LEGISLATIVE ASSEMBLY

Tuesday 2 December 2003

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Mr Speaker (The Hon. John Joseph Aquilina) took the chair at 2.15 p.m.

Mr Speaker offered the Prayer.

ASSENT TO BILLS

Assent to the following bills reported:

Transport Legislation Amendment (Safety and Reliability) Bill
Constitution Amendment (Governor's Salary) Bill
Coptic Orthodox Church (NSW) Property Trust Amendment Bill
Motor Accidents Compensation Amendment (Terrorism) Bill
Podiatrists Bill
Sydney Water Catchment Management Amendment Bill
Courts Legislation Amendment Bill
Coroners Amendment Bill
Independent Commission Against Corruption Amendment (Ethics Committee) Bill
Police Legislation Amendment (Civil Liability) Bill
Appropriation (Health Super-Growth Fund) Bill
Evidence (Audio and Audio Visual Links) Amendment Bill
Superannuation Legislation Amendment (Family Law) Bill

KINGS CROSS MEDICALLY SUPERVISED INJECTING ROOM

Ministerial Statement

Mr BOB CARR (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [2.19 p.m.]: On 17 September this House voted to extend the trial of Australia's only medically supervised injecting centre. The Federal Government was formally advised of this legislation. I was, therefore, surprised to receive a letter on 4 November in which the Prime Minister claimed the trial could breach international treaty obligations and that this could result in sanctions being imposed by the International Narcotics Control Board [INCB]. The fact is that there are approximately 60 injecting centres around the world: in Switzerland, Germany, Spain and The Netherlands. There are around 13 centres in Germany alone. The Canadian Government recently approved a facility in Vancouver which opened in September.

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

Mr BOB CARR: In the light of these developments the INCB's special interest in New South Wales is puzzling. I am advised that no other injecting centre has been as thoroughly researched and monitored as the one in Kings Cross. As at 31 October this year 2,405 referrals had been made for treatment, health and social services and 824 critical incidents relating to drug overdoses had been managed, with no deaths. The New South Wales public understands that the injecting centre is a small part of a wide-ranging drug program, our total drug budget being worth $130 million a year. In fact, our multifaceted approach to the drug problem is held up as a model. The injecting centre is not a solution to illegal drug use; it is simply one approach that has shown some promise.

The New South Wales Government works closely with the Commonwealth on many aspects of our drug program, such as law enforcement and rehabilitation. In the scheme of things, this is a small disagreement. It is unfortunate that the Prime Minister has chosen to make threats instead of defending the right of the elected members of the New South Wales Parliament to make decisions on behalf of their community. This is a legitimate, tightly controlled trial, confined to one area. It has been, and will continue to be, carefully monitored and thoroughly researched. In 1999 the Council of Australian Governments adopted a collaborative approach to drug abuse between the Federal Government and the States.

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

Mr BOB CARR: I urge the Prime Minister to maintain that spirit of bipartisanship as we continue our joint efforts to tackle the problem. I table the Prime Minister's letter and my response for the information of members.

AUSTRALIAN WRITERS MUSTER

Ministerial Statement

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [2.24 p.m.]: Next weekend New South Wales will host the Australian Writers Muster, another first for our State. As the name suggests, the festival is aimed at writers and will bring film, television, fiction and non-fiction, theatre, documentary, journalism, poetry, science and song writers together from Australia and overseas. The event is supported by the Carr Government and the Commonwealth, and our support has gathered both national and international experts. Today I welcome to Sydney Billy Sind, the Emmy award winning writer of that terrific political drama *The West Wing* to Sydney. Mr Sind helped write those two memorable episodes "The Debate" and "The Inauguration". Mr Sind will hold a workshop at next weekend's Australian Writers Muster at the University of Sydney. The muster is about supporting our writers. The key to our film and television success is fostering and creating Australian scripts. On Thursday Mr Sind will meet with the New South Wales Premier, who is also our Minister for the Arts. I am sure that they will have much to talk about: in his previous life Mr Sind was a political media consultant. He has also worked on campaigns in the United States of America, Bermuda and Brazil.

BUSINESS OF THE HOUSE

Routine of Business

[*During notices of motions*]

Mr SPEAKER: Order! The Chair acknowledges that the notice of motion of the honourable member for Lachlan is worthy of debate in this House. However, I ask him to consult with the Clerks about rewording the motion as it contains a certain amount of debate.

DISTINGUISHED VISITORS

Mr SPEAKER: I acknowledge the presence in the gallery of Professor Yan Li Hooh, a professor at Honan University, who is the guest of the honourable member for Camden.

AUDIT OFFICE

Report

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the Auditor-General's performance audit report entitled "Disposal of Sydney Harbour Foreshore Land", dated November 2003.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced the receipt**,** pursuant to section 10 of the Legislation Review Act 1987, of the report entitled "Legislation Review Digest No 7 of 2003", dated 1 December 2003.

PETITIONS

Murrumbidgee College of Agriculture

Petition opposing the restructure of Murrumbidgee College of Agriculture at Yanco, received from **Mr Peter Black**.

Gaming Machine Tax

Petitions opposing the decision to increase poker machine tax, received from **Mr Thomas George**, **Ms Katrina Hodgkinson**, **Mrs Judy Hopwood**, **Mr Malcolm Kerr**, **Mr Steven Pringle**, **Ms Marianne Saliba**, **Mr Ian Slack-Smith**, **Mr Andrew Tink** and **Mr John Turner**.

White City Site Rezoning Proposal

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

Water Police Pyrmont Site

Petition opposing development of the current Water Police Pyrmont site, received from **Ms Clover Moore**.

Windsor Road Traffic Arrangements

Petitions requesting a right turn bay on Windsor Road at Acres Road, received from **Mr Wayne Merton** and **Mr Michael Richardson**.

The Spit Bridge Traffic Arrangements

Petition opposing the proposal to add a two-lane drawbridge next to The Spit Bridge, and calling for a responsible and holistic solution to the transport, traffic, and freight needs of the area, received from **Mrs Jillian Skinner**.

Orange Electorate Speed Limit

Petition opposing the blanket 50 kilometre per hour speed limit and requesting that the Mitchell Highway and other main arterial roads revert to previous speed limits, received from **Mr Russell Turner**.

Cessnock Community Midwifery Program

Petition requesting the implementation of a community midwifery program in Cessnock, received from **Mr Kerry Hickey**.

CountryLink Rail Services

Petitions opposing the abolition of CountryLink rail services and their replacement with buses in rural and regional New South Wales, received from **Mr Greg Aplin**, **Mr Peter Draper**, **Mr Thomas George**, **Ms Katrina Hodgkinson**, **Mr Ian Slack-Smith**, **Mr George Souris**, **Mr John Turner** and **Mr Russell Turner**.

Redfern and Surry Hills Bus Services

Petition requesting improved bus services in Redfern and Surry Hills, received from **Ms Clover Moore**.

Public Transport

Petition requesting the development of a transport blueprint for public transport as an alternative to private vehicle use, received from **Ms Clover Moore**.

Bus Service 311

Petition praying that the Government urgently improve bus service 311 to make it more frequent and more reliable, received from **Ms Clover Moore**.

Tamworth and Armidale Rail Services

Petition opposing the proposed cut to the CountryLink rail service between Tamworth and Armidale, received from **Mr Richard Torbay**.

Local Government Amalgamation

Petition opposing the merger of shires into the proposed Capital City Regional Council, received from **Ms Katrina Hodgkinson**.

Local Government Amalgamation

Petition opposing the merger of the north-western part of the Yass Shire local government area into the proposed Southern Tablelands Council, received from **Ms Katrina Hodgkinson**.

Local Government Amendment Bill

Petition opposing the Local Government Amendment Bill 2003, received from **Ms Katrina Hodgkinson**.

Social Program Policy Subsidy

Petition requesting that the social program policy subsidy be extended to residents in the Hawkesbury local government area, received from **Mr Steven Pringle**.

Circus Animals

Petition praying that the House end the unnecessary suffering of wild animals and their use in circuses, received from **Ms Clover Moore**.

Sow Stall Ban

Petition requesting the total ban of sow stalls, received from **Ms Clover Moore**.

QUESTIONS WITHOUT NOTICE

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CAMDEN AND CAMPBELLTOWN HOSPITALS HEALTH CARE COMPLAINTS COMMISSION INQUIRY

Mr JOHN BROGDEN: My question is directed to the Minister for Infrastructure and Planning. Did the Minister refer to the Independent Commission Against Corruption [ICAC] allegations that he received by email on 25 November 2002 from one of the whistleblower nurses from Camden and Campbelltown hospitals reporting that patients' notes were being shredded and records tampered with following the announcement of the Health Care Complaints Commission inquiry on 18 November 2003?

Mr CRAIG KNOWLES: The Opposition is concerned with the details so let us have a few details. Everyone understands that I initiated that inquiry. I met with the nurses and a brother lawyer who represented them in my electorate office. Immediately at the conclusion of that meeting I dictated a memo that I forwarded directly to the Director-General of NSW Health. That is a matter of fact—documented and clear as a bell. From that time, to the best of my recollection, any matters were forwarded to the Health Care Complaints Commission. If I remember correctly, based on evidence given in the upper House estimates committees in the past week or so, the police, the Coroner and, I think, the Independent Commission Against Corruption were notified.

PORT BOTANY EXPANSION

Ms KRISTINA KENEALLY: My question is addressed to the Minister for Infrastructure and Planning. What is the latest information on the maritime future of Port Botany?

Mr CRAIG KNOWLES: I am sure that the honourable member for Heffron and other honourable members are aware that Port Botany has played a vital role in the nation's economy for generations. It is Sydney's largest seaport facility. The movement of cargo through Port Botany accounted for almost 60 per cent of the total economic output of Sydney's ports, or approximately $25 billion in trade value, in 2001-02. More than 4,000 people are employed directly at Port Botany, with about 6,000 people employed indirectly through port-related industries. The airport, fuel and bulk liquids and container facilities at Port Botany underpin much growth and prosperity for both the State and the nation.

Any decision to expand Port Botany will always have significant implications for the State's social, environmental and economic fabric. That is why the current proposal to expand the bulk container terminal will

be the subject of the most rigorous scrutiny. As the Premier has already indicated, any expansion of Port Botany will be strictly in line with the environmental constraints laid down by an independent commission of inquiry, and it will be the last expansion. The independent commission of inquiry will be the final determination on the port's growth. After that the next chapter in major container port growth will be written at Newcastle and the Illawarra—which is good news for the regions—and will be landlocked in the Hunter to allow coal, grain and mineral exports in the short term and container trade in the long term.

Port Botany currently handles in excess of one million containers every year. It is our busiest port by far and it is predicted that additional capacity will be required by 2010. Should this proposal proceed, Port Botany would have the capacity to handle three million containers annually, with 1.6 million of these attributable to the new container terminal. The proposal by the Sydney Ports Corporation consists of a new container terminal located on the north-eastern edge of Botany Bay, with approximately 57 hectares of reclaimed land. It will have an additional wharf to allow for up to five shipping berths, dedicated road and rail access and support infrastructure. The capital investment in that package, if it is approved and proceeds, is about $580 million. That is $580 million worth of new investment in the port, subject of course to the findings of an independent commission of inquiry. Construction will take approximately seven years.

Associated with the development will be the creation of a new public boat ramp and car park with direct access to Foreshore Road. This will replace the existing boat ramp at Penrhyn Road. New works include restoration and enhancement to Foreshore Beach and the Penrhyn Estuary. The independent commission of inquiry and the environmental impact assessment process for the development application will run concurrently. This will mean greater certainty and transparency. All submissions made on the development application will be provided to the inquiry, giving everyone who makes a submission either on the development application or to the inquiry the opportunity to have their concerns addressed independently by the commissioner. The commissioner will be supported by experts in key specialist areas. It is expected that the inquiry will be conducted in the first half of next year, with the exhibition of the proposal taking place from late January.

The inquiry's terms of reference are straightforward. It will consider the justification of the proposal; the terrestrial and marine environments; the hydrodynamics of Botany Bay; the acoustic environment; air and water quality, including groundwater; safety, in terms of both shipping navigation and the operations of Sydney (Kingsford Smith) Airport; local and regional traffic road and rail networks; and local and regional infrastructure, including the implications for container movements and growth within New South Wales. The inquiry will also consider recreational opportunities in and around Botany Bay, particularly at Foreshore Beach and the reserve. It will consider the cumulative impacts of the proposal in the context of the total port environs, taking into account any relevant strategy for Botany Bay; and the social and economic implications of the development, including the implications for the State of not proceeding.

As most honourable members know, the independent commission of inquiry process is the best forum in which to consider such an important project. It will involve rigorous technical assessment and anyone who wants to have a say will be able to do so. It is a public process that is highly transparent. I urge anyone who wants to participate in the consideration of this major proposal to become involved in this important process.

CAMDEN AND CAMPBELLTOWN HOSPITALS HEALTH CARE COMPLAINTS COMMISSION INQUIRY

Mr BARRY O'FARRELL: My question is directed to the Minister for Health. How can the Minister have confidence in the Health Care Complaints Commission inquiry into Camden and Campbelltown hospitals given that the commission has refused to investigate allegations that some of the whistleblower nurses were offered payments in return for signing deeds of release and that nurses were asked to lie about the number of beds available in the paediatric ward?

Mr MORRIS IEMMA: The Health Care Complaints Commission [HCCC] is established by statute to investigate allegations—by people who work in the system as well as by people who access health services—about the quality of health services. That is why the HCCC was established. That is why it is independent of the Government, and that is its role. The HCCC is currently coming to the conclusion of its year-long investigation into a whole range of allegations in relation to Campbelltown and Camden. Its work is near completion. I will respond to the report of the HCCC—

Mr Barry O'Farrell: Point of order: My point of order is in relation to relevance. My question was about Commissioner Adrian's refusal in writing to investigate serious allegations about cover-ups—money

being offered to pay to these nurses to be quiet and to lie about the number of paediatric beds. She has refused to investigate those allegations! It is not about your inquiry.

Mr SPEAKER: Order! The Deputy Leader of the Opposition will resume his seat. There is no point of order. The Minister should be given the opportunity to answer the question.

Mr MORRIS IEMMA: I will respond to that report. I will repeat the remarks I have made consistently in this House and in public in relation to that report, should the final report confirm what was in the draft report. I will address my remarks and comments about the HCCC when it concludes its report and hands it down. In relation to additional allegations, to the best of my recollection a couple of weeks ago I was informed that additional matters were forwarded to the HCCC about patient care at Campbelltown. When the final report is handed down there will be a comprehensive response on all of the issues raised in that report and the allegations therein.

AUSTRALIAN HEALTH MINISTERS CONFERENCE

Mr JOHN MILLS: My question is directed to the Minister for Health. What is the Government's response to the outcomes of the Australian Health Ministers conference held on Friday?

Mr MORRIS IEMMA: Last Friday State and Territory Health Ministers met with the Commonwealth Minister for Health, Tony Abbott. The meeting commenced on a positive note in the sense that we actually had someone from the Commonwealth turn up. It is real progress. The Commonwealth Health Minister's attendance at the conference of the nation's Health Ministers was significant progress, compared with what occurred with his predecessor. The call by all of the States for the past 12 years had fallen on deaf ears. The previous Commonwealth Minister for Health either refused to turn up or simply refused to engage the States in any meaningful negotiation to do with a better deal, a better health plan for the nation and a better health care agreement.

The three key areas that all the States, led by New South Wales, and the nation's leading clinicians identified were: aged care reform, better arrangements between general practitioners and our emergency departments, and the establishment of a national approach to our work force problems, which the Commonwealth had refused to engage. I am pleased to say that following last Friday's meeting we finally have some form of engagement from the Commonwealth in relation to these issues. In particular we know that we have an ageing population, a decline in bulk billing and a scarcity of clinicians in our hospitals. The Commonwealth's own intergenerational report outlined in precise detail the implications for our health system of Australia's ageing population.

I am pleased that Tony Abbott has responded to the calls of the States and the clinicians and recognised the seriousness of the challenges that this poses for us. It is fair to say that New South Wales in particular, when it comes to general practitioner clinicians and our emergency departments, and attempting to take the pressure off those emergency departments, has been at the forefront of the call for greater integration between primary health care and tertiary and secondary level care in our hospitals. To be fair to Tony Abbott, on Friday he agreed in principle to the model of co-location of the general practitioner clinics—

[*Interruption*]

Mr SPEAKER: Order! The Minister needs no help from the Opposition.

Mr MORRIS IEMMA: Let us be clear about Denman. Denman was a multipurpose service centre, not a general practitioner clinic in an emergency—

Mrs Jillian Skinner: Also Maitland.

Mr MORRIS IEMMA: Yes, Maitland, which has been an outstanding success. It has caused a 60 per cent drop in attendance in the emergency department and for three years we have been urging the Commonwealth to work with us to roll out the model across the State, not just have one pilot operating in one hospital in one town in New South Wales. We would like that excellent model of co-operative federalism rolled out across the States. We would like the Maitland model, the Maitland experience and the Maitland success operating not just at Maitland and Belmont, John Hunter, Newcastle East, but also at 48 other places across the States—for instance, at Concord, Shoalhaven, Manly, Wyong, Ryde, Hornsby, Gosford, Lismore, Tamworth, Griffith, Port Macquarie and the list goes on.

On Friday, finally, three years after attempting to get the Commonwealth to work with us to roll out these clinics across our health system, we got an agreement in principle from a Commonwealth Health Minister who deigned to turn up and agreed to examine each application case-by-case for co-location. The Commonwealth has agreed to work with the States and the local divisions of general practitioners to roll out this model across our health system to try to take the pressure off our emergency departments caused by the collapse in bulk billing.

On Thursday at Tweed Heads and Lismore hospitals I saw some interesting figures about bulk billing. Lismore has one of the lowest bulk billing rates in the country, 47 per cent. What has been the effect on Lismore's emergency department? In five months attendances have shot up 12 per cent in categories four and five. A few years ago Tweed Heads used to have about 26,000 attendances at its emergency department each year. When bulk billing crashed from 65 per cent in March, to 61 per cent in the latest quarter the attendances at Tweed Heads shot up to 36,000 from 26,000. There is no doubt that the collapse in bulk billing adds to the pressure on emergency departments. For three years the Commonwealth has simply refused to even engage in a discussion. The Maitland model was implemented three years ago. It was successful and should be applied right across our health system. The good thing is that Tony Abbott is prepared to listen and have a go. Good on him.

Friday's meeting also decided to allocate $2 million for a priority-driven research program to support the establishment of national work to address our work force shortages. Ministers also agreed that clinicians should continue to help work on developing the national reform agenda. These agreements alone are a breakthrough. The meeting also agreed that Minister Abbott would sponsor a delegation of State and Territory Health Ministers—Tony Abbott again embracing co-operative federalism—to meet with Brendan Nelson the Commonwealth Minister for Education, Science and Training, and urge him to allow for more applications into our medical and nursing schools.

The current quotas are simply unacceptable: they are too few in number, they are not in the right places, and they will do nothing to arrest the long-term and short-term shortages in our work force. In New South Wales there were 6,700 applications for nursing positions. Brendan Nelson funded 2,579—meaning that more than 4,000 young people in New South Wales who wanted to become nurses are unable to do so, because Brendan Nelson will not let them. Charles Sturt University, in Bathurst, had 2,500 applications, and Brendan Nelson would fund only 250. On Friday Tony Abbott was saying: Let's go and see Nelson and see if he will change that position. We hope the meeting will bring a period of collaboration and co-operation between the Commonwealth health Minister and the nation's health Ministers to ensure that our work force shortages do not cripple our health system in the years ahead.

I have mentioned the progress that has been made on the co-location of general practitioner clinics in our hospitals. The third essential element of reform—which Tony Abbott has agreed to progress—is finally to address a better deal on aged care for senior citizens who are in an acute care public hospital bed but who should be in a nursing home bed or some other form of transitional care. The 900 senior citizens who are in our public hospital beds but who should be in a nursing home deserve a better deal. On Friday Tony Abbott agreed to work with the States to try to address that further critical area of reform.

CAMDEN AND CAMPBELLTOWN HOSPITALS HEALTH CARE COMPLAINTS COMMISSION INQUIRY

Mr JOHN BROGDEN: My question without notice is directed to the Minister for Health. What action does the Minister intend to take against the Director-General of Health, Robyn Kruk, for her decision to refer the allegations by a whistleblower nurse about documents being shredded at Camden and Campbelltown hospitals to the Health Care Complaints Commission when quite clearly under section 11 (2) of the Independent Commission Against Corruption Act she is required by law to send matters she believes are corrupt to the Independent Commission Against Corruption?

Mr MORRIS IEMMA: The director-general has referred a number of matters to an independent statutory body established to investigate allegations within the health system. The Director-General of Health has acted in an appropriate manner right the way through, from the time—

Mr John Brogden: Point of order: The Independent Commission Against Corruption Act is clear. A principal officer of a public authority must refer complaints of corruption to the Independent Commission Against Corruption.

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

Mr MORRIS IEMMA: The director-general has acted always appropriately in relation to this matter and all other matters since I took over this portfolio.

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order.

VICTIM IMPACT STATEMENTS

Ms ANGELA D'AMORE: My question without notice is addressed to the Attorney General. What is the latest information on victim impact statements in the District Court?

Mr BOB DEBUS: The Carr Government has done more than any previous government to recognise and promote the legitimate role of victims of crime within the justice system. We have worked closely with victims and their families and with victim support groups such as Enough Is Enough, the Homicide Victims Support Group and the Victims of Crime Assistance League, known as VOCAL, to identify the services and resources that victims most need. Our earliest and most significant achievement in this area was the passing of the Victims Rights Act in 1996. That landmark legislation, which came into force in April 1997, amongst other things established the Charter of Victims Rights. That charter has been vital in alleviating the sense of helplessness that so many victims of crime had felt in trying to navigate the criminal justice system.

The charter enshrined in law the principles for the treatment of victims of crime and demands compassion and respect for them by government agencies. The charter also clarifies victims' rights to access information about the cases with which they are concerned. For the first time, the Victims Rights Act gave victims of serious violent crime in New South Wales the right to tell a judge in the Supreme and District courts of the personal impact that the crime, for which the accused had been convicted, had had on their lives. Victim impact statements have already assumed a very important role in the criminal justice system. In most cases, a victim impact statement is a written description of the personal harm suffered as a direct result of a crime. Tragically, in some cases, it is a statement describing the impact of the death of a loved one, the primary victim of a crime, by immediate family members.

But there was more work to be done. Amendments to the victim impact statement regime, which commenced in early 1998, expanded the circumstances in which those statements could be given, for the first time allowing them to be given in Local Courts in very restricted circumstances—in cases involving death. The Government has continued to listen to the very real stories and very practical advice of victims of crime, their families and their advocates, and through those efforts many issues have been identified and a range of potential solutions have been examined. Earlier this year the Government built further upon the gains made in victims rights. The Victims Legislation Amendment Act 2003—which passed with unanimous support earlier this year—further enhanced the regime by giving victims eligible to present a victim impact statement to the Supreme and District courts the right to read their statement aloud in the courtroom before an offender was sentenced. That reform, which was designed to give victims of serious crime a stronger voice, of course also forces offenders to directly face the harm that they have caused.

The Government has already given a commitment to victims of crime to build further on the reforms passed earlier this year. The Premier announced in August at the Ebony and Ivory Ball, organised by the Homicide Victims Support Group, that plans were being developed to expand significantly the use of victim impact statements in the Local Court. The proposed change would enable Local Courts to receive victim impact statements for a specific range of offences that result in either actual physical bodily harm to any person, or involve an act of actual or threatened violence or an act of sexual assault. Once the Local Court has received a victim impact statement, this would also entitle a victim to read out the statement following the conviction, but before sentencing, of an offender.

Offences like malicious wounding, maliciously inflicting grievous bodily harm, aggravated indecent assault and dangerous driving occasioning grievous bodily harm will be included. The Chief Magistrate has requested this change to assist magistrates in imposing appropriate sentences. Victim impact statements in those sorts of cases would provide a reminder at a timely point in proceedings, after conviction but prior to sentencing, of the objective seriousness of the offence concerned. Victim impact statements provide an opportunity for victims of serious violent crime to express their feelings about the harm they have suffered as a result of a crime and allow for proper public respect to be paid to those feelings. They have a positive and appropriate place in the criminal justice system of this State.

KEMPSEY DISTRICT HOSPITAL SERVICE STANDARDS

Mr ANDREW STONER: I direct my question without notice to the Minister for Health. Does he endorse misleading public statements by the chief executive officer of the Mid North Coast Area Health Service that Kempsey District Hospital is operating at level 4 service standards when internal documents show that only 6 out of the 61 services operate above level 3, with 11 others, including mental health, at or below level 2?

Mr MORRIS IEMMA: This Government has provided significant investment in the new mental health unit at Kempsey and substantial investments right up the North Coast not only in mental health facilities but also in public health facilities generally. But the Leader of The Nationals would rather have us spend money on advertising than front-line services. He is quoted in the local newspaper saying that we should not try to cut back on advertising and put it into front-line services. Not once has he acknowledged the substantial investment we have made in resources and the development of facilities, particularly on the North Coast.

Mr SPEAKER: Order! The actions of those on the Opposition frontbench are nothing less than disgusting. The constant calling out and interrupting of Ministers' answers demeans the dignity of the House and all of its members. Members should ensure that they conduct themselves with proper decorum. We all enjoy a lively debate, but constant, banal calling out serves no purpose whatsoever and does those responsible no credit.

SUPERINTENDENT JOHN HARTLEY POLICE TRAFFIC SERVICES APPOINTMENT

Mr SPEAKER: I call the honourable member for Mount Druitt.

[*Interruption*]

Mr RICHARD AMERY: For a moment there, I did not think I was going to get it.

Mr Ian Armstrong: You never have, Richard!

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

Mr RICHARD AMERY: He would not have done that if he knew how much shoe polish I had to eat to get it. My question without notice is addressed to the Minister for Police. What is the latest information on traffic policing across the State of New South Wales?

Mr JOHN WATKINS: Today I am pleased to inform the House that an appointment has been made to one of the most important senior positions in New South Wales Police, head of traffic services. The position involves programs that protect hundreds of thousands of lives every year on New South Wales roads. I am pleased to advise that Superintendent John Hartley has won that position. Yesterday the Commissioner informed Superintendent Hartley about the appointment. He is a hard-working, tough and practical police officer who will able to fill the driver's seat left vacant by veteran highway patroller Ron Sorrenson, who retired early this year.

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

Mr JOHN WATKINS: Whilst acting in the position Superintendent Hartley has already tackled a number of major issues involving traffic management and road safety. He has overseen the deployment of new equipment and increased police powers. John Hartley joined the New South Wales Police in 1979. He worked in general duties in Maroubra, Young and Wagga Wagga. John was operations manager at the former city east region, which later became the inner metropolitan region, before his move to the traffic branch. Whilst working at city east and inner metropolitan between 1997 and 2002 John Hartley was heavily involved in planning and overseeing many significant and successful events, including the city's biggest ever New Year's Eve celebrations, the Centenary of Federation, and, of course, the central business district's Olympic festivities. He has already been involved in the planning and execution of major road campaigns during this year

He has helped to deliver other important initiatives, including the deployment of 600 sets of road spikes in local area commands that have been used to stop more than a dozen high-speed pursuits in the past six months. He has been involved in extending powers for New South Wales police to enable the immediate roadside suspension of licences for reckless driving, which has been used more than 80 times since August this year. He has worked with New South Wales cycling and triathlon groups to ensure the future of those sports on local roads. In coming weeks Superintendent Hartley will oversee Operation RAID—remove alcohol-impaired

drivers—a combined highway patrol effort by New South Wales, Victorian and South Australian police forces. There is also Operation Road Safe, the $1 million Police and Roads and Traffic Authority enforcement campaign, throughout Sydney's northern beaches, the lower North Shore, city, eastern suburbs, southern suburbs and the inner west, and Operation Safe Arrival, the upcoming holiday safety campaign.

Last night I spoke to Superintendent Hartley who told me he was looking forward to continuing the challenge of reducing fatalities and making the roads safe for all users. He said that the upcoming holiday road safety campaign would involve high visibility policing of the State's roads to ensure that drivers remain under the speed limit, take regular breaks and drive to the prevailing conditions. He has called on motorists to drive with consideration for fellow road users. The Government congratulates John Hartley on his appointment, and thanks him for his ongoing commitment to protecting the New South Wales community. I am sure that every member of this House wishes him well. His success will benefit us all.

LISMORE AND MACLEAN HOSPITALS VASCULAR SURGEON

Mr THOMAS GEORGE: My question without notice is directed to the Minister for Health. Why are Lismore and Maclean hospitals still waiting for the promised arrival of the shared vascular surgeon that his predecessor said he had appointed on 30 January this year?

Mr MORRIS IEMMA: I had quite a pleasant visit there on Thursday. I will investigate the precise details of the clinician the honourable mention mentioned. However, I seem to recall from Thursday's visit and our discussions that three cardiologists were in town ready to go if we could provide the diagnostic and intervention facilities which the area is in line for. At the moment the department has a submission for those services.

Mrs Jillian Skinner: Not a vascular surgeon.

Mr MORRIS IEMMA: I undertook to take up the member's question in that regard. I will repeat today what I told the honourable member on the day of my visit: the master plan for the redevelopment of Lismore hospital is well advanced. We saw a very good projected slideshow from the area health service. Meetings have taken place about the $90 million redevelopment of Lismore hospital, which will be a staged redevelopment. I am examining the parts of that redevelopment that can be brought forward and the aspects of the hospital that will be involved in the staged redevelopment. Obviously, particularly following the visit, things like the Richmond clinic and mental health services will be a priority, as will the emergency department because of its somewhat less than desirable design.

CLYDE WASTE TRANSFER TERMINAL

Mr STEVE WHAN: My question without notice is addressed to the Premier. Has the Premier met with miners to receive their concerns about the Opposition's intentions to frustrate the Clyde Waste Transfer Terminal (Special Provisions) Bill?

Mr BOB CARR: I had a most interesting meeting with miners in the last two hours in my office. I want to spell out the position they find themselves in, and the bleakness of their Christmas, if the Opposition succeeds in its new position on this legislation. I say "new position" because during the last sitting week of the Parliament when I outlined our plan and legislation for Woodlawn, the Leader of the Opposition got up, came to the table and said, "The Premier has our support." I thought: strong leadership. I thought: decisive. I thought: clear cut. But it now transpires that, as a result of lobbying, the Opposition will vote at the very least to delay the legislation until after Christmas and at the very worst vote it down in the upper House. This leaves the honourable member for Burrinjuck in a very curious position. I want to read some of the things that she has been saying on this matter, but only after I share with the House what former employees of the Woodlawn mine told me. One of them stood up and said, "I've got a mortgage. I've got three children. I would get, if the entitlements are paid, $100,000."

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order for the second time.

Mr BOB CARR: He said it would make all the difference to his family's Christmas to know that that money is on the way. And why would it not? Another worker who had been at that mine for 20 years said that he needs the money to retire.

Mr SPEAKER: Order! I have already said that there has been quite enough disruptive behaviour during question time. Those members who have been called to order are now deemed to be on three calls. I warn members that if they are removed from the House it will not be merely for the duration of question time and the debate on the motion for urgent consideration.

Mr BOB CARR: Another worker stood up at this meeting and said he had become a single parent of two young daughters since the mine closed. He stands to get $60,000—a large sum of money for a person in his position.

[*Interruption*]

They are his worker's entitlements. That is what he is entitled to. How dare the honourable member for North Shore say that that should not count. How dare she! It might not mean much to the honourable member for North Shore, but it meant a lot to him.

Mrs Jillian Skinner: Point of order: I take great exception to the threatening manner of the Premier, who insulted the member for North Shore when you, Mr Speaker, were not watching. Please observe this House! Call the Premier to order.

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

Mr BOB CARR: Another worker who has now retired on a pension stands to get—but only if this legislation passes—$70,000, but will not get it if this legislation fails to pass. Another worker told me that he has three children and he stands to get $35,000. He said that the money will go towards his children's education. The Opposition has now decided, as a result of lobbying by a commercial competitor, to block the legislation. The Leader of the Opposition should stand up and say that he supports the legislation, as he did during the last sitting week. During the last sitting week the Leader of the Opposition said that he supported the legislation. This week he does not.

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

Mr BOB CARR: During the last sitting week he said he would support the legislation, but this week, as a result of lobbying by a commercial competitor, he says he will not. Another worker is owed $80,000. He said the money would start his retirement fund.

Mr John Brogden: That is half your salary.

Mr BOB CARR: The Leader of the Opposition does not understand. This is the worker's entitlement.

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

Mr BOB CARR: This is the worker's entitlement that the former company will not pay.

[*Interruption*]

That is right: he earned that money. This is quite hilarious to the Deputy Leader of the Opposition. Another worker is entitled to $43,000.

Mr Barry O'Farrell: Point of order: My point of order is relevance. The joke is that the Premier spends $3 million a year on media monitoring.

Mr SPEAKER: Order! The Deputy Leader of the Opposition is on three calls to order. His behaviour is grossly disorderly. I ask the Deputy Serjeant-at-Arms to remove him from the House.

[*The honourable member for Ku-ring-gai left the Chamber, accompanied by the Deputy Serjeant-at-Arms.*]

Mr BOB CARR: Another worker is entitled to receive $43,000 and he said he would use the money to get his family out of debt. There are other workers who stand to benefit, but what did our old friend the honourable member for Burrinjuck say about this legislation and the workers' cause? She said as recently as 17 November—hardly ancient history:

> It is of concern that the Land and Environment Court—

[*Interruption*]

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

Mr BOB CARR: The honourable member for Burrinjuck told the *Goulburn Post* on 17 November:

> It is of concern that the Land and Environment Court rejected the Clyde Transfer Station, putting at risk what is generally recognised as an environmentally responsible project.

She went on to say that she had discussed with her parliamentary colleagues the actions necessary to get the Collex proposal back on track, and had made them aware of the importance of the project, not only to the local region but also to the metropolitan area. She went on to state:

> The NSW Coalition has announced that it will be happy to look at any approach that the Government takes to achieve a solution to the problem caused by the Land and Environment Court decision.

That was stated as recently as 17 November, but now she betrays 158 people in her electorate. She has betrayed them—158 families.

Mr John Brogden: Point of order: If the Premier has nothing to hide, send it to a committee.

Mr SPEAKER: Order! There is no point of order. The Leader of the Opposition will resume his seat.

Mr BOB CARR: The workers want to know before Christmas whether they will get their money. They do not want the news shunted over to next year. In their trusting naivety, until today these workers believed the Leader of the Opposition when he said during the last sitting week of this Parliament, "The Premier has our support." In their trustworthiness they were prepared to believe their local member, who said on 17 November that the Government would have her support. The money they stand to receive from an environmentally sound project is now in doubt. In the electorate of the honourable member for Burrinjuck, 158 families have been undercut by the position struck by her colleagues. All through my answer today the Opposition has scorned the interests of workers who believe that $60,000 to help a worker educate kids—

Mr Andrew Stoner: Point of order: My point of order relates to Standing Order 137, concerning rules for questions. The Premier is deliberately misleading the House. The Opposition supports the employment of the workers.

Mr SPEAKER: Order! There is no point of order. The Leader of The Nationals will resume his seat. The House will come to order.

Mr BOB CARR: Paying workers' entitlements is not a taxpayer responsibility; it is a business responsibility, and that has always been so. No responsible person would say that when a badly managed company goes under it is the taxpayers who have to pick up workers' entitlements. No-one in the Opposition has proposed another way of assisting those 158 mining families in the Burrinjuck electorate that she is now condemning to a miserable Christmas. She stands condemned. All I can say is, shame, Brogden, shame!

Mr Michael Richardson: Point of order: The Premier has misled the House.

Mr SPEAKER: Order! There is no point of order. The honourable member for The Hills will resume his seat.

CAMDEN AND CAMPBELLTOWN HOSPITALS HEALTH CARE COMPLAINTS COMMISSION INQUIRY

Mr CRAIG KNOWLES: Earlier in question time I was asked by the Leader of the Opposition about an email received by my office on 25 November 2002. In general terms I indicated that having commenced the inquiry I believed, to the best of my recollection, that such matters would have been referred to the Director-General of Health for transmission to the Health Care Complaints Commission [HCCC]. I now confirm that such action did occur. In a covering letter dated 27 November, the email was indeed forwarded to the HCCC by the director-general, with a copy sent to the complainant.

CAMDEN AND CAMPBELLTOWN HOSPITALS HEALTH CARE COMPLAINTS COMMISSION INQUIRY

Mr MORRIS IEMMA: I have a supplementary answer to the question asked of me by the Leader of the Opposition in relation to the Director-General of Health. On 18 November last year the director of audit for the Department of Health provided the director-general with an interim report based on a series of discussions and interviews held between the department and the complainants. The Director-General of Health advised the Minister that the matter should be referred to the Health Care Complaints Commission [HCCC], the independent statutory body that is responsible for investigating allegations and complaints about the health system. The Minister agreed. The matter was referred to the HCCC on 18 November 2002.

At the same time the Director-General of Health formally advised NSW Police, the Independent Commission Against Corruption and the Coroner of the allegations and actions taken by the department in referring the matter to the HCCC. That is in accordance with normal procedures, and the information I have given was given in the estimates committee proceedings on Tuesday 25 November. It was also referred to in a media release by the honourable member for North Shore on 22 November, which stated:

> I understand the Department of Health has also recommended that the allegations be referred to the Independent Commission Against Corruption.

So it is a matter that she knew about.

PACIFIC HIGHWAY POLICE PATROLS

Mr JOHN WATKINS: On 18 November the Leader of The Nationals asked me a question. On that day the Opposition attempted to use this House to criticise NSW Police, and, once again, it has been caught out. The Leader of The Nationals tried to denigrate the efforts of the northern region police and Operation Nightsafe. He tried to suggest that those hard-working police had rostered only one car to duty.

Mr Chris Hartcher: Point of order: I draw attention to Standing Order No. 82. The Minister, in answering a question, is seeking to impute improper motives to the Leader of The Nationals. The standing order is quite clear, it is specific, it does not make a general statement, and I draw your attention and that of the Leader of the House to it.

Mr SPEAKER: Order! The honourable member for Gosford will resume his seat.

[*Interruption*]

Mr SPEAKER: Order! The honourable member for Gosford will resume his seat. I place the honourable member for Gosford on three calls to order. I have not heard sufficient of the Minister's reply to be able to rule on the point of order. I will hear further from the Minister.

Mr JOHN WATKINS: The Opposition was caught out again, because on 22 November in the Coffs Harbour newspaper the *Advocate*—

[*Interruption*]

Mr SPEAKER: Order! The honourable member for Gosford will resume his seat. I remind him that he is on three calls to order.

Mr JOHN WATKINS: The *Advocate* ran a story entitled "Highway patrol claims 'wrong'" in which Senior Sergeant Malcolm Read of the Northern Region Traffic Services sent a clear message to the Leader of The Nationals. The article stated:

> "Nightsafe began in February when it became apparent that a great number of heavy vehicles had abandoned the New England Highway in favour of the upgraded Pacific Highway", Snr Sgt Read said.
>
> "Four patrol cars are supplied by each of the area commands to patrol the highway, and additional vehicles are working out of Newcastle and the Central Coast."

The Leader of The Nationals should be careful, because untruths like that will simply make him less popular than the honourable member for Vaucluse.

WORLD WAR II JAPANESE FLAG COMMEMORATION

Privilege

Mr IAN ARMSTRONG (Lachlan) [3.38 p.m.]: Earlier today I gave notice of a motion relevant to a Japanese flag from World War II, which was commemorated at Grenfell last Saturday. You indicated, sir, that you were going to ask the Clerks to rewrite the notice of motion on the basis that it contained debate. I put it to you that every word in that notice of motion is part of Australia's war history. I am prepared to substantiate every aspect of it. I find that my privilege has been abused in recording the inference that my motion is not accurate. It is dead accurate, Mr Speaker.

Mr SPEAKER: Order! The Chair did not intend to imply that the notice of motion given by the honourable member for Lachlan was in any way inaccurate. However, the motion was rather longwinded and, in the view of the Chair, contained matters of debate. I requested the honourable member for Lachlan to consider rewording the motion, with the assistance of the Clerks. I reiterate that the Chair in no way intended to denigrate or diminish the importance of the motion.

CONSIDERATION OF URGENT MOTIONS

Film and Television Industry Free Trade Agreement

Mr BOB CARR (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [3.41 p.m.]: My motion is urgent because Australian and United States of America negotiators are rushing to complete the free trade agreement by the end of January and there is little time left to protect Australian culture.

Former Macarthur Health Service Chief Executive Officer Ms Jennifer Collins

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [3.42 p.m.]: My motion is urgent. The Government continues to make it clear, through its estimates committee hearings and through the ramblings of its former Minister, its current Minister, the director-general, and Jennifer Collins, who came out of hiding and fronted a parliamentary committee yesterday, that this is a sordid and dirty little affair. Clearly the Premier, the Hon. Bob Carr, is happy to spend $204,000 on his chief of staff; $178,000 on Walt Secord; $158,000 or more on Amanda Lampe; $3.2 million of taxpayers' funds on Rehame Australia media monitoring, a service that is performed on a regular basis; and $800,000 worth of funds for 9.5 staff to perform media monitoring in his office—yet whistleblower nurses in Camden and Campbelltown hospitals have not been paid for months.

The Premier is happy to look after his Labor mates like Jennifer Collins and to transfer her from Camden and Campbelltown hospitals into the Central Area Health Service on a $165,000-a-year non-senior executive service [SES] job—a look-alike SES job, as Dr Horvath told the estimates committee last week. The Premier is happy to look after Jennifer Collins, Walt Secord, and Rehame, and he is prepared to pay millions of dollars to look after the Labor organisation—

Mr Alan Ashton: Point of order: The Leader of the Opposition has rattled off a lot of names but he has not once mentioned the word "urgency". He should be directed to state why his motion is more urgent than the motion of the Premier.

Mr SPEAKER: Order! I have not heard sufficient from the Leader of the Opposition to rule on the point of order. The honourable member for East Hills will resume his seat.

Mr JOHN BROGDEN: My motion it is urgent because only yesterday the Parliament heard from Jennifer Collins, a former Australian Labor Party member who for a long time has been cleaning up the mess that was left by the former health Minister, the Hon. Craig Knowles, on the Campbelltown and Camden hospitals issue. Only yesterday did Jennifer Collins front up at the estimates committee hearing and only then did we establish the full level of fraud and deceit in relation to this matter. In May 2003 NSW Health appointed Vern Dalton as mediator for whistleblower nurses, yet it took until 20 November 2003 to advise them—

Mr Alan Ashton: Point of order: I repeat my earlier point of order. The Leader of the Opposition is not establishing why his motion is urgent. He is debating the issue.

Mr SPEAKER: Order! I remind the Leader of the Opposition that he must establish why his motion should have priority over the motion of the Premier.

Mr JOHN BROGDEN: This motion is urgent. This is the first opportunity that we have had in a week to discuss this matter, which is urgent because of further ongoing revelations. Whistleblower nurses in the Macarthur Area Health Service are not being paid, but Jennifer Collins is being paid $165,000. Whistleblower nurses are not being paid but Walt Secord, the Premier's spin doctor, is getting $180,000 a year. Whistleblower nurses are not being paid, but the Premier's chief of staff is getting $204,000. What is the view of Government backbench members about the fact that the Premier's chief of staff is being paid twice as much as they are being paid?

Mr Alan Ashton: Point of order: The Leader of the Opposition has rattled off what he alleges are the salaries being paid to staff of the Premier. That has nothing to do with this motion. The figures to which he referred cannot be substantiated. He should be asked to state why he believes his motion is more urgent than the motion of the Premier.

Mr SPEAKER: Order! I again remind the Leader of the Opposition that he must establish why his motion should have priority. He should not debate the substance of the motion.

Mr JOHN BROGDEN: This motion is urgent because this is the first opportunity we have had to discuss and debate this matter since further and serious revelations last week. We need to discuss the clear relationship between Jennifer Collins, the Labor mate who is being looked after, and Amanda Adrian, the Health Care Complaints Commissioner. We established last week that they are work colleagues who worked together in the Department of Health, and that they socialised together—yet under the Labor Party the Health Care Complaints Commissioner is to investigate Jennifer Collins. It appears as though former Australian Labor Party members are looked after. We must urgently debate this grubby and corrupt matter. Time and again the Premier has refused to answer questions about this issue. He is standing by an incompetent and corrupt Health Care Complaints Commission—the body that should be properly investigating this matter. [*Time expired.*]

Question—That the motion for urgent consideration of the honourable member for Maroubra be agreed to—put.

The House divided.

Ayes, 52

Ms Allan	Ms Hay	Mr Pearce
Mr Amery	Mr Hickey	Mrs Perry
Ms Andrews	Mr Hunter	Mr Price
Mr Bartlett	Mr Iemma	Dr Refshauge
Ms Beamer	Ms Judge	Ms Saliba
Mr Black	Ms Keneally	Mr Sartor
Mr Brown	Mr Knowles	Mr Scully
Miss Burton	Mr Lynch	Mr Shearan
Mr Campbell	Mr McBride	Mr Stewart
Mr Carr	Mr McLeay	Mr Tripodi
Mr Collier	Ms Meagher	Mr Watkins
Mr Corrigan	Ms Megarrity	Mr West
Mr Crittenden	Mr Mills	Mr Whan
Ms D'Amore	Mr Morris	Mr Yeadon
Mr Debus	Mr Newell	
Mr Gaudry	Ms Nori	*Tellers,*
Mr Gibson	Mr Orkopoulos	Mr Ashton
Mr Greene	Mrs Paluzzano	Mr Martin

Noes, 36

Mr Aplin	Ms Hodgkinson	Ms Seaton
Mr Armstrong	Mrs Hopwood	Mrs Skinner
Mr Barr	Mr Humpherson	Mr Slack-Smith
Ms Berejiklian	Mr Kerr	Mr Souris
Mr Brogden	Mr McGrane	Mr Stoner
Mr Cansdell	Mr Merton	Mr Tink
Mr Constance	Ms Moore	Mr Torbay
Mr Debnam	Mr Oakeshott	Mr J. H. Turner
Mr Draper	Mr Page	Mr R. W. Turner
Mr Fraser	Mr Piccoli	
Mrs Hancock	Mr Pringle	*Tellers,*
Mr Hazzard	Mr Richardson	Mr George
Mr Kerr	Mr Roberts	Mr Maguire

Pair

Ms Burney	Mr Hartcher

Question resolved in the affirmative.

FILM AND TELEVISION INDUSTRY FREE TRADE AGREEMENT

Urgent Motion

Mr BOB CARR (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [3.53 p.m.]: I move:

That this House:

(1) notes that more than 70 per cent of film-making in Australia takes place in New South Wales; and

(2) calls on the Federal Government to protect the Australian film and television industry during the current US-Australia free trade negotiations.

I am a strong supporter of a free trade agreement [FTA] with the United States of America. So are all the Australian Premiers and the Federal Parliamentary Labor Party. However, it now appears that the Federal Government is wedded to a different interpretation of the protection of Australian culture. The Federal Government reassured us that Australian culture would be nurtured following an FTA and we were assured that protective mechanisms for film and television production would remain in place. However, the film and television industry wants guarantees regarding the new quickly developing digital media.

Think back to the 1940s. If a comparable agreement had been negotiated at that time it might have provided protection for Australian content on radio but it would have offered no such protection for television, which arrived in the mid-1950s. Such protection would not have been allowed because the agreement would have said that no future legislation could protect that part of the Australian industry. That is analogous with our current position. The Australian Government is saying that it will not protect Australian content in the quickly developing new digital media. This means that technological breakthroughs such as video coming direct to television screens and all that digital technology promises will be open slather for the United States. Under the terms of the FTA it would be impossible to say, "Look, in these areas we're going to legislate for Australian content, as currently occurs with Australian television and film."

No-one can deny that the Australian market is open to American products. About 250 feature films are released into the Australian market each year, 70 per cent of them from the United States. Only 10 per cent of the films that we see are Australian. Last year 94 per cent of movie tickets sold in Australia were for films made in the United States. The story is similar in television. Between 60 per cent and 70 per cent of Australian prime-time television comes from the United States. In fact, more than 75 per cent of new television programs launched between September 2002 and April 2003 were foreign. In contrast, in the United States only 4 per cent of new television programs are foreign. Many would argue that the balance has been tipped too far in the direction of Hollywood. For example, George Miller recently said:

My kids know more about American culture than they do about our own, simply because of the onslaught of American culture.

That is a comment from one of our best directors. We can certainly say that the United States gets a fair deal in Australia. This means that any move by the Howard Government to scrap or cap Australian content rules is unnecessary. Two weeks ago at the Australian Film Industry Awards Geoffrey Rush said that the FTA would: leach the soil that nourishes and eventually produces this celebrated flowering.

That is the flowering of Australian talent. He was referring to Nicole Kidman, Russell Crowe, Baz Luhrmann, Naomi Watts, Cate Blanchett, Heath Ledger and the many other stars who have given our film industry international stature in the past decade. The Federal Minister for Trade has openly admitted that there will be a trade-off of local content, not necessarily affecting current technologies, such as free-to-air television and big-screen cinema, but certainly imperilling new technologies, such as video on demand, which may well become the main way that we view movies at home in the not too distant future. That would be disastrous.

Imagine a stand-still agreement signed in the 1920s that would have protected silent movies but not the technology to come—talkies. Imagine an agreement signed in 1940s that would have protected radio but not

television. We cannot have an agreement that protects the current but not the future technology. We cannot afford to have any erosion of local content when production of Australian feature films has fallen by one third, from 30 to 19, in 2002-03. Expenditure on feature film and drama production is also down by 23 per cent to $513 million. We cannot afford for the industry to take any further blows. That is why this side of politics is calling on the Federal Government to take the same intelligent approach it took to the Singapore free trade agreement, which was signed earlier this year. That agreement contains an exclusion clause protecting cultural products. It states:

> Australia reserves the right to adopt or maintain any measure relating to:
>
> - the creative arts, cultural heritage and other cultural industries, including audiovisual services, entertainment services and libraries, archives, museums and other cultural services
>
> - broadcasting and audiovisual services, including measures relating to planning, licensing and spectrum management, and including:
>
> 1. Services offered in Australia
>
> 2. International services originating in Australia.

That is in the FTA between Australia and Singapore. It protects Australian culture. In particular and specifically, it protects our right to legislate to protect Australian content in future technologies. Let us see an exclusion clause for all present and future cultural content in any free trade agreement with the United States of America. Let us bear in mind that the Americans reportedly want to use the expression of cultural content in this FTA as a model or template for future free trade agreements elsewhere. That is not a big issue to them in terms of what they do in the Australian market, or what they will get, but it is a big issue to them because the Australian FTA will be a template for future FTAs that America might settle with bigger countries, for example, China.

That is why America attaches a high priority to this, and that makes it all the more important that we resist it: not only to protect out culture but to stake out the argument that we want to seek cultural diversity right around this planet. The Iranians, Pakistanis, and Chinese, among all the other peoples of the earth, are entitled to project their own culture through all the future technologies that will become available. There should not be a single culture dominating the world, emanating from Hollywood. That is what this is about: it is a huge issue of cultural diversity and cultural conservation. Culture is not just another economic product like cars or computers. It cannot be traded away as a mere bargaining chip.

As I said at a press conference with Australian actors earlier today, *Sea Biscuit* is not the story of Phar Lap. Stories like Phar Lap's ought to be told in the future and not just subsumed in movies like *Sea Biscuit.* We want to project our own stories. We want our creative people to be able to tell Australian stories to the world. That is fundamental to our sense of identity. It is about who we are and our place in the world. We have a movie industry and a television industry only because of those protective mechanisms. It is always cheaper to import the Hollywood product. We have Australians doing well overseas because they were nurtured in our industry. Nicole Kidman was in Australian television before she got a chance to be in big movies made in Los Angeles. Let us have a free trade agreement, but not at the price of our culture. As someone said at the Australian Film Industry awards a fortnight ago:

> We're not talking about inanimate objects. We're talking about the way we express ourselves, our hearts and our minds… and you can't sell that. You can't sell out.

I commend the motion to the House.

Mrs JILLIAN SKINNER (North Shore) [4.03 p.m.]: I absolutely agree with the Premier and that is why I compliment the Commonwealth on its position in relation to the outcomes of the Australia-United States of America free trade agreement for making sure that the Government's ability to regulate for cultural and social objectives now or into the future is not undermined. It is very rich of the Premier to jump on the latest bandwagon when he has been absolutely silent on all matters to do with the arts for as long as he has been the Minister for the Arts.

The Coalition has nurtured the arts in this State, and the Federal Coalition Government has done that throughout Australia. The most acclaimed Arts Minister in this State was Peter Collins. I can assure honourable members that in the latest round of discussions about the free trade agreement [FTA] the Commonwealth Government made it quite clear that it has no intention of jeopardising the future of Australia's film industry. In fact, the Federal Government is on record saying that it recognises that flexibility is needed in existing media—film, media and so on—and in new media. The Hon. Mark Vaile, the Federal Minister for Trade, said:

> We will ensure that our capacity to support Australian culture and national identity, including in audiovisual media, is not watered down in the negotiations.

That could not be clearer and I do not understand the motivation of the Premier in moving this motion, except to make mischief. The Federal Government has clearly recognised both the importance of existing policy interventions in the audiovisual sector and the challenges posed by new media and technological developments. The Federal Government is factoring those considerations into the negotiations. The commitment is spelled out in the Federal Government's statement of objectives for the FTA. It is a shame the Premier did not read those objectives before he moved his motion and scared people in the arts community about something that was obviously never on the agenda.

It is quite extraordinary that the Premier has ignored the fact that this year the Howard Government budgeted $133 million for the film industries, in contrast with the Federal Labor Government commitment of $104.56 million in its last year in office, 1994. The most ludicrous aspect is the State Government's commitment to the film industry, as reported in 2003-04 Budget Paper No. 3, Volume 1, at page 2-135. There the operating statement for the New South Wales Film and Television Office, which is funded by the Minister for the Arts, who is none other than the Premier, records that last year the Government allocated $9.853 million to the Film and Television Office and that this year it has cut that allocation by 2.9 per cent to $9.57 million. According to the budget papers:

> The New South Wales Film and Television Office promotes, encourages and facilitates film and television production, invests in script development, provides grants for industry and audience development and new media and offers a liaison service between filmmakers and locations owners.

Today, the Minister for the Arts, the Premier, in a sanctimonious manner, called upon the Federal Government to protect the industry free trade agreement, when he has betrayed the industry by reducing its real funding this financial year. That is the most hypocritical approach to a very important aspect of our life in Australia because everybody in this country recognises the wonderful job that Australian film-makers have done in recent times. That includes people involved in all sectors of film-making, including performers, directors, cameramen, costume designers and those involved in animation. One of my children trained in the arts and has worked in theatre, and a friend of one of my children works in the animation sector of the film industry in Australia and has been lucky enough to work on animation in movies like the *Mad Max* series.

Many recognise the tremendous contribution that Australians have made to the development of the international film industry, and all would want to ensure that that contribution continues. But that demands that we all work together—the Commonwealth Government, the State Government and people in the industry—and not play these silly games of blaming people, when no-one is to blame. The Carr Government, if it got real on this issue, would provide adequate funding to enable organisations like the New South Wales Film Office to get on with the job. The Federal Government has done much to secure a solid future for the Australian film industry. A 12.5 per cent film tax offset has been allowed for qualifying large-budget film productions—an initiative that brought producers to Australia to make films such as *The Matrix* sequels, *Peter Pan, Star Wars 3* and *Stealth*—big budget films that are strengthening our film industry's infrastructure. If the Premier were genuinely concerned about negotiations in relation to the free trade agreement he would take note of the comments made by the Australian trade Minister, the Hon. Mark Vaile, and the Prime Minister, the Hon. John Howard. Mark Vaile was reported by the *Australian Financial Review* of 21 November this year to have said:

> The US has been very clear that they are not seeking substantive changes in the laws Australia has in place to ensure Australian viewers continue to see Australian stories told in Australian voices. The government's direct support for Australian culture—including for film production—will not be affected in any way by these negotiations.

The Prime Minister, when interviewed on radio 3AW in Melbourne on 21 November, said:

> We're not willing to give up the existing local content rules. we think they're worth preserving.

Finally, I quote Senator Rod Kemp, who said, when interviewed on ABC on 24 November:

> The Government simply will not allow the outcomes in the United States Free Trade Agreement to undermine our capacities to deliver on fundamental cultural objectives, and quite clearly one of our fundamental cultural objectives is to have a healthy and vibrant film sector.

On this matter, which we had to discuss urgently, there is absolute agreement: there is no risk to Australia's film industry, because the Commonwealth Government gave guarantees that there will be no such risk. It is distressing that the House is using its time debating this subject when we could have been debating an urgent matter affecting the lives of the people of New South Wales—nurse shortages and the maladministration of the

health system. That matter has an immediate impact on people's lives. I am sure some Government members, because they have no flair and insufficient ability to speak without prepared speeches, will read from prepared material. They will not mention the fact that there is no risk to the Australian film industry. This House could have been discussing an urgent motion proposed by the Leader of the Liberal Party about nurse shortages, the maladministration of the New South Wales health system and the circumstances in which patients are dying in this State. [*Time expired.*]

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [4.13 p.m.]: I share the very real concern expressed by the Premier that the Federal Government may sacrifice our film and television industry as it continues to negotiate a free trade agreement. The New South Wales Government has supported the efforts of the Federal Government to negotiate a free trade agreement with the United States of America. On 12 November this year I met with senior Australian negotiators to discuss the progress on this agreement. I sought and received assurances that Australia would not surrender the right to support and promote our culture in films, television and new media. On that basis, on the same day I outlined in this Chamber the Government's support for the free trade negotiations. Frankly, I was shocked when only nine days later, on 21 November, the Federal Minister for Trade, Mark Vaile, did a backflip on this key issue. On that day Australian Associated Press reported that Mr Vaile now believed that local content may be sacrificed for economic benefits. Mr Vaile said:

> Australia may be willing to settle for less local film and television content ...

I am not sure which Australians Mark Vaile claimed to be speaking for, because I do not know any Australian who would support a sell-out of Australian culture in the way he suggested in those quotations. I note that the honourable member who spoke for the Opposition is of the same view that I have just expressed. Leading lights of the Australian film and television industry have eloquently expressed their fears for the future of our culture if Prime Minister Howard and Federal trade Minister Vaile use it as a bargaining chip. I find it particularly ironic that Mr Vaile has said this is an issue where we need to be creative. The Federal Government seems prepared to stomp on the ability of others to be creative to ensure Australians can watch their own stories on television and the big screen in their own country. It is also ironic that part of this argument is about the future of great Aussie actors—the next Nicole Kidman, Heath Ledger, Mel Gibson or Geoffrey Rush. Where would Hollywood be without them? Australia has been a breeding ground of great talent—talent that has been gleefully grabbed by the United States of America, talent that has generated vast sums for the United States economy.

Mark Vaile is the Deputy Leader of the Federal Nationals. Recently the Leader of The Nationals in New South Wales joined with me in this place to sing the praises of the film and television industry as an economic boon for regional New South Wales. At that time I told honourable members how feature and documentary production had injected more than $10 million into regional New South Wales in the past five years. That spending created more than 3,000 country jobs. In reply, the Leader of The Nationals spoke enthusiastically about the importance of the film industry to New South Wales. I must ask the question: What is he doing to make sure his Federal counterparts support this industry, instead of selling it out?

In the past few months I have been fortunate enough to join two tours of film-makers and location scouts through regional New South Wales. This Carr Government project introduced more than 20 film and television industry experts to the Northern Rivers, the Illawarra, the South Coast and the Southern Highlands. A previous tour to the Hunter and Broken Hill resulted in the production of six projects, injecting about $600,000 into the local economies. The most recent tours received rave reviews from the participants. Some had never been to those regions before and were impressed by the quality of information they received, and the warm welcome. There is every indication the tours will result in substantial spending in those regional areas, spending that regional New South Wales cannot afford to lose.

The Federal Government must be firm with the American negotiators to ensure the Australian audiovisual industry as we know it today and might imagine it in the future can reach its full potential. Our film and television industry is minnow-like compared to America's. Just two weekends ago Phillip Adams wrote in the *Australian* that the United States of America takes about $92 of every $100 that Australians spend at the box office. Our future audiovisual industry will be much more than television and movies. It is possible to

negotiate a free trade deal that caters for a changing industry. The agreement that Australia signed with Singapore earlier this year contained these words:

> Australia reserves the right to adopt or maintain any measure relating to:
>
> - the creative arts, cultural heritage and other cultural industries, including audiovisual services, entertainment services and libraries, archives, museums and other cultural services
>
> - broadcasting and audiovisual services, including measures relating to planning, licensing and spectrum management, and including:
>
> 1. Services offered in Australia
>
> 2. International services originating in Australia.

As I have said, it is possible to negotiate an agreement that will protect these vital cultural industries. I urge the Federal Government to replicate this in our agreement with the United State of America.

Ms VIRGINIA JUDGE (Strathfield) [4.18 p.m.]: I would like to read a short film script. It is based on a potentially true scenario. The working title is *John Howard Trades Off Australia's Film Industry for Daffy Duck*.

SCENE 1. INTERIOR – DUSK

Set in the near future. A suburban lounge room. A family watch TV.

Daughter: Cowabunga! Dad. Can we go to Disneyland?

Dad: Sorry, honey, Disneyland's in Los Angeles. That's a very long way to go.

Daughter: Hey! Can we go to Neverland?

Dad: How about we go to Sydney Aquarium in the holidays?

Daughter: Dad, where's Sydney?

Dad: Struth! It's the capital of New South Wales.

Daughter: Hel-lo! Dad! Washington is the capital.

Dad: No, dear; that's in America.

Daughter: Whatever. Do the fish talk at the aquarium?

Dad: No, fish don't talk. They just swim around and blow bubbles.

Daughter: All the animals talk on TV, Dad—Ninja Turtles, Donald Duck, Big Bird.

Dad: Struth! Is there anything decent to watch on TV tonight, luv, except all these reruns?

Dad picks up TV remote. Cut to close-up of a television screen flicking through channels: baseball league, commercial, *Temptation Island 15*, commercial, *Donald Duck*, American evangelist, commercial, *Bad Boys 6*. Cut to dad: throws the remote on the lounge. Door opens, son enters limping, wearing baseball cap and carrying the usual skateboard.

Mum, to son: Honey, what happened to your leg?

Son: I busted out, did a super fast hard flip, popped up high, then my shoe slipped and I racked my butt. The whole crew laughed. Man, it burned me. Dad, I gotta get some shoes.

Mum: Sorry, honey, we can't afford new shoes. Your dad lost his job at the film studio today.

Son: I'll see you on Wednesday, unless you catch a spray, that went astray, from my A-K.

Son limps out of the door.

Dad, staring wide-eyed at mum: What the hell did he say?

Mum: Said he will be home for dinner, Wednesday.

FADE OUT.

That fictional scene could be closer to reality if Mark Vaile uses our film and television industries as a bargaining chip in the up-coming free trade negotiations with the United States. The Australian audiovisual industries play a vital role, not only in affecting our culture, dreams, aspirations and anxieties but also in forming them. If we run our industries purely on globalised market principles we might have world industries, but will they provide content that relates specifically to Australian audiences and talks specifically about Australian themes? The United States of America already has a major share of the Australian feature film and television market. Some 75 per cent of new television programs launched from September 2002 to April 2003 were foreign to Australia, compared to 4 per cent in the US. Australian audiences are already seeing the world through an American lens. We do not want our market share to decline; we want it to grow.

We are not the only ones with this problem. Many countries around the globe believe they are under siege in a cultural sense. The strength of our community lies in its diversity: our differences make us who we are. Television content and cultural representation go to the heart of Australia's national identity. We do not want to become just another satellite State of America. Our cultural production maps our lives and offers a mirror into which to gaze, a place where we can recognise ourselves with all our faults and strengths. We cannot allow this to be treated as an economic issue because framing the debate in such a way is like selling Australia's very soul. Recently I spoke with Richard Harris from the Australian Screen Directors Association, who emphasised the need to differentiate our cultural industries from others affected by the negotiations. The impact of any deregulation on our culture may be difficult to measure, but it has the potential to be devastating.

I also spoke to Jonathan Mills, New South Wales Branch Secretary of the Media Entertainment and Arts Alliance. Like Jonathan, I believe passionately that the standstill option is unacceptable. If these negotiations had taken place 50 years ago how could negotiators have anticipated the introduction of television, pay TV and FM radio? It is simply too difficult to predict how audiovisual technology will develop. We should retain the right to determine, author and potentially strengthen cultural regulation. If we cannot determine future local content provisions and provide focused strategic financial support, Australian stories will not be told. Productions like *Kath and Kim*, *Mad Max*, *Neighbours*, *The Adventures of Priscilla Queen of the Desert* and *Babe* will not be possible. Our extraordinarily talented actors will have no audience, our inspirational writers will have no-one to produce their plays and our outstanding musicians will have no listeners.

We need a Prime Minister who will not roll over to the Americans. The Howard Government should exclude cultural content from any free trade agreement with the United States, consistent with the free trade agreement negotiated recently with Singapore. With the greatest respect to the honourable member for North Shore, she must be living in "Neverland". It is obvious from her comments that she does not understand what the negotiations are all about.

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [4.23 p.m.], in reply by leave: The seriousness with which the Opposition regards the film industry is demonstrated by the fact that it could find only one member to speak to the motion. That is disappointing. The single Opposition speaker supported the motion, but one would have thought that more than one member of the Opposition would be interested in the creative arts and would have taken the opportunity to speak to the motion. The Government knows the importance of the film industry to the economy of the State generally and to regional areas particularly. Indeed, films, television shows and commercials have been made on the North Coast and in the Far West.

The Government has made a commitment to encourage film scouts and production houses to look at opportunities in the regions. I note that the honourable member for South Coast is in the Chamber. Only a few weeks ago film scouts examined locations in her area. The Government has established the Regional Film Fund to support filming in regional locations. During free trade negotiations with the United States we must ensure that the cultural industries of our State, particularly the film industry, are given the opportunity to continue to thrive. It is important for this Chamber to support this urgent motion, particularly the paragraph that calls on the Federal Government to protect the Australian film and television industry during the current United States-Australian free trade negotiations. Apparently, comments have been made that that may not be so.

Mrs Jillian Skinner: The Federal Government agrees. What is the problem?

Mr DAVID CAMPBELL: It is important to have on record that the honourable member for North Shore is giving an absolute commitment, by way of interjection, on behalf of the Federal Government, the Prime

Minister and the Minister for Trade that that will be the case. As recently as 21 November Australian Associated Press reported that protection for our industry may be traded away. That is why the motion was moved. A week or so ago I made a ministerial statement about the $50 million production *Stealth* which is currently in preproduction and will start production at Fox Studios early next year. Sets have been constructed at Alexandria. Many times the Premier has spoken about the importance of the film industry to the State. We will continue to put in place initiatives like the Regional Film Fund to ensure that movies like *Danny Deckchair*, which was made in Bellingen, can continue to be made in regional centres. [*Time expired*.]

Motion agreed to.

UNIVERSITY OF WOLLONGONG DUBAI CAMPUS

Matter of Public Importance

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [4.29 p.m.]: I ask the House to note as a matter of public importance the impending official opening of the University of Wollongong's second campus in Dubai. I speak on this topic with enormous pride, not only as an Illawarra resident and as the member of Parliament whose electorate includes the university's main campus, but also as a member of the Council of the University of Wollongong.. The importance of the United Arab Emirates [UAE] as an export destination for New South Wales and the rest of Australia cannot be overstated. The University of Wollongong recognised the UAE's importance as far back as 1992 when it sent its Vice-Principal, International, James Langridge, to Dubai for the first of what would be many visits. A year later the University of Wollongong opened the Institute of Australian Studies in Dubai. In 1999 it became the first western university to operate a campus in the United Arab Emirates. This was a revolutionary push into a brave new world at a time when other western universities were pushing into Asia.

I cannot praise the university enough, particularly the Vice-Chancellor, Professor Gerard Sutton, and Mr Langridge for their visionary approach to offshore operations. Some would say the decision to set up in the UAE was a courageous one, but it has paid off handsomely. It has reinforced the reputation of the University of Wollongong as a place of forward thinking, a place where academics and managers think outside the box. That sort of innovative thinking is behind the university's innovation campus, which is being established with State Government support in Fairy Meadow. The innovation campus is the future face of Wollongong. It is a drawcard for high-technology industries, including information and communication technology, to join forces with the university in one convenient location. The campus underscores the university's commitment to collaborating with business and industry and to work with the corporate world for mutual benefit. The enhancement to its already powerful research capacity will be tremendous.

In Dubai the University of Wollongong's student numbers have grown as more and more people realise that they have access to a western-style university. The degrees earned at the University of Wollongong in Dubai carry the same value as if they were earned at the main campus in the electorate of Keira. The UAE is a thriving business centre which had a gross domestic product of more than $US76 billion in 2003 and real growth of more than 3 per cent. It is a significant trading partner with Australia and New South Wales. Australia's export trade with the UAE during 2002-03 was worth $1.2 billion. New South Wales exports to the UAE in the same period were worth $A65 million. The UAE is a developing market as it imports more than 90 per cent of its total annual requirements and offers New South Wales exporters opportunities in almost every industry sector. Consider the demand for what are known as elaborately transformed manufactures—cars, industrial machinery and ships, to name just a few—which comprised barely 7 per cent of Australia's total exports to the UAE in 1990-91 but grew to account for more than 36 per cent of exports in the past financial year.

In recognition of these opportunities, the New South Wales Government organised four general trade missions and two industry-specific market visits to the UAE. The first of these was held in May 1999. As I speak, 11 New South Wales companies are taking part in our State's display at the Big 5 building and construction industry exhibition in Dubai. Another trade mission is scheduled for March 2004. I have every confidence that it will be as successful as previous ventures. To date more than 80 New South Wales companies have taken advantage of the opportunity that has been provided by the Carr Government to meet with potential buyers and business partners in this exciting and dynamic part of the world. The UAE is undergoing phenomenal growth. There is the $US4 billion Westside Marina project; the Palm Islands project, which is also worth $US4 billion; Health Care City in Dubai, costing $US2 billion; and Dubai's International Finance Centre,

which is also worth $US2 billion. The New South Wales Government is committed to ensuring that our businesses are best positioned to take advantage of this booming region.

There are more than 4,000 Australian nationals and 80 Australian companies in the UAE covering diverse industries, including architectural services, banking, construction materials and equipment, agricultural supplies, industrial minerals, oilfield supplies and, of course, education services. Boral Plasterboard, Clipsal, Foster's, Hawker Pacific, Morgan and Banks, Multiplex, Rydges, the Snowy Mountains Engineering Corporation and Woods Bagot, along with the University of Wollongong, to name a few, are hard at work in the UAE. New South Wales exports to the UAE will be worth more than $A65 million in 2002-03. That will increase because of the diverse demands of those living in the UAE. The UAE's population is rapidly increasing. More and more expatriates want to work in the region where the UAE is the hub. The UAE's population stands at 3.6 million, which is an increase from 2.6 million in 1997, and it is predicted to double by 2010. Almost 80 per cent of the population are expatriates from 220 countries. That obviously has a big impact on purchasing patterns. Consumers in the UAE are looking for a diverse range of products and services, and that offers great opportunities for New South Wales businesses.

The UAE depends on imports. More than 90 per cent of its requirements are imported. Australia's exports to the UAE have been growing by 20 per cent a year. That represents an incredible opportunity for our exporters of goods and services to expand their markets. In fact, about one-fifth of the cars in the gulf are from Australia, and it is a burgeoning market for car accessories. One of the inventions that has been a hit in the UAE is a tyre deflator for desert driving. Supermarket shelves are stocked with Australian products, including staple products such as Vegemite and Nutri-Grain. First-time exporters find the UAE a welcoming new market. Australian cherries found their way onto the shelves in Dubai only a week after the grower expressed an interest in the market. The New South Wales Government was able to assist the grower to approach Austrade to get into the UAE.

Australian companies working in the UAE are involved in a wide range of endeavours, including the supply and servicing of building and construction equipment, water and waste water technology, oil and gas production equipment and services, food and food-processing equipment, irrigation equipment, education and training services, health services and much more. I make the point, in the context of education and training services, that the University of Wollongong's contribution is a significant one. It illustrates how all this happens. One firm or one organisation establishes itself in a country and starts to build contacts and provide advice, and it goes on from there. That is the benefit of the hard work of ensuring that businesses in New South Wales obtain access to markets such as the UAE. It is all about learning by experience and levering off each other.

Australian companies that are involved in the construction industry in Dubai and the UAE have a reputation that is second to none in one of the country's most important sectors. Our tourism links are growing as well. A third of all Middle East tourists to Australia are from the UAE. That figure should continue to increase with the continuing expansion of air services between Australia and the UAE. Anecdotal comments by people on the main campus at the University of Wollongong reveal that people who have studied at the Dubai campus take the opportunity to visit Wollongong and New South Wales as tourists to inspect the university's main campus. A sense of tourism has developed from the educational presence of the University of Wollongong in the UAE, and that is particularly important. All this comment merely serves to show how smart it was for the University of Wollongong to position itself in such a market. It was ahead of its time then, and it is ahead of its time now as it prepares to open its second campus in Dubai.

The university deserves much praise and all good wishes for future success as it continues its work as an Australian trailblazer in a dynamic part of the world. It is an Australian trailblazer in exporting services, particularly educational services. All too often in this country we refer to exports in terms of minerals, agricultural products and manufactured products, but is important for us to recognise that the export of services is a significant, untapped component of the economy. In September, in my capacity as the Minister the Small Business, as part of Small Business September I was pleased to launch a kit for exporters of services. The kit consists of a compact disc prepared by the New South Wales Government showing the opportunities provided by the export of services, such as education, architectural and other professional services. That component of our economy can make a real contribution to the export performance of New South Wales and Australia. In the context of this matter of public importance, I again take the opportunity to acknowledge the university's contribution and congratulate it on the efforts it has made. The University of Wollongong has been twice named Australian University of the Year.

Mrs JILLIAN SKINNER (North Shore) [4.39 p.m.]: The Coalition joins with the Government in congratulating the University of Wollongong, particularly its international arm, the Illawarra Technology Corporation [ITC], on its success in this venture in the United Arab Emirates [UAE]. It is particularly rewarding

to note that this second Dubai Campus of the University of Wollongong was 18 months in the planning; the first campus was established nine years ago. On behalf of the Coalition I join the Minister in congratulating the Vice-Chancellor of the university, Professor Gerard Sutton, on this achievement. In an article in the *Australian* on 26 November Professor Sutton stated that the involvement of Mr Mark Vaile, the Federal Minister for Trade, in the launch was significant and an indication of the Federal Government's support for the venture.

It is very unusual in this House for two matters to be discussed consecutively in relation to which the Government and the Coalition both congratulate the Federal Government on its attitude and thank Mr Mark Vaile. While the Carr Government might want to talk about the impact of this venture because of its relationship with New South Wales, it is largely a Commonwealth Government involvement. Many years ago I was working in the Ministry of Education and Youth Affairs when education was identified as having the potential of being one of this State's greatest export products. The Dubai Campus, offering a university education, is a great example of that, but education could be exported at all levels.

Mr David Campbell: New South Wales TAFE does a great job.

Mrs JILLIAN SKINNER: TAFE does a fantastic job. Schools are establishing links with other countries, particularly South-East Asia. Recently I made a personal visit to Singapore and visited personnel in its Ministry of Education. I was interested to note Australia's involvement in education in Singapore. The 1,600 students at the Dubai Campus of the University of Wollongong comprise 62 nationalities; it is a relatively big campus for a new facility. The ITC chief, James Langridge, said that students chose Wollongong's Dubai Campus because they could study at a Western university without leaving their country. That is a very great selling point for students in the Middle East. They are attracted to learn through a Western facility, because sometimes leaving their country might be difficult or prohibitive.

That University of Wollongong is the only Western university with a campus in the UAE, and brings in $16 million each year in student fees. Earlier I said that education is an export product, and this campus is a clear demonstration of that export. Mr Langridge, the chief executive of the Illawarra Technology Corporation, said that postgraduate education would continue to be the focus of the University of Wollongong in the provision of services to the UAE. It offers masters degrees in business administration and quality management; something I would have thought to be useful and very much in demand in those countries. Mr Langridge said also that postgraduate education would continue to be the focus, as there were already 21 local universities offering undergraduate programs. Another attractive feature of Wollongong is its links with international universities, which enable postgraduate study overseas. The article concluded:

> … the university hopes to boost student numbers to 5000 in the next five years and is increasing the amount of satellite operations in other parts of the UAE.

This is a very important investment for the University of Wollongong and a very successful project for New South Wales and Australia. It should become a model for investment in education services overseas. It is important that we support the Commonwealth Government and recognise the very valuable contribution that it makes. Given that this Parliament often debates motions condemning our Federal colleagues, it would be very generous of the Minister to put on the record his congratulations and compliments to Minister Vaile, as has the Vice-Chancellor of the University of Wollongong, Gerard Sutton, to whom Minister Campbell earlier referred. Obviously this is a very worthwhile project that we should all encourage, and we should never be reluctant to praise and give thanks for the work that has been done.

Ms NOREEN HAY (Wollongong) [4.45 p.m.]: As another proud Illawarra-based member of Parliament, I share the Minister's delight at the University of Wollongong's continuing success in the United Arab Emirates [UAE]. It is very exciting to know that in a few days the university will open its second campus in Dubai, just four years after becoming the first Western university to establish a campus in the UAE. The University of Wollongong remains the only Australian university operating within the UAE. The University of Wollongong in Dubai is run by the university's corporate arm, the Illawarra Technology Corporation Limited [ITC]. Its director is Professor Rodney Hills, formerly the Australian High Commissioner to Tonga and the Vice-Chancellor of the University of Papua New Guinea. Other western universities run courses such as Master of Business Administration by distance education to the UAE but the ITC continues to manage the only offshore campus.

Students from Dubai can transfer to Wollongong to undertake further studies as similar programs are offered from the main Wollongong campus and in Dubai. This year both campuses of the University of Wollongong in Dubai had enrolled almost 1,600 students for its spring session; a 20 per cent increase on the

number enrolled for the same session in the previous year—an amazing growth of 500 per cent since 1999. The university's Dubai campuses are truly international with students from 62 nationalities. The academic teaching staff has grown to 35, with the total staff approaching 100. Undergraduate degrees offered by the University of Wollongong in Dubai include a Bachelor of Commerce specialising in marketing, management or economics, Bachelor of Business Administration, Bachelor of Internet Science, and Bachelor of Computer Science. It offers also masters degrees in business administration, international business, and quality management.

The University of Wollongong in Dubai began teaching certificate and diploma programs for the United Kingdom-based Institute of Financial Services in October 2002, following accreditation by the institute. Its library doubled in size during the year with the provision of computer study spaces and two quiet study rooms. The major appeal for students in the UAE is that they can attend a western-style university without leaving the country and be assured that the degrees carry the same value as if the students were attending the University of Wollongong in Australia. The soaring student numbers are a clear indication that more overseas students are becoming aware that they can gain a quality education through an Australian-run institution. Student numbers are expected to soar from 1,600 this year to 5,000 in five years. Finally, I too extend my congratulations to Professor Sutton and Mr Langridge, who is quite rightly regarded as the founding father of the University of Wollongong in Dubai. Their foresight is taking Wollongong to the world.

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [4.50 p.m.], in reply: I spoke earlier in debate about the trade missions run by the New South Wales Government to the United Arab Emirates [UAE]—missions designed to help our companies capitalise on the almost endless opportunities offered by this rapidly growing economy. Among the companies that participated was PCWI Pty Ltd from Cardiff, which designs and manufactures high voltage test instruments that detect porosity or pinholes in various coatings on metal and concrete surfaces that have been applied to eliminate corrosion. Talking about the Department of State and Regional Development, PCWI's General Manager, Laurie Sullivan, had this to say:

> Our participation in these programs has been a vital factor in the company's success in new international markets and I have no doubt that without the department's partnership and support we would not have progressed in markets such as China and the Middle East.

Yamba boat builder Bill Collingburn, of Yamba Welding and Engineering Pty Ltd, who was part of a trade mission to the UAE in April last year, said:

> This was a focused and intense business trip in which we achieved huge exposure and as a result we are already quoting on several projects in the area, including a $3 million contract.

He continued:

> The DSRD team are to be congratulated for their business-like and effective use of funds, providing us with the best possible introduction to this market.

Geotechnique Pty Ltd from Penrith was also on that trade mission. That company offers a range of services including testing soils prior to any construction activity to gauge compaction and load-bearing capacity. The company representative on the mission had this to say:

> The department organised a business marketing survey for us, identifying suitable companies and then arranged a series of appointments with these organisations.

That company, which is now moving into the UAE, is concentrating on environmental engineering. Another participant in the April 2002 trade mission to the UAE was Edmonds Products (Australia) Pty Ltd of Brookvale, which specialises in the design and manufacture of ventilation products with an emphasis on energy efficiency. Managing Director Alan Ramsey said that the mission to the UAE enabled him to make essential high-level contacts. He had already been to the region but had been unable to gain a foothold until the April 2002 trade mission. Mr Ramsey said this of the mission:

> The principal achievement was to gain not one, but two, visits to the general headquarters of Military Works—notoriously difficult to get into. We were invited back after meeting the Brigadier to present a seminar to designers and project engineers.

Mr Ramsey said that it was a "wonderful opportunity" and that it was "marvellous" to get that crucial door opened. A year earlier, food manufacturer Cerebos sent a representative on a State Government trade mission to the UAE. Its verdict was that Cerebos achieved "excellent exposure amongst decision-makers by being invited

to functions attended by government Ministers, business leaders and others in the local hierarchy". I acknowledge the contribution of my colleague the honourable member for Wollongong in debate on this matter of public importance. Although she was only recently elected as a member of this Parliament, I know from discussions with her that she is a strong supporter of the University of Wollongong and its endeavours at its main campus and satellite campuses along the South Coast and in the Southern Highlands. I know that she strongly supports its joint venture at the Loftus TAFE campus.

I thank the honourable member for Wollongong for her contribution to this debate. I acknowledge the support that was given earlier by Opposition members and by the honourable member for North Shore. While the honourable member for Wollongong was speaking earlier the honourable member for Albury indicated by way of interjection that he had been on a visit to the UAE and had visited the campus. As a former resident of Wollongong I am sure that the honourable member for Albury would be delighted to know that the university has that presence in the UAE. He would also be delighted to know that it is expanding and establishing a second campus. A number of the issues that I spoke about earlier related to trade delegations led by the New South Wales Government. When those trade missions go to other countries such as the UAE, Japan, India, or other locations, the Federal Government body Austrade lends its support. There is a bipartisan approach to ensure growth in the export performance of Australian and New South Wales companies. I congratulate the University of Wollongong.

Discussion concluded.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! It being before 5.15 p.m., with the consent of the House I propose to proceed to the taking of private members' statements.

PRIVATE MEMBERS' STATEMENTS

———

SCHOOLS SPECTACULAR

Mr PAUL GIBSON (Blacktown) [4.55 p.m.]: This evening I refer to a function that I and other members of Parliament attended on Friday night—the twentieth anniversary of the Schools Spectacular. The show, which is by far the best entertainment in Australia every year, depicts young people having fun. That is exactly what happened on Friday night. The Schools Spectacular is a feelgood show and a real pick-me-up. I inform those who were not fortunate enough to see the show that it will be televised next Sunday evening. It was the greatest display of talent that could be found anywhere in the world. Anyone who believes that there are problems in education in New South Wales should watch the televising of that show—a great demonstration of the fact that the State education system is alive and well. I am proud of public education in this State and I am proud of those young and talented artists who danced and performed on the night. I pay tribute to Mary Lopez, Director of the Schools Spectacular, who has been running the show for the past 20 years.

Mr Sartor: She is very good.

Mr GIBSON: She is very good and she is a great lady. Mary's wish is that the Australian entertainment and music industry continues to provide platforms for young Australians to entertain. Mary Lopez, almost single-handedly, has changed the entertainment industry in this nation. She has given talented young people a stage on which to strut their stuff. Some of those young people have gone on to become great performers. Nathan Foley and a number of other performers all started at the Schools Spectacular. I refer to some of the great young artists who performed on the night and who I am sure will be household names in the future. Chloe Skipp from Bulli High School sang *Diamonds are a Girl's Best Friend* as well as it has been sung by anyone.

Lorenzo Rositano from Jamison High School—a fine young performer in the class of Caruso and the Three Tenors—hopes to be able to travel overseas one day to study opera. Samantha McClymont from Grafton High School sang *Imagine* really well on the night. She has two young sisters who also sing really well. Lucy Maunder from North Sydney Girls High School entertained everyone by singing *All That Jazz*. Brooke Manzione from Campbelltown Performing Arts High School, a great performer, sang *One More Night*. Luke Dolahenty, a year 11 student from Newtown High School, sang *Signed, Sealed and Delivered*. The show was signed, sealed and delivered when he finished that song. Penny Hartgerink from Kiama High School sang *Only Hope*.

Allegra Giagu's first operatic performance was at the Sydney Opera House at the age of 11. Allegra, a great artist, is now a year 12 student at the Conservatorium High School. Carly Champion sang *How Come You Don't Call Me?* There was also a performance by Spaghetti Circus. Mullumbimby High School students Cassie Priestly and Kristy O'Dwyer performed on the rope while Phoebe Armstrong and Billie Wilson-Coffey performed *Tissue*. All the artists performed really well. John Foreman, the compere of the show and someone who has previously performed at the Schools Spectacular, has worked with Bert Newman for 12 years. He wrote the song that was sung at the closing of the Commonwealth Games and another of his songs was the anthem to the Sydney 2000 Olympic Games. There is no better avenue than the School Spectacular for young people to pursue their interests. As I said earlier, anyone who believes that there are problems in the New South Wales education system should tune in to the Schools Spectacular on Sunday night. I am sure that he or she will be applauding those young artists at its conclusion. [*Time expired*.]

DOM DISTRIBUTING PTY LTD

Mr ANDREW HUMPHERSON (Davidson) [5.00 p.m.]: I raise a consumer protection matter that has been brought to my attention by Robert and Pauline Clegg of Frenchs Forest. Mr and Mrs Clegg purchased a couple of computers and associated equipment from Dom Distributing Pty Ltd in March this year. Almost nine months later they have still not received the computers or equipment and have had no satisfaction regarding this matter, despite raising the problem and their concerns with the Office of Fair Trading and the Consumer, Trader and Tenancy Tribunal [CTTT]. Mr and Mrs Clegg paid Dom Distributing Pty Ltd for the equipment on 28 March 2003. When the computers were not delivered they corresponded with the company on 20 and 23 April. On 22 April they travelled to Campbelltown, where Dom Distributing Pty Ltd was located, only to find that the office was closed. They returned on 26 April but the office was still closed.

Mr and Mrs Clegg lodged a formal complaint with the Office of Fair Trading on 24 April. Interestingly, they received an apology letter from Dom Distributing Pty Ltd on 28 April. An exchange of correspondence between the Office of Fair Trading, the CTTT and Dom Distributing followed but no further responses were received from the company over the ensuing months. On 13 May an officer of the Office of Fair Trading advised that no-one was answering the telephone in the office of Dom Distributing so Fair Trading could not contact the company director or representatives and thus could not assist any further with the case. The officer recommended that the Cleggs lodge an application with the Consumer, Trader and Tenancy Tribunal. That application was lodged several days later on 16 May.

On 17 June a writ of execution was lodged with the Civil Claims Court Registry for the sheriff to recover goods from the company to the value of $5,093.68. On 16 July the Cleggs received advice from the Office of the Sheriff that all goods within the business premises of Dom Distributing had been removed and were to be sold at auction to satisfy prior debts. At this point Mr and Mrs Clegg were obviously concerned that, some four months after their initial problem and three months after their first complaint to the Office of Fair Trading, the offenders had closed their office, removed equipment and disappeared and that the case was not being pursued with any vigour. The Cleggs conducted some searches and found that the director of Dom Distributing was Guy Nathan Stork, who was born in 1982 and who resided in rented premises at 22 Romley Place, Ambarvale. They discovered subsequently that Guy Nathan Stork had left the address. The Cleggs believe that if the Office of Fair Trading and the CTTT had acted promptly it would have been possible to locate him sooner.

On 13 August Mr and Mrs Clegg received further advice from Ms Pamela Carter of the CTTT that an order for the payment of money could not be served on the company director, Guy Nathan Stork, because the original order was served to the company at its principal business address. Ms Carter said that the Cleggs should make a new complaint so that the order could be served at Mr Stork's private address. On 2 September a writ of execution was lodged with the Civil Claims Court Registry for the sheriff to garnishee moneys from Dom Distributing Pty Ltd, but it was discovered that the company had closed its account at the Illawarra Credit Union in July. Therefore, the opportunity to garnishee moneys from the account of the offending company was lost.

The Cleggs are extremely frustrated that the Office of Fair Trading did not advise them of all their options and certainly did not act to the full extent of its power. I draw this case to the attention of the Minister for Fair Trading, who I am sure would do everything in her power to address the problem if she were aware of the circumstances of the case. The latest advice from the Office of Fair Trading is that due to privacy laws it cannot divulge how many complaints have been lodged with the office about the company and that the office will not access police records or any other information to locate the company director. It seems obvious from the

information made available to me that Mr Stork is little better than a crook and that no stone should be left unturned in pursuing him and Dom Distributing Pty Ltd. This sort of conduct is unacceptable and the Government and its agencies should direct their efforts to ensuring that those sorts of people cannot prey upon innocent consumers.

MONTENEGRIN CULTURAL AND ARTS SOCIETY PRESENTATION TO PARLIAMENT

Mr PAUL LYNCH (Liverpool) [5.05 p.m.]: I draw the attention of the House to the activities of the Montenegrin community, particularly the Montenegrin Cultural and Arts Society. A significant number of my constituents have a Montenegrin background. Montenegro is part of the Balkans and has a reputation for maintaining its independence with a great deal of tenacity. The population of Montenegro is currently about 620,000. Montenegro covers approximately 13,812 square kilometres and is about the size of the American State of Connecticut. It was one of the six republics of the former Yugoslavia but, following the disintegration of the former Yugoslavia in 1992, entered into a new federation with Serbia. Montenegro has 200 kilometres of Adriatic coastline and many mountains within its borders. The country has produced a great number of interesting political and literary figures. For example, over the years I have read a great deal of the work of Milovan Djilas, who was a significant figure after the Second World War and had close relationships with a number of European socialist politicians, including the great Nye Bevan.

I particularly want to talk today about an event that occurred in this building on Wednesday 12 November, which involved the presentation of several items to the Parliament by the Montenegrin Cultural and Arts Society. The function was attended by the Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs, Dr Refshauge; the Speaker of the Legislative Assembly, John Aquilina; and the Parliamentary Librarian, Rob Brian. A number of consular officials were also present at the function, including the Ambassador to Australia from Serbia and Montenegro, Milyvoje Glisic; the Consul-General, Slobodan Bajic; and the Vice-Consul, Jasmina Pekmanovic. Also present was Hiroshi Manabe, the Deputy Consul-General of Japan. Naturally a large number of members and supporters of the Montenegrin Cultural and Arts Society were also present.

The first aim of the evening was to present a book to the Parliamentary Library. The book concerned is an English translation of *The Mountain Wreath*. The author of this classic work, who is commonly known as Njegos, is usually regarded as Montenegro's, and sometimes as Serbia's, Shakespeare. The book was presented to the Parliamentary Librarian, Rob Brian, by Mr Jokanovic on behalf of the society. The work was first published in 1847 and was written in the Montenegrin vernacular. About 100 editions of the book have been published since then. This particular edition is a copy of the first English translation made in 1930. The work has also been translated into French, German, Czech, Swedish, Italian, Russian and Japanese. It is a folk epic poem set as a play and relates to events said to have occurred in the seventeenth and eighteenth centuries, including liberation struggles and efforts to defy oppression. It deals particularly with events that are said to have occurred in eighteenth-century Montenegro and tells the tale of attempts by the author's ancestor, Bishop Danilo, to bring order to the region's warring tribes and to assert the region's independence from Ottoman rule. The work's basic theme is the struggle for freedom and justice. Sayings and phrases from the book are still used frequently by Montenegrins to this day.

The author, Njegos, was a quite extraordinary character. He was born on 1 November 1813 and eventually became a Prince Bishop or Vladika. He was a member of the Petrovic dynasty. His uncle, Pitar I Petrovic, died in 1830 and was succeeded by his 17-year-old nephew, who, in accordance with tradition, changed his given name, Rade, and became Pitar II Petrovic. Popularly known as Njegos, he became the most famous Vladika in Montenegrin history. He was a reformer and a moderniser. He established the first central government in Montenegro and built schools, roads and artesian wells. He tried to maintain Montenegro's independence and performed many diplomatic manoeuvres to achieve that aim.

He laid the foundation of the Montenegrin state. He died in 1851. He wrote, he was well read, he acquainted himself with many of the European classics, and, indeed, he produced a classic himself, *The Mountain Wreath*. There was one more presentation by the society that evening to the Parliament: by Mr Marko Djurisic and Mr Slobodan Lazovic of a gusle to the Speaker of the Parliament. A gusle is a traditional musical instrument with one string and there was a brief demonstration of it being played, as well as some readings from *The Mountain Wreath*. In addition, the Ambassador presented another of Njegos' works, the *Ray of the Microcosm*, to State Parliament. It was a very pleasant evening and a very productive exercise by the Montenegrin society, which provides a very useful function in south-west Sydney.

NEW SOUTH WALES AND QUEENSLAND AMBULANCE SERVICE RECIPROCAL AGREEMENTS

Mr DONALD PAGE (Ballina—Deputy Leader of The Nationals) [5.10 p.m.]: Schools in my electorate have brought to my attention the consequences of the failure of the State Government to sign a reciprocal agreement with Queensland for the provision of ambulance services. By failing to reach an agreement on ambulance coverage the New South Wales and Queensland governments have forced at least one school in my electorate to cancel all end-of-year excursions for its students, and another school is contemplating cancellation for the same reason. Since the cessation of the reciprocal agreement between the Queensland and New South Wales governments residents south of the border who do not have private health insurance coverage for ambulance services and incur ambulance costs in Queensland will no longer be covered.

Given the effect this problem is having on residents living near the border, it is imperative that the New South Wales and Queensland governments institute a new ambulance service agreement as soon as possible. Potentially thousands of northern New South Wales residents visit or work in south-east Queensland and could be affected by the lack of an ongoing agreement. For example, students and residents of the Northern Rivers travel to south-east Queensland frequently throughout the year to attend sporting and cultural events, to use Queensland facilities, or simply to shop or visit relatives and friends. Many residents and parents of students would be unaware that they or their children are no longer covered for ambulance services should an incident occur while they are over the border. Because their children would not be covered should an ambulance be required, the schools are not prepared to conduct school excursions.

It is my understanding that New South Wales residents incurring ambulance service costs in Queensland will not have to pay their bill until 22 January 2004. However, there is no guarantee that the situation will be sorted out by this date. This is an ideal example of something that could have been averted by a cross-border commission, and the cross-border commission legislation that I introduced a couple of years ago was formulated to deal with exactly situations of this kind. It provided a non-political formula to avert problems associated with cross-border issues. It provided for an independent commission which could be accountable and focused on cross-border issues, such as daylight saving, differing workers compensation premiums between the States, the necessity to take out two workers compensation policies to operate in two States, differences in payroll tax, health arrangements, and school buses. The list is endless.

The cross-border commission legislation was an opportunity, on a bipartisan basis, to deal with these issues. But because of the narrow-minded, short-sighted position of the Carr Government we did not achieve that potential outcome. Unfortunately, and to its everlasting shame, the Government voted against that legislation. The Tweed electorate is affected badly by these anomalies, but, unfortunately, the honourable member for Tweed voted against this legislation and failed to even speak on it. Given that his electorate is right on the border, it is almost unbelievable that the honourable member for Tweed would make life so difficult for his constituency by voting against that bill. It makes me wonder whether the honourable member is here to represent his electorate or to toe the line for the Carr frontbench, as he is on the club tax issue.

Nevertheless, in the absence of a cross-border commission I have written to the New South Wales and Queensland Health Ministers requesting a speedy resolution to the issue. I call on the Carr Government to address this issue with the utmost urgency. It is ludicrous that schools should be forced to cancel valuable educational opportunities for their students because this Government is unable to come to an agreement on ambulance coverage. Similarly, for all residents of border regions, there needs to be a quick resolution of this issue.

The Minister for Energy and Utilities, who is the duty Minister, was recently the Acting Minister for Health and he might know something about what has been happening with these negotiations. Would he be kind enough to give an assurance that he and his Government will do everything they can to ensure that an agreement is reached as quickly as possible between the New South Wales and Queensland governments? I am sure that he agrees that if schools have to cancel excursions because their students do not have ambulance coverage in Queensland that is a serious curtailment of their educational opportunities.

Mr FRANK SARTOR (Rockdale—Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts) [5.15 p.m.]: I understand that the Minister for Health has this matter in hand, as much as one can have such maters in hand, given the exigencies of interstate negotiations, and it is for him to deal with it.

GEORGES RIVER COMMUNITY AWARDS NIGHT

Mr KEVIN GREENE (Georges River) [5.15 p.m.]: On 23 October I had the pleasure of hosting the third annual Georges River Community Awards Night. I inaugurated this function in 2001 and it gives the community an opportunity to thank those in our local volunteer organisations who give so generously of their time and energy to make our community a better place. Some 130 people from a great variety of community organisations attended, and I congratulate the following award winners: Gloria Kerr, representing the Oatley Caring Centre; Susan Gainsford, who thought she was just attending the dinner and was surprised when she received an award from St George Community Services; Molly Eltoft, from Georges River Community Services; Thelma Ingram, who is not a member of the Oatley Lions but was recognised for her contribution to the community, particularly through music; and Beverley Dehn, from Hope for the Children.

Dennis Johnson from Georges River-Riverwood Rotary has been a long-time Riverwood resident and servant of the Riverwood community. He has moved to Kangaroo Valley but I am sure he will maintain his membership of Rotary, and it was a great honour for him to receive an award from that organisation. The Lugarno Lions award winner was Bob Walker. The Oatley Flora and Fauna award winner was Val Douglas, who last year won the Georges River Community Services award. That shows that many people who receive recognition are involved in many local community groups. Hurstville Rotary recognised Babra Sims for her commitment and work through the Salvation Army. St George Central Rotary recognised Val Colyer, who is also the President of the Hurstville Chamber of Commerce.

The Lugarno Progress Association, which has been in existence for 81 years, recognised Howard Courtney, who has been a long-time member and trustee of that organisation. Howard is also very heavily involved with the Sailability program and generously gives his time to the disabled by encouraging them to be involved in sailing. Learning Links, represented by its chief executive officer, Warren Johnson, recognised its Treasurer, Cathy Dalby. The Georges River Lionesses recognised Lorraine Watson, who has been involved in a lot of community organisations. I think she is associated with at least two of the other organisations that I have mentioned. Lorraine and her husband, Jim, who was an award winner in 2001 with Lugarno Lions, do an enormous amount for our local area. The Pole Depot Neighbourhood Centre recipient was Gloria West.

These people were recognised for their work with the organisations, but the awards night also gave the community a chance to see how many volunteer organisations work to make their district a better place in which to live and how they help many disadvantaged people. Last Saturday week was very wet but Lugarno Lions responded to my request to assist a lady at Penshurst who, due to her age and incapacity, was unable to clean up her property. Though it was raining, the Lugarno Lions turned up en masse and did a magnificent job, similar to how Oatley Lions responded to my request to assist a lady at Oatley earlier this year.

I give those two examples to instance the great work done by these groups. Their good work mainly goes unrecognised—not that they want recognition—and that is why it gives me pleasure to highlight it. These community groups, and certainly the individuals who were recognised on 23 October, give generously of their time. They do not expect any thanks or reward. However, the presentation of these awards acknowledges their contributions as well as the great work done by the community groups. I thank them for their efforts, and I hope that each of those groups will be involved with the community awards night again next year.

PREMIER COFFS HARBOUR ELECTORATE VISIT

Mr ANDREW FRASER (Coffs Harbour) [5.20 p.m.]: I wish to speak about a visit to the Coffs Harbour electorate on the weekend by the Premier, Mr Carr. Initially Coffs Harbour people gave the Premier the nickname Backdoor Bob, because on a recent visit he refused to speak to farmers outside the RSL club. He went in the back door of the club to avoid speaking to them. Not long after that he became known as Back Passage Bob, when he came into the Parliament through a back passage rather than pass through union members outside the Parliament who were demonstrating against workers compensation changes in this State. As from last weekend the Premier is known as Back Gate Bob. On Saturday last the Premier flew Rural Fire Service and media contingents to Coffs Harbour, and took them to an exclusive restaurant for dinner—paid for on Rural Fire Service cards.

Mr Thomas George: Did you get an invite?

Mr ANDREW FRASER: I was not invited, but that is typical of this Government. When a Premier or a Minister—with the exception of the Minister for Tourism—visits an electorate they fail to notify the local

member. On Saturday the farmers were in Coffs Harbour to protest against the native vegetation legislation before this Parliament and Coffs Harbour City Council's native vegetation plan. After reading in the press that a group of farmers and other protestors were going to attend the launch in Coffs Harbour of the remote area fire team, at 8 o'clock on the Saturday morning Bob Carr shifted the launch site from Coffs Harbour showground to the airport, behind an eight-foot high cyclone wire fence, so no-one could speak to him.

At the airport I spoke to Aaron from the Premier's office. The first thing he said to me was, "Well, you didn't think the Premier was going to let you know he was in the electorate!" Then, second, he said, "We couldn't land at the showground because there were children at a Christmas party on the other side of the showground." I pointed out to Aaron, as I point out to the Premier, that at every show in Coffs Harbour the Westpac rescue helicopter lands in the middle of the arena when there are thousands upon thousands of people, livestock, horses and so on, around the place. That was a paltry excuse! The fact is that the showground was booked for the launch on 21 November but, because farmers were to hold a peaceful protest and wanted to speak to the Premier about the impact of the native vegetation legislation and the local native vegetation management plan on their properties and those of rural land-holders, the Premier was not prepared to speak to them. It is an absolute disgrace that the Premier of this State would not meet an orderly group of people to discuss those important issues. The *Coffs Harbour Advocate* today reported:

> About 30 farmers, and the State member for Coffs Harbour, Mr Andrew Fraser … who was not invited, were left outside the fence.
>
> A spokesman for Mr Carr blamed the decision to move the meeting on safety concerns because a children's party was being held at the showground.

What a load of rot! The *Coffs Harbour Advocate* further reported:

> One of those farmers, Austin Sheath of Bonville—

who, besides being a farmer, is a semi-retired chemist and until very recently had held the position of chairman of the showground for many years, and did a great job on behalf of this Government—

> later accused Mr Carr of "arrogance".
>
> "They organised it so the rural brigade couldn't be seen, and didn't get any closer than one of his minders, but they saw two representatives of the bypass brigade. It's very disappointing," Mr Sheath said.

It is more than disappointing! It is arrogant of the Premier to avoid speaking to New South Wales constituents about legislation that directly affects them. They are trying to protect their property—as they have done for many years. As they pointed out to me on Saturday, because they and their forebears did not have a slash and burn mentality they are being penalised by the native vegetation management strategy being put in place in this State. Though they have protected native vegetation over the years, their properties are being locked up by new laws and regulations put in place by this Government.

Again I state for the record that Back Door Bob—as he was originally nicknamed because of his lack of attention to the people of Coffs Harbour—who then became Back Passage Bob because he would not speak to union members outside Parliament, is now known as Back Gate Bob because even when he got to the airport he would not go in the main gate; he slunk in the back gate and was allowed onto the tarmac near the hangers, where security personnel turned away people who had security passes to go onto the tarmac. I want to know the cost of that launch exercise. It could have been done in the Domain. I demand an apology from the Premier to the hard-working farmers and others whom he refused to meet.

NEPEAN ZONE PLAYGROUP ASSOCIATION

NEPEAN MULTIPLE BIRTH ASSOCIATION

Mrs KARYN PALUZZANO (Penrith) [5.25 p.m.]: Today I wish to tell honourable members about two great community organisations within the electorate of Penrith—the Nepean Zone Playgroup Association and the Nepean Multiple Birth Association. The Nepean Playgroup Association is a not-for-profit organisation that provides parents the opportunity to spend quality time with their young ones and to meet other parents. In Penrith it oversees a number of individual playgroup organisations, each of which is run autonomously with its own volunteer committee.

The aims of the playgroup are to provide a safe and fun atmosphere for members and visitors; to provide opportunities for parents and children to interact and have fun with each other; to create a support

system to encourage self-confidence and self-esteem; and to offer parents the chance to get together to share ideas, tell stories, or just sit down and have a cup of coffee. Some of the activities in which children participate are craft, story telling, music, drawing and painting. All the members of the Nepean Zone Playgroup—for that matter, all the individual playgroups—are volunteers. Usually they are mothers with their own young children at playgroup. Elections for positions are held each year. In particular I would like to thank Kim Summers, the co-ordinator; Lee-Anne Davies, the treasurer; Kate Turner, the secretary; Rachel Townsend, the placements officer; and Lee Martin, the newsletter organiser.

The playgroups have been running for more than 30 years, and the Penrith playgroups for more than 20 years. At Emu Plains two playgroups fall into that category—the Bilbies and the Penguins. What is wonderful about those organisations is that they welcome new playgroups. One has been formed at the Kingswood Neighbourhood Centre, which was constructed many years after the needs of the Kingswood community were recognised. Recently I had the pleasure of attending with my four-year-old daughter Elizabeth the Nepean Zone Playgroup Association's annual fun day, where there was face painting, reptile shows, colouring-in competitions, and pony rides. I look forward to being invited to next year's events.

The other group I would like to talk about is the Nepean Multiple Birth Association. As the title implies, the association is a support group for parents who have given birth to multiple babies—most commonly twins or triplets. Some of the aims of the organisation are to provide a means of communication for sharing information about the births of multiple children; to provide support where needed for mothers of multiple babies, or those expecting multiple babies; to provide regular meetings and social functions for members; and to provide a library of relevant literature for parents of multiple babies. I take this opportunity to thank again the hard-working volunteers and their patron, Dr John Pardey; their president, Cathy Corn; vice-president, Amanda Baker; secretary, Charlie Smith; treasurer, Melissa Newbould; newsletter editors, Lynn Whiteford and Bernadine Brook; librarian, April Baker; and publications officer, Vicki Grant.

One of the great things about the Nepean Multiple Birth Association is its use of area representatives. With an increasing membership, the group has installed area representatives who can answer questions, provide reference material, or give advice to members living in their area. Thanks go to those representatives for the very important job they do: Liz Dunning in the lower Blue Mountains, Anne Boye in the Hawkesbury region, and Yvonne Mathot in South Penrith. I thank also the following two women for the roles they play at the Nepean Multiple Birth Association: Rebecca Ralph, expectant parent co-ordinator, and Amanda Baker, the bereavement contact. Two other events that the Multiple Birth Association holds are information sessions, such as the Twins in Schools Information Night, and coffee mornings for parents or expectant parents.

The Nepean Zone Playgroup Association and the Nepean Multiple Birth Association play an important role in our community. Both groups offer a number of social opportunities for parents and children. Parents are able to share ideas about parenting, offer assistance and support to others, and hear other people's stories, and children learn many of the basic social skills they will use throughout their lives. Both organisations release a regular newsletter with details of upcoming events, fun activities for the children, and tips for new parents. I commend the Nepean Zone Playgroup Association and the Nepean Multiple Birth Association for their great work within our great local community in Penrith.

HORNSBY AND DISTRICT CHAMBER OF COMMERCE AND INDUSTRY YOUTH LEARNING THE BIZ! INITIATIVE

Mrs JUDY HOPWOOD (Hornsby) [5.30 p.m.]: I congratulate the Hornsby and District Chamber of Commerce and Industry on yet another fantastic initiative: Youth Learning the Biz! Four months ago an enthusiastic young woman, 22-year-old Lisa Roberts, who has lived in the Hornsby Shire for most of her life, telephoned the chamber of commerce with a great idea to increase business education for high school students. Lisa's enthusiasm and commitment so impressed the Hornsby chamber that they took it on as a project through their Chamber Youth Alliance subcommittee, which is chaired by Chris Carrodus. The Chamber Youth Alliance, not wanting to reinvent the wheel and being aware of the excellent business education programs for youth that have been successful for many years in New South Wales—Australian business week for years 10 and 12, and Young Achievers for year 11—developed Youth Learning the Biz! to specifically enhance and strengthen these programs.

Youth Learning the Biz! has been devised for year 9 commerce students and will take place during the last two weeks of March and the first week of April 2004, which is Youth Week. During the three weeks a number of students from 10 Hornsby shire schools will be matched with 10 Hornsby shire businesses and take

on the role of business partners. In the first week students will attend an orientation day during which they will meet their business partners and be coached by those with expertise in marketing, business and trade fairs. In the second week students will visit and learn about the work of their business partners, with emphasis on their products and services. In the third week, Youth Week, the students and their business partners will prepare for the real trade fair to take place on Friday and Saturday of that week. Students will run and staff the stand of their business partners, and sell their products and services to the general public.

Students not only will be rewarded with first-hand knowledge and experience of how to run and promote a business but also will cover many of the subjects in a practical way for the year 9 commerce syllabus and acquire many of the skills and tools needed to participate in Australian Business Week when they are in year 10. Students will be rewarded with the opportunity of winning prizes for their schools and themselves. A perpetual trophy entitled the Abby Practice Youth Learning the Biz! Gold Cup for Business Excellence is the highest accolade for the initiative. In its inaugural year the trophy will be sponsored by a member of the Hornsby Chamber of Commerce and Industry, the Abby Practice, a group of chartered accountants. For 12 months the large cup will take pride of place in the school that has been judged by the committee to have proved its business excellence during the three weeks.

Greg Bepper, the President of the Hornsby and District Chamber of Commerce and Industry, and his able board, together with the Department of Education and Training, local schools, local businesses, and Hornsby Shire Council Community Youth Services are strong supporters of the initiative. It is a credit to them that they are encouraging young people in business. The Hornsby and District Chamber of Commerce and Industry has given me a lot of feedback about the new occupational health and safety compliance laws. They are concerned about a lack of communication and available material for small businesses. Even though the information was advertised as being available on line, it has not been communicated thoroughly enough. According to the chamber it appears that conflicting information has been given about what is required and what is relevant to small businesses, depending on who one speaks to at WorkCover.

The Hornsby and District Chamber of Commerce and Industry financed and conducted two information nights in the shire for the Hornsby and Pennant Hills areas prior to the deadline for compliance. These nights touched only the tip of the iceberg and needed more forum-type time. Unfortunately, the chamber could afford to present only two nights. For the past two years the Hornsby and District Chamber of Commerce has applied for a WorkCover assistance grant. Unfortunately, their application has not been successful because they do not fit the box, which is disappointing when one considers the amount of time the chamber would be prepared to give to assist business. If the Hornsby and District Chamber of Commerce again applies for such assistance, the Government should consider its great work in supporting local businesses and reward it with an assistance grant.

ENGADINE CHAMBER OF COMMERCE SMALL BUSINESS AWARDS

Mr PAUL McLEAY (Heathcote) [5.35 p.m.]: It is a pleasure to follow the honourable member for Hornsby because I will also speak about one of my local chambers of commerce. Last Friday night the Engadine Chamber of Commerce held its small business awards presentation. I had the pleasure of attending the function and I took an active role in the awards ceremony. I take a particular interest in the Engadine Chamber of Commerce because my office is in Engadine. The former member for Heathcote, Mr Ian McManus, was a strong supporter of the Engadine Chamber of Commerce, as they were of him. They treat their relationships with their local members as a partnership and we work co-operatively and constructively to achieve benefits for the community. This strong, active group represents an enormous number of businesses in the Engadine shopping centre and beyond. Its president, Sandra Bowley, from Sandra Bowley Financial Planners, does a splendid job communicating throughout the local media, as well as working with other partners and stakeholders, including all levels of government.

Last Friday night I was joined by Senator Michael Forshaw, one of our hard-working Federal senators, Mr Peter Vermeer, and Councillor Ken McDonnell in presenting the awards. The small business awards categories and winners include—Children's category: Dolphins Swim School; Education: Dance Network; Fashion: Diann Darling Jewellers; Financial Services: Sutherland Credit Union; Florist and Gardening: Engadine Florist; Fresh Produce: Franco's Waratah Fruit and Vege's Market; Function Centre and Accommodation: Engadine Bowling and Recreation Club; Home Improvements: WOW Furniture; Home, Office and Retail: Engadisc; Information, Technology and Communication: Bridging Technology, a new business that is doing fantastically well; and Leisure and Variety: Sportzone, which is one of Engadine's favourites. Steve Mullaley from Sportzone is very active within the community.

Other categories and winners include—Medical Service and Health: Sam Issa Optometrist; Motoring Services: Caltex Service Station in Engadine; Personal Services: Engadine Dry Cleaners; Printing and Multi Media: Vision Printing; Professional Services: John Alam Partners; Real Estate Agents: Century 21 Exclusive Realty; Restaurant and Café: Engadine Bowling and Recreation Club Bistro; Services and Community: Engadine District Community Aid; and Sport and Fitness, something dear to my heart: Engadine Squash and Swim Centre. Councillor Ken McDonnell and I selected the Employee of the Year. It was a very tough category with many worthy entrants. In the end their experience, skills, prior knowledge, educational background and experience in the job made it impossible to separate the two winners: Christina Mannyx of Engadine District Community Aid and Philomena Oburn from Engadine Family Medical Practice.

This year, for the first time, a Community Services Award was awarded, to Ben Maiorana of Knockout Shoes, who has been in the retail business in Engadine for the past 23 years. He runs Knockout Shoes with his brother, Ross. He instigated the Engadine Chamber of Commerce and set a benchmark for other chambers of commerce in the area. He has been a member of the chamber for over 10 years and president for approximately eight years. With the support of local councillors, he instigated the Engadine working party, which works towards upgrading the Engadine CBD. He is a member of the Engadine task group which is working to produce a plan to upgrade the Engadine Community Centre.

Ben has also been on the street committee, which has resulted in a great deal of money being invested in fixing up the streets. He has worked for 12 months with the Cancer Council and achieved great results. He organised a bushfire appeal for the benefit of the victims of bushfire on Thurlgona Road and is involved in running the Relay for Life. He is a friend of the Premier, or so he keeps telling me. I had the privilege of working with him on the police accountability community team [PACT] and on securing the Engadine police station. I should mention also that the Engadine Florist was awarded Small Business of the Year in 2003. I commend the Engadine Chamber of Commerce on a great night.

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [5.40 p.m.]: I congratulate the honourable member for Heathcote on his support for small business in his electorate. Wearing my former hat as Minister for Small Business, I attended many such functions. It is important for members of Parliament to become involved in small businesses in their electorates, to understand the problems of small business people and to celebrate with them on important occasions. Small businesses are the engine room of this State's economy. They provide a significant number of jobs, particularly in areas outside Sydney. I congratulate the honourable member on his involvement in and enthusiastic support for small business.

CASINO TO MURWILLUMBAH RAIL SERVICES

Mr THOMAS GEORGE (Lismore) [5.40 p.m.]: On behalf of the people of my electorate, I draw to the attention of the House the efforts being made by the community to prevent the cessation of rail services on the Casino to Murwillumbah rail line. The loss of rail services in the northern part of New South Wales will be short-sighted and will lead to significant ongoing community-based protests, such as those that have occurred over the past few weeks. Instead of short-term cost cutting, the Government should pursue a long-term strategic approach to link the Casino to Murwillumbah branch line with the Gold Coast rail service. The Lismore economic development unit, which is headed by Andrew Lovett, made a submission to the Parry enquiry into public transport outlining the unit's vision for economic development.

The submission illustrated how 4,850 trips per day could ensue from connection of the New South Wales rail system to the Queensland rail system. The submission suggested that 950 trips per day would result from tourism patronage, 2,700 from commuting workers, and 1,200 from rail trips by Northern Rivers residents to Queensland. The unit called for an extension of the line between Murwillumbah and Robina to offer a commuter service which would guarantee the long-term viability of the line. It was with pleasure that I welcomed to my electorate the shadow Minister for Transport Services, Michael Gallacher, and the honourable member for Ballina, Don Page, who presented the Opposition's proposals for rail services when we win government after the next election.

My dream has always been that the rail line would be extended because linking the region to areas in south-eastern Queensland would be the biggest boon imaginable in economic and social terms for the northern region. The shadow Minister assured the people of my electorate that the Opposition did not propose to close down the rail service but, rather, would consider extending rail services in country areas. The local rail line must remain viable and an extension of the line would certainly go a long way toward ensuring its viability. Over the

past week, the mayor of Casino, Charlie Cox, and the mayor of Lismore, Merv King, and a host of others, including members of Northern Rivers Trains for the Future [NRTF], collected signatures on petitions calling for retention of the rail service.

Last Friday afternoon, as part of the campaign to retain the area's only train service, more than 3,000 petition signatures were presented to me on Lismore's railway station platform, and tomorrow I will present those petitions to Parliament. A member of the NRTF committee, Basil Cameron, presented me with the petitions, and the co-ordinator of the campaign, Robyn Churchill, said that people had flocked to sign them in a significant demonstration of the community's support for retention of the rail service between Casino and Murwillumbah. Basil Cameron also said that in some areas the community's response was overwhelming, with the group running out of petition forms in Bangalow, Lismore and other areas where petitions were being collected. So far, more than 7,500 signatures have been presented to me, and petitions bearing those signatures will be presented to Parliament. Last week I presented some petitions directly to the Minister for Transport Services, Michael Costa. I take this opportunity to place on the record an extract from a letter by Robert Garbutt which was addressed to the Premier:

> I am writing to you to express my concern at the threatened replacement of the Murwillumbah XPT with buses.
>
> The rail service is a piece of the social fabric of this region.
>
> Many people are not able to travel comfortably on buses because of mobility reasons.
>
> The train also provides a means of travel for an unbroken journey to Sydney and back for families and students, as well as school and sporting groups.
>
> At a time when Pacific Highway deaths are an issue, the train also provides a safe public transport option — the only true public transport option in this growing region.
>
> The logic put forward for the closure of our train service is economic — a failure to provide adequate returns on expenditure.
>
> For equity reasons alone I don't believe this is sufficient reason for your government to close the train service.

The extract I have read into *Hansard* is sufficient to convey Robert's thoughts on the matter. In the strongest possible terms, I reiterate to the House that the communities of the northern part of this State want the Casino to Murwillumbah rail service to continue in operation.

TAMWORTH COUNTRY MUSIC FESTIVAL

Mr PETER DRAPER (Tamworth) [5.45 p.m.]: I inform the House of the launch earlier today of the 2004 Telstra Country Music Festival to be held in Tamworth in January next year. The launch was held at The Basement in Sydney. I acknowledge the presence at the table of the Minister for Tourism and Sport and Recreation, and Minister for Women, the Hon. Sandra Nori, who has long been a great supporter of the Country Music Festival in Tamworth. The launch was attended by the Minister, the Telstra Country Wide Group Managing Director, Doug Campbell, and other Telstra officials, plus a number of country music artists including Adam Brand, Felicity and Catherine Britt.

The launch was web cast worldwide, while in Australia there were also live sites in places including Cairns, Port Macquarie and, of course, Tamworth. In Tamworth, Mayor James Treloar spoke about the recognition factor Tamworth has developed worldwide as a result of the festival. The festival generates some 500,000 visitor days, brings over $70 million into the local economy, and attracts visitors from all over the nation, as well as those from a multitude of overseas countries. It involves 2,500 performances at 130 venues and attracts over 10,000 campers using temporary sites in addition to the existing caravan and camping sites.

The Country Music Festival was first staged in Tamworth in 1973 as a two-day event and has developed into a 10-day extravaganza. The population of the district more than doubles in January, and what was once the worst retail month in the district is now a close second to December. Adam Brand spoke passionately about the Telstra Road to Tamworth competition, a competition that reflects the national interest in contemporary country music and gives young country music performers an opportunity to launch professional careers. A series of 19 heats has been staged across the country, with the 19 finalists competing in Tamworth in front of a panel of high-profile industry representatives.

The winner of the Darwin heat, Jessica Mauboy, performed at the launch. If I am any sort of a judge of talent, Jessica will be extremely difficult to beat in the final. She has maturity that is rare for a 14-year-old, and a

great big voice to match. If Jessica is representative of the talent that will be on show in the final, it will be an event not to be missed. The winner of the final will receive a package designed to kick-start a country music career, including the opportunity to record a single with Sony Music, a video clip that will be shown on the Country Music Channel, two paid performances that will be organised by Allied Artists, as well as a scholarship to the Country Music College in Tamworth prior to the 2005 Festival.

I have been a great supporter of the college since my Hazelton Airline days, when I sponsored many of the artists who gave their time to foster the future talent from the industry. It was at the college final concert a few years ago that I first heard Sara Storer, who has gone on to win a Golden Guitar Award. It is a fantastic experience for any budding young performer as they are tutored by the best in the industry—and I must say that the feedback from the artists who participate in the college activities has been brilliant. Every one of them comments on the depth of talent we have in Australia and on how much they get out of helping kids kick-start their careers. Telstra will broadcast live performances from Tamworth around the world on the web, with fans overseas and around the country able to log on to *www.telstra.com/countrymusic*. As well, Telstra will replay other concerts that will be recorded and put to air at other times during the festival.

Last year the Telstra site received over 220,000 hits from all around the world, with 35,000 web viewers looking at concerts. An interesting statistic from my perspective was that 67 per cent of the hits in Australia came from metropolitan areas. This shows how the genre has crossed many boundaries into mainstream music. As Minister Nori said earlier today, when people from Balmain ask her about Tamworth, it is obvious that country music is reaching markets once thought to be outside its reach. On Thursday I will attend the announcement of the finalists for the 2004 Toyota Golden Guitar Awards.

The announcement will be made at a function to be hosted by the Premier at the Sydney Opera House. It is appropriate that the culture of country people—and I refer, of course, to country music—is to be celebrated at the home of the arts in New South Wales, the Sydney Opera House. More than 570 nominations have been received across the 12 award categories. The presentation night will be a spectacular event, once again, and will be broadcast across the regions. The night will be also a time of remembrance for the loss of Australia's icon of country music, Slim Dusty. The awards will be presented at the Tamworth Regional Entertainment Centre on Saturday 24 January 2004. I look forward to that night with great anticipation.

[*Interruption*]

I extend to the honourable member for Lismore a personal invitation to come to Tamworth to experience one of the great cultural events in Australia today.

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [5.50 p.m.]: It was a great pleasure to be part of today's launch of the Telstra Country Music Festival at The Basement. Since Telstra came on board 12 months ago, parts of the event have been broadcast on the Internet. That is a reflection of Telstra's strong commitment to its sponsorship of the event. For me, the great thing about that is that while most of us are probably dinosaurs when it comes to using the Internet to enjoy the Tamworth Country Music Festival, a whole new generation is comfortable with it. I know that sooner or later they will get off their personal computers, get on a train, bus or plane, and visit Tamworth. Internet broadcasting has taken the event to a completely new level, not only around Australia but globally.

The Tamworth Country Music Festival is dynamically self-sustaining. Indeed, those who do not book each January for the festival the following year may not be able to get accommodation. This morning I put a plug in for one of my departments. The Department of Sport and Recreation has a camp at Lake Keepit. I am trying to find a way to extend that arrangement by providing appropriate bus transport into Tamworth for those who wish to make the trip. Accommodation has reached saturation point during the festival. The good thing about Tamworth is that it has leveraged the event: it does not have a beach or an opera house, but the infrastructure is there. The festival has put Tamworth on the map, and that is terrific. I look forward to seeing the honourable member for Tamworth at the festival next January.

NORTHPARKES MINE WATER SUPPLY

Mr TONY McGRANE (Dubbo) [5.52 p.m.]: The Northparkes Mine is a copper and gold operation 27 kilometres north-west of Parkes. It operates open-cut and block-cave underground mines to feed a plant that processes 5.4 million tonnes per annum, making it one of the largest mines of its type in Australia. However, it requires a substantial water supply. The operation makes extensive use of recycling, but still requires

approximately 3,000 megalitres of water per annum to make up its water circuit. Since its commissioning, the Northparkes mine has been faced with ongoing challenges to its water supply. On several occasions the lack of water has threatened operations. The most severe threat was in 1998 when the processing plant was forced to run at a significantly reduced rate for three weeks.

To put this problem into perspective, one needs to recognise the unique geographic difficulty faced by Parkes Shire Council in securing a reliable and consistent water supply. Parkes main water source is two catchment dams to the east of the town, but the dams have been virtually dry for almost three years during the drought. An alternative water source is an aquifer bore system some distance from town from which water is pumped to the town and the mine. Once again, due to the drought and heavy usage, the bore is seriously overtaxed. The final source of water is the Lachlan River, which is again some distance away. The water from the river needs to go through a treatment process before it can be used. The community and the mine have been forced to realise the precious value of water, and they are doing their part to conserve it.

Since the setbacks of 1998, the Northparkes Mine has worked to improve its situation through a holistic strategy that has resulted in significant improvements in site awareness and water supply. The mine has set an industry best practice key performance indicator of one kilolitre—or one tonne—of water usage per tonne of feed material processed. Despite recent difficulties in supply, the mine has met that target and is currently operating at a 2 per cent improvement on the key performance indicator. Practical measures have improved water efficiency and set a standard for other water-intensive industries to follow. Awareness of daily water use has been increased, including the use of automatic control of dust sprays, improved drainage, and recycling of water on underground drill rigs. The company has set a water management plan and a team has been allocated to responsibly manage projects aimed to improve water use on site.

The Northparkes Mine has set in place strategies to ensure water supply through a major drought, with the construction of a water treatment plant to allow the use of water of lower quality on site. The mine was chosen as the first site within the Rio Tinto worldwide group to participate as a pilot partner in the development of an excellence in water management program, which is designed to achieve world's best practice in water management in the mining industry. It has shown several areas of improvement and projects for the future. The Northparkes Mine is committed to the responsible use of water; it is a true blue corporate citizen.

Private members' statements noted.

COMMITTEE ON THE OFFICE OF THE VALUER-GENERAL

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

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following resolution:

1. That under section 84 of the Valuation of Land Act 1916 (the Act) a Joint Committee known as the Committee on the Office of the Valuer-General be appointed.

2. That under section 86 of the Act, Ms Griffin and Mr Harwin be appointed to serve as Members of the Legislative Council.

Legislative Council — MEREDITH BURGMANN
2 December 2003 — President

[*Mr Acting-Speaker (Mr Paul Lynch) left the chair at 5.57 p.m. The House resumed at 7.30 p.m.*]

BAIL AMENDMENT (FIREARMS AND PROPERTY OFFENCES) BILL

Bill received and read a first time.

Second reading ordered to stand as an order of the day.

OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (PROSECUTIONS) BILL

Bill received and read a first time.

Second reading ordered to stand as an order of the day.

CRIMES LEGISLATION FURTHER AMENDMENT BILL

Bill received and read a first time.

Second reading ordered to stand as an order of the day.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Motion by Mr Kerry Hickey agreed to:

That standing and sessional orders be suspended to allow the progress through all remaining stages at this sitting of the following bills:

Marketing of Primary Products Amendment (Rice Marketing) Bill
Veterinary Practice Bill
Bail Amendment (Firearms and Property Offences) Bill
Occupational Health and Safety Amendment (Prosecutions) Bill
Crimes Legislation Further Amendment Bill

MARKETING OF PRIMARY PRODUCTS AMENDMENT (RICE MARKETING) BILL

Second Reading

Mr KERRY HICKEY (Cessnock—Minister for Mineral Resources) [7.34 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now read a second time.

This bill was introduced in the Legislative Council on 12 November. The second reading speech appears at page 4,720 of the *Hansard* proof for that day. The bill is in the same form as introduced in the other place and I commend it to the House.

Mr ADRIAN PICCOLI (Murrumbidgee) [7.35 p.m.]: It is with pleasure that I lead for the Opposition in debate on the Marketing of Primary Products Amendment (Rice Marketing) Bill. The Murrumbidgee electorate contains about 75 per cent of the rice-growing area of New South Wales, so this bill will impact significantly on my electorate. The rice industry employs 400 or 500 people directly through rice mills and storage facilities and there are 2,500 rice farmers, so the rice industry is a significant industry in my electorate and in the whole of New South Wales. About 85 per cent of our $800 million rice crop is exported. The rice industry creates many jobs in New South Wales and, in particular, in regional New South Wales. It also earns a great deal of foreign income for Australia. The future of the rice industry is under threat from other countries.

The rice industry in Australia is unprotected; there are no tariffs. Coles, Woolworths, Independent Grocers of Australia and any other organisations are free to import rice into Australia from anywhere in the world. Australian rice growers compete against a large international market. Australian farmers and SunRice, the organisation that processes rice and is responsible for value adding, are happy to compete against those markets as they have confidence in the efficiency of our rice industry. I said earlier that about 85 per cent of all rice grown in New South Wales is exported. The international rice market is compromised by subsidies and tariffs.

Honourable members would be well aware of the subsidies in the United States of America. Rice farmers in the United States receive more in subsidies for their product than Australian farmers receive as the final price for their product. American farmers receive a subsidy on top of the final price that they receive for their grain. Despite that fact, Australian rice farmers are extremely successful. Australian farmers face those types of difficulties, and they also have the difficulty of accessing markets in Japan, Europe and the United States. In one of the most distorted markets in the world we have an opportunity to assist the Australian industry by vesting the power to manage the marketing of rice in the Rice Marketing Board and SunRice.

The Marketing of Primary Products Amendment (Rice Marketing) Bill will extend that vesting power to 2007. Essentially that means that up until 2007 any rice grown in New South Wales must be sold to the Rice Marketing Board. Members of my family are rice farmers. Ever since my father migrated to Australia he has

been a proud rice farmer. My father and my brother and 95 per cent of rice growers in New South Wales support the vesting of power in the Rice Marketing Board. However, a small number of good rice farmers do not agree with that provision. John Bonetti, a rice farmer from Griffith—and one of the most outspoken farmers in the district—does not support the vesting provision. He said that competition could lead to increased prices for paddy rice. The great majority of rice farmers want to retain the vesting provision as they regard it as an opportunity to gain a marketing advantage in a distorted international market.

The five-year extension of the vesting power is estimated to be worth approximately $50 million a year in premiums to the New South Wales rice industry. If that provision were removed, Australian farmers would receive about $50 million less for their product. The provision will ensure that the Rice Marketing Board and SunRice are the only vendors in Australia to market rice. The alternative is to have several Australian vendors competing to sell product throughout the world. The experience with other commodities is that Australian companies tend to bid each other down and vesting usually prevents that. We are very happy to receive the $50 million per year in additional premiums. The vesting issue is significant for New South Wales because of national competition policy: We required some evidence that it would be in the public interest to retain vesting. The industry, the State Government and I believe that $50 million per year in premiums is certainly in the public interest.

Although the rice industry is a terrific industry it is much misunderstood. It is an easy target for those who seek its demise because it is a large consumer of water. There is no denying that fact. Those who wish to destroy the rice industry cite statistics out of context to make it look bad. It is one of the few agricultural industries—perhaps it is the only one—in which the raw product comes off the farm and does not leave Australia until it is processed in some way. Many people cite statistics about returns per megalitre for grapes and horticultural products and claim that rice farmers receive only $260 or $280 per tonne. However, they fail to consider that rice from a New South Wales farm goes to the Rice Marketing Board and Sunrice, which then process it.

I received a package in the mail today, as I assume every member of Parliament did. I certainly hope that the honourable member for Coffs Harbour will take the opportunity to taste some of that product. The packaging of that three-minute rice product tells how much value is generated by one megalitre of water that is used to produce the rice in the product. I cannot remember the exact figure off the top of my head, but I think it is about $7,000 per megalitre. I challenge almost any other agricultural industry to achieve a better return per megalitre. Sunrice and the Ricegrowers Association, which is the lobby group for the rice industry, have skilfully improved the image of the rice industry. As a member of Parliament and as one whose family is involved in rice farming, I understand the industry. I love it and my electorate loves it. However, as I said at the beginning of my speech, there are many misconceptions about the rice industry. The Ricegrowers Association and Sunrice have done a terrific job educating the public—and the parcel delivered today is part of that process.

The package also contained a booklet that detailed some misconceptions about rice. I will run through a few of them. The first misconception is that rice is a low-value crop. Simplified gross margins calculated at the farm gate are misleading because every tonne of raw grain that leaves the farm gate is processed further. Those gross margins fail to reflect the real value of the product from paddock to plate. The net worth of the product once it has been value added is the truly reflective figure. Value adding refers to the net worth of the product once the post-harvest processes undertaken by Sunrice that are required to get the product onto the plate—such as preparation, packaging and distribution—are taken into account. The value-added rice used in Sunrice three-minute express cups returns $14,000 per tonne to the economy of Australia as a whole, and of rural New South Wales in particular. As I said earlier, the water used to grow the rice for that product is also value added and returns $7,000 per megalitre. That is significant. The Australian rice industry is continually coming up with innovative new products to get more of our rice into those high-value markets.

The second misconception is that rice growing requires too much water. All food requires water for growth and at the plate, rice fares pretty well compared with other common commodities. For example, a serving of brown rice requires about 60 litres of water. This compares favourably with a serving of almonds, which requires a little over 300 litres of water; a serving of chicken, which requires 1,250 litres of water; or a serving of steak, which requires 4,657 litres of water. I urge those with a philosophical objection to irrigation to think about what they are eating the next time they sit down to dinner. Rice, vegetables, meat, almonds or any other variety of nut, orange juice and apple juice are all irrigated products.

The third misconception is that rice should not be grown in Australia as this is the driest inhabited continent on earth. However, according to the United Nations Educational, Scientific and Cultural Organisation,

Australia is the fortieth wettest country out of 180 countries measured based on water available per head of population. We have far more water available than many other rice-growing countries. Australian rice growers are amongst the world's most efficient. They produce the highest yield—more than nine tonnes per hectare—when the world average is about five tonnes. Overseas growers can use up to five times more water than Australian growers use to produce a kilogram of rice.

The fourth misconception is that rice growers waste water. As I have said, my family is involved in rice farming and we certainly do not waste a drop of water, which is the most valuable resource on our farm and probably in New South Wales. It is a little-known fact that Australian rice growers often plant a second crop in their paddocks once the rice is harvested to utilise the subsoil moisture that remains from the first crop. So Australian rice growers get two crops from their rice paddocks. Unlike any other Australian agricultural industry, strict regulations exist for the growing of rice. Rice can be grown only in soils that are deemed suitable—that is, soils with a heavy clay content that minimises the amount of water that can seep into the water table. Many Australian rice farms are fitted with water recycling systems to ensure that water is used many times over. Significant benefits can be derived from recycling water. We recycle water on my family's property because water is expensive to buy and because it produces a valuable crop. We are not inclined to waste water, that is for sure.

Recycling water also delivers environmental benefits. Despite the rhetoric of those opposed to irrigation and farming and who claim that the Murray River is on the verge of death, river salinity measured at Morgan in South Australia is at its lowest level since before the Second World War. One reason for the drop in salinity is the irrigation practice of not allowing farms to use water on the ground and return it to the river. As water flows across a paddock it picks up nutrients and salt which it takes to the river. One reason for the improvement in the salinity level in the Murray River is implementation of improved farming practices.

The rice industry has well and truly led the way because it consumes significant amounts of water. The industry is super responsible and is doing all it can to improve the environment. The fifth and final misconception, according to the literature supplied by the Australian Ricegrowers Association, is that rice is grown in tropical climates rather than the Riverina climate. However, 80 per cent of rice produced in Australia is of the Japonica variety, which is a temperate climate rice produced in a few select microclimates worldwide. Japonica rice is perfectly suited to the Australian climate. It is a world-renowned specialty rice and is much in demand by the higher-priced international markets.

The rice industry is a fantastic industry that produces a huge economy for New South Wales and Australia. It provides export revenue but most importantly it produces jobs in New South Wales, particularly in the Riverina. It keeps family farms together. Sunrice employs many hundreds of people in regional New South Wales and provides incomes for families. The industry should be supported. I am a 100 percent supporter of the rice industry both through my family connections in rice farming and as the honourable member for Murrumbidgee. This legislation is welcome in my electorate and in the ricegrowing regions. The Australian Ricegrowers Association and Sunrice lead agriculture in promoting the burgeoning environmentally responsible farming industry. They should be applauded for their magnificent work in informing the general public, and the rice industry should be given all the support that it can be given. I support the bill.

Mr KERRY HICKEY (Cessnock—Minister for Mineral Resources) [7.52 p.m.], in reply: I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

VETERINARY PRACTICE BILL

Second Reading

Mr KERRY HICKEY (Cessnock—Minister for Mineral Resources) [7.52 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now read a second time.

The Veterinary Practice Bill was introduced in the other place on 29 October 2003. I seek leave to have the second reading speech incorporated in *Hansard.*

Leave granted.

The matters addressed in this bill have arisen primarily from a Competition Policy Review of the *Veterinary Surgeons Act 1986*.

This review assessed whether the current Act provides net public benefits and whether the identified net public benefits could be achieved in different ways that do not restrict competition.

Although the Competition Policy review group found that some provisions of the *Veterinary Surgeons Act 1986* generate public benefits, it recommended that the net public benefits could be significantly increased by implementing some reforms to the Act.

Consistent with these findings, the objectives of the *Veterinary Practice Bill 2003* place significant emphasis on promoting the welfare of animals.

The bill also has other objectives.

The bill ensures that consumers of veterinary services are well informed as to the competencies required of veterinary practitioners.

It also ensures that acceptable standards are required to be met by veterinary practitioners in order to meet public interest as well as national and international trade requirements; and it also provides public health protection through compliance with other legislative controls including the possession and use of veterinary chemicals, including stock medicines.

I would like to now deal with some of the proposed reforms within the bill.

First, the Act will be renamed the *Veterinary Practice Act* and the Veterinary Surgeons Board will be renamed the Veterinary Practitioners Board. These changes better reflect the purposes of the Act in regulating certain practices of veterinary science in the public interest.

The Veterinary Practitioners Board will continue to regulate the registration of veterinary practitioners in NSW. Having been in operation since 1923, the Board has seen many changes, however, it remains focused on maintaining registration requirements that ensure the provision of high standard veterinary services to the NSW public. As at 30 June 2002, this meant overseeing the registration of 2527 veterinary practitioners in NSW, 106 of whom were honorary, and 214 of whom were provisional registrants from universities.

Membership of the Board will increase from six to eight with the addition of two community representatives. These additional representatives will ensure that community expectations in areas such as animal welfare are considered in Board deliberations.

To further enhance the accountability of the Board to its registered members and the public, the Board will be required to hold an Annual General Meeting at which the Board's budget and certain payments to Board members will be able to be debated.

In relation to the registration of veterinary practitioners, changes are proposed that will maintain appropriate professional standards, while at the same time ensuring that no unnecessary impediments are imposed on new entrants to the profession.

The existing "good character test" will be supplemented with provisions that will allow practitioners to be precluded from being registered if they have committed criminal offences in respect of other key legislation, such as the *Prevention of Cruelty to Animals Act 1979*, the *Stock Medicines Act 1989* and the *Poisons and Therapeutic Goods Act 1966.*

A further requirement will be that all veterinary practitioners will have to submit an 'Annual Statement' to the Veterinary Practitioners Board specifying certain matters in respect of their continuing registration. For example, their tertiary qualifications, whether they have any health issues that may impact adversely on their ability to practise veterinary science and whether they have had their registration cancelled or suspended in any other jurisdiction or whether they have been refused registration in another jurisdiction. Other details required may be prescribed by the Regulations.

This information will enable the board to gather statistical data in respect of a variety of matters, but more importantly, it will assist in maintaining high professional standards by requiring each practitioner to declare annually specific information concerning their continued suitability to practise veterinary science. Also, the board will have the power to investigate matters disclosed in the Annual Statement.

Another key change concerning registration brought about by the proposed bill is in relation to the qualifications of overseas graduates. A graduate that has an academic award in veterinary science from a university, college or institution approved by the board is eligible for registration as a veterinary practitioner.

This means that overseas graduates who hold qualifications from certain institutions may have their veterinary qualifications automatically recognised in New South Wales without necessarily having to sit the entrance examination.

To ensure that these arrangements don't unnecessarily exclude certain overseas graduates from automatic registration, it is imperative that the board's list of recognised educational institutions be updated regularly. The Board will therefore be required to review the list of approved universities, colleges and institutions at least once every year, with the results of the review to be published in the board's annual report.

Let me turn now to the regulation of acts of veterinary science.

As I stated earlier, a key change brought about by the bill is its unambiguous focus on regulating veterinary practitioners for the purpose of achieving certain public benefits, particularly in relation to maintaining appropriate animal welfare standards in this State.

To this end, a key reform is to replace the previous monopoly over acts of veterinary science that was provided to veterinary practitioners, with a specific list of veterinary practices, that on animal welfare, human health and domestic and international trade grounds, can only be undertaken by registered veterinary practitioners.

This list of restricted acts of veterinary science that only veterinary practitioners, the owner of the animal, or an employee of the owner will be allowed to undertake will be determined on the advice of an Advisory Committee and set out in the regulations.

The persons that the Minister will appoint to the Advisory Committee to provide advice on what should be restricted acts of veterinary science will include persons with appropriate technical expertise, including technical experts in animal welfare, veterinary practice and animal husbandry.

As the Hon Ian Macdonald, Minister for Agriculture and Fisheries has already indicated, the initial membership of the Advisory Committee is to be as follows:

There are to be five members being an independent Chairperson who ideally has experience of professional regulation; a consumer representative, being a nominee of the NSW Farmers' Association; an animal welfare representative from an animal welfare organisation; and two representatives of the veterinary profession, being nominees of the NSW Division of the Australian Veterinary Association.

The intention is that the views of the Advisory Committee will be representative of the animal welfare, human health and trade concerns of the broader NSW public. This will enable the citizens of NSW to be confident that those acts of veterinary science that remain the sole domain of veterinary practitioners, will be regulated in the public interest, rather than in the interests of just the veterinary profession.

This arrangement will also enable those animal health care services not needing to be restricted to veterinary practitioners to be provided, on a competitive basis, by both vet and non-vet service providers. This in turn will have flow on benefits to consumers of animal health services, including NSW farmers.

It has been argued that removing the veterinary monopoly on acts of veterinary science will reduce the number of veterinarians in rural areas, and hence, reduce the extent and effectiveness of passive disease surveillance, with disease threats to the NSW economy increasing. Put another way, proponents of this argument are essentially saying that unless the NSW Government subsidises the veterinary profession through the provision of a business monopoly on all acts of veterinary science, veterinary practitioners will not find work in regional NSW sufficiently financially rewarding and will go elsewhere.

Let me assure the House that the changes proposed in the Bill will not result in an increase in the incidence of disease. By virtue of NSW stock diseases legislation and arrangements established with the Commonwealth Government and Rural Lands Protection Boards, significant resources will continue to be devoted, not only to maintaining disease surveillance, but also to ensuring that our response capabilities are appropriate.

I would like to emphasise, first that the existing requirements for occupiers of land, the owners of stock, persons in charge of stock, vets, any other person who attends or is consulted in relation to stock, to report suspected animal diseases, will continue.

Second, a major role of the 48 Rural Lands Protection Boards across the State is the management of stock diseases, and it is a requirement that boards employ vets for the purposes of disease surveillance and control.

In relation to the concern over the overall number of vets in rural areas, I would point out to the House that vets will not be precluded from undertaking any acts of veterinary science, including those potentially open to other practitioners.

At this point I would also like to make mention of the Victorian Veterinary Practice Act 1997, which deregulated veterinary practice ownership in that State from December 1998. I am advised that this change has not introduced any adverse effects in terms of veterinary service provision. In fact, the Annual Report of the Victorian Veterinary Practitioners Registration Board shows that over the last four and a half years the overall number of registered veterinary practitioners in Victoria has increased by 7 per cent from 1,477 to 1,584, despite deregulation.

To further reinforce this point, I refer members to the findings of the recent Commonwealth Review of Rural Veterinary Practice, the so-called Frawley Review. Statistics in that report show that between 1991 and 2001, the last three years of which were deregulated, the number of veterinarians in rural areas in Victoria increased from 533 to 651, or 22 per cent.

The report showed that of the total number of veterinarians practising in that State, the proportion practising in rural areas remained stable at 45 per cent.

Other data provided to my Department from the Registrar of the Victorian Veterinary Practitioners Board shows that since deregulation the number of registered veterinary practitioners in rural areas of Victoria has increased from 39 percent to 42 per cent of the total number of registered vets.

Thus not only has the overall number of vets in Victoria increased since their statutory reforms, the overall number of vets in rural areas has increased more rapidly.

The Victorian experience suggests that the reforms proposed for New South Wales will have a positive effect.

It is proposed that the rules applying to ownership and business structures of veterinary practices be changed. The Bill allows any form of business arrangement to be used to set up a veterinary practice so long as the majority interest in its ownership is held by one or more registered veterinary practitioners.

This will ensure that the persons with the controlling interest in a veterinary practice are directly accountable for the standards of veterinary care provided at that practice as they are in a position to influence business decisions of the practice accordingly. These provisions free up the current controls by allowing non-veterinary business partners.

> An exception to these controlling interest provisions is a reform aimed at ensuring our rural communities are well serviced by the veterinary profession. This exception will enable agricultural supply companies to provide veterinary services as an adjunct to their main business.
>
> While I am confident that this provision will have a positive impact on the provision of veterinary services in rural areas, the Government has accepted a 12-month moratorium on commencement of the relevant clauses.
>
> In relation to disciplinary proceedings against veterinary practitioners, during 2002/2003 the Veterinary Surgeons Investigating Committee investigated 22 new complaints and continued the investigation of 21 complaints from the previous year. In total 29 complaints were finalised and at 30 June 2003 there were 17 complaints current.
>
> As an alternative to the Veterinary Surgeons Investigating Committee it is proposed the board be empowered to deal with cases of professional misconduct directly, or to refer them to a sub-committee of the board. The aim of this new scheme is to give the Board greater control and flexibility in dealing with complaints.
>
> Where a member of the public is aggrieved by the treatment of their animal by a current or former veterinary practitioner in terms of their professional conduct, they will be able to complain in writing to the board. Although the Board will have the same powers as the current Investigating Committee it will also be able to impose a fine of up to $5,000 on a veterinary practitioner who it finds guilty of professional misconduct.
>
> Veterinary practitioners may, in turn, appeal to the Administrative Decisions Tribunal. As at 30 June 2003 only 2 complaints were awaiting determination by the Tribunal.
>
> Currently under the *Veterinary Surgeons Act 1986* disclosing information regarding a complaint against a veterinary practitioner is not permitted. Under the proposed bill this restriction will be repealed. All information other than 'confidential information' will be able to be made publicly available. The intent of these changes is to enhance the transparency of disciplinary proceedings, and in so doing, to enhance the accountability of the Board.
>
> Now to turn to the issue of hospital licensing, it is proposed that the current system be simplified and that the licensing of premises will only apply to veterinary hospitals where 'major surgery' is undertaken.
>
> As at 30 June 2003, there were 624 licensed veterinary hospitals in NSW. In order to gain a licence, a veterinary hospital will need to demonstrate to the Board that it can effectively carry out major surgery to acceptable standards of veterinary care. This will remove the need to maintain prescriptive standards for hospitals and allow flexibility with regard to veterinary practices that wish to provide a small number of specialty services. It will also allow these hospitals to demonstrate to the board that they can meet current veterinary standards in innovative ways.
>
> In terms of advertising it is proposed that all previous controls on advertising by veterinary practitioners and the provisions in the Veterinary Surgeons Code of Conduct, be repealed.
>
> The basis for this is that the Commonwealth *Trade Practices Act 1974* and the New South Wales *Fair Trading Act 1987* provide adequate protection to the public. The current controls in the Act merely duplicate these existing statutory controls.
>
> In summary, I believe the new *Veterinary Practice Bill 2003* introduces a number of significant reforms, which on the one hand will make a significant contribution to meeting the animal welfare concerns of the NSW public, and on the other, will ensure a high level of efficiency in the provision of animal care services in this State.
>
> I commend the bill to the House.

Mr ADRIAN PICCOLI (Murrumbidgee) [7.53 p.m.]: It is with pleasure that I lead for the Opposition on the Veterinary Practice Bill, to which the shadow Minister for Agriculture in another place gave a detailed response. However, I wish to add my own concerns about the bill. The Opposition will not oppose this bill, but it is appropriate for me to express concerns following the amount of correspondence and telephone calls that members of the Opposition have received. The Jerilderie Veterinary Clinic wrote:

> Dear Mr Piccoli,
>
> The Riverina Branch of the Australian Veterinary Association wish to express their extreme concern regarding the proposed Veterinary Practices Bill 2003 …
>
> Specifically, we are opposed to the inclusion of section 14.5 (a) [whereby] a corporation or firm that provides veterinary services but where the principal business is the supply of goods or materials used in connection with agriculture so long as the supply of the veterinary service is at the same premises from which those goods or services are supplied. This is after the first part of 14.1 says—A corporation must not represent itself to be a veterinary practice unless one or more veterinary practitioners has or have the controlling interest in the corporation.

I understand that there was a significant amount of consultation with the Australian Veterinary Association, individual veterinary practitioners, other interested groups, the New South Wales Farmers Association and others about this bill. However, clause 14 (5) (a) was introduced at the last minute. I have received a whole ream of faxes and letters from concerned vets about the inclusion of that very significant clause. In the other House the shadow Minister for Agriculture, on behalf of the Opposition, moved an inevitably unsuccessful amendment that sought to remove clause 14 (5) (a). However, the Opposition was pleased to support a crossbench amendment that placed a 12-month moratorium on the implementation of clause 14 (5) (a). That moratorium

applies to veterinary services provided by agricultural firms. We believe that goes part of the way to satisfy the concerns of the veterinary fraternity.

As has been much publicised, country areas have difficulty recruiting vets and I am not sure what the answer will be to that problem. Many vets who contacted my office and my colleagues were concerned that larger merchandisers, if allowed to operate veterinary practices, would skim the cream off general veterinary practices, particularly in country areas. They were very concerned that its impact will make it even more difficult to attract vets into their practices. David Harding, the local vet in Griffith where I live, has difficulty recruiting vets and opposes anything that will make that task more difficult. That is why the Coalition parties in the other House moved an amendment to remove that clause.

However, I hope that during the 12-month moratorium further negotiations and investigations will take place in relation to the effects of clause 14 (5) (a). If the Australian Veterinary Association agrees that the clause will not have a negative impact on local vets, it would be acceptable. However, I ask the Government and the Minister to take on board the many concerns of local vets—judging by the contacts my colleagues and I have had—about the impacts of that clause. We must do everything possible to address the shortage of vets, not only to enable treatment of injured pets but also to provide an essential service for the agriculture industry. If vets are not available to provide a service in country areas, our most significant agricultural product, livestock, will be under serious threat.

Beyond this legislation, I hope that the State and Federal governments can come up with initiatives that will increase the attractiveness of veterinary practice—not just domestic veterinary practices, not just those that are all about fluffy cats and dogs, but veterinary practices that deal with sheep, cattle and horses. That is very important to the future of country New South Wales, as it is to our export earnings and employment in rural New South Wales. I support the bill.

Ms VIRGINIA JUDGE (Strathfield) [8.00 p.m.]: Veterinary science is a rapidly changing profession that is playing an increasingly important role in our society. A highly skilled work force—70 per cent of whom are women—is now responsible for an industry that affects our national economy and future health. With more and more Australians choosing to live alone or without children, pets will be ever more popular and pet health will become a higher priority in our community. There will be a greater demand for reliable and affordable veterinary services. Veterinary science is not just about accessible local surgeries. It is about farmers, livestock and the interactions between humans and animals that contribute some $14 billion to the national economy.

The University of Sydney has made very successful efforts to update its veterinary science curriculum to better equip graduates for the future and to keep up with the changing face of the profession in Australia. It is, therefore, with great pride that I speak on the Carr Government's initiatives to reform this exciting and expanding area. I understand that the Veterinary Practice Bill was drafted following extensive consultation with various government departments and community organisations, in particular the Australian Veterinary Association, the national body representing and serving the interests of the veterinary profession in Australia. The bill has the in-principle support of that association.

The Carr Government will modernise and develop the veterinary services industry within New South Wales. The proposals will improve consumer access to veterinary services and ensure that the highest standard of veterinary service and animal care is available in New South Wales. The proposals ensure that consumers of veterinary services are well informed as to the competencies required of veterinary practitioners. The bill guarantees that veterinary practitioners will have to meet acceptable standards to meet the public interest as well as national and international trade requirements. It also provides public health protection through compliance with other legislative controls, including the possession and use of veterinary chemicals, including stock medicines. Therefore, the bill is a win for all concerned, but especially for pets and other animals that often are subjected to horrendous acts of cruelty and calculated and sadistic treatment by owners. I have spoken at length on a previous occasion on a bill that increased penalties for individuals and corporations that are cruel to animals.

A key change to be brought about by the bill is its unambiguous focus on regulating veterinary practitioners for the purpose of achieving certain public benefits, particularly in relation to maintaining appropriate animal welfare standards. An expert advisory group will define the types of procedures which will be "restricted" and which can be carried out only by registered veterinarians. The advisory committee's advice is to be based on whether a particular procedure, if performed by an unregistered person, would be likely to cause unacceptable levels of harm or suffering to animals or would be likely to adversely affect human health or domestic or international trade. The benefits of this move will be twofold: it will help protect animals while improving consumer choice. This is a well thought out and well balanced approach.

Two non-veterinary consumer representatives will join this advisory board to help ensure it meets increasing consumer expectations in areas such as animal welfare. It will ensure animal welfare standards reflect community expectations—our expectations—and provide consumers with more information so they can choose the veterinary services that best meet their needs. Another significant reform is to replace the previous monopoly over acts of veterinary science that was provided to veterinary practitioners with a specific list of veterinary practices that can be undertaken only by registered veterinary practitioners. This list of restricted acts of veterinary science that only veterinary practitioners, the owner of the animal, or an employee of the owner will be allowed to undertake will be determined on animal welfare, human health and domestic and international trade grounds, and on the advice of an advisory committee.

Persons appointed to the committee will include persons with appropriate technical expertise, including technical experts in animal welfare, veterinary practice and animal husbandry. I see that everyone is very interested in these measures—and so they ought to be. The intention is that the views of the board will be representative of the animal welfare, human health and trade concerns of the broader New South Wales public. This will enable farmers, pet owners and the citizens of New South Wales to be confident that those acts of veterinary science that remain the sole domain of veterinary practitioners will be regulated in the public interest. This arrangement also will enable health care services not needing to be restricted to veterinary practitioners to be provided on a competitive basis by both veterinary and non-veterinary service providers. Of course, this will have flow-on benefits to consumers of animal health services, including most importantly New South Wales farmers, our brothers and sisters in the bush who work so hard.

The Carr Government is redefining veterinary hospitals. It is proposed that the current hospital licensing system be simplified and that the licensing of premises will apply only to veterinary hospitals where major surgery is undertaken. A veterinary practice on Liverpool Road, in my electorate, does surgery on that basis. That proposal, I am sure, will be of some interest to veterinary practitioners at that practice. They provide a fantastic service that the community is very happy with. To gain a licence, a veterinary hospital will need to demonstrate that it can effectively carry out major surgery to acceptable standards of veterinary care. This will remove the need to maintain prescriptive standards for hospitals and allow flexibility with regard to veterinary practices that wish to provide a small number of specialty services. It will allow those hospitals to demonstrate that they can meet current veterinary standards in innovative ways and provide the best possible health care for our animals and, of course, the best possible services to our consumers.

Running a small veterinary surgery can be extremely demanding. Many veterinarians are burnt out early on in their career, and the stress of managing a business in addition to working as a specialist leaves many young practitioners disheartened with the profession. For this reason, it is proposed that the rules applying to ownership and business structures of veterinary practices be changed. This bill allows any form of business arrangement—for example, a corporation, firm or partnership—to be used to set up a veterinary practice so long as registered veterinary practitioners hold the majority interest in its ownership. This will ensure that the persons with the controlling interest in a veterinary practice are directly accountable for the standards of veterinary care provided at that practice as they are in a position to influence business decisions of the practice accordingly. This is a very important consideration. These provisions will free up the current controls by allowing for non-veterinary business partners and assuring that practitioners provide dependable services.

In addition to these changes, veterinarians will now be able to advertise their services, thereby increasing consumer information and choice, demonstrating that all different aspects of the profession are taken care of. Both surgeons and consumers of veterinary services in my electorate have welcomed these reforms. I have contacted a number of veterinary practices in my area by telephone, and they are pleased with these reforms. This Government has made a significant contribution to meeting the very important and heartfelt animal welfare concerns of the New South Wales public whilst ensuring a high level of efficiency in the provision of animal care services in this the premier State. I commend the Minister and his staff for bringing this bill before the House.

Mr ANDREW FRASER (Coffs Harbour) [8.08 p.m.]: The honourable member for Strathfield obviously delivered a speech that had been written for her. She did not name the veterinary clinics in her electorate that she supposedly telephoned. Obviously the honourable member does not realise that some provisions of this bill will impact severely on veterinary practitioners in small country towns. This legislation may squeeze them out of practice because some of its provisions will allow agricultural companies to advertise a veterinary practice that may not be all that potential consumers would expect.

I note that the honourable member for Strathfield referred to quolls. We need only to read in *Hansard* how she tried to convince this House that quolls live in trees to realise how little she knows about veterinary

science and animals generally. She should go to the bush and talk to the people. I invite her to visit my electorate, talk to people in Dorrigo, and ask them about their concerns with the legislation. On 13 November Marie Linkenbagh, the Registrar of the Veterinary Surgeons Board, gave me a briefing note which I will read into *Hansard* in the hope that the Minister for Mineral Resources, who is the duty Minister, will respond and allay the fears of the New South Wales Veterinary Surgeons Board. The briefing paper is set out under five headings. Under heading 1, "How Will the Bill Become Operative?", the paper states:

> The Bill cannot become law until the regulations to support it have been written, a task the Minister said on 12 November 2003 will take 6-12 months.
>
> The Bill provides in clause 9 that it is an offence to perform a restricted act of veterinary science unless registered. The restricted acts are to be listed in the Regulations after the Minister takes advice from an Advisory Council to be set up under clause 8, but the Advisory Council will not exist until after the act and regulations come into force. The Veterinary Practitioners Board is to meet the cost of the Advisory Committee but that Board will not exist until the act comes into force. How will this cycle be broken?
>
> - the Advisory Committee could be established under other legislation, such as the Prevention of Cruelty to Animals Act. The consequences would be that the Minister for Agriculture is not responsible for the POCTA legislation, and the cost could not be related back to the Veterinary Practitioners Board.
>
> - the act could be introduced in stages. This is unworkable because of the difference in the constitution of the Board under the 1986 and 2003 Boards. There would be a hiatus while the Minister and the new Board organised the Advisory Committee and the profession would not be regulated in the interim, unless further transitional provisions were included.
>
> - the Minister could prepare an initial list for inclusion in the regulations and have the Advisory Committee review it after the act commences, and amend the regulations as the Committee recommends from time to time.

The options under heading No. 1 are so numerous that it is confusing to the veterinarians, the community, this House, and professionals who are to operate under the legislation. Under heading 2, "Clause14 (5) (a) - Were the Stakeholders Consulted?", the paper states:

> The President and Registrar of the Board saw the draft at the office of NSW Agriculture in Sydney on 16 October. Clause 14 (5) was not in the draft.
>
> The Registrar and Dr Jane saw the draft at the NSW Agriculture office in Orange on 24 October 2003. The clause was in the draft on that day but was in different words. The words commencing "so long as" … to the end were not in the draft. There was discussion with the Department's Legal Officer about the inclusion of the clause, including doubt as to whether it would be acceptable to the AVA, why it was confined to agricultural supply companies, and the interpretation difficulties it would present.
>
> The Registrar informed the President about the inclusion of the clause on Monday 27 October 2003 and he informed the AVA, which then commenced its consideration of the effect of the clause.
>
> The content of the clause has not been mentioned in any prior documents or discussions with the Board or the AVA to the knowledge of the Veterinary Surgeons Board members.

Under heading 3, "The Significance of Comparison with the Victorian Legislation in the Context of Clause 14 (5) (a)", the paper states:

> The Minister referred to the 1997 Veterinary Practice Act on 12 November 2003. He said that that act contained similar provisions, and later revised that statement to say that the Victorian act was more broad than Clause 14 (5) (a) in that it contains no restrictions on the ownership of veterinary practices. That is so.
>
> The Minister did not however refer to section 57 of the Victorian act, which creates an offence for any person to, *inter alia*, "take or use the title of registered veterinary practitioner or any other title calculated to induce a belief that a person is registered". Unregistered persons and corporations in Victoria therefore cannot describe themselves as, or advertise that they are, veterinary practices. That must be a strong deterrent to any unregistered entity considering setting up a practice.
>
> That provision is to be contrasted with clause 14 (5) of the Bill, under which clause 14 (4) does not apply to clause 14 (5) (a) corporations. Those corporations will be able to represent the veterinary practices by using the titles and descriptions "Veterinary Surgeon, veterinary practice, veterinary, vet, animal doctor" and will be able to use words which infer that they are a veterinary practice. They will be able to advertise in those terms, on an equal footing with registered persons and there will be an incentive to unregistered persons to set up practices in NSW which does not exist in Victoria.

Backdoor Bob just came in the back door again. The bill will enable agricultural companies in regional New South Wales to force small practising vets out of business by competing with them, even though they will not provide the services currently provided by those vets. Under heading 4, "The Inclusion of the New Clause 15 to Create an Offence for a Corporation to Incite a Registered Practitioner to Commit Acts of Professional Misconduct", the paper states:

> While this amendment may be desirable, it does not address an outstanding difficulty created by clause 14 (5) (a). In the House [upper House] on 12 November 2003 the debate was based on the view that veterinary services provided by the 14 (5) (a) corporations will be provided by registered practitioners.
>
> This basis is different from the statement in the Minister's second reading speech that services will be provided at these premises by technicians [not veterinary surgeons]. Technicians are not subject to the discipline provisions of the Act, nor are they bound by any defined code of professional ethics or conduct and will therefore not be scrutinised for maintenance of standards and Clause 15 will not apply to them, with the result that the corporation will be able to influence their veterinary practice with impunity.

That explains why vets who are currently operating in regional New South Wales want an assurance that agricultural companies will operate along the same lines. We are not talking about dogs and cats, we are talking about people throughout regional and rural New South Wales who rely on cattle studs, horse studs and so on for their income. They need to know that they have a vet on call to assist them when their valuable animals are ill or delivering calves or foals. The bill does not provide that guarantee. It is interesting to note that members opposite are chuckling about this, but it is really important for the lifeblood—and might I say the livestock—of regional and rural New South Wales. As I said, the honourable member for Strathfield, who has no real knowledge of the value of a veterinary practice to regional and rural New South Wales, had her speech prepared by ministerial staff.

The Coffs Harbour electorate produces some of the best cattle and racehorses. We need assurances that places like Dorrigo, Bellingen, Karangi and Woolgoolga will continue to have qualified vets providing qualified services, and that their vets will not be forced out of town by an agricultural company advertising veterinary services in accordance with clause 14 (5) (a). Under heading 5, "The Geographical Application of Clause 14 (5) (a)", the paper states:

> The debate in the House on 12 November 2003 presumed that the clause 14 (5) (a) corporations would only provide a veterinary service at premises in rural areas and would therefore not threaten the livelihood of existing rural practitioners. The clause contains no geographical restrictions and the words are broad and open to wide interpretation, allowing for the possibility that such corporations could operate veterinary practices in country towns of any size, and in outer metropolitan areas. Creative interpretation of the words "used in connection with agriculture" could even allow for the corporations, particularly those that supply drugs and other non-bulky items used in agricultural pursuits, to set up practices in metropolitan Sydney.

I ask that the Minister for Mineral Resources take advice and comment on the serious concerns raised by the Veterinary Surgeons Board. I draw attention to the concerns raised by the Chairman of the New South Wales Board of Veterinary Surgeons, Dr Garth McGilvray, who, incidentally, looks after my animals. I have discussed this matter with him and because he is unable to speak publicly on this matter I have informed the House of his concerns on behalf of the board. I ask the Minister to respond to them during his reply.

Mr GREG APLIN (Albury) [8.19 p.m.]: I join in the debate on the Veterinary Practice Bill to draw to the attention of the Minister the plight of country people who are about to be disadvantaged once again under the cloak of deregulation. Specifically I refer to clause 14 (5) (a) of the bill, which will allow large agricultural-based corporations to employ vets who will be able to provide consultation services but will not be able to perform surgery. It is envisaged that these vets will administer vaccinations and dispense and sell drugs, including S4 drugs. These vets will target only the more profitable aspects of veterinary practice, and will not provide any after-hours emergency services, and in some areas of rural and regional New South Wales there will be no veterinary surgery or hospital to treat sick animals or provide animal management.

As honourable members are aware, already as a consequence of the drought, many country vets are just hanging on. The impact of clause 14 (5) (a) will be that, just as the banks closed in towns and other services closed as a consequence, so too will professional veterinarians leave and not come back. The Riverine branch of the Australian Veterinary Association has written to me and asked that I present the branch's views during the debate on this bill. The branch specifically said that the inclusion of clause 14 (5) (a) is a threat to the small businesses of the Riverine region. There are some 80 vets in the area, and their ability to earn an income from the provision of veterinary services is likely to be severely undermined by the implications of the clause.

The clause allows for the potential of multinational companies entering the market and taking over basic consulting work of current veterinary practices. Vaccinations, parasite control, and minor surgical procedures are just some examples of the basic consulting work that underpins the financial viability of these vital small businesses in country areas. The income that these procedures generate allows for the employment of adequate numbers of registered vets who are needed to undertake major surgery, which is vital to the survival and management of companion and production animals in regional communities.

Analogies have been drawn likening the effect of the clause to the crises of rural banking services and the human health industry. Rural practices will be most affected by the clause. The Riverine branch predicts that

vets in rural practices may well leave their areas. The view of the veterinarians is that the agribusiness firms will use the newly sanctioned services as a loss leader—providing services such as vaccinations and worming at a rather low price in order to promote and sell products such as drench material. Country vets run efficient practices. They can handle most competition, but they view this measure in the bill as detrimental to veterinary services in rural areas.

Although the veterinarians who will work in agribusiness will visit country centres, they will not be a permanent presence and therefore they will not be able to monitor disease outbreaks. Vets have to cover considerable distances in country areas, and the effect of this bill will be that weekly or fortnightly visits will be undertaken. There will be no permanent, regular, informed local veterinarian who lives in the region, who is part of the region, and who mixes with local farmers, having a drink with them and hearing about life as it truly is on the land.

Exotic diseases are a fact of life in rural Australia. Effective identification and control requires a veterinarian with local contacts and the ability to react promptly. Rural veterinarians are already an endangered species. In Henty, the veterinarian has moved out. In Culcairn, it is the same story—there just is not enough work to maintain a practice. Therefore the smaller work is covered from Albury and Holbrook, and the veterinarians travel regularly. The practice in Corowa is likely to survive because the work base is large enough, but wherever a rural practice relies on a large animal mix for 80 per cent to 90 per cent of its workload, there could well be problems because the agribusiness veterinarians will be subsidised by agricultural products and they will be able to provide cut-price vaccinations. As I said, such veterinarians will not be local residents, and if they only visit the area occasionally they will not be tuned into the rural network in the same way as resident vets are. The detection of disease will not be pre-emptive, and it certainly will not be immediate.

Veterinarians, veterinarian nurses, and auxiliary support staff in Albury have contacted me in numbers to outline their concerns. Viable country veterinary practices provide opportunities for veterinary employment, but they also provide employment in the complex network of other businesses related to livestock and our export markets. Disease surveillance, and therefore domestic and international trade agreements, will definitely be put at risk if clause 14 (5) (a) is retained in the bill. Only trained and registered veterinarian practitioners have the necessary knowledge and experience to detect exotic disease outbreaks quickly and effectively. Inexperienced or untrained animal health technicians, such as those who will be employed in agribusinesses, will not be able to fulfil this role in the first instance.

Animal owners and managers have an obvious financial incentive to avoid alerting authorities if they suspect an exotic disease in their herd. If a foot and mouth disease outbreak were to occur similar to the one in the United Kingdom in 2001, Australia would lose its highly valued trading status, further hurting rural and regional communities. I remind the House that in the past decade there have been two outbreaks of anthrax just an hour's drive south of the border.

Mr Geoff Corrigan: Where?

Mr GREG APLIN: At Tatura in Victoria—an hour's drive south of the New South Wales border. The effect of clause 14 (5) (a) will be the closing of small businesses in regional and rural New South Wales and the establishment of monopolies. I draw the attention of the Minister to the concerns I have outlined about the clause, and I ask the Minister to look to the future of rural industries, as well as to the success of veterinarian practices, with the interests of the community at heart.

I remind the Minister of the pro bono work that is performed by veterinarians who live in rural and regional Australia. In that respect they perform a vital role in the community. Earlier this year a study carried out by the Australian Veterinary Association revealed that Australian veterinarians perform an estimated $30 million worth of pro bono work annually. That equates to an average of approximately $16,500 by each veterinary practice. If the multinational companies enter the market, or unregistered technicians are allowed under this bill, who in regional communities will assess and treat injured and sick wildlife at no cost to anybody but the veterinarian?

A good friend of mine and a veterinarian of longstanding in the Albury area has performed pro bono work at all hours of the day and night on behalf of the Wildlife Information and Rescue Service [WIRES]—an organisation that would be well known to members opposite. If veterinarians who perform pro bono animal welfare work cease residing in country areas because multinational companies employ fly-by-night, occasional vets, the community will suffer the effect of having wildlife not cared for on the regular basis that people currently appreciate and enjoy. I ask the Minister to consider clause 14 (5) (a) in the context of what otherwise is a good bill.

Mr ANDREW CONSTANCE (Bega) [8.28 p.m.]: I endorse the concerns expressed by the honourable member for Albury, and I call on the Minister to delay the implementation of clause 14 (5) (a) so that its effects may be properly assessed in consultation with veterinary services' representatives throughout regional New South Wales. I too have been directly lobbied by vets in the Bega electorate. Mary Atkins from the Moruya Veterinary Clinic, and the Far South Coast branch President of the Australian Veterinary Association, Mr Chris Spurgeon of Narooma, have contacted me to express their concerns about clause 14 (5) (a). Many vets in regional areas have made a significant investment in their practices in recent years—I am not talking about small amounts of money but hundreds of thousands of dollars—to provide fantastic service to farmers and to owners of companion animals. Veterinarians are concerned that publicly owned organisations—large agricultural companies and firms—will provide the bread and butter veterinary work at a highly subsidised level. That will undercut the excellent service currently provided by vets.

Veterinarians have outlined a number of strong arguments in support of the Government consulting more widely on this bill. One is about disease surveillance in regional areas, including foot and mouth disease, as mentioned by the honourable member for Albury. Local vets have a grassroots knowledge of what is going on in local areas and on local farms. Many shopfront vets will not have the history or the knowledge of stock at the local level that is currently provided by local vets. Shopfronts will be highly subsidised, and that lends weight to the need for the Government to further consider aspects of clause 14 (5) (a) of the bill. Much of the routine consultation undertaken by vets will be taken away by those shopfronts and that will lead to a loss of pro bono work currently provided by vets. Again, the Government needs to do more homework on that with the Australian Veterinary Association [AVA] and veterinarians across New South Wales. At this stage many vets do not have an appreciation of the provisions of this bill, and its impact on their businesses.

It is commendable that the upper House amendments to the bill have lead to a 12-month moratorium on services to be provided by agricultural firms. That clause of the bill needs to be closely considered in this House. No-one wants to see the demise of country vets and veterinary practices that provide a wide range of important services to farmers and the owners of companion animals. Veterinarians are required to invest hundreds of thousands of dollars in their surgeries to carry out functions that will not be provided by the shopfronts. With the introduction of shopfronts, vets will lose a lot of their bread and butter work, and to that end a closer assessment of the impact of this clause is required.

Mr GEOFF CORRIGAN (Camden) [8.32 p.m.]: Camden supports—

Mr Adrian Piccoli: Tell the truth.

Mr GEOFF CORRIGAN: I am asked to speak the truth, and I will. As Camden supports the University of Sydney veterinary clinic, I have received a lot of correspondence on this matter. I thank members opposite for their contributions to the bill and I will read into *Hansard* the comments of the Minister for Agriculture and Fisheries in response to the Opposition's main concerns, that is, clause 14 (5) (a). I am sure that Elders and other companies would be interested to hear that The Nationals and the Liberal Party have complained about competition, so I feel obliged to read part of the Minister's speech in reply in the other place on 12 November. Referring to clause 14 (5) (a), the Hon. Ian Macdonald said:

> I am advised by NSW Agriculture that it was in fact included in the draft bill, as viewed by representatives of the AVA on 15 and 16 October this year in meetings with departmental representatives. The representatives of the AVA included the current and past president. I make a further point that this provision was originally included based on the advice of the previous Minister for Agriculture and his concerns to ensure acceptable levels of veterinary services are available in regional New South Wales. NSW Agriculture recommends retention of this clause in the bill to allow New South Wales to comply with its obligations under the competition principles agreement.

That is a reference to an agreement with the Federal Government. The Minister further said:

> A number of speakers have raised concerns in relation to possible effects the bill may have on the numbers of veterinary practitioners in regional New South Wales. It is certainly not the intention of this Government to reduce the number of the veterinary practitioners in regional areas. In fact, the opposite is the case, as I have previously mentioned in relation to the clause 14 (5) (a) exemption. I refer to the Victorian Veterinary Practices Act 1997, which deregulated veterinary practice ownership in the State from December 1998. I am advised that this change has certainly not introduced any adverse effects in terms of service provision. In fact, the annual report of the Victorian Veterinary Practitioners Registration Board shows that over the past 4½ years the average number of registered veterinary practitioners in Victoria has increased from 1,477 to 1,584, despite deregulation. To further reinforce the point I refer members to the findings of the recent Commonwealth Review of Rural Veterinary Practice, the so-called Frawley review. Statistics in that report showed that between 1991 and 2001, the last three years of which were deregulated, the number of veterinarians in rural areas of Victoria increased from 533 to 651, an increase of 22 per cent.

I hope those comments provide some relief for members opposite and I hope that they will support increased competition in rural agriculture, just as they support increased competition in other spheres that has been introduced by the Federal Government.

Ms PETA SEATON (Southern Highlands) [8.36 p.m.]: The objects of the Veterinary Practice Bill are to provide for the registration of persons as veterinary practitioners, to provide for the constitution and functions of the Veterinary Practitioners Board, to regulate the conduct of veterinary practitioners, to create offences that prohibit persons from representing themselves or others to be veterinary practitioners when they are not registered as veterinary practitioners, to create offences that prohibit a person from representing that premises are a veterinary hospital if the premises are not licensed as such, and to repeal the Veterinary Surgeons Act 1986 and the Veterinary Surgeons Regulation 1995.

I am sure we all have veterinary practitioners in our electorates. Veterinarians in my area are generally engaged in small practices that deal with large and small animals. In my electorate a large number of people are involved in dairy, beef cattle, sheep, poultry, pig and other animal production, and there are many small animals as well. Equestrian activities are very popular in the Southern Highlands, so there are quite a number of veterinary practices looking after horses there. All vets in my area are dedicated, highly trained, and great employers of administrative staff, trainees and assistants. They deal with small and large animals at all hours of the day and night. They are very much entrenched in our community and they are very active in community affairs.

Many vets in my area do voluntary work with organisations such as the Wildlife Information and Rescue Service and other animal welfare groups. It is not unusual to hear of vets volunteering hours of their time to help these organisations, perhaps to euthanase an animal that has been run over. Many of our local vets put in a lot of volunteer hours and provide the dedicated assistance of their staff on a voluntary basis, to local council-run animal pounds. Veterinarians do a great deal of work in our community as well as their commercial work.

Most importantly, they are the eyes and ears of public animal health in our communities. On a day-to-day basis they treat animals on farms, and they see trends in exotic animal diseases that people with less training may not see. They play an important role in passive surveillance. I can think of no issue more important than ovine Johne's disease. Many years ago the Department of Agriculture denied its existence, but frequently it was picked up by vets in Goulburn, Crookwell and surrounding areas. Local vets blew the whistle as early as they could and called for an acknowledgement of that disease from the Department of Agriculture. However, that fell on deaf ears.

I commend the many veterinary scientists who work at the Elizabeth Macarthur Agricultural Institute [EMAI], which is located in the Camden electorate and is adjacent to my electorate. Many of the veterinarians who work at the EMAI live in my electorate. I am a regular visitor to the EMAI and I have great admiration for the work that those people do. As I have had first-hand experience of the research that the EMAI has done on ovine Johne's disease [OJD], I commend that work to all honourable members. That organisation has taken some valuable steps towards finding solutions to the management the OJD problem.

When I was consulting with various bodies on this bill I met with Bruce Cartmill, President of the Australian Veterinary Association, and Dr Ron Hyne, a veterinary surgeon from The Oaks. Dr Hyne, one of the most respected veterinary practitioners in my electorate, is a man of great experience and wisdom. I appreciated his counsel in this debate. Dr Hyne and others have raised three key issues of concern in the bill. The first relates to the name of the bill. That might seem trivial to some but it is important because it identifies what is meant by the word "veterinarian". The Government changed the name of the bill to the Veterinary Practice Bill against the wishes of veterinarians. Forty per cent of the members of the Australian Veterinary Association are not practitioners. Even though they are prepared to live with the Government's decision they would still prefer it if the bill had been called the Veterinary Bill.

The second key issue relates to the list of restricted acts of veterinary science. They are concerned that creating a list of veterinarian-only procedures will not allow for emerging technologies and new ways of treating animals. That list must be constantly reviewed and added to. In an area of science such as veterinary practice one hopes that such a list will change regularly. Veterinarians who are doing their job well want to see constant improvements and innovations. Many veterinarians believe that this is a problem. They regard the legislation as potentially restricting and they claim it has too many loopholes. Concern has been expressed also about enabling agricultural supply firms to become operators of veterinary practices. A number of honourable members have raised concerns about that issue.

I commend the Deputy Leader of the Opposition in the other place for trying to find a solution to this problem to accommodate the concerns of veterinarians. On 13 November an article in the *Land* outlined the situation of Mr Jervis Hayes, a veterinarian from Adelong who said that apart from profits being stripped from country practices, which are often major and significant businesses in small towns, he believed that the level of care and ethics would decline if large corporations were allowed to start performing veterinary work. He said:

> But country communities would lose their veterinary presence and have diminished levels of disease surveillance.

That concerning development led Opposition members in the Legislative Council to move an amendment in Committee that should have resulted in the deletion of clause 14 (5). We were disappointed that the Government did not support that amendment. We believe that the inclusion in the bill of that clause will result in the reduction of the number of vets and small veterinary practices around the State. It will also result in a loss of direct contact between vets and their communities and in a loss in the quality of services. Government members might not be aware that the OJD issue has had a completely debilitating and traumatising effect on many people in my electorate. Animals that contract the disease either die or become uncommercial.

People who have OJD on their properties are unable to trade, sell their properties, or borrow money. Members of families to whom I have become quite close have threatened suicide. Some people simply have not had enough money to put food on the table; some have sought help from welfare organisations to get through the problem. The Government believes that this legislation will lead to small veterinary practices being staffed by dedicated and well-trained people and to an improvement in disease surveillance. It is wrong. I shudder to think what would have happened if the OJD problems had arisen when these reforms were well and truly in place. We might have been facing a much worse situation.

Earlier I said that the Government did not support the Opposition's amendment in the upper House. I hope the safeguards that were introduced by other members in that place will make a difference. Those changes include a 12-month moratorium on veterinary practices provided by agricultural firms to ensure that vets operating out of those firms maintain a high standard of professional conduct. Sometimes that might be at odds with the commercial interests of the agricultural firm. Dr Ron Hyne made a suggestion that I hope the Government will listen to and comment on. He said to me that the 12-month moratorium would result in many observations being made by those in the industry who are users of veterinary services.

Dr Hyne suggested that at the end of that 12-month period a statutory committee should be asked to look at the problems that have arisen. People should be called to give evidence and to express opinions about their experiences. He suggested that the committee should be similar to the one that was set up to investigate the closure some years ago of many veterinary laboratories. The Government sought to close veterinary laboratories around New South Wales. That caused problems for many communities. I ask the Government to take on board Dr Hyne's suggestion, to consider it seriously and to respond to it. I would like to let Dr Hyne know what the Government's intentions are.

I referred earlier to the high regard in which vets in my community and in all other communities are held. Veterinarians were concerned about the initial suggestion that the Government intended to remove the clause in the bill that refers to the good fame and character test. As a result of the strong representations that were made by Dr Bruce Cartmill, Dr Ron Hyne and others, on 8 October the Minister for Agriculture wrote to the Australian Veterinary Association and said that the provision would be incorporated in the bill. That is good. I do not want anyone to believe there is any doubt about that. All honourable members would agree that vets are highly regarded by the community. Finally, I note some comments that were made by the district veterinarian in my area, who has grave concerns about many aspects of this bill. He is concerned about the definitions in clause 34, particularly the highly subjective definitions of "unsatisfactory professional conduct", with yet more possibilities to come in the regulations. He said:

> When combined with the legal deficiencies in the Board's disciplinary structure I believe we are all in professional jeopardy.

He singled out clauses 37 and 39, which provide for the complaints procedure. Under the current legislation, anyone who complains must lodge a $20 fee, which is refundable if the complaint is not vexatious. That is a discipline on the complaints process. The district veterinarian asked:

> Why wasn't this provision retained—it gave a small level of assurance that complaints were genuine, and not malicious, frivolous or vexatious.

He said:

> This gives the Board the power to require the complaint and any further particulars to be verified by statutory declaration …

He said that was an excellent idea but that it should not be discretionary. Rather, it should be a compulsory part of the process. He said:

> Given the increased penalties and the wider range of definitions of unsatisfactory professional conduct in the Bill ... this is the least the profession can expect to give them some protection against malicious, frivolous or vexatious complaints.

He is concerned also about clauses 41 to 48, which deal with board investigation of complaints. He said:

> I believe that powers given to the Board in these sections are contrary to both the principles of law and natural justice.

The board is not bound by the rules of evidence. The members of the board, which comprises six veterinarians and two non-veterinarians elected by the Minister to represent consumers of veterinary services, do not have any legal qualifications to sit in judgement, with judicial powers, if the board chooses to investigate a complaint. He considers this to be something of a kangaroo court, and it is easy to understand why he would think that. The board may delegate its powers to a committee to determine a complaint and, when determining a complaint, that committee must be chaired by a legal practitioner. However, he says that the legislation is flawed in that the board does not have to delegate these powers but can sit in judgement, without the benefit of any legal knowledge whatsoever, upon a vet who faces a life and death situation in terms of his or her ongoing career. I will be interested to hear the detailed response by the Minister for Regional Development to that particular concern.

His final concern is about the membership of the board. In his second reading speech the Minister said that there will be two community representatives who will ensure that community expectations in areas such as animal welfare are considered in board deliberations. That gives rise to concerns about the cost of running the board. The Government has not addressed that issue adequately. It will be a huge job in many ways and vets are concerned that they will end up paying for the additional regulatory and other compliance procedures that might not necessarily result in better outcomes.

Mr DARYL MAGUIRE (Wagga Wagga) [8.51 p.m.]: Like many honourable members I have received copious correspondence about the Veterinary Practice Bill. As Coalition members have said, most concerns related to clause 14 (5) (a) of the bill. The Riverine branch of the Australian Veterinary Association Ltd wrote to me on 8 November and highlighted, amongst other issues, the fact that Mr Bruce Cartmill had been working hard developing the new veterinary surgeons Act. The organisation summarised the bill and said:

> … it appears that NSW Minister for Agriculture Mr Ian Macdonald is attempting to deregulate the industry beyond what appears reasonable. Those that are most involved from the AVA and the Vet Surgeons Board were initially presented with a draft document which they read and approved. However, when the document to be tabled in parliament was finalised, a little surprise was included under **SECTION 14.5 A**.

The correspondence goes through the clauses to which other members have referred. The correspondence refers to arguments for removing the clause as it:

> … could potentially destroy the status and credibility of the provision of animal health services in rural Australia as we know it. I have forwarded the relevant letters from Mr Bruce Cartmill to you all and encourage you to send your own letters …

As I said before, many members on both sides of the House would have received similar correspondence from vets expressing their concerns about the bill. The letter outlines some other concerns that I will not detail now. However, I must register concern on behalf of the 80 veterinarians in the Riverina area about the level playing field. Labor members claim that the bill will increase competition. The veterinary industry and Opposition members do not object to fair competition. However, the bill will not produce a level playing field. I will use an analogy from the retail field, in which I have worked for the past 23 years.

It is like comparing a 7-Eleven store with Woolworths or comparing a large department store that sells video players with a smaller store that sells and services video players. People who purchase products from the little guy can return those products to the store for servicing, repairs or replacement. Larger retailers do not offer those facilities but they offer good service and they sell products at a competitive price. The vets are trying to explain to honourable members that those who are responsible for selling a product should also be responsible for servicing that product. This is a lopsided bill that will disadvantage vets by affecting their ability to balance their businesses while providing the services that consumers demand.

Some years ago—I think it was in 1995 or 1996—when the former Minister for Agriculture, the honourable member for Mount Druitt, was newly installed in his portfolio, he visited Wagga Wagga. He

attended a public meeting of about 1,500 people at which I was present. The Minister had made a decision to close the veterinary laboratory at Wagga Wagga, which was highly respected and staffed by government employees who offered an excellent service. In his wisdom, the Minister decided to change the management of that organisation. Disease control and myriad other issues were raised at that public meeting—and rightly so. It was an important decision that would affect the future and viability of farmers and livestock in the region. I believe that was the only meeting at which the former Minister feared for his life. Farmers and land-holders were truly upset about the decision and the mood of the meeting was heated—I think that is an accurate description. They argued that in the event of a disease outbreak there would be delays in identifying and treating the disease. But in due course the veterinary laboratory was transferred to Sydney.

Vets are advancing that same argument now because this bill will affect their ability to balance their businesses and offset their pro bono services in the community—vets often do not charge for the care of family pets that have been injured—against the remunerated work they must do to sustain their practices. The larger retailers might be able to produce and sell certain veterinary commodities but they will not be able to provide the back-up services that land-holders and those who run horse or cattle studs demand. They need a complete service. Every retailer operates on price and product turnover but offer little in the way of after-sales service. No Labor members have retail, or even business, experience. Perhaps only the milkman, now the Minister for Mineral Resources, and the Hon. Eddie Obeid in the other place have reasonable business backgrounds. Myriad shopfronts will sell veterinary products and services to consumers but will not provide the extra services that only vets can offer, such as operations and after-hours care. This will diminish veterinarians' ability to pay their expenses and survive.

Shops will then be able to sell all the chemicals and veterinary needs from 9.00 a.m. to 5.00 p.m. and vets will be limited in their ability to get the necessary mix that is needed to sustain their businesses. As a result, the number of vets throughout regional and rural New South Wales will be reduced. An earlier speaker in the debate referred to the claim by the Minister in another place that since Victoria has embraced this legislation veterinary services have increased. That is right, of course, because the increase has resulted from major corporations taking advantage of the new legislation and opening retail shops. The argument that there has been a massive increase in services is lopsided. Has there been an increase in services that farmers and other members of rural communities require for operations on animals and their after-hours care, apart from the provision of chemicals, products and basic services from retailers?

I will not refer to other parts of the legislation except to say that I would appreciate an answer from the Minister to the matters I have raised. Many times in this place the Opposition asks questions about legislation and the Minister at the table does not respond, either because of a lack of knowledge about the matter or because the advisors do not have a clue about the real impact of the legislation. Will the Minister respond to the claim about the increase in veterinary services in Victoria by some 300 to 500? Are they providing a full range of services or is it merely shopfronts that have produced the increase? What does the Minister for Small Business, who is at the table, think about the claim that because of this legislation the ability of vets to balance their overall income from their businesses will be limited?

I acknowledge and thank those persons who have written to me and contributed to my speech. They are Luisa Blackwood, Ian Byrne, Bruce Cartmill, Arthur Frauenfelder, John Glastonbury, David Golland, Jervis Hayes, Ron Hyne, Ian Links, Paul McMahon, Des McRae, Geoff Treloar, Rob Walker and John Wiltjer from the Riverine branch of the Australian Veterinary Association, They have real concerns about the bill and I hope the Minister and the Government will respond to them.

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [9.03 p.m.], in reply: I thank honourable members who have taken part in this debate for their contributions. The proposed changes to the regulation of veterinary practices in this State are expected to deliver positive benefits to the profession, to farmers and pet owners, and to other consumers of veterinary services in this State. They also reflect the compliance of the New South Wales Government with commitments under the national competition policy.

A number of issues have been raised in this debate and require some discussion. One concerned the restricted acts of veterinary science. The current Act, through its wide definition of "veterinary science", creates a monopoly for registered veterinary surgeons. The national competition policy review group paid particular attention to the extent to which this restricts competition for veterinary services in New South Wales. This bill provides for an advisory committee of technical experts to examine procedures involved in the definition of "veterinary science". The advisory committee is to recommend to the Minister which of these procedures should

be listed in the regulations as restricted. Apart from some exceptions, restricted acts of veterinary science will only be able to be performed by registered veterinary practitioners.

The advisory committee is to make the list based on its assessment as to whether unacceptable levels of harm and suffering may be caused to an animal, adverse human health outcomes may result or adverse domestic or international trade outcomes may result if the particular procedure were to be performed by an unqualified and unregistered person. That will ensure that the monopoly that the veterinary practitioners hold over restricted acts of veterinary science is justified and does not restrict competition unnecessarily. Members of the public will be assured that the veterinary procedures that they must go to a registered veterinary practitioner for have been examined and that they are free to choose to go to a lay practitioner for unrestricted acts of veterinary science if they wish.

Another issue that has been raised is the ownership exemption for agricultural supply companies. There are concerns in rural areas regarding the shortage of veterinary practitioners who seek to practise, particularly in the more remote areas of the State. Clause 14 (5) (a) of the bill will allow an exemption from the controlling interest requirements of ownership of veterinary practices and hospitals—an exemption from the requirement that one or more registered veterinary practitioners hold the controlling interest in a veterinary hospital or practice. The bill allows for an agricultural supply business to employ a registered veterinary practitioner to operate a practice or hospital out of the shop.

This exemption will allow a veterinary practitioner to practise out of an established business that will fund the premises and the equipment in the shop and also provide a convenient place for farmers and rural residents to seek veterinary advice. In areas where a veterinary practitioner cannot be otherwise attracted, the certainty of the established clientele, the provision of the premises and equipment and the certainty of a wage supplied by the agricultural supply company will be a sufficient attraction.

Concern has been raised that this provision will be widely used to avoid the controlling interest requirements of the bill in areas where the need for veterinary services is well satisfied. The board is also concerned that the exemption will be difficult to enforce. The exemption will not allow a business to provide veterinary services that exceed the value of its principal agricultural supply business. Such a breach would carry a maximum penalty of 100 penalty units in the case of a corporation. Because an exempted corporation can only provide the services as an adjunct to its principal business, it is unlikely to be an attractive business proposition for a business in areas where veterinary services are established. Veterinary practitioners employed in such a practice will be fully accountable for the veterinary services they provide through their registration with the board.

The regulation of the ownership of practice premises in other professions has been raised. The bill allows for any legal entity to own a veterinary practice so long as the controlling interest in that practice is held by one or more registered veterinary practitioners. The aim behind this requirement is to ensure that the predominant decision makers for a veterinary practice are bound to comply with professional ethics and are not driven to compromise animal welfare or human health, or trade in the interests of profit. The exemption from the controlling interest requirements that applies to suppliers of agricultural goods and materials—clause 14 (5) (a) of the bill—allows these businesses to be completely or predominantly owned by non-vets.

Other professions in New South Wales do not require their practices to be owned by registered persons. For example, solicitors practices may be incorporated so long as one director is a registered solicitor. Medical practices may be owned by entities and there are no restrictions as to who those persons are. However, in both of those professions there is a safeguard built into each Act regarding unethical behaviour.

In relation to the Medical Practice Act 1992, high penalties apply to any person or corporation concerned in the provision of medical services that directs or incites over-servicing or unsatisfactory professional conduct. In respect of solicitors, every corporation that provides legal services must have a solicitor on its board in order to operate. The solicitor has strict obligations to ensure that the corporation is operating ethically, and the solicitor must cease to be a director of the corporation if he or she believes that the corporation is not operating ethically.

In Victoria, the ownership of veterinary practices was deregulated upon the commencement of the Veterinary Practices Act 1997. Currently before the Victorian Parliament is a bill that will make a number of amendments to that State's scheme, including a provision to make it an offence for owners of such practices to direct or incite a registered veterinary practitioner in their employ to do anything that would constitute

unprofessional conduct. The penalties that apply are similar in their severity to like offences in the New South Wales Medical Practice Act. It is important to note that it is proposed to insert a similar provision in the New South Wales Veterinary Practice Bill. It would be an offence for any person who owns a veterinary practice or employs a registered veterinary surgeon to incite a veterinary surgeon to do anything that constitutes unprofessional conduct.

It is important that members are very clear on the Victorian experience, which tells us that there has been not only an increase in veterinary practices but also in single practitioners. In fact, between 1991 and 2001—in the last three years of which the industry was deregulated—the number of veterinary practices increased by 22 per cent. It is important also to point out that the bill does not force veterinarians to run their practices in any particular way. That, inevitably, is the choice of the individual veterinary surgeon. So veterinarians who are operating as small business owners will be able to manage their own affairs and prepare their own business plans as operators of their businesses. I acknowledge the contributions of the many honourable members who have spoken to the bill and I thank them. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (PROSECUTIONS) BILL

Second Reading

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [9.13 p.m.]: I move:

That this bill be now read a second time.

I seek the leave of the House to incorporate the second reading speech in *Hansard*.

Leave granted.

The bill before the House corrects a technical defect that threatens one of the most serious occupational health and safety prosecutions currently before the courts.

On 14 November 1996, four miners died when working in the Gretley colliery, from an inrush of water from the Young Wallsend Coal workings.

The then Minister for Mineral Resources, the Hon. Bob Martin MP, initiated a Commission of Inquiry into the deaths of the four miners in 1996, under Justice Jim Staunton.

The Commission of Inquiry reported in 1998 and made 48 recommendations, including that the papers be referred to the Crown Solicitor for the purpose of determining whether offences had been committed under the Occupational Health and Safety Act 1983 (the 1983 Act).

Section 48 of the Occupational Health and Safety Act 1983, which was in force at the time, provided for consents to prosecutions to be given:

- by the Minister; or
- for prosecutions to be commenced by an inspector appointed under the Occupational Health and Safety Act; or
- by a trade union whose members were concerned in the matter to which the proceedings related.

The former Attorney General and Minister for Industrial Relations, the Hon. J. W. Shaw, signed consents (under section 48(1)(a) of the 1983 Act) to commencement of prosecutions under the 1983 Act on 22 December 1999.

A total of 52 charges were laid in December 1999 against the Newcastle Wallsend Coal Company Pty Ltd, Oakbridge Pty Ltd and eight individuals in the Industrial Relations Commission of New South Wales in Court Session.

The current Minister for Industrial Relations consented to the prosecutions on 29 June 2000. These replaced the earlier consents signed by then Minister Shaw in December 1999. This occurred because of concerns about the procedural requirements associated with the original filing of charges. These concerns arose in another case and are unrelated to the issue addressed in the bill before the House.

The substantive trial commenced, on the basis of the consent given in 2000, on 12 August 2003 and 90 days were set aside for the hearing before Justice Patricia Staunton.

On 18 November, after more than 40 hearing days into the trial, the defence indicated that they intended to challenge the validity of the consent to the commencement of the prosecution.

The defendants are arguing before Justice Staunton that the Minister for Mineral Resources should have given the consent, not the Minister for Industrial Relations.

The issue identified by the defence to the prosecution is a purely administrative issue.

It is not a case where the prosecution has done anything that might adversely affect the substantive rights of the defendants.

The Occupational Health and Safety Act is generally allocated to the Minister for Industrial Relations, except in relation to mines. Matters concerning mines are the responsibility of the Minister for Mineral Resources.

Ordinarily, such a prosecution would have been instigated by an inspector employed in the Department of Mineral Resources.

However, the findings of the Coroner included recommendations concerning the department, and concerns were held about whether it was appropriate for consents to prosecutions to be given by the department or the Minister for Mineral Resources.

The Government, however, has decided to take the unusual step of placing the issue beyond doubt to ensure that the prosecutions in this very important matter can be tested on their merits rather than failing for a technical reason.

Accordingly, the bill has been introduced at this very late stage in the current parliamentary session to have the matter dealt with as a matter of urgency.

The bill makes it clear that any Minister can consent to a prosecution under the Occupational Health and Safety Act. It will overcome any similar problems that may arise in the future.

It will ensure that the Gretley prosecutions proceed on their merits without being compromised by this technical, administrative issue.

I commend the bill.

Mr ADRIAN PICCOLI (Murrumbidgee) [9.13 p.m.]: I speak on the Occupational Health and Safety Amendment (Prosecutions) Bill as the Opposition spokesman on mineral resources in the Legislative Assembly. The Coalition regards mine safety as one of the most important responsibilities of any government department or any government and therefore will not oppose the bill. Philosophically, we do not believe that substantive prosecutions should be defeated on purely technical grounds, whether that be in a civil or criminal case. The intent and purpose of the law should be pursued in every instance and prosecutions under the law should not be defeated on technicalities.

The Coalition does not support retrospective legislation lightly. But in circumstances such as those covered by this bill, where a technicality might undo prosecution following investigation of a mine safety matter, the Opposition will not oppose such retrospective action. Four men were killed in the Gretley mine incident. If one of those were my father, my son or my brother, I would not like a subsequent court case defeated on a technical ground. However, the fact that this Parliament is being asked to pass legislation to overcome a technicality raises a number of issues. The Opposition is concerned that, particularly lately, this Parliament is constantly bombarded with legislation that seeks to overcome the incompetency of the New South Wales Government.

In this instance, on 22 December 1999 the wrong Minister signed consents to the commencement of prosecutions under the Occupational Health and Safety Act 1983. This special legislation is necessary to overcome that incompetency. The Coalition supports the bill, but we are troubled that this type of rectification is required on so many occasions. This Parliament also has before it legislation with respect to the Clyde waste management facility, the delay of which is causing a great deal of grief. The Government could have dealt with that matter previously if it had been properly directing waste services. It is unfortunate that the Government must keep introducing this type of legislation to overcome its incompetency. If the Government were competent, it would be unnecessary for this Parliament to consider legislation of this type.

I must point out that liability has not yet been proven in the case now before the courts. The Coalition will not oppose this legislation so that the hearing may proceed. We look forward to the outcome of that case. That is entirely consistent with the concept of innocence until proven guilty. Some reporting of the mine incident and the bill before the House suggests that this legislation will lead to a conviction. It will not. In that regard, I take this opportunity to defend the mining industry. In the nine months or so that I have been the Opposition spokesman on mineral resources it has been my observation that mining is a safe industry in which to work. Of course there are accidents, and every serious injury and fatality is a disaster for the miners and their families. Our sympathies go the families and friends of the miners who died in the Gretley incident. However, I repeat, mining is a safe industry—partly because of government regulation but also because mining companies have invested millions of dollars in workplace safety.

I take this opportunity to criticise the Government for constantly bagging the mining industry by constantly referring to it as a dangerous industry. On current statistics it would be more dangerous to be a farmer or drive on the roads on any given day than to work in the mining industry. The mining industry should be congratulated on the huge leap forward it has taken in mine safety. Of course, more could be done, just as more could be done in every workplace right across new South Wales. However, I recognise that the mining industry, both coal and metalliferous, has taken huge strides in workplace safety. The Opposition will not oppose the bill. I reinforce our call for the Government to clean up its act, stop the incompetency, and get its act together so that every time there is a problem, failure or mismanagement we are not dragged into this House to deal with legislation to get the Government out of trouble. The Government should not get into trouble in the first place. It should do the right thing by the people of New South Wales.

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [9.21 p.m.], in reply: I acknowledge the contribution of the honourable member for Murrumbidgee and note that the Opposition intends to support the bill, which will overcome technical administrative issues that place at risk the prosecution of the defendants following the deaths of four miners in the Gretley Colliery. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BAIL AMENDMENT (FIREARMS AND PROPERTY OFFENCES) BILL

Second Reading

Mr JOHN WATKINS (Ryde—Minister for Police) [9.22 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

The Government is pleased to introduce the *Bail Amendment (Firearms and Property Offences) Bill 2003.* The bill amends the *Bail Act 1978* to strengthen the provisions in relation to property offenders and in relation to serious firearm offences. The bill also tightens specific administrative requirements within the Act.

As announced by the Premier, these amendments form 'Stage 2' of the bail amendments this year. They build upon previous amendments in relation to serious personal violence offenders and address certain community concerns in relation to recent firearm offences. They were substantially adopted from a report produced by an internal working party.

I now turn to the provisions of the bill.

Firearms Offences

Schedule 1 [2] inserts proposed section 8B into the *Bail Act*, which provides for a presumption against the granting of bail for persons accused of certain serious firearms and weapons offences.

Currently there is only one exception to the presumption in favour of bail for firearm offences, namely offences under s. 7 of the *Firearms Act 1996* that relate to prohibited firearms and pistols.

There are, however, a number of other serious firearm offences apart from s. 7 that relate to prohibited firearms, pistols and danger to the public.

The Government wishes to send a clear message that the possession of prohibited firearms and pistols is an extremely serious matter.

The offences that fall within the definition of 'serious firearm offences' include:

- offences within the *Firearms Act 1996* relating to prohibited weapons and pistols and to ongoing dealing offences;
- offences within the *Crimes Act 1900* relating to using a firearm in a way that endangers the safety of the public;
- and the new offences created by the *Crimes Legislation Amendment (Public Safety) Act 2003.*

These new offences include:

s. 93GA Firing at dwelling-houses or buildings (max. 14 years imprisonment).

s. 93I(2) Aggravated possession of an unregistered firearm in a public place (max. 14 years imprisonment);

s. 154D Stealing firearms (max. 14 years imprisonment)

s. 51BB Selling firearms on an ongoing basis (max. 20 years imprisonment)

Repeat Property Offenders

Schedule 1 [2] also inserts proposed section 8C, which provides for a presumption against bail for a 'repeat property offender'.

A repeat property offender is defined as a person who has one or more convictions in the past two years, at least one of which is robbery or burglary related, and who has two or more outstanding charges which are robbery or burglary related.

These provisions specifically target persons who commit more offences while on bail. The proposal is based on the strategy that by identifying certain categories of offences charged in combination with the criminal history of the person charged, high-risk persons may be identified and incapacitated thereby preventing them from offending in the future.

Criminology research has repeatedly shown that a small percentage of offenders are responsible for a large percentage of crime. This is especially the case in relation to property offences.

Repeat property offenders often have serious drug problems. This drug problem is usually the central cause of their offending behaviour where persons commit many property and theft related offences in order to fund their drug habit.

The relevant offences to which this new provision applies are offences under the *Crimes Act 1900* relating to robbery or stealing from a person, armed robbery of a person, armed robbery and wounding of a person, demanding property with menaces, breaking and entering a place of worship, breaking out of a dwelling house after committing an offence, breaking and entering and assaulting with intent to murder, entering a dwelling-house with intent to commit a serious indictable offence, breaking and entering a dwelling-house, stealing property in a dwelling-house with menaces, stealing a motor vehicle and car-jacking.

The two or more offences of which the person is accused must not arise out of the same circumstances.

Incapacitation of repeat property offenders through remand in custody has the benefit to the community for the period the offender is in custody.

The Government also recognises however, that more long-term benefits can be gained if efforts are directed towards rehabilitating offenders once they have been identified. This may be achieved by addressing the cause of the persons offending, for instance a heroin dependency.

Cabinet has given its imprimatur for the establishment of an interdepartmental working group to investigate the expansion or trialling of a range of evidence-based programs that are demonstrated as effective at reducing recidivism.

These programs aim to reduce the number of "repeat offenders" and/or the number of persons receiving custodial sentences potentially ameliorating an upturn in prisoner numbers. This will deliver long-term benefits to the community.

The working group will be convened by the Attorney General's Department and include representatives from Department of Corrective Services, the Probation and Parole Service, NSW Police, NSW Health, Department of Juvenile Justice, and the Department of Ageing Disability and Home Care.

The working group will be reporting to Cabinet within six months on a range of programs and proposals as well as any other programs targeted towards repeat offenders. These programs may include:

(1) Intensive supervision and case management programs for repeat offenders based on similar programs in the UK for parolees.

(2) Fast tracking the implementation of the MERIT program at major Sydney Local Courts;

(3) Preparation of remanded repeat offenders for priority entry into the proposed Drug Treatment Correctional Centre and/or the Drug Court;

Schedule 1 [1] and [3]–[5] make amendments consequential on the enactment of proposed sections 8B and 8C.

The House will recall that in Budget Session this year the Government introduced the *Bail Amendment Bill 2003* which introduced new provisions into the *Bail Act* that ensured that repeat serious personal violence offenders would only receive bail in exceptional circumstances. There is some degree of overlap between the offences covered by the current s. 9D (serious personal violence offences) and the proposed s. 8C (repeat property offenders), this is because offences like robbery have elements of both serious personal violence offences and serious property offences. In circumstances where both s.8C and s.9D apply the bill provides, in **Schedule 1 [6]**, that s.9D and the test of exceptional circumstances will prevail.

Schedule 1 [8] makes it clear that an authorized officer or court making a bail determination in relation to these new sections (s.8B and s. 8C) can consider other matters they accept as being relevant in addition to the criteria set out in section 32 of the Bail Act.

Schedule 1 [9] requires an authorized officer or court to record, or cause to be recorded, the reasons for granting bail to a person accused of an offence to which the new provisions, creating a presumption against the granting of bail apply, as well as the provisions relating to exceptional circumstances

Fail To Appear

Schedule 1[11] removes the prohibition of persons who are convicted *ex parte, or in their absence,* from being charged with a fail to appear offence contained in section 52 of the Bail Act.

Section 51 of the Act creates an offence of "fail to appear" which carries a maximum penalty of 3 years imprisonment. A defence of reasonable excuse exists, the proof of which lies upon the person charged with the offence.

The current section 9B of the Act already removes the presumption in favour of bail for those persons who have previously been convicted of the offence of fail to appear.

If a person fails to appear in answer to their bail, one option open to the court is to convict the person in their absence. This is done pursuant to s. 196 of the *Criminal Procedure Act 1986*. Once the person is convicted the Court orders that a warrant issue for that person's arrest for the purposes of bringing them before the court so that a sentence may be imposed, this warrant is commonly called a "conviction warrant". These are issued under s. 25 of the *Crimes (Sentencing Procedure) Act 1999.*

Section 52 of the Act currently contains a prohibition that prevents a person who has failed to appear and who has been convicted of the substantive offence in their absence from also being charged with the offence of "fail to appear" under s. 51. This prohibition was based on a concept of double jeopardy, in that a person has received punishment for their failure to appear by way of being convicted for their substantive offence.

It is proposed that this prohibition be removed so that a sentence can be imposed for the conviction on the substantive offence and in addition the person can also be charged with fail to appear as a separate charge.

It is clear that the two instances of criminality should be dealt with separately. There is an expectation in our society that if you are required to turn up to court you should do so.

This amendment does not in any way prevent a person from making an application that the conviction be set aside under s. 12 of the *Crimes (Local Courts and Review) Act 2001*.

OR

from contesting the charge of fail to appear if they have a reasonable excuse for their non-appearance.

These amendments will build on recent procedural improvements made by the Police in relation to fail to appear matters. Since 7 July 2003 the Local Court has informed the Police Warrant Indexing Unit of all fail to appear matters. This allows NSW Police to create a court attendance notice for the "fail to appear" charge which is then stored in the Computerised Operational Police System (COPS).

If the person comes to the attention of police again in some other way, the COPS system will indicate that the person should also be charged with fail to appear.

Previously police had no way of knowing that a person had an outstanding fail to appear matter. This procedure will now ensure that all persons who fail to appear in answer to their bail without a reasonable excuse will be prosecuted.

Persons Arrested On Conviction Warrants

It is also proposed that some priority should be given to the finalisation of sentences for persons arrested on a "conviction warrant".

Schedule 1 [7] removes the right of police officers to grant police bail to persons arrested on a warrant to bring them before the court for sentencing, except in exceptional circumstances. This will ensure that people are brought before the courts for sentence rather than released on bail.

Schedule 2 Amendment of Criminal Procedure Act 1986

The bill also amends the *Criminal Procedure Act 1986* to insert a new s.317A which requires proceedings to be dealt with as expeditiously as possible where a person has been arrested on a conviction warrant. This amendment is contained in Schedule 2 of the bill.

The intention of this amendment is for persons who are awaiting sentence to be dealt with as quickly as possible. It is in the interests of the community that a person receives punishment for matters for which they have been found guilty and it will also reduce the opportunity of persons awaiting sentence committing further offences while on bail.

Surety

It is proposed that upon conviction on a charge of "fail to appear" the full amount specified in any bail undertaking be forfeited.

Once the automatic forfeiture order occurs the other sections relating to enforcement of bail agreement in Part 7A of the Act will apply.

These provisions require that persons affected by the forfeiture order must be informed that the order has been made. They then have 28 days to lodge with the Court a formal objection to the confirmation of the forfeiture order. The Court must hold a hearing if any objections are lodged to the confirmation of the forfeiture order.

Division Three of Part 7A of the *Bail Act* creates a further safeguard in relation to forfeiture by providing that a person may make an application up to 12 months after the confirmation of the forfeiture order to set aside the forfeiture order.

Schedule 1 [26] inserts a new s.63 which relates to the disposition of sureties. Where there is money being held as security by the Court the judicial officer should be required to consider making an order as to the disposition of the money at the finalisation of

the matter. That is that it should either be forfeited or returned to the person who provided the security. Courts may decide not to make an order at this stage, for example, a person may be contesting a fail to appear charge, and a court may decide that no order should be made until the finalisation of that matter. This addresses an issue raised by Local Courts where registries are left holding securities for matters which have been finalised.

Local Court registries also often experience difficulty in returning security money once a matter has been finalised. At the time of the lodgement of the security and the provision of information, the surety should be asked to agree to a method to return the money at the finalisation of the matter (assuming of course that the security is not subsequently forfeited). Based on this undertaking to return the money at finalisation the acceptable person should have the responsibility of informing the Court of any change of address. In this way the Court will be able to send a notice to the person at finalisation informing them that the money can be collected from the court registry, or, they can have the money returned to them by way of cheque to their present address. In the future it may also be possible to return the money to them by electronic funds transfer (EFT).

Schedule 1 [9] therefore enables an officer or court with whom money or security is deposited pursuant to a bail condition to require the person who provides it to provide information, or to agree to a means to enable the return of the money or security to the person if it is required to be returned.

Appeals Against Forfeiture Orders

It is currently unclear as to which court shall hear appeals against forfeiture orders. The matter is complicated as a forfeiture order can be made by any court.

Schedule 1 [14] confers jurisdiction on Local Courts to hear all objections to forfeiture orders made by any court. Currently, an objection must be made to the court that made the forfeiture order. The amendments do not affect the right to object orally to the court that made the forfeiture order if the person affected by the order appears before that court.

This amendment will have a number of benefits:

(1) It will preserve an appellants right of review. For example it is presently unclear where a forfeiture order made by the Court of Criminal Appeal would be reviewed.

(2) It will relieve the superior courts of a review of an administrative bail decision.

(3) It will make applications to set aside forfeiture orders more accessible to people in regional and rural areas where the Supreme and District Court may not sit.

Section 53D of the Act requires that an appeal against a forfeiture order must be heard in the court in which the objection to the confirmation of the forfeiture order was made. It is proposed to remove this requirement. Sureties do not necessarily live near the court which made a forfeiture order and the removal of this provision will improve access to appeal mechanisms if people are adversely affected by forfeitures.

I commend the bill to the House.

Mr ANDREW TINK (Epping) [9.23 p.m.]: The Opposition does not oppose the bill, the objects of which are to create a presumption against the granting of bail to persons charged with certain serious firearms and weapons offences, repeat property offenders charged with certain serious property offences, and persons arrested on conviction warrants; enable information to be obtained so as to enable the return of sureties to those who provide them; remove the prohibition on prosecuting a person for failing to appear in accordance with the bail undertaking; provide for the automatic forfeiture of bail money where a person is convicted of the offences of failing to appear; provide for local courts to hear all objections to the confirmation of forfeiture orders; provide for the consideration by courts of the disposition of bail sureties; and make other consequential amendments and enact provisions of a savings and transitional nature.

Section 8C, which refers to presumption against bail for certain repeat property offenders, is the Government's third attempt to deny bail to repeat offenders. The first attempt was last year before the election and was duly misrepresented as no bail for repeat offenders of any type. The now infamous election brochures that appeared all over the State carried that totally false and misleading message to the electorate for the 2003 election. Last year the legislation removed the presumption of bail in relation to a number of offences. After the election the Government saw the error of its ways and admitted that it had been lying and misrepresenting things during the election campaign when it introduced a bill that has been enacted to deal with people accused of murder and those before the courts for repeat personal violence offences. Had the Government's claims during the election campaign been correct there would have been no need for such legislation.

Had there been no bail for repeat offenders, as the Premier represented far and wide, it would not be necessary for this House to consider the insertion of section 8C, which directs itself to a whole brace of serious repeat property offenders. But the bill does not cover all repeat offenders. It does not even cover all repeat property offenders, only certain repeat property offenders. At the very least I would have thought the Government would introduce a bill adopting the definition of a repeat offender from the 2002 legislation to create a presumption against bail for that class of offender, including all people who are dealt with summarily on an offence that starts out as an indictable offence. However, it appears that we are not yet at that stage.

The Opposition does not oppose the bill, but I daresay we will see loopholes in the legislation revealed in the courts by repeat offenders who should not be granted bail. The bill does not even go close to covering all repeat offenders. This is the third and incomplete attempt by the Government to close those loopholes. Unfortunately, people who should be granted bail will continue to be granted bail. As and when those cases arise, we will make that point. No doubt the Minister will say that we will amend the law yet again. That message has been coming through for almost nine years, but the community is getting sick and tired of it. We want to see a more comprehensive approach to law reform. When promises about no bail for repeat offenders are made in election campaigns, the community expects the Government to make a better effort.

Mr MICHAEL RICHARDSON (The Hills) [9.28 p.m.]: I speak to the legislation in the context of the second reading speech delivered by the Minister for Justice in the upper House, which has been incorporated in *Hansard* record in this place. It is true, as the honourable member for Epping said, that the Bail Amendment (Firearms and Property Offenders) Bill is an attempt to correct anomalies and remedy a failure by the Government to implement the measures it promised during the last election campaign. The real concern is the extraordinarily high rate of reoffending in this State. That issue concerned me greatly 12 months ago when I was the shadow Minister for Corrective Services, based on the Auditor-General's report to Parliament last December. Honourable members will recall the horror with which the community greeted the news that the rate of reoffending had increased in New South Wales whereas it had effectively decreased in every other State across Australia.

Under this Government, things have not changed significantly over the past 12 months. More than four out of every 10 prisoners are returning to gaol within two years of being released, which is greater than the rate of one in six prisoners in 1994-95 when the Coalition was in government. Even more alarming is the New South Wales recidivism rate of 41.4 per cent, which is almost 6 per cent higher than the national average. Over seven or eight years ago the recidivism rate over a two-year period was 37 per cent, but that has increased to 41.4 per cent of released prisoners currently. I still do not know what the Government really intends to do to address that problem. The Minister stated in his second reading speech:

> ... the Government also recognises that more long-term benefit can be gained if efforts are directed towards rehabilitating offenders once they have been identified. This may be achieved by addressing the cause of the person's offending, for instance a heroin dependency. Cabinet has given its imprimatur for the establishment of an inter-departmental working group to investigate the expansion or trialling of a range of evidence-based programs that are demonstrated as effective at reducing recidivism.

Words are cheap. Simply stating that an interdepartmental working group will be set up to investigate the expansion or trialling of a range of evidence-based programs falls a long way short of actually doing something about the problem.

Somebody who is put behind bars perhaps has no work ethic, perhaps has no history of work experience, perhaps is very poorly educated and is functionally illiterate and innumerate, and—as the Minister in another place said—may well have a drug problem. After doing their time they are discharged back into the community. Effectively they are being told, "You get out there and make a success of your life, make a go of it", but it simply does not happen. In New South Wales under this Government there has been no attempt to provide meaningful work programs for prisoners while they are behind bars. There is no attempt to address the issue of their addiction while they are behind bars. There are many more addicts who leave gaol on methadone than there are people who enter gaol and are on drugs, and of course we know that violence in New South Wales gaols has reached record levels. The Minister stated in his second reading speech that the Government was planning to set up an interdepartmental working group, and that would be the solution. I do not see that happening.

The bill may well deal with the issue of repeat offenders not being granted bail, but the issue of prisoners reoffending is not being addressed in any meaningful sense by the Government. The people of New South Wales have a right to know what the Government is going to do about that problem. Will they find that what they are hearing is more hollow rhetoric, as has occurred in debate on the bail amendment laws in the past? The rebuttal of the presumption of bail was not addressed properly in the past. I do not think the issue of recidivism will be addressed properly by this Government.

Mr WAYNE MERTON (Baulkham Hills) [9.34 p.m.]: The Opposition supports the bill. Bail is probably one of the most complex issues that any judge or magistrate may be faced with. Traditionally, almost since the beginning of legal history, a fundamental presumption was that people before a court were entitled to bail prior to a matter being heard. That presumption rested on the principle that they were innocent at law until the case against them was proved. The onus of proof is firmly placed upon the Crown to establish and prove

guilt that satisfies the criminal law standard of guilt beyond reasonable doubt. However, society has become more violent. Often people in New South Wales wake up in the morning, listen to the early news bulletins and discover that murders, stabbings, assaults and drive-by shootings have occurred.

Our society is more prone to violence and has become more violent. Many people have serious concerns about their personal safety. As a result, members of the community harbour grave doubts about the circumstances in which people are granted bail. In previous years, in most instances, apart from serious cases such as murder, people were entitled to bail almost as of right. But that is not the expectation in 2003. People believe that in many cases there should be a presumption against the granting of bail for persons charged with serious firearms or weapons offences. There is nothing worse than reading that a criminal appeared in court on Monday but shortly thereafter committed offences similar to the original offence with which he or she was charged. That is happening too often and people have had enough of it. That is the reason that this bill is before the House. The Opposition supports it, but notes that it has been introduced too late. The Opposition contends that the Government should have taken steps to introduce this legislation earlier.

The Government has been in office since 1995 and has at last acknowledged serious community concern over the granting of bail to those charged with serious firearms or weapons offences, especially in circumstances in which they should not have been granted bail but should have been remanded in custody until their case was determined. The Premier of New South Wales made a pre-election promise that there would be no bail for repeat offenders. He said that if people had a criminal record—in other words, if they were repeat offenders and had been before the court time and time again—there would be a presumption against granting bail. Members opposite may believe that people who have a history of criminal violence and recurrent criminal offences are more likely to reoffend than is a person who has never been in trouble before. That is a pretty fair and reasonable conclusion to draw, but the community demands that courts recognise that factor and not be influenced by a persuasive advocate who is able to convince the court that a person who is facing serious criminal charges should be entitled to bail until their case is heard.

Too many times that happens, often with tragic consequences. Often a person granted bail commits an horrendous crime. It may be argued, with some justification, that persons charged with serious criminal offences who know they have committed the offences realise that it is very likely they will be convicted and spend a substantial time in gaol. It could be argued: What do they have to lose? Indeed, not much, so they may decide to engage in more criminal activities, because they have nothing to lose. They know that if convicted they will go to gaol for a long time, and if they commit another criminal offence while on bail, additional sentences will be served concurrently.

The Opposition supports the Bail Amendment (Firearms and Property Offences) Bill; indeed, it has been pushing the Government for some years to introduce such legislation. Prior to the last election, some nine months ago, the Premier promised to get tough on law and order. It is an indictment on the Carr Government that it has been soft on law and order, including bail for repeat offenders. The Government has fallen short on discharging its responsibility to implement a safe and secure system of law and order. The bill creates a presumption against the granting of bail to repeat property offenders charged with certain serious property offences, including burglary and car theft. Nothing is more frightening or intimidating than going home to find your house ransacked, burgled, and all your private possessions scattered and your valuables taken.

Many people commit those offences more than once, and they should expect a presumption against the granting of bail. In other words, they should have to prove to the court some extenuating circumstances that entitle them to bail, notwithstanding their criminal history. To use an analogy, they may have a criminal record as long as Phar Lap's list of victories. People with an extensive criminal record should have to persuade the court to grant them bail, rather than have a presumption of being granted bail.

The bill also prohibits bail being granted to persons arrested on conviction warrants, except in exceptional circumstances. If an offender has not appeared at court and the case is dealt with in his absence and an arrest warrant has been issued, when that person is brought before the court he is not entitled to bail, because he has already been convicted. The Opposition agrees that offenders in those circumstances should not be entitled to bail.

The bill also removes the prohibition on prosecuting a person for failing to appear in accordance with a bail undertaking, at which time the original matter was dealt with ex parte. That means that if a person was granted bail but did not appear at court, and the case was conducted in his absence, he can be prosecuted for failing to appear. He could be penalised for the original offence plus the further offence of failing to appear at

court while on bail. In addition, the bill provides for the automatic forfeiture of bail money if a person is convicted of failing to appear before a court in accordance with the bail undertaking.

The bill provides for the Local Court to hear all objections to the confirmation of forfeiture orders. A forfeiture order applies when a sum of money is lodged as bail and the offender does not attend court. The Local Court has the power to order the forfeiture of that money. For repeat offenders and those with lengthy criminal records, bail should be granted in only the most exceptional circumstances. Gone are the days when people with lengthy criminal records could go to court and be granted bail on the basis that they are innocent until convicted. Previously, offenders were entitled to be at liberty until their case was dealt with. That meant that the public was in danger or could be hurt; it also meant that further crimes could be committed by people on bail. The Opposition says that in 2003 that is dangerous; society is more violent, and people are more likely to reoffend while on bail.

Only in the most exceptional circumstances should a repeat offender be entitled to bail. Generally repeat offenders should remain in custody until their case is dealt with by a judge or jury. Bail should be harder to get, and after eight years the Government is finally introducing legislation that might make that happen. It has been a long time coming, but it does not go far enough. It does not completely honour the Premier's campaign commitment in his election pamphlets, especially those distributed in marginal electorates, that said "No bail for repeat offenders". This legislation is a step in the right direction, but repeat offenders should be granted bail only in exceptional circumstances.

Mr JOHN WATKINS (Ryde—Minister for Police) [9.48 p.m.], in reply: I thank members for their contribution to this debate. The Government's record shows that it is committed to reforming the way in which bail is administered and to ensuring that the amended Bail Act is relevant to current law enforcement issues. Recent amendments have been effective because they have been targeted. In 2002 the Government introduced the Bail (Repeat Offenders) Bill, which is now proving effective. That legislation increased the remand population by approximately 300. Earlier this year the Bail Amendment Act was passed. It contained measured responses that targeted serious offences, including personal violence offences at the high end of criminality.

The Government has ensured that New South Wales bail laws are the toughest in the country and we will continue to deliver targeted and sensible amendments to the bail regime to ensure that the Bail Act is responsive to current law enforcement needs. Examples of that are the "stay power" and "repeat offences of personal violence" amendments introduced in the budget session. This evening I was disturbed to hear the honourable member for The Hills speak against incarceration and about problems with imprisoning people. In fact, he was speaking against toughening the bail legislation. On the other hand, the honourable member for Epping was responsible for presenting proposals in the other place that would have increased the prison population by tens of thousands.

In contrast, the Government's amendments to the bail legislation are targeted, effective and based on research. There are two main messages that the amendments to this bill send to the community. First, the possession and sale of prohibited weapons or pistols is an extremely serious matter. It is recognised as such by the Government and it will be treated as such by the courts when it comes to the granting of bail. Second, if someone has a history of committing serious property offences and that person continues to commit those property offences whilst he or she is on bail, the court will treat that case seriously and that person will not get bail. The Bail Act is one of the most important pieces of legislation in our criminal justice system. The Government will continue to monitor the operation of the Act to ensure that it is effective and fair.

I turn now to the centrepiece of the inaccuracies in the argument of the honourable member for Epping. We cannot fix every piece of criminal legislation once and for all. We have to come back to legislation as circumstances change and the community changes. We will continually come back to the Bail Act to ensure that it effectively addresses the needs of our community. The Government's changes to the bail regime that were introduced last year and this year will ensure that this State has the most rigorous legislative framework for the administration of bail in this country. This Government is proud of its record in this area. I commend this bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CRIMES LEGISLATION FURTHER AMENDMENT BILL

Second Reading

Mr JOHN WATKINS (Ryde—Minister for Police) [9.52 p.m.]: I move:

That this bill be now read a second time.

I seek the leave of the House to incorporate the second reading speech in *Hansard*.

Leave granted.

The Government is pleased to introduce the Crimes Legislation Further Amendment Bill 2003.

The bill makes a number of miscellaneous amendments to the criminal law and procedure. These amendments are designed to improve the administration of the criminal justice system.

The first amendment is contained in Schedule 1 and amends section 43 of the Crimes Act 1900. This section provides the offence of "exposing or abandoning a child under two". The Minister for Community Services has been concerned that this offence does not provide protection to children who, although over two years old, are still very vulnerable. Accordingly, this offence has been extended to include all children under the age of seven years, which follows a similar provision in the Queensland Criminal Code.

I can also flag that the Attorney General's Department and the Department of Community Services are currently examining child neglect laws with a view to modernising the offences and examining whether the provisions should be amended to better reflect current standards of child protection.

Schedule 2 enhances the powers of magistrates to accumulate sentences in the Local Court under section 58 of the Crimes (Sentencing Procedure) Act 1999.

Section 58 currently prohibits a Local Court from imposing a sentence of imprisonment on a person who is serving two or more consecutive sentences of imprisonment or who is serving a sentence that, together with the proposed sentence, would exceed a total of three years.

Item [1] amends section 58 to increase the length of accumulated sentences a Local Court magistrate can impose to five years and removes the restriction on the number of sentences that can be accumulated.

The impetus for this amendment was a submission from the Chief Magistrate that the restrictions contained in section 58 have prevented magistrates from imposing effective sentences on offenders for discrete offences in the Local Court. In addition to not being able to accumulate beyond three years, if the offender is already serving two consecutive sentences, for whatever length of time, the sentence imposed by a magistrate for a third offence cannot be consecutive and must be concurrent with the existing sentence.

Although an election may be made by the prosecution to have such matters dealt with in the District Court (where there are no statutory limitations on the power to accumulate sentences), if an election is not made, the magistrate's hands are tied.

The proposed new section 58 also supplements the exception to the limitation in cases involving assaults against correctional officers to now also include offences involving escape from lawful custody.

Extending the exception in section 58(3) to sentences for escape from lawful custody also recognises the need for consecutive sentences to be imposed for this offence so as to ensure offenders are appropriately sentenced for this offence whether the matter is dealt with in the Local Court or District Court.

The Criminal Appeal Act 1912 currently entitles a person to appeal to the Court of Criminal Appeal against a conviction or an order for costs made against the person in summary proceedings before the Supreme Court, the Land and Environment Court or the Court of Coal Mines Regulation.

The amendments contained in items [1] to [7] of schedule 3 extend the right of appeal to any person whose application for an order for costs is dismissed, or in whose favour an inadequate order for costs is made. An appeal with respect to an inadequate order for costs will require the leave of the Court of Criminal Appeal. The amendments follow a recommendation made by the Court of Criminal Appeal in *Willtara Constructions Pty Ltd v Owen* in 1999.

In that case the Court of Criminal Appeal held that Willtara could not appeal against a dismissed costs order because the company had not been convicted of an offence and had not been ordered to pay costs. Sperling J noted that this situation had the potential to cause injustice and recommended an amendment to allow an appeal against the dismissal of an application for costs.

Item [8] of schedule 3 gives effect to a Government election commitment to provide the Crown with new powers to appeal during the course of a trial when evidence is excluded by the trial judge that has the effect of "substantially weakening", but not necessarily "destroying" the Crown case.

Under section 5F(2) of the Criminal Appeal Act 1912, the Director of Public Prosecutions or the Attorney General may currently appeal to the Court of Criminal Appeal against an interlocutory judgment or order given or made in proceedings to which section 5F applies. The Court of Criminal Appeal has held that an evidentiary ruling by a trial judge that effectively excludes the entire

Crown case is a judgment or order for the purposes of section 5F(2) of the Act because the ruling effectively stays the Crown case. However, a ruling excluding Crown evidence which weakens but does not destroy the Crown case has been held not to be a judgment or order, and is therefore not appellable under the existing section 5F(2).

This amendment amends the Criminal Appeal Act to allow the Crown to appeal against an evidentiary ruling which substantially weakens the Crown case. If an acquittal results from an erroneous evidentiary ruling, the Crown has no avenue of appeal against the acquittal. The Crown should therefore be able to test the correctness of such a ruling made during the trial, so that an accused may not derive the benefit of an acquittal secured as a result of an erroneous evidentiary ruling.

It is not desirable that criminal trials be unnecessarily disrupted for the purpose of appealing evidentiary rulings. It is therefore anticipated that the Crown would exercise this new appeal power only sparingly. Item [9] is a consequential amendment.

Item [10] of Schedule 3 enables the Court of Criminal Appeal, where the rules of court so permit, to dispense with the requirement for a person who wishes to appeal or apply for leave to appeal to give the Court notice of intention or notice of intention to apply for leave to appeal. This is a minor procedural amendment that was requested by the Chief Justice to ensure that the Court may, in appropriate circumstances, hear an appeal even where the formal requirements of filing a notice have not been met.

Schedule 4 amends the Criminal Procedure Act 1986.

Section 314 of the Criminal Procedure Act gives media representatives the right to inspect certain documents relating to criminal proceedings, if they apply to the court registrar not later than two working days after the proceedings are finally disposed of.

To clear up some misunderstandings that arose on commencement of this provision earlier this year, section 314 is amended by Items [2] to [5] of schedule 4 to clarify that the right to inspect these documents exists from the time the proceedings commence until two working days after they are finally disposed of.

In addition, the amendments clarify that the right of inspection given by section 314 is in addition to—and does not limit—any other law under which a person is permitted to inspect such documents. For example, after the period of two working days has expired, media representatives may make an application to the registrar to inspect documents, and the pre-existing regime for non-party access to court documents, contained in the court rules, will apply.

The amendment to delete section 314(5), relating to the suppression of witnesses names and addresses, removes uncertainty and confusion about the right of the media to access this information. Adequate protection is provided in other legislative provisions, such as the Victims Rights Act 1996, and thus is adequately addressed by section 314(4).

Item [6] of schedule 4 corrects a drafting oversight. Prior to the enactment of the Crimes Amendment (Sexual Offences) Act 2003 offences under section 66C(1) of the Crimes Act 1900 involving sexual intercourse with a child of or above the age of 14 years and under the age of 16 years were table 1 offences under the Criminal Procedure Act 1986, and therefore could be heard summarily. Either the prosecution or the defendant can elect to have the matter dealt with on indictment.

The Act omitted section 66C and replaced it with a new section 66C which created different subsections. The new section 66C(3) is the equivalent of the old section 66C(1). The failure to amend table 1 at the time of the Age of Consent Bill was a drafting oversight and this amendment replaces the reference to section 66C(1) with section 66C(3).

Schedule 5 makes a minor change to section 7 of the Firearms Act 1996 to create two separate offences for possession or use of an unauthorised firearm.

Currently section 7 conflates what are effectively two different offences into one, despite the considerable difference in the degree of criminality associated with those two offences. Namely, a maximum penalty of 14 years in relation to a prohibited firearm or pistol, which remains as section 7 of the Act, and a maximum penalty of 5 years in relation to other firearms, which is now section 7A of the Act.

This amendment clarifies and better defines those two offences and will enable the Judicial Commission and the Bureau of Crime Statistics and Research to better collect and publish sentencing statistics which more accurately reflect the circumstances of the particular case.

The amendments in schedule 5 are minor changes to be viewed in the context of the Government's commitment to significantly overhauling gun laws to improve safety in New South Wales.

Items [1] and [7] of schedule 4 make consequential amendments to the Criminal Procedure Act as a result of these amendments.

Items [1] to [4] of schedule 6 amend section 73 of the Law Enforcement (Powers And Responsibilities) Act 2002 to allow a crime scene warrant obtained by telephone to be extended up to the same length of time as other warrants applied for in person, such as a search warrant.

The Act introduced new powers for police in relation to establishing crime scenes, enabling an officer to secure a crime scene for up to three hours after which time a warrant may be applied for either in person or by telephone.

Currently under the Act, the same rules in relation to warrant applications apply to all types of warrants. Under those rules, a telephone warrant may only last 24 hours, and may not be extended. The inability to extend a telephone warrant presents an unreasonable obstacle for police officers in relation to crime scenes.

Police cannot determine when a crime will occur and therefore cannot determine when or where a crime scene may need to be established. Accordingly, it is likely that more crime scene warrants will be applied for at night by telephone than the other types

of warrants. This is unlike search warrants and notices to produce, where police may better plan when they may be executed, and which, in any case, must normally be executed in daytime.

It is in the interests of justice that police be permitted to secure a crime scene for the same maximum length of time that is available for other warrants, even where the crime scene warrant is originally applied for by telephone.

There is, however, a safeguard which will ensure appropriate use of crime scene powers: that is, that the extension can only be applied for in person. This will not present practical problems to police, as the court can hear an application for an extension of the 24 hour telephone crime scene warrant at any time.

Items [5] to [7] of schedule 6 amend section 201 and delete section 202 and 203 of this Act. These amendments simplify and clarify when police officers must meet the safeguards set out under section 201.

Section 201 of the Law Enforcement (Powers and Responsibilities) Act 2002 sets out safeguards requiring a police officer to identify him/herself as an officer, state his/her name, rank, and station, explain why a power is being used and warn that it may be an offence to fail to comply.

Sections 202 and 203 provide that in relation to arrest and search powers the safeguards need not be complied with if the police officer believes on reasonable grounds that it is not reasonably practicable to do so because of the seriousness and urgency of the circumstances.

Section 201 states that police can comply with this requirement before, during or after they have exercised the power if reasonably practicable.

The safeguard was intended to apply before the exercise of the power unless it is not reasonably practicable to do so, in which case the requirements should be complied with as soon as reasonably practicable after the power is exercised. Accordingly the Bill is amended to reflect that intention.

Police are required without exception to comply with the safeguards in relation to certain powers, such as the move on powers. This has not been affected by this amendment.

Sections 202 and 203 are made superfluous by this recommendation and are deleted.

Schedule 7 amends section 32 of the Mental Health (Criminal Procedure) Act 1990. Section 32 provides an alternative method of disposing of criminal charges where a mentally or cognitively impaired defendant appears before the Local Court.

It is proposed to allow a form to be made under the regulations to clarify the duties and obligations of the person subject to section 32 orders.

A clear statement of the conditions of the discharge, and the recording of these orders on a prescribed form will facilitate enforcement of orders. For example, the form will require magistrates to specify the adjournment date, whether the person was required to attend court again and any requirements of the medical officers (for example) to report back to the court.

Such a form would assist to educate non-practitioners about their requirements in a complex area of law; facilitate the recording of conditions; engender consistency of orders; and assist an appeal court when reviewing a decision of a magistrate.

In conclusion, the bill contains a number of changes that are necessary for the continuing development of an efficient and equitable criminal justice system in New South Wales. This bill represents the Government's ongoing commitment to the review and improvement of the administration of justice in this State.

I commend the bill to the House.

Mr ANDREW TINK (Epping) [9.53 p.m.]: The Opposition does not oppose the Crimes Legislation Further Amendment Bill, which will make a number of amendments to criminal procedural matters. However, I would like to make a few comments about the bill. I refer, first, to the provisions covering appeals by the Director of Public Prosecutions [DPP]. The Opposition supports those provisions. On page 7 of the bill there is still no equality and equivalence in the position of the representative of the people—the prosecution and the defence. I strongly believe there should be equality in the position of both sides in a criminal trial. There is a test when the prosecution wants to appeal a matter: the decision being appealed against must eliminate or substantially weaken the prosecution's case.

Under this new power that still places a significant burden on the prosecution to go on appeal. What is missing is an equal playing field between the prosecution and the defence and there ought to be such an equal playing field. This bill does not provide that. This bill retains the power of the Attorney General as well as that of the Director of Public Prosecutions to appeal, but why under this Government has that provision been included in the bill? The Attorney General consistently refuses to exercise his power to appeal even in what I believe to be the most extraordinary matters warranting appeal, and the DPP, for whatever reason, simply refuses to act. We have the recent example of Mr Rowley, who was responsible for the death of Senior Constable Chris Thornton. In that case the DPP refused to appeal but I do not understand why. Apparently it was on the basis that the DPP does not do those things because it would upset the balance of the prosecuting authorities and the prosecuting service and undermine them.

If the Attorney General honestly believes that—and I do not—why is he is including that provision in the bill? I am happy to retain that provision in the bill. Under a Coalition government the Attorney General would exercise that power in appropriate circumstances. The power of appeal that this Attorney General has been given by statute is a dead letter, and this amendment is no different. The attitude of the Attorney General has to change. He has to provide separate and substantial safeguards—a check and a balance in appeal procedures—otherwise decisions that ought to be appealed will not be appealed. As I said earlier, the best and most recent example is Rowley in the criminal death of Senior Constable Thornton.

I refer next to page 9 of the bill, which deals with media access to court documents. When this matter was last debated the Attorney General said there was no need to amend the law as there was no problem with it. At that time the media, particularly the *Daily Telegraph*, had concerns about changes to the law that would restrict their access and entitlement to documents, especially police briefs. However, we find slipped into the back of the bill proof of the fact that the Attorney General was talking rubbish. There were significant problems with the law, as it then stood, relating to the media being given access to documents. When that embarrassment became plain, court staff were probably directed to provide that information. In doing so I suspect they were substantially placed at risk of being in breach of the current Act and accordingly they were liable to some censure or penalty.

I am sure they were promised that nothing would be done about it and that any breach by them would be overlooked or a blind eye would be turned to it and, at some appropriate time towards the end of the legislative session, an appropriate amendment would be slipped in to correct the problem. That is precisely what has happened tonight. That is just another example of the Attorney General repeatedly saying one thing with a straight face when the provisions in the Act state the contrary. I can understand why the Attorney General is not present in the Chamber tonight, because I am not sure what he would say about this provision. Nothing could be said about it other than that he previously misled the public, the media, and the Parliament when he said there was no problem.

This provision could be likened to bail being granted for repeat offenders. If there were no problem this provision would not be necessary. That is what occurred in the bail legislation that was dealt with earlier. If there were no problem and the Government's assertions were correct there would have been no reason to introduce the bail legislation. This bill proves that the Attorney General lied when he made statements about the ability of the media to access certain documents. This legislation can again be linked to the bail legislation because some of the most embarrassing stories from the Government relating to recent so-called law and order debates have been about bail matters. The police brief and the accessibility to journalists of the police brief and the facts were fundamental to building a story around a bail application.

It was not always easy to get those fact sheets. I believe strongly that the law that was passed a few months ago is designed to stop the media getting information about the highly embarrassing stories that come out of the bail courts. Those stories will still be told because the Government has not closed the loopholes in the bail law, but at least the bill will provide the foundations for making those fact sheets available. The public plainly has a right to know anything that is alleged by the prosecuting authorities and anything that is before a magistrate upon which he or she bases any decision in a criminal proceeding. Unless all documents that are before the court are publicly available, it will not be a public hearing in the fullest sense of that term. We will have instead a semi-secret court or a court that is only partially open in substance although it appears to the observer to be fully transparent. That is not acceptable.

The bill amends the Mental Health (Criminal Procedure) Act. From a plain reading of the proposal and the second reading speech, I assume that this provision is designed to require the court to give reasons why an order is made under section 32 of the Act, and that it in no way attempts to change the substance of the section. Section 32 is a significant provision and is highly sensitive from the public's point of view. It allows a magistrate to make a variety of orders with respect to a person who in any proceedings appears to be developmentally disabled or suffering from a mental illness. Such orders can be extremely controversial. I understand from the second reading speech that the aim of this provision is to provide more regularity and transparency and to give magistrates a better template on which to base the reasons for their decisions. To that extent I support the measure and trust that it will not otherwise affect section 32—it is certainly not represented as having any other impact on that section. The Opposition does not oppose the bill.

Mr WAYNE MERTON (Baulkham Hills) [10.03 p.m.]: As the honourable member for Epping said, the Opposition supports the Crimes Legislation Further Amendment Bill, which amends a number of important Acts relating to the criminal jurisdiction in the New South Wales courts. Section 43 of the Crimes Act is

amended to increase from two to seven years the age limit that applies to the offence of exposing or abandoning a child. This follows a similar provision in the Queensland criminal code. The Opposition supports the amendment as we believe it is a realistic and commonsense provision that should be enacted in New South Wales.

The bill amends section 58 of the Crimes (Sentencing Procedure) Act 1999 to increase to five years the length of accumulated sentences that a Local Court magistrate can impose, and to remove the restriction on the number of sentences that can be accumulated. A magistrate is currently prevented from accumulating sentences for more than three years and from accumulating more than two sentences. As the honourable member for Epping said, this will give magistrates greater flexibility in sentencing. As I understand it, the majority of criminal cases are dealt with at a magistrate or Local Court level, so allowing a magistrate to impose accumulated sentences of five years is a more realistic assessment that the Opposition believes reflects community expectations with regard to sentencing.

The bill amends sections 5AA to 5AC of the Criminal Appeal Act 1912 to enable a party whose application for a costs order has been dismissed to appeal to the Court of Criminal Appeal. At present only a person against whom a costs order has been made may appeal. We think that is a realistic and fair arrangement and should be implemented as soon as possible. The bill also amends section 5F of the Act to enable the Attorney General or the Director of Public Prosecutions [DPP] to appeal to the Court of Criminal Appeal against a decision or ruling on the admissibility of evidence that would have the effect of substantially weakening the prosecution's case. At present there is a right of appeal only if the case is completely destroyed. If during a case certain vital evidence is ruled inadmissible by the court, the amendment will permit the Attorney General or the DPP to appeal to the Court of Criminal Appeal against that decision if the disallowance of such evidence will spell the end of the prosecution's case as it is essential to establishing a successful criminal conviction.

Parliament has dealt many times over a number of years with the right of the Attorney General and the DPP to make simultaneous appeals. I recollect that when the DPP legislation was introduced in this place some years ago it was stated clearly that the DPP's appeal powers were additional to those of the Attorney General, and that the Attorney General would retain the right of appeal. In other words, the Opposition contends that in most criminal matters both the DPP and the Attorney General have the right to appeal, and that the legislation that established the DPP did not take that right from the Attorney General. I concede that this bill acknowledges—albeit in a particular and limited manner—that the right to appeal regarding the admissibility of evidence rests with the Attorney General or the DPP.

The bill does not make reference to that fact. The Opposition believes that the right to appeal, as far as the Attorney-General is concerned, continues in criminal matters and is not limited to appealing in respect of the specific matter dealt with by this legislation. The bill amends section 10 of the Criminal Appeal Act 1912 to enable the Court of Criminal Appeal to dispense with certain notice requirements if the rules of court so permit. The Government has indicated that this amendment was sought by the Chief Justice, and the Opposition does not oppose it.

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Section 314 of the Criminal Procedure Act 1986 is amended so as to clarify that the media's right to access and inspect certain court documents is available from the commencement of the proceedings until two working days after they are finalised. That is fair, realistic and part of what should be a transparent judicial system in 2003. Furthermore, the amendment clarifies that section 314 does not limit any other law for non-party access to court records. Section 7 of the Firearms Act 1996 is amended so as to create two separate offences for possession or use of an unauthorised firearm. Currently section 7 combines the two offences into one, despite the considerable difference in the maximum penalties applicable to each offence. Separating the two offences will increase the accuracy of statistics collected and published.

There will now be two separate and distinctly different offences of possession or use of an unauthorised firearm. In some cases possession of a firearm could be a lesser offence than the use of an unauthorised firearm. An accurate record of statistics of people convicted of possession and those convicted of using an unauthorised firearm should be available. Section 73 of the Law Enforcement (Powers and Responsibilities) Act 2002 is amended to allow a crime scene warrant obtained by telephone to be extended up to the same length of time as other warrants applied for in person, such as a search warrant. The Act is also amended to simplify the requirements as to when police officers must give certain information and warnings with respect to the powers they exercise.

All issues relating to mental health in respect of criminal prosecutions and criminal matters are by their nature difficult and somewhat complicated. Section 32 of the Mental Health (Criminal Procedure) Act is

amended to provide an alternative method of disposing of criminal charges where a mentally or cognitively impaired defendant appears before the Local Court. The proposed regulation will enable a prescribed form to be issued to the court so that the defendant, service providers and the court are aware of their duties and obligations of the person subject to the orders. It is difficult to maintain a balance between defendants who are mentally impaired and the legal system. There are a number of practical amendments in this bill which we believe improve the efficiency and effectiveness of criminal courts in New South Wales. The Opposition supports the bill.

Mr JOHN WATKINS (Ryde—Minister for Police) [10.14 p.m.], in reply: This bill proposes a series of reforms concerning matters of both procedure and principles that are designed to facilitate the efficient delivery of criminal justice in this State. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SPECIAL ADJOURNMENT

Motion by Mr Carl Scully agreed to:

That the House at its rising this day do adjourn until Wednesday 3 December 2003 at 10.00 a.m.

The House adjourned at 10.15 p.m. until Wednesday 3 December 2003 at 10.00 a.m.