 rail signal jobs to Newcastle has been welcomed enthusiastically by staff whose jobs are in jeopardy.

I note the word "review". I do not want any guarantees about transfers to Newcastle for those workers. I challenge the Minister to back down and promise that the jobs in Orange will be guaranteed virtually forever. To date, the Minister has promised that no jobs will be lost for up to three years. However, the families affected are facing three years of indecision. People do not know where they will be in three years. Will they have jobs? Should they transfer their mortgages? They do not know what their prospects will be. Although the fate of 25 workers might be reviewed, there has been no word at this stage about the other 275 jobs that may be lost not only in Orange but in the Junee Train Control Centre or about signallers throughout the State whose positions are also in jeopardy.

The Minister has many questions to answer when he visits Orange, and I welcome his decision to accede to my request to speak to the workers. The Minister should also inform the people of Orange why jobs must go to Broadmeadow. The Minister has stated in this House that we need only one train control centre outside the metropolitan area to cover the entire State. Why must that train control centre be located on the coast? Why can it not be situated in regional New South Wales? Alternatively, why not have one train control centre on the coast and another train control centre based in Orange, Junee or any other suitable country location to oversee the rest of New South Wales? Those jobs should remain in regional New South Wales and the train control centre at Orange should be expanded to provide more employment. [*Time expired.*]

NEWCASTLE AND LAKE MACQUARIE EARTHQUAKE RISK ASSESSMENT

Mr GAUDRY (Newcastle—Parliamentary Secretary) [5.59 p.m.]: At 10.27 a.m. on 28 December 1989 an earthquake measuring 5.6 on the Richter scale shook Newcastle, which is Australia's sixth most populous city. It was an earthquake of moderate magnitude that claimed 13 lives and caused extensive damage to buildings and other structures in the Newcastle area. Most lives were lost in the Newcastle Workers Club and in Beaumont Street, Hamilton. Unfortunately, a young worker was also killed during reconstruction work at The Junction Public School. The earthquake shook not only the city but people's belief that we did not live in an earthquake zone—or at least not in an area where earthquakes would cause major problems for cities.

The Newcastle earthquake certainly changed that view. It had an enormous impact on disaster planning in New South Wales and led to the launch of a publication entitled "Earthquake Risk in Newcastle and Lake Macquarie", produced by Geoscience Australia. That is the National Geoscience Research and Spatial Information Agency, which was formed by the merger of the Australian Geological Survey Organisation and Australia's National Mapping Agency. The agency has conducted important scientific studies of the dangers posed by natural hazards. Such hazards are quite common in Australia—whether they are floods, hailstorms or major windstorms—and have a dramatic impact in populated areas. It is important to prepare for natural disasters and to have a clear idea of their impact.

The study was launched in Newcastle and presents the most comprehensive and advanced earthquake risk assessment for any Australian city undertaken to date. It focused particularly on economic loss but also considered the social impact of the earthquake. The results of the project will assist decision makers involved in local government, State government, policy development, the insurance industry, engineers, architects and the building and finance industries to manage potential damage and loss of life from earthquakes in Newcastle and Lake Macquarie. It also has implications for other populated areas, such as Sydney, Melbourne and Adelaide, whose urban environments—particularly the composition of building stock—are similar to that of Newcastle.

This is an interesting study that calculates the level of risk within the study area as being low to moderate, but many mitigation strategies can be adopted by individuals and organisations. The 1989 earthquake was not a rare occurrence. I was surprised to learn that four earthquakes measuring five or more on the Richter scale have occurred in the Hunter region since European settlement in 1804. The study proposes that individuals or organisations can improve earthquake loading standards; enforce the compliance of all new structures with current earthquake loading standards; provide adequate insurance against earthquakes—that is an important recommendation in the context of the insurance problems facing this nation—and protect facilities such as police, fire and ambulance stations and hospitals, which provide essential services following any earthquake event. As I am sure the Minister for Gaming and Racing will agree, several days after the Newcastle earthquake those services were in a state of not only shock but disarray. Those facilities should be examined by suitably qualified engineers. We must have appropriate building codes to ensure that there is no loss of life or amenity if a similar earthquake occurs in the future.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [6.04 p.m.]: I compliment the honourable member for Newcastle on giving an important overview of earthquakes and their effects. Nobody anticipated the events of December 1989 when the earthquake hit Newcastle. There was a feeling of shock because no-one believed it could happen. Yet, as the honourable member for Newcastle said, there were clear warnings in the 1850s. In fact, an evacuation in 1929 of the then newly built Royal Theatre was described in graphic detail. That event was certainly not of the same magnitude as the 1989 earthquake, but it must have been substantial. We appreciate also that in 1929 Newcastle did not have buildings of the type that existed in 1989.

A positive outcome of the 1989 earthquake was the change in building codes Australiawide. For years posts under awnings were replaced with awnings with cantilevered braces, and walls just collapsed onto the street. The emergency services in Newcastle came under scrutiny not for what they failed to do but because we had never dealt with a catastrophe of the magnitude of the Newcastle earthquake. The rescue operations following the Thredbo landslide would not have been as successful if we had not learned rescue techniques following the Newcastle earthquake. It definitely taught us some very important lessons on how to rescue people trapped in buildings following the earthquake, and how to deal with the aftershock, the building codes and especially emergency services.

TRIBUTE TO Mr PHIL COLLINS

Mr R. H. L. SMITH (Bega) [6.06 p.m.]: I speak tonight of a man from my electorate who has recently retired after dedicating almost his whole working life to the New South Wales Rural Fire Service. Mr Phil Collins began work in 1975 as a part-time fire control officer with Imlay Shire Council. The position became a full-time position in 1981, when Mumbulla and Imlay shires combined with Bega Municipal Council to form Bega Valley Shire Council. Phil Collins' first involvement with firefighting began when he was seven years old and he delivered messages to firefighters on horseback. He later joined the Candelo Bush Fire Brigade and served as captain before being appointed the State's first part-time fire control officer.

At a recent gathering of almost 300 community representatives, many tributes to Phil flowed from all over the far South Coast region and beyond. Assistant Commissioner Tony Howe—a former highly respected resident of the town of Eden—said Mr Collins had brought stability into the Rural Fire Service in this region for many years. Tony Howe noted that he had been awarded "the pinnacle of appreciation", an Australian Fire Service Medal. He said, "Although Mr Collins has been around a long time he's not stuck in the mud and always wants to go forward". It was because of this attitude that Tony Howe believed the new Bega Valley shire fire control centre and vehicle replacement program had recently been completed.

Peter Ryan, New South Wales Rural Fire Service Regional Manager, stated that Phil Collins' warm-hearted personality set him apart from others. He said he had never heard one person say anything bad about Phil Collins. So loud was his praise of Phil Collins that he went on to describe him as a visionary, and said that the Rural Fire Service would lose a wealth of experience. Peter Ryan also said, "I wish there were people like him not only in the Rural Fire Service but on the whole planet." I am sure that this sentiment was felt by all who attended Phil's farewell dinner. Tim Shepherd, representing the National Parks and Wildlife Service, said Phil Collins had made an invaluable contribution to fire management in the local region.

He said Phil Collins was a great listener who took people's concerns to heart and who had a strong commitment to the welfare and wellbeing of his volunteers. He would be missed for his knowledge, his integrity, and his ability to bring people together. Every speaker at the dinner—and there were many—had

nothing but praise for this man who had given so much, and yet was embarrassed by the accolades that were bestowed upon him. Phil has always been fully supported by his wife, Elaine. The old adage, "Behind every successful man is an exhausted woman" fits so well here. In reply, Phil Collins, who will turn 70 next December, said he did not expect people to make such a fuss over his retirement. He said, "I don't deserve this, I'm no-one special, I have just done what I had to do." He told the gathering that his first office was a Land Rover with a school port. "It was a pretty good old unit and I did a lot of work in it," he said. "I have always gone about my job with two philosophies in mind. Do what you can with what you've got, and today's problem is tomorrow's history."

He said he always believed in looking after the volunteers because "if you look after the troops, the troops will look after you". Phil Collins described the Rural Fire Service as a great organisation of people and said he had enjoyed the mateship and comradeship. He thanked his family for their support over the years and said he would not have been able to do his job without them. I firmly believe that Mr Phil Collins is an Australian of whom we can all be proud, and whose simple philosophies should be a lesson to us all. The naming of the new fire control centre in Bega as the Phil Collins Fire Control Centre is a fitting tribute to a long career.

ST THOMAS' CHURCH, PORT MACQUARIE

Mr OAKESHOTT (Port Macquarie) [6.11 p.m.]: Tonight I seek financial support for the restoration of St Thomas' Church in Port Macquarie. Without doubt St Thomas' Church is the feature piece and the landmark item in Port Macquarie. It is desperately in need of restoration work. The early history of Port Macquarie is closely bound with the early history of Australia. As many in this place know, Port Macquarie was discovered in 1818 by John Oxley, and occupied by Europeans in 1821 as a place of secondary punishment to receive convicts who had transgressed the law for a second time after transportation to New South Wales. Port Macquarie is one of the oldest penal settlements outside of Sydney. It predates perhaps one of Australia's most recognised historical penal settlement sites, Port Arthur, which was established in 1833, 12 years later.

On the St Thomas' Church precinct itself Port Macquarie is fortunate to have three of the State's earliest buildings still standing on the one site. The Colonial Surgeon's residence was built in 1822 as a surgeons' dispensary. St Thomas the Apostle Church was built between 1824 and 1828. The church is one of Australia's few remaining early colonial churches. The site was selected by Governor Macquarie and the church was built by convict labour and completed under Governor Darling. With its setting of open grounds and Norfolk Island pines the church is an important element in Port Macquarie's townscape, so much so that it is considered to be the feature piece within the central business district of Port Macquarie.

The church is included on the Register of the National Estate, the North Coast regional environment plan and the Hastings Council local environment plan 2001. It is classified by the National Trust of Australia and an application is currently before the New South Wales Heritage Council for inclusion on the State Heritage Register. I am surprised—and I think it is just a mistake—that it is not already on that State Heritage Register. I hope our application is successful. The Anglican Church of St Thomas is, without a doubt, an item of State cultural significance. The place demonstrates both convict building methods and the development of Anglican religious worship in the Port Macquarie area since the area was established in 1821. It should be maintained in such a condition as to continue those associations.

The site, with the church, the associated buildings and the landscape, forms an important focus in the Port Macquarie townscape and is linked with the town's formation, continued growth and development. The significance of the place is enhanced by its landmark setting and by its age, and the intactness of much of the convict-built fabric. The site, without doubt, holds a high potential for archaeological research and understanding. Whilst it is recognised that over the years much has been physically destroyed that would have maintained those links with Port Macquarie's past, in the case of St Thomas' Church it is the natural elements that are helping to destroy what is the fifth oldest Anglican Church still in use in Australia, and the ninth oldest church in Australia.

The parish of St Thomas has been maintaining the church and surrounds as best it can for over 170 years in an attempt to preserve the past for the enjoyment of future generations. However, with the state of the building, it has now become too much for it to maintain. Between inspections in June and my latest inspection a couple of weeks ago, slow crumbling has become visible and cracks are appearing in the building. Unless action is taken quickly on a significant scale by either the State or Federal governments, we are going to see the end of what is a landmark item for Port Macquarie. I believe there is an obligation on all Australians to acknowledge

the historical significance of this church and for governments at all levels to fund its complete restoration, just as they have funded the restoration, maintenance and even reinstatement of missing items of other churches of less historical significance. I therefore sincerely ask the House, the Government and the Minister to consider financial support—significant financial support—for the restoration of St Thomas' Church.

Ms NORI (Port Jackson—Minister for Small Business, Minister for Tourism, and Minister for Women) [6.16 p.m.]: I am more than happy to pass on the comments of the honourable member to the relevant Ministers, but I am not in a position to commit other Ministers' budgets to this project. We ought to protect our heritage. As Minister for Tourism I say that icons such as that church in Port Macquarie add to the ambience of the area. It is not the reason people make a decision to travel to Port Macquarie for their two weeks of summer holiday, but we cannot separate from a destination such as Port Macquarie other items and other icons that helped to make it such an interesting place: the heritage of the church and what it represents, being a Macquarie town. They are important issues to the tourist industry in Port Macquarie.

Private members' statements noted.

JOINT SITTING: PARLIAMENTARY SEMINAR ON REFORM OF THE LAW OF NEGLIGENCE

Mr ACTING-SPEAKER (Mr Lynch): I report the receipt of the following message from the Legislative Council:

Joint Sitting—Seminar on Reform of the Law of Negligence

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that having considered the Assembly's message, dated 17 September 2002, regarding a Joint Sitting for a Seminar on Reform of the Law of Negligence, it has this day agreed to the following resolution:

1. That on Wednesday 18 September 2002 a Joint Sitting of Members of the Legislative Council and the Legislative Assembly be convened for the purposes of a Parliamentary Seminar on Reform of the Law of Negligence with such Sitting commencing at 10.05 am at the ringing of one long bell and concluding at 1.00 pm without question being put.
2. That at such Joint Sitting the following persons be admitted to the floor of the House to address Members:

Professor Peter Cane, Professor of Law at the Australian National University

Mr Michael Gill, insurance specialist and partner, Phillips Fox Lawyers

Mr Bret Walker, Senior Counsel and President of the NSW Bar Association, and

Mr Geoff Atkins, general insurance specialist, Trowbridge Consulting.
3. That during the Joint Sitting the Standing Orders of the Legislative Assembly will apply.
4. That Members and Officers of the Council be present in the Legislative Assembly at 10.05 am on Wednesday 18 September 2002 for a Joint Sitting for purposes of a Parliamentary Seminar on Reform of the Law of Negligence.

M. BURGMANN
President

Legislative Council
17 September 2002

[Mr Acting-Speaker (Mr Lynch) left the chair at 6.21 p.m. The House resumed at 7.30 p.m.]

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Motion by Mr Debus agreed to:

That standing and sessional orders be suspended to permit the introduction forthwith and progress up to and including the Minister's second reading speech of the following bills, notice of which was given this day for tomorrow:

Food Bill
 Law Enforcement (Powers and Responsibilities) Bill
 Holiday Parks (Long-term Casual Occupation) Bill
 Surveying Bill
 Crimes (Administration of Sentences) Further Amendment Bill
 Agricultural Industry Services Amendment (Interstate Arrangements) Bill
 Farm Debt Mediation Amendment Bill

LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) BILL

Bill introduced and read a first time.

Second Reading

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [7.30 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Law Enforcement (Powers and Responsibilities) Bill. The bill represents the outcome of the consolidation process envisaged by the Royal Commission into the New South Wales Police Service to help strike a proper balance between the need for effective law enforcement and the protection of individual rights. This bill constitutes significant law reform. It radically simplifies the law in relation to law enforcement powers, setting out in one document the most commonly used criminal law enforcement powers and their safeguards. Previously complex and diverse law enforcement powers and responsibilities once buried in numerous statutes and casebooks have been consolidated into the bill so that the law is now easily accessible to all members of the community.

Matters included in the bill represent a codification of the common law, a consolidation of existing statute law, a clarification of police powers, or a combination of these. In acknowledgement of the significance of this legislation the Government has consulted widely in the preparation of the bill. Stakeholders and other potentially interested parties were afforded an opportunity to comment on an exposure draft of the bill. The majority of amendments to the exposure draft were made in response to the 29 submissions received. While generally the bill simply re-enacts existing legislation, it does in some circumstances make amendments intended to more accurately reflect areas of the common law or to address areas in the existing law where gaps have been identified. Unless expressly stated, the bill is not intended to change the common law.

I do not propose to address each clause of the bill separately. Unless otherwise stated, the effect of the provisions is intended to reflect the current meaning already provided in the statute books. I will, however, address the areas where there has been substantive reform, in particular: revised powers of entry, simplification of personal search powers and related safeguards, new provisions regarding notices to produce, new provisions regarding crime scenes, revised powers of arrest, revised powers relating to property in police custody, and new general safeguards that apply broadly to the exercise of all police powers.

I turn first to powers of entry. Part 2 of the bill codifies the existing common law powers of entry. Clause 9 provides that a police officer may enter premises if the police officer believes on reasonable grounds that a person has suffered significant physical injury or that there is imminent danger of significant injury to a person. This power to enter premises to prevent death or significant injury represents a clarification of police powers at common law and reflects legitimate community expectations of the role of police. Clause 9 also enacts the common law power of police to enter premises where a breach of the peace is being or is likely to be committed and it is necessary to enter immediately to prevent the breach of peace. The bill deliberately does not define the term "breach of the peace"; this is a well-established concept at common law, and will remain so. A police officer who enters a premises by virtue of the powers in clause 9 may remain on the property only as long as is reasonably necessary in the circumstances.

Clause 10 codifies the existing powers of police to arrest a person, to detain a person under another Act, or to arrest a person named in a warrant where the officer believes on reasonable grounds that the person is in the premises. I turn to the question of search and seizure without warrant. Part 4 of the bill details the powers of search and seizure without warrant. Police powers to conduct personal searches have been significantly simplified without reducing or increasing existing powers, so that police are able to readily understand the types of search that they may undertake, and the community can understand more readily the powers that police have in this respect. A regime of three tiers of searches has been adopted, and safeguards have been introduced to ensure that civil liberties are upheld and that the integrity of the police process is not compromised. I will address the new regime and safeguards in greater detail shortly.

Clause 23 (2) addresses a gap in the law identified in the course of consolidation: While at common law police have the power to search a person who has been arrested on suspicion of committing an offence, it is not clear whether police have the power to search a person arrested otherwise than for an offence. Clause 23 (2) provides that police will have the power to search a person arrested other than for an offence in limited

circumstances, that is, where the arresting police officer has a reasonable suspicion that the arrested person who is being taken into custody is carrying something which she or he may use in a way that could endanger a person, or assist a person to escape from custody.

This provision addresses concerns about safety of police and others in custody and is a justifiable law enforcement power. The search powers set out in clause 23 are powers that may be exercised at or after the time of arrest. These powers should be distinguished from those set out in clause 24, which sets out the search powers that may be exercised by a police officer after a person has been arrested and taken into custody, for example, at a police station. Division 3 of this part consolidates the existing police power to search for knives and other dangerous implements. The existing provisions have been substantially redrafted to ensure that the applicable powers and safeguards are consistent with the three-tiered search regime detailed in division 4 of this part, which I shall come to shortly.

The redrafted provisions do not extend or restrict the powers police currently have to search for a knife or other dangerous implement in a public place or school. The existing safeguards have either been incorporated into the safeguard provisions which apply generally to all personal searches conducted under the bill, or have been incorporated within the new definitions of the searches. Division 4 of part 4 details provisions that apply to all personal searches conducted under the bill. In order to provide greater regulation of police search powers, the bill substantially adopts the three-tiered personal search model contained in the Commonwealth Crimes Act 1914, which in turn is based on the Model Criminal Code.

The bill introduces a regime of frisk, ordinary and strip searches in respect of all personal searches conducted under the bill. The bill details the circumstances in which each of the three levels of search may be warranted and provides safeguards to protect the privacy and dignity of persons being searched. The bill provides specific safeguards for any person subjected to a strip search and specific safeguards for children and persons with impaired intellectual functioning who are subjected to a strip search. A frisk search is defined as a search of a person conducted by quickly running the hands over the person's outer clothing or by passing an electronic metal detection device over or in close proximity to the person's outer clothing and an examination of anything worn or carried by the person that is conveniently and voluntarily removed by the person.

An ordinary search is defined as a search of a person or articles in the possession of a person that may include requiring the removal and examination of specified items of outer clothing. A strip search is defined as a search of a person or of articles in the possession of the person that may include requiring the person to remove all of his or her clothes, but only those clothes necessary to fulfil the purpose of the search, and a visual examination of the person's body and a search of those clothes. A strip search may be carried out only where the police officer suspects on reasonable grounds that it is necessary for the purposes of the search and that the seriousness and urgency of the circumstances require a strip search. The bill requires that the least invasive kind of search practicable in the circumstances should be used.

The bill introduces safeguards intended to preserve the privacy and dignity of all persons subjected to personal searches under the bill. Clause 32 incorporates a number of safeguards intended to ensure that a police officer conducting any search has regard to the searched person's right to privacy and maintenance of dignity throughout a search. The police officer must comply with the safeguards set out in section 32, unless it is not reasonably practicable in the circumstances to do so. What is reasonably practicable in the circumstances will, of course, be dependent on the individual circumstances. These safeguards require the officer to inform the person of the nature of the search, request their co-operation, conduct the search out of public view and as quickly as possible, and not to question the person searched at that time in relation to a suspected offence.

Clause 33 provides specific safeguards for a person subjected to a strip search. The safeguards in subclauses (1) to (3) of clause 33, which relate to privacy, the absence of people not necessary for the purpose of the search and the presence of support persons, must be complied with unless it is not reasonably practicable in the circumstances. Clause 33 (3) provides for the presence of a support person for children aged between 10 and 18, and persons who have impaired intellectual functioning who are subjected to strip searches. This provision has been included to protect the interests of those who may not be able to protect their own interests, and may also assist police in the conduct of the strip search. The safeguards in subclauses (4) to (6) of clause 33 are, without exception, mandatory and clarify that a strip search is, in fact, a visual search and not an examination of the body by touch. Clause 34 provides that a child under 10 may not be strip searched. The safeguards in division 4 are in addition to safeguards in part 15 that apply generally across the bill. The safeguards better define what a police officer can do when conducting a search, and ensure the integrity of the criminal justice processes.

I turn now to search and seizure with warrant or other authority. Part 5 repeals and re-enacts existing powers set out in the Search Warrants Act 1985 and sections 357EA and 578D of the Crimes Act 1900. The provisions in this part regarding notices to produce clarify and provide a legislative basis for the practice of obtaining documents held by financial institutions. Search warrants, in this context, are considered a blunt instrument: a search warrant may authorise police to search the entire premises for documents held by the financial institution, when only a specific customer's records are sought. In practice, banks produce the documents sought when presented with a search warrant, rather than have police search through all of their records.

The bill will allow a police officer who believes on reasonable grounds that an authorised deposit-taking institution holds documents that may be connected with an offence—such as fraud or money laundering—committed by someone else to apply to an authorised officer for a notice to produce the relevant documents. The notice to produce provisions in the bill do not replace search warrants. The intention of the provision is that police may apply for either a notice to produce or a search warrant, depending on the circumstances. Although the new power imposes a duty on financial institutions to produce particular documents which does not now exist, the change is largely one of process. The provision will not alter the type of documents that can be obtained—a document, for example, can include a document in electronic format—but merely the process in which the documents are obtained. Consistent with the existing Search Warrants Act 1985, the bill provides that the penalty for failure to comply with a notice to produce, without reasonable excuse, is the same as the penalty for obstructing or hindering a search warrant.

I turn now to crime scenes. It is important that the community has confidence that evidence at a crime scene will not be interfered with, contaminated, lost or destroyed. This bill takes the opportunity to unequivocally clarify the powers that police currently exercise when establishing and undertaking certain actions at crime scenes. Part 7 of the bill outlines when police may establish a crime scene and the powers that may be exercised at a crime scene. The bill creates a two-tiered approach for crime scenes. If police are lawfully on the premises and establish a crime scene, certain basic powers to preserve evidence may be exercised in the first three hours without a crime scene warrant. The powers that may be exercised in the first three hours are aimed primarily at the preservation of evidence and include directing people to leave a crime scene and preventing persons entering a crime scene.

The remaining crime scene powers are investigatory, and search and seizure powers. These powers may generally be exercised only once a crime scene warrant has been obtained. The application procedures for, and safeguards relating to, crime scene warrants are the same as those for a search warrant. The authorised officer may issue a crime scene warrant authorising a police officer to exercise all reasonably necessary crime scene powers at, or in relation to, a specified crime scene. However, police may exercise any of the crime scene powers in the first three hours—that is, without a warrant—if the officer or another officer applies for a crime scene warrant and the officer suspects on reasonable grounds that it is necessary to immediately exercise the power to preserve evidence.

The exception to the requirement for a warrant before the exercise of certain powers is vital. For example, police may need to immediately take a photograph if a crime scene is being flooded, or gain access to a room that is on fire and which police suspect contains evidence of an offence. In these circumstances, waiting for a crime scene warrant to be issued would not be practicable, as the evidence would be destroyed. The bill provides for a number of safeguards for the use of crime scene powers, such as providing time limits on the establishment of a crime scene and specified powers available to use at a crime scene. The bill does not interfere with the ability to establish a crime scene in a public place. The bill does not prevent an officer from exercising a crime scene power or doing any other thing if the occupier consents. Nor does the bill provide police with a new power of entry. Police will only be able to exercise crime scene powers if they are already lawfully on premises or have been granted a crime scene warrant.

The range of offences for which crime scenes may be established is limited to serious indictable offences and where there is an offence committed in connection with a traffic accident causing death or serious injury to a person. The officer must be of the opinion that it is reasonably necessary to establish a crime scene to preserve or search for or gather evidence of such offences. As with notices to produce, these powers are not intended to detract from the search warrants powers. Consistent with the existing Search Warrants Act 1985, the bill provides a penalty for obstructing or hindering a police officer exercising crime scene powers, without reasonable excuse.

I turn now to powers relating to arrest. Part 8 of the bill substantially re-enacts arrest provisions of the Crimes Act 1900 and codifies the common law. The provisions of part 8 reflect that arrest is a measure that is to

be exercised only when necessary. An arrest should only be used as a last resort as it is the strongest measure that may be taken to secure an accused person's attendance at court. Clause 99, for example, clarifies that a police officer should not make an arrest unless it achieves the specified purposes, such as preventing the continuance of the offence. Failure to comply with this clause would not, of itself, invalidate the charge. Clauses 107 and 108 make it clear that nothing in the part affects the power of a police officer to exercise the discretion to commence proceedings for an offence other than by arresting the person, for example, by way of caution or summons or another alternative to arrest. Arrest is a measure of last resort. The part clarifies that police have the power to discontinue arrest at any time.

The application of the safeguards contained in part 15 of the bill represents the classification of the common law requirement that persons must be told of the real reason for their arrest and a clarification of the additional requirements that officers must provide their name, place of duty and a warning. I turn now to powers to give directions. Part 14 repeals and re-enacts without amendment legislative provisions in relation to police powers to give reasonable directions. It is intended under clause 197, which sets out the power of police officers to give directions in public places, that a police officer may be "a person affected by the relevant conduct" for the purposes of issuing a direction.

I will now deal with property in police custody. While substantively re-enacting the relevant provisions of the Criminal Procedure Act 1986 and the Police Service Regulation 1990, the bill makes a number of minor amendments to address concerns raised by operational police concerning the disposal of property lawfully in police custody. I turn to the question of overarching safeguards. Part 15 of the bill incorporates generic safeguards applicable to the majority of powers exercisable under the Act. When, for example, police exercise powers of entry, search and arrest, they must, before exercising the power, provide a person subject to the exercise of the power with evidence that the officer is a police officer, his or her name and place of duty; provide the reason for the exercise of the power; and warn that failure or refusal to comply with a request of the police officer in the exercise of the power may be an offence.

The bill recognises, however, that police may not always reasonably be able to comply with the safeguards prior to using their powers, such as in an emergency situation. Accordingly, the clause requires in such circumstances that the safeguards should be exercised as soon as reasonably practicable after the power has been exercised. Even in emergency situations, however, police should strive to comply with all safeguards set out in the bill. The existing law has been preserved in the case of a power to request disclosure of identity, give a direction, or request a person to produce a dangerous implement.

These requirements must be met before the power is exercised. The bill provides that the Ombudsman will monitor for two years from the commencement of the proposed Act the newly enacted provisions of the bill, including the personal search provisions, the safeguards, crime scenes, notices to produce and other minor changes to police powers. The Minister for Police and I will undertake a review of the proposed Act three years after its assent. With power comes responsibility. The bill represents ideals of transparency, accountability and legitimacy.

Over time this Parliament, as the representative of the community, and the courts have given police certain powers required to effectively fulfil their role in law enforcement. In return for these powers, however, police are required to exercise their power responsibly, particularly when these powers affect the civil liberties of members of the community whom the police serve. The Law Enforcement (Powers and Responsibilities) Bill balances these two ideals admirably and I commend it to the House.

Debate adjourned on motion by Ms Hodgkinson.

SURVEYING BILL

Bill introduced and read a first time.

Second Reading

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [7.55 p.m.]: I move:

That this bill be now read a second time.

The Surveying Bill arises from the recommendations of the national competition policy review of the Surveyors Act 1929 and consultation with key stakeholders. The national competition policy [NCP] review process

recommended that the objectives of the Act be clarified; the role of the Board of Surveyors be broadened to include the supervision of surveyors in coalmining, metalliferous mining and extractive industries; the system of registration of the survey profession be retained in the public interest; the existing restrictions upon advertising, ownership of survey firms by non-surveyors and the naming of survey firms be removed; membership on the board be expanded to include representatives of government, the survey profession, consumers and other professional groups having an interest in survey and spatial information; the retention of current standards and requirements for registration, subject to ongoing review; and some professional training requirements be included in the undergraduate degrees course for surveyors. Some of these matters are not included in this bill.

The removal of restraints on naming and ownership will be dealt with through the regulatory process, as will other specific matters relating to the content of the Survey (Practice) Regulation. Educational and professional training issues will be addressed by the board through ongoing discussions with relevant education and training providers. In addition to the NCP recommendations that are included in this bill, broader consultation with stakeholders has resulted in the inclusion of certain other amendments, the renaming of the Board of Surveyors to the Board of Surveying and Spatial Information, the reviewing and improving of the board's ability to investigate complaints against surveyors and the clarifying of the appeal mechanism to the Administrative Decisions Tribunal. In drafting these amendments the opportunity has also been taken to consolidate existing land survey legislation in New South Wales including the Surveyors Act 1929, the Survey Marks Act 1902, the Survey Co-ordination Act 1949 and the Survey (Geocentric Datum of Australia) Act 1999.

As a result, this single bill incorporates all aspects of regulation of land surveying in New South Wales. I would like to outline the key aspects of the bill. Part 2 of the bill incorporates many of the provisions of the Survey Co-ordination Act 1949 and the Survey (Geocentric Datum of Australia) Act 1999. The Survey Co-ordination Act, introduced shortly after the Second World War, related to public authorities only and sought to prevent duplication of survey activities in a time of rapid infrastructure development. The objective of the Act in preventing duplication remains relevant today. This part provides for the creation of the State control survey and for the Surveyor General to establish and maintain a register of public surveys ensuring that information concerning surveys by public authorities is available to the Government and community at large.

Part 3 of the bill deals with the registration of surveyors. The national competition policy review of the Surveyors Act 1929 recommended that registration of surveyors be retained in the public interest. The registration, professional education requirements and disciplinary processes are overseen by the Board of Surveyors to ensure consistency and quality service of delivery. Without the protection of these regulatory measures, the public may be vulnerable to unscrupulous or inadequately qualified persons undertaking survey work.

In the case of land or cadastral surveyors, ill-prepared plans of survey may result in costly and time-consuming disputes over land boundaries and substantial financial loss. The NCP review also recommended that the scope and membership of the existing Board of Surveyors be broadened to include the supervision of coalmine surveyors and surveyors in the metalliferous mining and extractive industries, a consumer representative and representatives of other professional groups. I am pleased that the mining surveyors have agreed to formalise their relationship with land surveyors in this way, and I welcome their involvement in the new look board, which will become known as the Board of Surveying and Spatial Information.

As honourable members may be aware, the debates concerning the Surveyors Act 1929 involved some discussion of whether coalmine surveyors ought to come within the terms of that Act. At that time the bill was passed into law without the issue being resolved. For several years, land and mining surveyors have been working collaboratively to ensure consistency in their competencies and standards. This relationship is now recognised by representatives of the mining surveyors becoming formal members of the new board. The broadening of the scope of the board to include mining surveyors will provide a formal forum for the discussion of common issues, standards and safety requirements. The membership of the board will also be expanded to include a consumer representative and up to three representatives of the broader spatial information industry. The addition of these members will open the board to new perspectives and opportunities.

This part also deals with the power of the board to take certain actions in relation to professional incompetence by a surveyor or professional misconduct. The board has several new options in managing a complaint, such as the issuing of cautions or the imposition of conditions on the surveyor's registration, which provides more flexibility in handling a complaint than the existing legislation. Part 4 confers on surveyors the power of entry onto land for the purpose of conducting surveys and regulates the way in which the power can be exercised. The power of entry is not a new provision, but those familiar with the previous sections in the

Surveyors Act will note that there are changes in this bill. These changes ensure that the power of entry is consistent with the powers of other authorised persons such as certain local government personnel and utility workers. A person exercising a power of entry must carry, and produce on demand, a certificate of authority. Not to do so will be an offence.

The form of the certificate of authority is to be defined by the regulations. Offences are dealt with at part 5 of the bill. In the public interest, it is an offence for a person to carry out a land or mining survey for fee or reward, or to advertise their willingness to carry out a survey if he or she is not a registered surveyor, or within a limited class of persons such as survey drafters, survey assistants or survey students. The restriction is warranted by the need to ensure that persons undertaking surveys are appropriately qualified and competent to undertake the work. Similarly, other provisions ensure that the State survey infrastructure is protected. It is an offence in the terms of this bill to damage, remove or destroy a survey mark; to use a mark resembling a permanent survey mark without lawful authority; or to hinder the Surveyor General, or a person authorised by him or her, in the exercise of their obligations under the bill.

As I said, the current Board of Surveyors will become known as the Board of Surveying and Spatial Information. The renamed board will retain many of its former functions including the registration of surveyors, matters concerning the reciprocal recognition of registration and licensing schemes in other States, the investigation of complaints, and the taking of disciplinary action. The functions of the board will be enhanced to include investigation and advice on matters concerning the collection, collation and dissemination of spatial information other than surveys. The board will include the Surveyor General, land and mining surveyors, representatives from Government, and representatives of the spatial information industry. Although the Board of Surveying and Spatial Information will include representatives of the spatial information industry, I wish to make it clear that the board will not regulate the broader spatial information industry. The board's registration powers relate only to the land and mining surveyors.

The spatial information industry is currently an unregulated industry. It is also a difficult industry to succinctly define. In Australia, it encompasses a wide variety of disciplines including, for example, surveying, mapping, land administration, geographic information systems, remote sensing and photogrammetry. Spatial information is used in a variety of applications, including planning and land and resource management, emergency services and disaster recovery, environmental monitoring, and asset management. Reliable and accurate spatial information is fundamental to efficient and effective communication, planning and co-ordination at all levels of society.

The Board of Surveying and Spatial Information will provide the forum in which the survey and spatial information disciplines can discuss, investigate and advise Government on issues relating to the broader spatial information industry and its contribution to the economic, environmental and social wellbeing of the State. The Surveying Bill 2002 encapsulates the future of surveying. It will ensure ongoing consistency in standards and quality of service in land and mining surveying, while also encouraging increased innovation across the spatial information sector. I commend the bill to the House.

Debate adjourned on motion by Ms Hodgkinson.

FARM DEBT MEDIATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Corrective Services) [8.06 p.m.]: I move:

That this bill be now read a second time.

The Farm Debt Mediation Act 1994 provides for the efficient and equitable resolution of farm debt disputes. The Act establishes a structure whereby a farmer is given the opportunity to mediate with a creditor prior to the creditor taking enforcement action on a farm debt. Farm debts are different to other business loans. Farmers generally include the homestead as part of the security for the farm mortgage. Enforcement action by a creditor involving foreclosure on the loan, therefore, means not only loss of the business but also automatic loss of the family home. In December 2001 I released the New South Wales Government Review Group Report into the Farm Debt Mediation Act 1994. As well as representatives from government departments, the review group comprised representatives from the New South Wales Farmers Association, the Australian Bankers Association and the Rural Counselling Service.

The review panel generally agreed with the approach of the Farm Debt Mediation Act providing negotiation-based resolutions to farm debt disputes, as, unlike the inflexible, all-or-nothing resolution process of the court system, mediation allowed the parties to retain a greater degree of control over the resolution process. The review made about 30 recommendations for improving the farm debt mediation process, some of which have already been implemented by the Rural Assistance Authority. The other recommendations will be implemented by the amendments that are proposed to be made under the Farm Debt Mediation Amendment Bill 2002.

This bill introduces into the Act the concept of farmer-initiated mediation. The review panel found that, at present, no penalty or other consequence attaches to a creditor's refusal of a farmer's request to mediate in respect of a farm mortgage under which the farmer is in default. In contrast, a certificate under section 11 of the Act to the effect that the Act does not apply to a farm mortgage can be issued if a farmer declines a creditor's request for mediation. This means there is little incentive for creditors to agree to participate in mediation that a farmer has initiated.

However, it is arguable that it may also be to the benefit of creditors if a farmer anticipates a problem and takes the initiative to contact them to discuss remedial strategies before the situation is such that few feasible options remain. Ideally, at the end of the process, the creditor will have a performing loan and a new contract that can be enforced. As recommended by the review panel, this bill proposes to introduce a clause whereby a farmer who owes money to a creditor in relation to a farm debt may notify the creditor in writing that the farmer requests mediation concerning that farm debt. If the farmer is in default of the loan to a creditor and the creditor declines mediation requested by the farmer, this may result in the issue by the authority of an exemption certificate.

An exemption certificate prevents the issue of a section 11 certificate and therefore prohibits the creditor from taking any enforcement action while the exemption certificate is in force. Exemption certificates remain in force for a maximum of six months or earlier if the farmer and the creditor enter into mediation in respect of the farm debt. This proposed amendment is designed to give farmers the bargaining power they currently lack with their creditors. In addition, the bill also introduces an incentive for creditors to mediate in good faith. At present if a creditor does not mediate in good faith the authority cannot issue a section 11 certificate until the creditor does mediate in good faith.

This bill proposes that a creditor who fails to mediate in good faith is prohibited from giving a notice to the farmer under the Act inviting a debtor to mediate for a period of 12 months, unless the farmer agrees to a shorter period. This proposal should provide a strong incentive for creditors to attempt to mediate in good faith from the beginning. The bill also introduces the requirement that a farmer must be in default under the farm mortgage before mediation notices can be issued by the creditor. Creditors will no longer be able to issue notices under the Act where a farmer is not in default under the farm mortgage.

The review group received a number of submissions regarding the selection of a mediator. Currently, the mediator is chosen by agreement between the farmer and the creditor. In the past the authority has been called upon to resolve a stalemate in the selection of a mediator on five occasions. By agreement between the parties, the authority has nominated a mediator to mediate the dispute. A concern was expressed to the review panel that some mediators are undertaking a substantial proportion of all mediations. It was felt that these mediators may have a good reputation with creditors, putting farmers at a disadvantage as creditors have far more experience with the mediation process than do farmers.

The review group found that there is a perception in some quarters that, through their more frequent involvement in debt mediation processes, creditors have an advantage over farmers in selecting mediators who favour their position. Therefore, with the intention of giving farmers more power over their own mediations, this bill proposes to give farmers the initial right to nominate a mediator. If the creditor rejects the nomination, the farmer must then nominate a panel of at least three mediators, from whom the creditor must select one. Mediators will also be given more of a role under the proposed legislation, including the function of calling pre-mediation conferences and adjourning mediation sessions.

Giving mediators the power to adjourn a mediation session, if it appears that a party would be significantly disadvantaged because of the length of the session, will ensure that mediation by attrition does not take place. In the early days of the Act, a heads of agreement document drawn up at the end of a mediation session would run to one-half to perhaps one page of written points agreed upon by the parties. Over time the agreements developed into legalistic documents running to some 20 to 25 pages. Under the bill, mediators will be given the role of preparing a heads of agreement document. This is a document that a mediator will develop as the parties to the mediation agree on certain points as the meditation continues.

The parties may sign the heads of agreement within 24 hours of the end of the mediation. Under these proposals a person representing a party to a mediation will not be able to attend a mediation session unless the person has been given written authority by the party the person represents to enter into a heads of agreement. Any contract deed, mortgage or other instrument, which purportedly results from, or is pursuant to, heads of agreement between the creditor and a farmer must reflect the relevant heads of agreement. A failure on the part of a creditor will constitute an offence under the Act.

In conclusion, the bill also proposes to confer a right of review to the Administrative Decisions Tribunal of decisions by the authority to issue or refuse to issue an exemption certificate, issue or refuse to issue a section 11 certificate, refuse to accredit a person as a mediator, or withdraw the accreditation of a mediator. With those comments I commend the bill to the House.

Debate adjourned on motion by Mrs Hopwood.

AGRICULTURAL INDUSTRY SERVICES AMENDMENT (INTERSTATE ARRANGEMENTS) BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Corrective Services) [8.15 p.m.]: I move:

That this bill be now read a second time.

This bill is a proposal that came together as a result of consultations between the governments of New South Wales and Victoria and the Murray Valley citrus industry over the last four years. In its initial application, the bill will enable the implementation of agreed outcomes of the National Competition Policy review of the New South Wales and Victorian Murray Valley Citrus Marketing Acts. However, the potential applications of the key provisions of the bill are not limited to the Murray Valley or the citrus industry. The concept of truly singular interstate arrangements has existed and been discussed for a long time.

This legislation has some generic provisions that can be used by other agricultural industry services committees. However, as this bill has its origins and initial application in the citrus industry of the Murray Valley, I would like to briefly outline the significance of this industry. The Murray Valley is one of the three main citrus growing areas that collectively produce about 90 per cent of the Australian citrus crop. The other two areas are the Riverland of South Australia and the Murrumbidgee Irrigation Area in New South Wales. There are nearly 600 citrus growers in the Murray Valley and their numbers are fairly evenly divided between the two States, with the current split between Victoria and New South Wales being around 55 per cent:45 per cent.

Over the last decade the annual production in this area has varied between 110,000 tonnes and nearly 200,000 tonnes of citrus. The citrus growers of the Murray Valley are serviced by the organisations established under the Murray Valley Citrus Marketing Acts of New South Wales and Victoria. Certain provisions of these Acts, like the appointment of the same board members by each State, have given the boards a public appearance of being a singular entity. Overcoming the problems associated with this conflict between public appearance and legality was a further contributing factor to this bill. Over recent years these boards have provided various services to growers that have been funded through a compulsory charge. However, the Acts under which the boards are established provide them with the power to engage in various marketing and processing activities as well as other powers of market intervention.

I turn now to the National Competition Policy review and how it led to this bill. In 1998 the New South Wales and Victorian governments jointly commissioned a review of their Murray Valley Citrus Marketing Acts. The immediate outcomes of this review supported the continuation of the boards as a provider of services funded through a compulsory charge, provided the use of that charge was restricted to the provision of services consistent with established National Competition Policy guidelines. There was support for the removal of the boards' powers of market intervention and the improvement of their accountability to growers. In addition, it was agreed that growers who contribute most to the boards' revenue should have a proportionate influence on board operations. On their own, the immediate outcomes of the review tell only part of the story. In the process of consultation an opportunity was seen to reconstitute the boards under the New South Wales Agricultural Industry Services Act 1998 and the Victorian Agricultural Industry Development Act 1990. Each Act provides for the creation of statutory bodies that have a service provision function funded through a compulsory charge.

The opportunity was embraced by industry but its support for the action was subject to three conditions being able to be met. First, the boards had to be able to be established as truly singular entities so that the resulting boards could realise the benefits of reduced administrative and compliance costs through having to be directly accountable to only one government. Second, the resulting legislation should be capable of enabling amalgamation of the Murray Valley Board with either or both of the other State-based statutory authorities serving the citrus industry in other areas. Third, the legislation should be capable of being applied to other industries. Many of the Murray Valley citrus growers also grow wine grapes. The wine grape industry in the Murray Valley is similar to the citrus industry in that it has two State-based statutory bodies that are trying to operate as one. Needless to say, the move to reconstitute the Murray Valley Citrus Marketing Boards under the generic agricultural industry services legislation of the two States also had its advantages for government, not the least being that the Murray Valley Citrus Marketing Acts of the two States could be repealed and replaced with generic legislation.

While the provisions of this bill have been drafted with immediate regard to the Murray Valley citrus industry, they are generic and will be available to other agricultural industry services committees with similar needs. I am pleased to say that this bill is a credit to all the parties involved in its development, the result of which is a proposal based on commonsense and co-operation that yields significant benefits to both industry and government. The bill provides generally for the establishment of arrangements that may be constituted in one State and operate in another. It provides specifically for the reconstitution of the Murray Valley Citrus Marketing Boards and provides for the repeal of the Murray Valley Citrus Marketing Act 1989. The general provisions for the establishment of a committee with extra-territorial or interstate power allow for the creation of a body that can operate in two or more States. The bill provides for a reciprocal relationship between these partner States, and for any New South Wales agricultural industry services committee to have extra-territorial operation with respect to the primary producers and products for which the committee is established.

In addition, the bill will likewise enable New South Wales to recognise a legislative instrument of another State or Territory to establish an interstate committee designed to operate in New South Wales. An agricultural industry that wants to establish a committee with extra-territorial operation must apply to the Minister in the State in which they propose that the committee be constituted. That Minister must then consult with the counterpart Minister in the proposed participating State or Territory to establish concurrence for the proposal at government level. Even if each State government agrees, the New South Wales industry must be polled and more than half of the relevant New South Wales producers must vote at the poll and more than half of those producers must cast their votes in favour of the establishment of the committee. This is just one of the many safeguards specifically designed to protect New South Wales constituents where an extra-territorial committee is proposed.

If the poll supports the proposal and the proposed committee is established, the industry will be subject to the constituting State's laws. For example, if an interstate committee is established in New South Wales with the agreement of its Victorian industry partners for example, the New South Wales arrangements would apply to the Victorians. In this sense the bill provides for arrangements similar to other extra-territorial arrangements. Also, if the result of the poll does not support the proposal for an interstate committee but there is strong support for the continuation of a committee within New South Wales, in accordance with section 5 of the Agricultural Industry Services Act 1998 the Minister may establish such a committee arrangement without conducting a further poll.

Four key principles can be seen to underpin the establishment of a committee with extra-territorial power. The first is that an extra-territorial arrangement cannot be established without the support of the governments concerned. The second is that the arrangement cannot be established without the support of proposed constituents who are to be polled on a State basis with a requirement that the proposal is supported in every proposed State. The third is that the choice of State in which to constitute an arrangement with extra-territorial power will rest with the proponents and potential constituents of the arrangement. The fourth is that once an interstate committee is established it will operate fully under the legislation of the State in which it is constituted. It will only operate in another participating jurisdiction if that jurisdiction recognises the arrangement at law.

Having outlined the provisions as they will generally apply, I pick up where I began, with the specific case of the Murray Valley citrus industry. With regard to the general provisions for the establishment of an extra-territorial arrangement the situation of the Murray Valley citrus industry has three key points of context. First, through its awareness of the legislation being proposed, the industry has indicated its preference for the reconstitution and amalgamation of the existing Murray Valley citrus marketing boards to occur under the Victorian Agricultural Industry Development Act. Second, in the course of enacting this legislation and a counterpart Victorian bill, the governments of New South Wales and Victoria will be equipped with a

mechanism whereby they may recognise in their legislation each other's agricultural industry services legislation for the purposes of these amendments. Third, as there are authorities already in existence, some transitional provisions are to be expected.

In this context, the immediate action will be a poll of the citrus producers of Victoria and New South Wales on their support for the establishment of an extra-territorial committee. The outcome of this poll will determine whether an extra-territorial committee is established. If the result of the poll supports the proposal, then a single committee with extra-territorial operation within the Murray Valley will be established. In order for this to happen, however, New South Wales must recognise the proposed Victorian order under which the committee will be established in order for the relevant Victorian laws to apply in the area of operations within New South Wales. If the result of the poll does not support the establishment of an extra-territorial committee, I will immediately take necessary action to ensure the continuation of the New South Wales Murray Valley Citrus Marketing Board under the Agricultural Industry Services Act 1998. The administration and operation of this committee would be the responsibility of the New South Wales Murray Valley citrus industry.

Another two provisions of this bill relate to the continuation of the role of approved receivers in the collection of charges and the selection of committee members. Firstly, under the New South Wales Agricultural Industry Services Act 1998 committees are empowered to charge growers, who are the beneficiaries of the services they provide, for those services. This provision does not deny the possibility of funds being collected another way but it does require any such system to properly account for the charges payable and paid by each grower. Under the New South Wales and Victorian Murray Valley Citrus Marketing Acts the boards' revenue is collected by approved receivers. Because there are deficiencies in the system of "funds accountability", the bill provides for a continuation of the approved receiver system for a transitional period of four years to allow for the development of an alternative system during that time. Secondly, the New South Wales Agricultural Industry Services Act 1998 currently provides that a majority of members of any committee must be elected from and by constituents.

The majority of members of the current Murray Valley citrus marketing boards are chosen by a selection committee rather than through an election process. Representatives of the industry have indicated a strong desire to retain the selection committee approach. The amendment proposed in item [1] of schedule 1 to the bill will enable the retention of the selection committee process because it provides for the use of methods of choosing committee members other than by election without compromising the requirement that a majority of members of a committee must be constituents of the committee. Regardless of whether the existing Murray Valley citrus marketing boards are reconstituted as a single entity with extra-territorial power or as continuing intrastate entities under agricultural industry services legislation, the recommendations of the National Competition Policy review that led to this bill will be implemented.

The agricultural industry services legislation of both States does not permit the kinds of market intervention that were to be removed from the Murray Valley Citrus Marketing Acts. On the other hand, the agricultural industry services legislation embraces the kinds of modern accountabilities that needed to be introduced to the Murray Valley Citrus Marketing Acts if they were to continue. This is the first such cross-border proposal of its nature in New South Wales. The corresponding Victorian version of the New South Wales bill was read into the Victorian Parliament on 5 June 2002. This action and my action today reflect the level of support for the proposed legislation by both governments and industry. There has been an enormous amount of goodwill and good work put into not only the development of this bill but also the equivalent bill, which is already before the Victorian Parliament. This goodwill and good work involves everyone from the citrus growers of the Murray Valley to the Parliamentary Counsels of New South Wales and Victoria, and everyone deserves recognition for the role he or she has played in the progress of this exemplary piece of legislation. I commend the bill to the House.

Debate adjourned on motion by Ms Hodgkinson.

HOLIDAY PARKS (LONG-TERM CASUAL OCCUPATION) BILL

Bill introduced and read a first time.

Second Reading

Mr AQUILINA (Riverstone—Minister for Land and Water Conservation, and Minister for Fair Trading) [8.30 p.m.]: I move:

That this bill be now read a second time.

This bill deals with a very Australian way of life that generations of families have enjoyed in both coastal and inland parts of New South Wales. It has been a great Australian tradition for many people to leave a caravan or

other moveable dwelling on location in a caravan or mobile home park for regular recreational use during the year. While the principal place of residence of these people is usually in the suburban parts of our major cities, their on-site vans and dwellings give them a much-loved, affordable and regular escape from the pressures of everyday life. Sites are often rented on a quarterly or yearly basis and occupants are free, within the confines of the local government laws, to come and go as they please during the year.

There are believed to be 10,000 or more long-term casual park occupancies in existence in New South Wales, many of them in parks situated on Crown land. Annual occupation fees vary from between \$1,000 and \$5,000. I am sure that many honourable members will recall with nostalgic delight the carefree holiday times spent in the caravan by the beach or the river, shared with relatives, neighbours or friends. On-site vans made it so convenient to duck away for the weekend or the school holidays. The Department of Fair Trading has come across situations where the same family has had a van located in a caravan park or mobile home village for more than 20 years—sometimes up to 40 years—for casual occupation. The joys of the lifestyle have passed from one generation to the next.

This bill recognises this unique way of life and, for the first time, provides appropriate rights and obligations for both occupants and park owners in long-term casual occupancy arrangements. Uncertainties over the legal status of the parties are removed and sensible consumer protection is provided. The bill will extend a range of appropriate benefits to both occupants and park owners in long-term casual occupancy arrangements and provide a desirable level of certainty. In the consultation process during the development of this bill there was a level of consensus among park owners and occupants that the legal uncertainties surrounding long-term casual park occupancies needed to be removed for the benefit of both parties. The key issues were seen to be standardisation of the forms of contract used in occupancy arrangements, a clear dispute resolution system and the prescribing of some minimum periods of notice for fee increases and termination of occupancy agreements. The bill addresses these and other issues.

It is important at this stage to emphasise that this bill cannot be construed as tenancy legislation. It is made quite explicit in the bill that this is general fair trading legislation which, while clarifying the respective rights of the parties, does not confer a landlord and tenant status on the relationship. This would be clearly inappropriate. Casual park occupants have a home elsewhere and their recreational vans and dwellings are not their principal form of shelter. The tenancy laws, which quite rightly provide significant support for tenants whose rented accommodation constitutes their housing, do not have the same relevance to holiday-style arrangements. After all, persons who stay in hotels, lodges and resorts, while having a level of consumer protection and avenues to pursue disputes, obviously do not have the status that a tenant has in his or her relationship with a landlord.

Long-term casual park occupants are in a somewhat similar situation, and this position is reflected in the bill. It is important to make this distinction as any expectation that this bill will extend tenancy rights to long-term casual park occupants needs to be quelled at the outset. The non-tenancy nature of casual occupancies is further reflected by the fact that disputes over casual occupancies will be dealt with not in the tenancy divisions of the Consumer, Trader and Tenancy Tribunal but in the general consumer division. One of the main reasons for this bill is that park casuals have no specific rights under any consumer protection legislation. Their position is left uncertain by the fact that many do not have written agreements, they are not subject to any minimum notice periods for fee increases or termination of their occupancy agreements and, significantly, there is no dispute resolution forum that they can access when things go wrong.

While most park owners do the right thing, the Department of Fair Trading has been made aware of longstanding casual arrangements being brought to a sudden end over the most trivial of incidents and without any opportunity for the occupants to redress the situation or even to discuss it with the park owner or manager. There have been incidents when occupants have been denied access to their van by the park owner despite having already paid fees in advance. They could neither use their van nor obtain a refund of the money they had paid in advance. While such a situation is clearly unjust, there are few options that an occupant has available for pursuing a complaint. The bill will overcome such unconscionable actions by the minority of park owners and managers who adopt such unilateral "take it or leave it" attitudes. These people do no favours to the majority of park owners and managers, who adopt a far more professional and understanding approach to the management of their businesses. The bill will remedy each of these deficiencies and will also include other provisions to give the parties more certainty in important aspects of their ongoing relationship.

I would now like to outline briefly the main contents of the bill. The bill will apply to long-term casual occupancies only. It will come into play when a site is occupied for the placing of a person's own van or similar

moveable place of abode for casual recreational use for a period of at least 12 months. Persons who have been in a casual occupancy for 12 months already will be covered immediately. Prospective occupancies of at least 12 months will also be covered. Occupancies that have no fixed term will be covered as soon as they have been in existence for the minimum 12-month time frame. Short-term tourist and holiday occupation and arrangements where people occupy a van or dwelling owned by the park owner will not be covered. Park owners need not fear that the bill will affect their dealings in the short-term holiday market. It is the quite discrete long-term casual recreational market where people place their own vans on site that is being targeted by this bill.

In line with other fair trading legislation dealing with entering into long-term relationships with a trader, park owners will be required to provide advance information to prospective long-term casuals on the important aspects of occupying a site within the park. This is one way of eliminating later disputes about the nature of the arrangement and will help to reduce the prospect of possible misunderstandings over the respective expectations of the parties. The required information will relate to a number of important items including: the amount of the occupation fees; whether the fee will vary during peak holiday periods; whether there will be extra charges for visitors; how much notice occupants will receive for fee increases; whether occupants are permitted to sell their van on site and the details of any associated commission arrangements; and who pays for the cost of relocating a van within the park.

One of the major initiatives of the bill is to provide for a consistent form of occupancy agreement. The lack of written contracts applying to existing arrangements is one of the identified problem areas. If a dispute arises it is difficult for both parties, but particularly occupants, to pursue their cause as the terms of the agreement have often never been formalised on paper. The bill provides a standard form of agreement which will deal with the main issues arising in the relationship between the occupant and park owner. Included in the agreement will be the length of the agreement and any provision for holding over the occupancy fee and other fees, the period of notice to be given for fee increases and termination of the agreement and who is entitled to occupy the site. The agreement will also include obligations on occupants in regard to payment of fees on time, behaviour and proper use of their site. Obligations on park owners will include the issuing of receipts for payment of fees, allowing occupants to use their sites without undue interruption and ensuring that tradespeople engaged by occupants are given access. There is also room in the agreement for provisions to be included about selling vans on-site and any associated commission arrangements.

There will be flexibility for park owners to add clauses to their agreements to deal with issues arising in their park although some matters may not be changed. For instance, the minimum period of notice that a park owner may give to an occupant to terminate the agreement, that is where there is no breach of agreement by the occupant, is three months. This will allow occupants an adequate time to move their van or to make other arrangements. Of course, the three months notice cannot take effect during a fixed-term agreement. Where there is a breach of an agreement, either party can give the other seven days notice of termination. Occupation fee increases will have to be preceded by at least 30 days written notice. Casuals will not be required to pay occupation fees more than three months in advance. If fees have been paid in advance and the park owner terminates the agreement, the balance of any fees paid in advance will have to be refunded.

The bill provides for a clear dispute resolution process. This is a major improvement to the current situation where the opportunity to have a disagreement or dispute resolved in connection with a casual occupancy relationship is extremely limited. The Consumer, Trader and Tenancy Tribunal will provide the circuit-breaker. By having access to this forum, legal costs, formalities and delays will be minimised and the parties will quickly know where they stand should difficulties arise in their contractual relationship.

The tribunal's main role will be to adjudicate disputes on issues arising under occupancy contracts, whether a breach by either party has occurred and whether an order should be made in relation to the breach. I would hope that in most cases the outcome will be that the parties can resume their relationship in a positive manner. The tribunal will not have the same powers as it has for residential tenancy matters. It will not be able to rule on whether a fee increase is unreasonable as it can for rents on residential tenancies, nor will park owners be required to obtain an order from the tribunal before taking possession of a site from an occupant whose agreement has come to an end. These are important jurisdictional differences and further highlight the fundamental dissimilarities between accommodation used on a recreational basis and that used as a permanent and primary place of abode.

While a park owner will not have to go to the tribunal to take possession of a site from a casual occupant after giving the correct notice, there will be a stiff penalty for any park owner who dispossesses a person incorrectly. The bill includes a maximum penalty of \$5,500 for incorrect termination. I am sure that this

will discourage park owners from taking arbitrary action. In addition, the tribunal will have the power to order the park owner to give the correct notice before proceeding with a termination. If, in the process of dealing with a breach, the tribunal considers that it is appropriate to do so, it may terminate an occupancy agreement.

The bill will ensure an orderly process when the time comes for a park owner to sever his or her relationship with their casual occupants. It is only fair and reasonable that a person who has been a casual occupant of a park for many years and who would often have an emotive attachment to the park, its location and fellow occupants, is provided with a dignified conclusion to the arrangement. Some of them are pensioners or otherwise on limited incomes and there needs to be time to sort out their affairs after the park owner elects not to renew the occupancy. The van probably has to be moved or sold and this obviously takes a little time. The three months is considered to be reasonable to both parties in this situation.

The Government recognises that park owners will sometimes make a business choice to no longer provide sites for long-term casual occupation purposes. This bill does not interfere in these commercial decisions. But it does ensure that occupants affected are given a reasonable time to make the necessary arrangements to sell or move their moveable dwellings. The tribunal will not have the same compensation awarding powers as it does for the termination of permanent park tenancies. In those situations, the permanent residents have to make provision for a new principal place of residence which may involve moving their dwelling to another park, with all the consequential costs of connection to services. While a long-term casual occupant may also have expenses in moving a dwelling from its site, the fact that it is not their main home and that it is not essential for them to retain the dwelling is of significance.

The bill provides for a number of other matters. It allows for the making of park rules for casual occupancies, it makes provision for the formation of a consultative committee comprised of park management, and casual occupants and processes to deal with items of common interest are included to deal with goods left behind or abandoned by casual occupants. This bill is a balanced piece of fair trading legislation. It provides surety to the parties without interfering unreasonably in the business operations of park owners nor occupation rights of those in long-term casual arrangements. I am proud to present this bill today. My appreciation is extended to Darrell O'Connor, a foundation member of the Recreational Van and Home Owners Association, for his tireless work in the interests of long-term park casuals, and the Caravan and Camping Industry Association, which has taken a constructive approach in the consultation process on this bill. I commend the bill to the House.

Debate adjourned on motion by Mrs Hopwood.

FOOD BILL

Bill introduced and read a first time.

Second Reading

Mr McMANUS (Heathcote—Parliamentary Secretary), on behalf of Mr Knowles [8.48 p.m.]: I move:

That this bill be now read a second time.

I have pleasure in introducing the Food Bill. This bill is a major step towards a nationally uniform system of food regulation. The bill is the culmination of extensive work by a large number of public officials from all levels of government and all jurisdictions over a number of years. Health Ministers in Australia have a lengthy history of co-operation in the area of food safety. Significant achievements in this history include: in May 1975 Ministers agreed to establish a joint Commonwealth, State and Territory working party to draw up model food legislation suitable for adoption throughout Australia; in May 1980 a draft model Food Act was endorsed by Ministers and applied to varying extents in each jurisdiction, including via the New South Wales Food Act of 1989; in 1986 agreement was reached to develop and implement uniform composition and labelling standards for food, which have developed into the national Food Standards Code; in 1991 Ministers agreed to adopt, by reference and without amendment, food standards developed by the Australia New Zealand Food Authority and approved by the Australia New Zealand Food Standards Council, the ministerial council; in 1996 an agreement was reached for the Australia New Zealand Food Authority, now known as Food Standards Australia New Zealand, to develop nationally uniform food Acts; and the Food Standards Code has also recently been expanded to include food safety standards, which are largely handling and hygiene matters.

Following the 1996 agreement Dr Bill Blair was appointed in 1997 to chair the Food Regulation Review Committee, which was set the task of making recommendations to government on means of reducing the regulatory burden on the food sector whilst protecting public health and safety. The Blair report was released

in August 1998. The Blair report noted that the Australian system of food safety management is complex and fragmented and imposes unnecessary costs on business. However, the report also noted that the system is effective in delivering safe food to consumers. The report recommended that governments concentrate on improving the efficiency of that system with a co-operative, co-regulatory approach based on partnership between consumers, industry and government. The Council of Australian Governments senior officials working group on food regulation was subsequently asked to further develop a nationally co-ordinated approach to food regulation based on the recommendations of the Blair report.

On 3 November 2000 the Commonwealth and all States and Territories under the auspices of the Council of Australian Governments approved the draft model food provisions presented by the senior officers working group. To date South Australia and the Australian Capital Territory have passed new Food Acts, and Queensland and Victoria have passed amendments to their existing Food Acts based on the model provisions. The draft national model food provisions for all jurisdictions were prepared in New South Wales by the Parliamentary Counsel's Office and are largely based on the provisions of the current New South Wales Food Act 1989. Therefore, the bill represents an incremental development in food safety legislation in New South Wales and food businesses should not experience any substantial difficulty in adjusting to and complying with the new legislation.

The objects of the bill, which are set out in clause 3, are to ensure food for sale is both safe and suitable for human consumption, to prevent misleading conduct in connection with the sale of food and to provide for the application in New South Wales of the Food Standards Code. It is important to note that primary food production—which is defined to mean the growing, raising, cultivation, picking, harvesting, collection or catching of food, and includes transportation, storage and treatment activities related to that primary production—is expressly excluded from the regulatory scope of parts 5, 7 and 8 of the bill. Those parts of the bill deal with improvement notices and prohibition orders, auditing of food businesses, and the notification and registration of food businesses and approval of food premises respectively. The reason for those exclusions is that primary food production is already comprehensively regulated in those areas under the Food Production (Safety) Act 1998, which is administered by the Minister for Agriculture through Safe Food Production NSW.

It is also important to note that while drinking water is clearly within the definition of "food" in clause 5 of the bill, clause 11 of the bill provides that many parts of the bill do not apply to water supply authorities, such as Sydney Water and those local government authorities that supply drinking water to their communities. Those parts of the bill that do not apply to water supply authorities are part 2, division 1, which is titled "Serious offences relating to food"; the offences created by part 2, division 2 of the bill, other than those created by clauses 16 (2), 17 (2) and 21, to the extent that it requires compliance with Food Safety Standards; and parts 5, 7 and 8 which, as already mentioned, do not apply to primary production.

Part 2 of the bill deals with offences with respect to food. The majority of the offences in part 2 have been carried across from the existing Food Act 1989, although in a modified format. The obvious and significant changes between the offences contained in the 1989 Act and the Food Bill are: penalties have been substantially increased and there is now a distinction between the penalties that may be applied to an individual and a corporation; the 1989 Act provides for maximum penalties of between \$3,300 and \$5,500 and up to six months imprisonment, whereas the Food Bill provides for maximum penalties for individuals of between \$44,000 and \$110,000 and up to two years imprisonment and, in the case of a corporation, a maximum fine of between \$220,000 and \$550,000.

The Food Bill also has a wider range of offences than the Food Act 1989 with more graduated penalties. The most serious offences and penalties are reserved for conduct that is known to be unsafe, with lesser penalties for offences that do not require proof of the offender's knowledge. Emergency powers given to the Director-General of Health, as the relevant authority, are to be used to prevent or reduce the possibility of a serious danger to public health or to mitigate the adverse consequences of a serious danger to public health. These powers are based on existing powers in division 1 of part 4 of the Food Act 1989.

Importantly, the bill introduces compensation for a person who has suffered loss as a result of the making of an emergency order where there were inadequate grounds for making the order. In the first instance an application for compensation is to be made to the Director-General of Health. However, an applicant who is dissatisfied with the director-general's determination may appeal that determination to the Administrative Decisions Tribunal. The issuing of a prohibition notice under the director-general's emergency powers is clearly a very serious matter and has the potential to disrupt the operations of a food business. Such an order may therefore only be made if there are reasonable grounds to believe that an improvement notice has not been complied with, or that it is necessary to issue the prohibition order to prevent or mitigate a serious danger to public health.

Part 6 of the bill deals with the taking and analysis of samples of food, the approval of laboratories to undertake that analysis and the approval of analysts. The provisions are based on part 3, divisions 3 and 4 of the Food Act 1989. The essential changes from the provisions of the 1989 Act are that the procedure and stipulations for the appointment of analysts are set out in greater detail, and the Food Bill allows for the approval of laboratories, whereas the 1989 Act only allows for the approval of individual analysts. An important innovation in this bill is part 7, which makes provision for the appointment of food safety auditors and the auditing of food businesses in accordance with the requirements of a food safety program that may be required by the regulations. Auditing of food businesses in accordance with a food safety program allows for appropriate risk management practices to be adopted. Auditors will assess a business in accordance with that risk management approach and against predetermined standards as set out in the relevant food safety program for that class of business. Food safety programs are required by part 3.2.1 of the Food Standards Code.

In order to facilitate the effective operation of this risk management approach the Act contains provisions requiring businesses to prepare food safety programs, and to ensure that the business is regularly audited for compliance with its food safety program. The bill recognises that many food businesses are scrupulous in fulfilling their obligations, while other businesses are less diligent. Therefore, the bill allows a food safety auditor to vary the frequency of auditing of a particular business, within a range of frequencies centrally determined for that type of business. Where a business has a record of operating safely and of compliance with its food safety program, less frequent auditing may be appropriate.

Conversely, in the case of a business with a poor record more frequent auditing may be appropriate. Part 8 of the bill provides for the notification and registration of food businesses. New South Wales has recently required food businesses to notify their existence to the Department of Health. The notification of food businesses is required by part 3.2.2 of the Food Standards Code, which is incorporated into New South Wales law by clause 4 of the Food Regulation 2001. Honourable members will be aware that the operation of the notification provision has been appropriately modified in New South Wales to exempt charitable and community fundraising events, such as a local church fete or a football club sausage sizzle, where the food sold is not potentially hazardous or is to be eaten immediately after thorough cooking.

Honourable members will also be aware that the New South Wales Department of Health has established a free Internet-based system for food businesses to notify their existence. In addition to the Internet notification system, food businesses may notify their existence via paper notification to either a local council or the Department of Health. In addition, any business that is of a class exempted from notification by the food safety standards or otherwise registered under a law prescribed by the regulations is not required to notify its existence. Those food businesses that are registered by SafeFood New South Wales are already exempt from the notification requirements of the current legislation and this exemption will continue.

Other important improvements to the enforcement of the legislation include providing for the issue of penalty notices for such minor offences as may be specified by regulation and providing a power for a court to order the publication of specified information wherever a person is convicted of an offence. This power will allow the courts in appropriate cases to order corrective advertising or in serious cases to order advertising that alerts the public to serious breaches of food safety standards by a food business. As is well-known in the community, the most serious examples of food-borne disease can lead to chronic illness and even death. Even the more benign manifestations of food-borne illness can cause significant discomfort to individuals and impose substantial costs on the New South Wales health system and the economy in general. The introduction of consistent food legislation and standards throughout Australia is an important step to protect the health of the people of New South Wales and to limit outbreaks of food-borne disease. I commend the bill to the House.

Debate adjourned on motion by Mrs Hopwood.

MURRAY-DARLING BASIN AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr STEWART (Bankstown—Parliamentary Secretary), on behalf of Mr Aquilina [9.03 p.m.]: I move:

That this bill be now read a second time.

Corporatisation of the former Snowy Mountains Hydro-electric Authority took place on 28 June 2002. As part of the arrangements for corporatisation, the New South Wales, Victorian and Commonwealth governments agreed to provide increased releases of water from the Snowy scheme to improve the environmental condition

of the Snowy River below Jindabyne. The governments agreed to provide up to 21 per cent of the original average flow in the Snowy River progressively over a 10-year period. The water released from the Snowy scheme to provide this increased flow will be offset by water savings in the irrigation areas to the west of the Snowy scheme. The New South Wales and Victorian governments have committed \$300 million over 10 years to achieve these water savings through capital works in diversions from the Murray River and in the Murrumbidgee and Goulburn-Murray river systems. There will be no impact on irrigation farming in the Murrumbidgee and Murray valleys because the water savings will be found by reducing inefficiencies in the supply of water for irrigation, such as by reducing evaporation and leakage in irrigation channels.

In the future, it may be possible to release additional water from the Snowy scheme equivalent to up to 7 per cent of flows to achieve a maximum of 28 per cent average flows in the Snowy River. This will require the implementation of an additional major capital works program to achieve water savings in the southern Murray-Darling Basin beyond those required to offset the 21 per cent average flows in the Snowy River. Under the original legislation establishing the Snowy scheme the former Snowy Mountains Hydro-electric Authority was given powers to do all things necessary within a defined geographical area to construct, maintain and operate the Snowy Mountains scheme. The governance of the former authority was via the Snowy Mountains Council, a group with membership representing both the power and water interests of the New South Wales, Victorian and Commonwealth governments. One of the consequences of corporatisation is that the Snowy scheme is now subject to the New South Wales legal and regulatory regime.

New South Wales has issued the Snowy water licence to the corporatised company Snowy Hydro Ltd. The water licence is the main statutory instrument which regulates the collection, diversion, storage, use and release of water by the company. Water released to the west from the Snowy scheme actually contributes to delivering the water entitlements of Victoria and South Australia under the Murray-Darling Basin Act. In the process of negotiating Snowy corporatisation, the other States were understandably concerned that their influence over the releases from the Snowy scheme would disappear. They were particularly concerned that their water entitlements could be reduced should New South Wales decide unilaterally to change the Snowy water licence. To allay these fears, the New South Wales, Victorian and South Australian Premiers and the Prime Minister signed the Murray-Darling Amending Agreement.

The agreement contains provisions that would cause the water sharing accounts kept by the Murray-Darling Basin Commission to be altered if the New South Wales Government acted unilaterally to change the Snowy water licence so as to reduce the water entitlements of Victoria and South Australia. The commission would alter the water accounts to make the changes by New South Wales neutral in relation to the water entitlements of the other States. The purpose of the bill is to amend the New South Wales Murray-Darling Basin Act to include the agreement signed by the Premiers and Prime Minister. In addition to the provisions protecting the water entitlements of Victoria and South Australia, the agreement also includes the benchmark definition of the required annual water releases from the Snowy scheme to the Murray Valley.

For the first time, this gives irrigation farmers in the Murray Valley certainty in relation to the volume of water which will be released each year from the Snowy scheme. Provisions in the Snowy water licence provide equivalent certainty to farmers in the Murrumbidgee Valley. Prior to Snowy corporatisation, water releases from the Snowy scheme were determined each year by the Snowy Mountains Council and there was no certainty as to the volumes which would be released. This bill ensures that the water operations of the Snowy scheme will be governed by New South Wales laws and regulations while protecting the water entitlements of Victoria and South Australia and providing certainty in relation to water releases for irrigation farming. I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

The House adjourned at 9.10 p.m.
