

LEGISLATIVE ASSEMBLY

Friday 27 February 2004

Mr Speaker (The Hon. John Joseph Aquilina) took the chair at 10.00 a.m.

Mr Speaker offered the Prayer.

WOOL, HIDE AND SKIN DEALERS BILL

Second Reading

Debate resumed from 18 February.

Mr PETER DEBNAM (Vaucluse) [10.00 a.m.]: The Opposition will not oppose this bill, which reflects recommendations made in the October 2000 report by the police Minister's Pastoral and Agricultural Crime Working Party. The working party included representatives from the New South Wales Farmers Association, the rural lands protection boards, New South Wales Agriculture and NSW Police. The Wool, Hide and Skin Dealers Act 1935 was introduced to assist police in responding to stock theft and it set up a licensing regime for businesses dealing in unprocessed wool, hide and skins. It requires licensees to be fit and proper persons. The Act will be repealed and replaced with this bill.

This bill transfers administration of the licence scheme from Local Courts to the police. Licence fees are currently \$10 per annum, but will be free of charge under the provisions of this bill, and will need to be renewed only triennially instead of annually. This legislation will apply to dealers in wool and hides of sheep and cattle but may be expanded to include other categories. The bill has the full support of the New South Wales Farmers Association, the Private Treaty Wool Merchants of Australia and the Inland Wool Brokers Association.

Mr GERARD MARTIN (Bathurst) [10.03 a.m.]: The Government welcomes bipartisan support for this important legislation, which fits neatly into the Government's policy of combating rural crime, and provides another link in the important chain of Government initiatives. Everyone knows that there has been rural crime, particularly the theft of stock, in Australia since white settlement. Ben Hall and Ned Kelly are well known to us from our reading of Australian history, and rural crime has always been a serious problem. In recent years good prices have been obtained for cattle and that has provided an incentive for people who make their living from illegal means to target rural areas.

In 2000 the Pastoral and Agricultural Crime Working Party gathered representatives from the New South Wales Farmers Association, the rural lands protection boards, NSW Agriculture and NSW Police to scrutinise how rural crime was being handled. The group identified that the Wool, Hide And Skin Dealers Act 1935 should be reviewed to fit in with modern policing methods. One of the important provisions of this legislation is the transfer of power from the courts to the police. The working party also suggested that rural crime investigators should become part of the policing effort. When the former Stock Squad lost its title some consternation was expressed by Opposition members but, as time passed, that proved not to be a problem because 32 rural crime investigators have been appointed to 25 local area commands throughout the State, and have better resources to carry out their duties.

The strengthening of the legislation is an important part of addressing rural crime. At one stage it was suggested that rural crime investigators should be based at Flemington, and it is to the great credit of the former Minister for Police that he rejected that suggestion in favour of rural crime investigators being appointed to 25 local area commands. The bill changes the criteria for determining whether an applicant for a licence is a fit and proper person to be involved in the industry. Wool, hide and skin dealing is a very extensive industry. Before I was elected to Parliament I was chairman of an abattoir at Blayney, so I know from personal experience that it is an important subsidiary industry to the abattoir industry. Some companies have found that tanning hides is a good niche market, which makes this legislation even more important.

The bill also provides police with more extensive powers so that they can trace wool, hides and skins from the time they leave the abattoirs. People involved in the industry will be able to be more confident in the improved scientific approach that will be taken to detecting theft. This legislation, which has been well prepared

over the past three years, provides an important link in the chain of this Government's policies that are designed to combat rural crime. I commend the bill to the House. I look forward during the debate to contributions from members on both sides of the Chamber that reflect their bipartisan support for this bill.

Mr TONY McGRANE (Dubbo) [10.08 a.m.]: I support the bill, which is long overdue. It has been a long time since the Wool, Hide and Skin Dealers Act has been reviewed in depth. As the honourable member for Bathurst, who preceded me in this debate, stated, the preparation of this legislation involved a two-year consultative process with industry representatives. The number of wool, hide and skin dealers is decreasing. Once every town had a wool, hide and skin dealer in its community but that is no longer the case. Wool, skins and hides are very valuable, so there is a clear need for regulation and effective policing. The Government has addressed that need by appointing 32 rural crime investigators throughout 25 local area commands in New South Wales. Criminal elements in rural areas that are stealing and moving stock ought to be brought to justice.

The stealing of stock has been a growth industry for a long time. Today's transportation methods allow stock to be moved thousands of kilometres overnight, which means that cattle stolen from one State can be in another State by the next morning. It is therefore very difficult to detect stolen stock. Given the high value of sheep and cattle today, appropriate mechanisms need to be in place to establish when stock are slaughtered. Legislation such as this is needed to assist police in bringing to justice the criminal element in rural areas, and I therefore support the bill.

Mr GEOFF CORRIGAN (Camden) [10.10 a.m.]: I support the Wool, Hide and Skin Dealers Bill, the overview of which reads:

This Bill contains provisions arising as a result of a departmental review of the *Wool, Hide and Skin Dealers Act 1935* conducted in the context of a National Competition Policy review. Under the 1935 Act, licences are issued by a Local Court and are required by any person buying or selling wool, hide or skins of various animals (although there are certain exemptions). This Bill requires only those in the business of buying and selling wool, hide or skins to be licensed by the Commissioner of Police. The obligations created by this Bill are concerned with identifying and reporting wool, hides or skins that may have been stolen and are very similar to those imposed on pawnbrokers and dealers in second-hand goods.

Obviously it is not necessary to debate the bill in great detail, because it is supported by both the Opposition and the Government. It is a good outcome of the national competition policy review. We do not see many good outcomes of national competition policy reviews, particularly in relation to bottle shops and so on. The bill provides for the Commissioner of Police to grant a free three-year licence. The Minister's office has advised me that he does not expect a rush of applications for licences, given that they are now free. The strict licensing requirements will probably preclude many people from applying for licences to become wool, hide and skin dealers.

The electorate of Camden has the largest dairy industry in the Southern Hemisphere. As the honourable member for Dubbo pointed out, sheep and cattle have a large economic value; indeed, they are among the most important industries in Australia. Occasionally there are outbreaks of cattle duffing and sheep stealing in Camden, particularly in the Southern Highlands. I support the call of the honourable member for Bathurst for stock police to be stationed in local area commands, rather than being centralised. The bill establishes a comprehensive database to assist stock police in their work and provide a surety to existing wool, hide and skin dealers. I note that the Minister advised the Legislative Review Committee that the bill will not be implemented until the appropriate infrastructure is in place and police training has been undertaken so they are able to properly implement the bill's provisions. I commend the Minister and his office for that, and I support the bill.

Mr DARYL MAGUIRE (Wagga Wagga) [10.13 a.m.]: I will speak only briefly in support of the Wool, Hide and Skin Dealers Bill as other members have outlined the detail of it. It is important that the bill be supported and that its intent be understood. I wish to point out some of the statistics relating to stock theft and acknowledge the enormous cost to people in rural areas. The honourable member for Camden also expressed concerns about stock theft in his electorate. The New South Wales crime statistics for stock theft for 1998 to 2002 reveal that in 1998 there were 785 stock thefts, representing 12.4 per cent of the total stock population; 790 stock thefts in 1999, or 12.4 per cent; 757 stock thefts in 2000, or 11.7 per cent; 944 stock thefts in 2001, or 14.5 per cent; and 837 stock thefts in 2002, or 12.8 per cent.

It is not only stock that are being stolen in rural areas. Products such as wheat and lucerne are also being stolen—basically anything that is not bolted down. It is a major problem in rural areas. The Government has made several announcements about resources being made available to the stock squad. With great fanfare it announced that an additional 32 stock squad police would be employed across the State, and that they would be

given four-wheel drive vehicles, resources, and so on. However, more resources are needed to bring this problem under control. An article in the *Daily Telegraph* reads:

The drought has brought about a major surge in the black market for stolen hay and feed grain. Opportunistic thieves are cashing in on farmers' hardships, police said yesterday.

Dozens of cases have been reported of feed grain and hay being stolen from farms and storage areas across the State. The thefts come as the drought increases the scarcity of animal feed production, more than doubling some prices. Prices of a bale of good quality lucerne hay has risen from about \$6 eight months ago to \$16 now.

A tonne of wheat costs farmers about \$400.

I will lay upon the table for members' edification several articles referring to losses suffered by farmers. An article in the *Sunday Telegraph* of 18 May 2003 reported:

Last year, sheep and cattle worth \$1.7 million were reported stolen. One grazier estimates he has lost stock and property worth \$200,000 in the past 12 years.

This is the other side of stock theft that is not covered by the bill. However, the bill will go some way towards addressing the losses that rural communities are suffering. It is a positive step to ensure that licensees obtain evidence of the identity of the suppliers of wool, hide and skins, but more needs to be done. Many farms are located in remote areas, which means that neighbouring farmers are not in a position to monitor what is happening on the farms and it is not possible to implement a neighbourhood watch type of scheme. The material I have put forward today clearly demonstrates that farming communities are suffering losses as a result of stock theft. Obviously, insurance companies and the wider community are also suffering. I urge the Government to provide more resources to stock squads to enable them to police the large rural areas they manage.

Much has been said about police numbers, and it has been suggested that the police service is overresourced. I suggest that some of those resources could be provided to rural stock squads to better enable it to locate the people who are committing these crimes and bring them to justice. The statistics on stock theft speak for themselves. Crime statistics for regional and rural New South Wales are high. Stock squads need adequate resources to do their job and ensure that adequate police are on the beat. They also need the assistance of legislators to ensure that when people who commit stock theft are caught they are brought to justice and appropriate sentences are applied. Stock squad police need the Government's support in seeking to reduce the horrifying statistics I have brought to the attention of the House.

Ms LINDA BURNEY (Canterbury) [10.19 a.m.]: Like other speakers, I will speak only briefly on the Wool, Hide and Skin Dealers Bill as it is fairly straightforward and has bipartisan support. The other day when I was speaking in the debate on the animal diseases legislation the honourable member for Lismore queried why I would speak on the subject. I am a country girl from a very small community.

Mr SPEAKER: Order! The honourable member for Lismore will restrain his enthusiasm.

Ms LINDA BURNEY: I had a pet poddy-lamb, and her name was Betty. So I am speaking to this bill on behalf of Betty. But, seriously, I come from a very small rural community and was raised by a drover, my great uncle. I lived on a stock route and spent many hours with him. I clearly remember that when the cattle and sheep were driven along the stock route the kids would follow the drovers to get all the sick poddy-calves and sick poddy-lambs. So I do have some connection with rural issues, tenuous though it may be.

The object of the bill is to regulate persons who carry on the business of buying or selling the wool, hides or skins of cows, sheep and certain other animals. The honourable member for Camden has outlined the objects of the bill so I will not repeat them. While I was in another profession I had discussions with people from rural areas who ran rather large rural properties and I came to understand the devastating effect on the viability of people on the land of the sort of rural crime referred to by the honourable member for Bathurst. It can threaten their very existence on the land. One can understand the importance of the bill in that context. Honourable members who have already spoken in the debate have referred to the resources committed and to the Stock Squad. The bill is a significant piece of legislation in view of the size of New South Wales and the importance of the rural economy.

The honourable member for Camden has already noted that in 2000 a committee was established to work toward development of the bill. It had representatives from NSW Farmers, rural lands protection boards, NSW Agriculture and NSW Police, ensuring that the major players and the people with expertise in and understanding of the issues were involved in the formulation of the bill. The bill has seven parts and three

schedules. Clause 4 clearly defines "hide", "skin", "wool", "buy", and "sell". In clause 5 (a) "wool, hide or skin dealer" is defined as "a person who buys wool, hides or skins for the purpose of selling that wool or those hides or skins, or in connection with the person's business of selling wool, hides or skins, except where the wool, hide or skin is bought by an overseas wool buyer at auction, is bought by a co-operative society registered under the Co-operatives Act, is sold at public auction, is bought or sold for the purposes of education or research, or is bought or sold in any other circumstances prescribed by the regulations".

The bill also deals with record keeping, which is crucial to reducing rural crime, and will put more rigour into the buying and selling of hides, skins and wool. The bill also covers licensing, offences and the role of the Commissioner of Police. Clause 34 provides that a search warrant for premises may be obtained by a police officer if the officer believes on reasonable grounds that a provision of the bill has been contravened and there is on the premises evidence of a contravention of a provision of the bill or the regulations. I commend the bill to the House.

Mr THOMAS GEORGE (Lismore) [10.26 a.m.]: I support the Wool, Hide and Skin Dealers Bill. Previous speakers have stated the purpose of the bill so there is no need for me to repeat their remarks. The bill is a result of the recommendations of the pastoral and Agricultural Crime Working Party, which was formed back in 2000. Its recommendations covered stock identification, police powers, training specialist rural crime investigators and the regulation of wool, hide and skin dealers. The bill will provide NSW Police with the tools they need to investigate the illegal trade in wool, hides and skins. The meetings of the working party revealed the problems associated with rural crime. The honourable member for Wagga Wagga stated that reported losses amount to about \$1.75 million a year—and that is only for the crime that is reported. Much stock theft and rural crime is not reported because people feel that it is a waste of time to report it.

I pay tribute to the rural crime working party, particularly for its recommendations for the reappointment of rural crime investigators, who have done a magnificent job right across the State. They have certainly been appreciated by the rural community. I emphasise that they need adequate resources to continue their work. In the Richmond local area command the rural crime investigator is on his own. It is impossible for individuals to track down rural crime or stock theft, but I recognise the job that rural investigators do on their own. However, when they are tracking down stock theft or other rural crime and require the assistance of another person they should be provided with that resource immediately. I assure honourable members that stock theft investigators in this State and country do not start work at 9.00 a.m. and finish work at 5.00 p.m. Monday to Friday. They work 24 hours, seven days a week when they are on a trail. They can be working in the yards one day and within 24 hours are working in the top area of Queensland, not just the top of this State. When they are on the trail of stock thieves, they need the resources of other officers.

I compliment the honourable member for Canterbury on her knowledge of the stock industry, and it is great that there is bipartisan support for this legislation. The implementation of the National Livestock Identification Scheme is an important step for the rural industry in Australia. Again, I call on the Government to support the producers of this State financially to enable the National Livestock Identification Scheme to be implemented. Whatever scheme is put in place in New South Wales must be compatible with the rest of Australia. A national scheme not only will help reduce rural crime in this State but will benefit the meat industry in general and our export markets throughout the world. I have pleasure in supporting the Wool, Hide and Skin Dealers Bill. I congratulate the Government on introducing this long overdue and much-needed legislation.

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [10.32 a.m.], in reply: I thank honourable members representing the electorates of Wagga Wagga, Dubbo, Lismore, Canterbury, Camden, Bathurst and Lismore for their earnest and keen contributions to the debate. In particular, I thank the Opposition for its support. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

PARTNERSHIP AMENDMENT (VENTURE CAPITAL FUNDS) BILL

Bill introduced and read a first time.

Second Reading

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [10.03 a.m.], on behalf of Mr Bob Debus: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Partnership Amendment (Venture Capital Funds) Bill. This bill amends the Partnership Act 1892 to allow for a new form of corporate entity, the Incorporated Limited Partnership, for use as a structure for venture capital investment funds. This will align New South Wales with the dominant position structure internationally in respect of venture capital investment funds. Research conducted by the Australian Venture Capital Association Limited indicates that New South Wales will financially benefit from these reforms. Introducing this structure to complement the Commonwealth's recent venture capital tax reforms, it is anticipated that more than \$1 billion will be invested in Australian growth companies, \$350 million will be added to Australian gross domestic product and \$120 million will be added to net exports each year.

Through incorporated limited partnerships, New South Wales will be able to more readily attract both domestic and foreign capital for investment in New South Wales growth companies. Venture capital is an important source of funds for start-up companies, expanding businesses and restructuring businesses. By its nature, venture capital investment is high risk as it provides funding to companies at difficult stages in their development and, consequently, at stages where there is the greatest risk of failure. The venture capital process attempts to prevent this failure by working with the management of investee companies through the growth phase. This applies in key areas of economic activity that often require years of research and development before investors may see returns. Medical technology and biotechnology are two such activities. In fact, the joint New South Wales, Queensland and Victorian "Australian Biotechnology Alliance" project is likely to benefit from an enhanced venture capital investment regime.

The introduction of the incorporated limited partnership is intended to complement the recent Commonwealth venture capital tax legislation. The Commonwealth legislation is designed to align the Australian tax regime applicable to venture capital investment structures with that of most other developed countries. The Commonwealth's tax reforms apply in respect of three forms of limited partnership: venture capital limited partnerships, which are limited partnerships investing directly in companies; Australian funds of funds, which diversify investment risk by investing across a range of venture capital limited partnerships; and venture capital management partnerships, which, under the Income Tax Assessment Act 1936, can only be involved in the management of these other bodies.

Since 1992, limited partnerships have been taxed as if they were companies. The Commonwealth Taxation Laws Amendment (Venture Capital) Act 2002 entitles limited partnerships registered as venture capital limited partnerships or Australian funds of funds to flow through taxation treatment. That is, partners in these types of limited partnerships are taxed on their share of the income, profits, gains and losses of the partnership, according to the partner's tax status. Under the Commonwealth's Venture Capital Act 2002 the Commonwealth is responsible for the registration and reporting process of venture capital limited partnerships and Australian funds of funds.

Registration requires the partnership to be in existence for more than five years and have capital commitments of more than \$20 million. The Commonwealth registration requirements, and allowing the formation of incorporated limited partnerships, will help ensure that New South Wales gets long-term economic investment in innovative companies. Although limited partnership structures exist in Australia, they do not presently provide venture capital investors with the certainty required in respect of liability protection. This bill amends the Partnership Act to allow formation of a new type of partnership, the incorporated limited partnership, which addresses the issue of liability and provides a structure that is internationally preferred for venture capital investment.

Currently, a partnership in New South Wales is not a separate legal entity from its partners. Principles associated with these partnerships, such as joint and several liability, mutual agency and beneficial ownership of partnership assets, do not readily apply to a partnership that is a separate legal entity. To overcome this, proposed section 1C of the bill states the general law of partnership does not apply to incorporated limited partnerships, except as provided by the Act. An incorporated limited partnership will be a separate legal entity and for the purposes of the Corporations Act 2001, a body corporate. Therefore, in most cases, the firm will be subject to those provisions of the Corporations Act relating to bodies corporate, such as directors' duties and the prohibition on disqualified persons being involved in management.

Under proposed section 51, an incorporated limited partnership must have at least one general partner but not more than 20, and at least one limited partner. The general partners are responsible for the management of the partnership, while limited partners are investors. Rights and duties between the partners must be set out in a partnership agreement in accordance with proposed section 53B. This agreement has effect as a contract

between the incorporated limited partnership and the partners. Under proposed section 53C, an agency relationship exists between the general partners and between each general partner and the incorporated limited partnership. However, no agency relationship exists between a limited partner and either the general partners or the incorporated limited partnership.

An incorporated limited partnership is formed when registered with the Registrar for Incorporated Limited Partnerships, who is currently the Director-General of the Department of Commerce. In addition, an incorporated limited partnership wishing to qualify as either a venture capital limited partnership or an Australian fund of funds will need to register with the Commonwealth's Pooled Development Fund Board. This board ensures that the firm meets the Commonwealth's requirements for these two forms of venture capital fund.

An application to form an incorporated limited partnership may be made by a partnership, or by the natural persons, corporations, and other partnerships that are to be partners in the firm. The incorporated limited partnership must register as, or satisfy the requirements applicable to, one of the three authorised venture capital bodies. To avoid any doubt, the bill extends the limited liability status to limited partnerships enacted under similar legislation in another jurisdiction by virtue of proposed section 66D. Where a statute in another jurisdiction is not similar to this bill, it can, for the avoidance of doubt, be proscribed in regulations to ensure recognition of those partnerships in New South Wales. A reciprocal relationship exists under section 66C, which explicitly allows New South Wales registered incorporated limited partnerships to operate in other jurisdictions while maintaining their incorporation and limited liability status.

A limited partner in an incorporated limited partnership has a limitation on their liability under proposed section 66A. Under this section, a limited partner has no liability for the liabilities of the incorporated limited partnership or of the general partners. This does not affect a limited partner's obligation to contribute capital or property to the firm. The bill sets out that the firm is primarily liable for the debts of the partnership, but that the general partners are personally liable to the extent that the firm cannot satisfy the debt.

The limitation on liability is balanced by a prohibition on limited partners taking part in the management of the incorporated limited partnership. However, certain 'safe harbour' provisions are prescribed in section 67A within which a limited partner is able to participate in the management of the incorporated limited partnership. These provisions essentially allow a limited partner to oversee their investment, assist the growth of the enterprise and ensure that the incorporated limited partnership is being managed effectively. A limited partner who breaches this provision and engages in wrongful conduct will be personally liable for loss or injury caused directly to a third party as a result of that conduct where that third party reasonably believed that the limited partner was a general partner.

The bill also ensures that the safe harbour provisions provide for conduct by a person acting on behalf of the limited partner. This extends to conduct not only directly in respect of an incorporated limited partnership and its general partner, but also in respect of associated entities functions. It is understood, for example, that in practice certain functions, such as those requiring an Australian financial services licence, may be undertaken by a different entity associated with the incorporated limited partnership.

Proposed sections 73C and 73D outline assumptions that a person is entitled to make when dealing with an incorporated limited partnership. These include an assumption that the partnership has title to property, and that a person acting on behalf of the firm has complied with the partnership agreement. These provisions were included in the Victorian Partnership (Venture Capital Funds) Act 2003, and similar provisions exist in the Corporations Act 2001. As an incorporated limited partnership is a body corporate for the purposes of the Corporations Act, it is necessary to include proposed section 81A, which allows certain provisions of the Corporations Act not to be applied. This will ensure that both Acts work in tandem and do not cause confusion or inconvenience for those operating or dealing with incorporated limited partnerships.

Schedule 1 to the bill provides the provisions for winding up an incorporated limited partnership. This can be done either voluntarily or by a certificate of the registrar. Where it is done by certificate, any person aggrieved may appeal the application to the Supreme Court. Before issuing a certificate the registrar may ask an incorporated limited partnership to show cause before being wound up. This provision is important due to the interaction with the Commonwealth's venture capital legislation, as it may be that the partnership must take certain steps to comply with the requirements of the Commonwealth legislation.

While incorporated limited partnerships are not designed to raise funds from the public, any proposal to do so will be subject to the fundraising provisions in section 6D of the Corporations Act. This bill aligns the

liability regime for limited partners in venture capital funds with the international preferred vehicle for venture capital investment. In addition to providing separate legal entity status to venture capital limited partnerships, Australian funds of funds and venture capital management partnerships, the bill recognises that the unique nature of venture capital investment demands certainty in respect of the liability of investors.

The bill provides that limited partners should have protection against involuntary entanglement in legal actions against the incorporated limited partnership. It also recognises that while limited partners have an active role in overseeing and assisting the investments of the partnership, and in ensuring that the incorporated limited partnership is being managed effectively, this role should not, of itself, expose the limited partner to liability. Providing that a limited partner stays inside the safe harbour provisions in the bill, their liability will remain limited.

This bill will help ensure that New South Wales attracts long-term economic investment by providing a structure that will allow investors to access Australian markets and invest in small, innovative enterprises. This will help to ensure that Australian initiatives are developed and commercialised within Australia and, in particular, New South Wales. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire.

FOOD LEGISLATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [10.45 a.m.], on behalf of Mr Morris Iemma: I move:

That this bill be now read a second time.

Five years ago my ministerial predecessor introduced the Food Production (Safety) Bill, which established the new agency SafeFood Production New South Wales. SafeFood was to become responsible for food safety in the primary produce and seafood industries up to the backdoor of the retail shop or restaurant. In his second reading speech the Minister said:

The Government believes that the safe food initiative will help bring about justified consumer confidence in the safety of the food supply without imposing unnecessary burdens on industry. The Government also commits to the long-term goal of establishing a comprehensive Food Safety Authority as recommended by the Kerin Review and by the Blair Review.

With the introduction of this bill, the Government delivers on that commitment. The bill will enable the merger of SafeFood with the food regulatory staff and resources of NSW Health to form the New South Wales Food Authority. The bill does this by repealing the Food Production (Safety) Act 1998 and transferring relevant provisions to the Food Act 2003, establishing the New South Wales Food Authority, and providing for staff transfer and related issues. The merger will implement the key recommendation of the comprehensive review of the New South Wales food regulatory system conducted during 2002 by the Hon. John Kerin. Mr Kerin consulted extensively with consumer and public health advocates, the food industry, local government and scientific and technical experts, and received 84 submissions in response to an issues paper. He found overwhelming support for the establishment of a single independent State agency with through-chain responsibility for food regulation.

Mr Kerin's report was publicly released in December 2002. It provides the detailed case for this initiative. Food-borne disease costs Australia \$2.26 billion each year, equating to a New South Wales cost of \$765 million. Furthermore, the incidence of food-borne disease appears to be increasing in many developed countries, including Australia. The apparent increase may in part be due to improved food-borne disease reporting, through systems such as the OzFoodNet initiative. But there is no doubt that food-borne pathogens have greater opportunity to cause disease as supply chains lengthen and become more complex through globalisation and changes in production processes.

Changing consumer habits also contribute to the increase in food-borne disease, with the average Australian now eating more than 250 meals each year prepared outside the home. In addition, more people are vulnerable to food-borne disease as the population ages and medical science prolongs life. For all these reasons,

food safety management is more challenging than in the past when end-point inspectors checked for spoilage or foreign objects and consumers relied on the "sniff test". Regulators now use science to assess risks at every step in the supply chain and use a combination of preventive systems and enforcement action to minimise food safety risks. It therefore makes sense to bring the State's resources together in a single agency that can target its activities in a consistent way to the highest risks along the supply chain.

Over the past five years SafeFood NSW has brought together the former Dairy Corporation, the Meat Industry Authority, the Shellfish Quality Assurance Program from NSW Fisheries, as well as regulation of shellfish depuration, smallgoods fermentation, and goat and sheep milk production from NSW Health. It has refocused existing programs and developed new programs to address risks in the seafood and plant products industries. The merger will bring these industries, together with the retail, food service and food manufacture sectors, under the one umbrella. This will be a first for Australia, although many countries, including our New Zealand neighbours in 2002, have recognised the benefits of similar integration.

The functions of the New South Wales Food Authority, to be included in a new part 9, division 1, will enable it to carry out the objects of the Food Act, namely, to ensure that food is safe and suitable, to prevent misleading conduct in the sale of food, and to apply the National Food Standards Code in this State. These functions will include all the functions now exercised by the regulatory authority under the Food Act—currently defined to be the Director-General of the Department of Health—plus the functions of SafeFood under its current Act. In addition, the new function in proposed section 108 (2) (f) will support future consumer information and education initiatives as recommended by the Kerin review.

NSW Health will retain its responsibilities under the Public Health Act for notifiable disease and disease surveillance, and will lead investigations involving human food-borne disease, assisted by the Food Authority. NSW Health will also retain responsibility for nutrition policy and health promotion. The respective roles and responsibilities of the Food Authority and NSW Health in these areas will be set out in a comprehensive memorandum of understanding before the merger. This will include a detailed protocol for the agencies' joint response to incidence of food-borne disease.

Because the Food Authority will be established by the Food Act with specified functions, its accountability will be clear and it will report directly to the Minister in the same way as other agencies within the portfolio. The bill also implements Kerin's recommendation that ministerial control and direction should not extend to licensing matters, which are reviewable by the Administrative Decisions Tribunal, or to decisions whether to prosecute. The Food Authority's core funding will be provided by merging the existing funding of SafeFood and the food regulatory funding of NSW Health. The Government will commit a total of \$9.48 million per annum to fund the Food Authority. The funding includes \$1.23 million for laboratory testing of food samples by the Government's Food Laboratory under service agreement with the Food Authority.

Under principles established by the Government's Food Safety Funding Review in 2001, the food industry contributes to the cost of SafeFood's preventive programs through licence fees, levies, and fees for audit and inspection services. The Government believes that these principles should apply generally to the funding of the Food Authority's preventive programs. Accordingly, items [20], [23] and [24] of schedule 1 bring together the fee visions of the Food Act with those of the Food Production (Safety) Act.

I turn now to some key features of the food regulatory framework to be provided by the bill. The Food Authority will use risk analysis to focus its resources and efforts on the areas that pose the greatest risk to public health. It will also seek to maintain the right balance between preventive approaches, such as food safety program requirements in food businesses, and enforcement action when food laws and standards are breached. The key to this risk-based and balanced approach will be the food safety scheme mechanism currently contained in part 4 of the Food Production (Safety) Act. This enables food safety schemes to be tailored to particular industries or sectors and prescribed by regulation. These schemes may include preventive requirements such as food safety programs, arrangements for auditing of these programs, licensing of food businesses, and associated fees and charges.

The schemes are based on scientific assessment of food safety risks and implement national standards such as the Food Standards Code where applicable. Over the past five years, SafeFood has introduced food safety schemes covering the dairy, meat and seafood industries, and schemes for selected plant product sectors and eggs are being developed. Item [18] of schedule 1 will transfer the food safety scheme provisions to the Food Act, where they will be available to cover food businesses anywhere in the supply chain. Existing food safety scheme regulations will be preserved as if they were made under the Food Act. The food safety scheme

provisions will replace current Food Act provisions that deal with licensing of food businesses, food safety programs and auditing requirements. The bill retains the important process requirements which ensure that food safety schemes are soundly based, effectively targeted, and do not impose unnecessary costs on the food industry.

These requirements include prior risk assessment and industry consultation, preparation of a regulatory impact statement, and establishment of a structure for industry consultation on operation of the scheme and any amendments to the scheme. In accordance with national policy directions, NSW Health has already begun work to develop food safety program requirements for high-risk sectors involving food service to vulnerable populations and certain catering operations. This initiative will be transferred to the Food Authority and implemented through a food safety scheme regulation. For the primary produce and seafood industries currently covered by SafeFood, the bill makes no significant change to the regulatory and consultative arrangements established over the past five years under the Food Production (Safety) Act. In particular, the farm sector will continue to be exempt from Food Act requirements to comply with the food safety standards in part 3 of the Food Standards Code, unless compliance is specifically required by a food safety scheme regulation.

Similarly, licensing requirements will only apply to farmers, or any other food business, if provided by a food safety scheme. This is precisely the current position under the Food Production (Safety) Act. Although the two Acts contain similar enforcement provisions, some harmonisation was needed to bring the offences and penalties provisions together. The offences and penalties established under part 2 of the Food Act remain unchanged. However, the Food Act offences in section 92, which relate to food safety programs and auditing, have been combined with the food safety scheme offences in the Food Production (Safety) Act in proposed new section 104. Penalties have been harmonised to the Food Act standard by removing the different penalty for a first offence and the imprisonment option in the food safety scheme offences and by including the higher maximum penalty for corporations.

The bill makes consequential amendments to a number of Acts. In addition, following consultation with the interim Meat Industry Advisory Committee, the bill repeals the provisions of the Meat Industry Act 1978, which provide for lamb branding and the Meat Industry Consultative Council. Lamb branding ensures that consumers who pay for lamb get lamb and not hogget or mutton. These provisions will now be enshrined in the Food Act, as its objects include consumer protection. The consultative council provisions will be transferred to the Meat Food Safety Scheme Regulation, and a new council will be appointed with the revised composition agreed with the interim committee. The Meat Industry Act will continue to provide for the levy on livestock producers. Producers pay an annual levy ranging from \$5 to a maximum of \$130, with the average being \$14. The proceeds of the meat industry levy, which is collected by rural lands protection boards, together with other levies, are used solely for the Meat Food Safety Scheme. Meat industry businesses from abattoir to retail butcher are licensed by SafeFood and pay fees for the preventive programs in their sectors.

Because SafeFood does not currently implement preventive programs in the meat producer sector, the levy is the only means by which livestock producers contribute their share of costs for the meat food safety regulation from which they benefit. The New South Wales Farmers Association has raised some concerns about the levy. In response the Minister requested the Meat Industry Consultative Committee to conduct a review of the levy. The review will focus on inequities in the levy arrangements, including the possibility that it applies to occupiers of land who do not benefit from meat food safety regulation. For this reason, the bill makes no change to the current provisions. In preparation for introduction of this bill, SafeFood and NSW Health have carefully prepared for transition to the New South Wales Food Authority, which will have around 110 staff.

The New South Wales Health Food Branch co-located with SafeFood head office staff in April last year, and in November they moved together to the building in Newington, which will be the authority's head office. On the commencement of the Act, the staff of both agencies in rural and regional areas will move to common regional offices near their present locations. Work to integrate programs and review through-chain resource allocation according to food safety risk can then begin in earnest.

I conclude with some comments about the crucial role of local government in food regulation. Local councils have been involved in food regulations since 1896. A recent survey of councils found that approximately 344 staff in 172 councils performed some food regulatory work, with the total resource being equivalent to 92 full-time staff. The Food Act 2003 provides for councils to be prescribed as "enforced agencies" with broad regulatory powers, and for some co-ordination and support by the State-level agency through annual reporting requirements and the promulgation of national guidelines.

However, it is widely acknowledged that a better framework is needed to support a consistent and effective local government role and to eliminate duplication of effort. The Kerin review recommended that the New South Wales Government explore with local government a model that would mandate, support, and resource a consistent local government role in food regulation. The food authority will take this recommendation forward as a high priority. In November a directions paper entitled "Towards a strong food regulation partnership" was jointly released by State agencies, the local government and shires associations, and other local government bodies to set the scene for this important work. This bill will establish the first through-chain food regulatory agency in Australia. Completion of agency integration at a State level, complemented by a strong partnership with local government, will provide the best platform to ensure a safe food supply for New South Wales consumers without imposing excessive costs on the food industry. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire.

CRIMES LEGISLATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [11.02 a.m.], on behalf of Mr Bob Debus: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes Legislation Amendment Bill, which makes a number of miscellaneous amendments to the criminal law and procedures that are designed to improve the administration of the criminal justice system. The first amendment in schedule 1 is a consequential amendment to the Child (Protection Offenders Registration) Act 2000 to include the new filming offence as a "registrable offence" on the Child Protection Register. The creation of the new offence is dealt with by schedule 8 of the bill. Schedule 8 amends the Summary Offences Act 1989 to create two new offences of, first, filming for indecent purposes and, secondly, installing a device to facilitate filming for indecent purposes.

Members of this House will be aware of a number of recent troubling cases concerning persons using modern surveillance devices in an untoward manner. Because of the use of modern technology and the fact that filming often takes place in the perpetrator's own home there is no relevant offence on the statute book to deal with this serious invasion of privacy for indecent purposes. The new offence under section 21G, filming for indecent purposes, will cover the situation:

... where the perpetrator films another person to provide sexual arousal or sexual gratification, where the other person:

- (a) is in a state of undress, or is engaged in a private act, in circumstances in which a reasonable person would reasonably expect to be afforded privacy, and
- (b) where the person does not consent to being filmed.

The maximum penalty will be 100 penalty units or imprisonment for two years, or both. "Filming" is defined in such a way as to cover both viewing the image in real time or recording the image to be viewed later. In order to be serious enough to warrant a criminal conviction the "state of undress", together with the accompanying behaviour on the part of the accused, should constitute a serious invasion of privacy. The level of undress that meets the requisite degree of criminality is a matter appropriately left to the courts to determine in all the circumstances of a particular case. Ultimately the proof of this offence will rely heavily on the type of images or recordings made and the locations in which the cameras are set up. The offence is also drafted in such a way as to catch those who produce these films for themselves or for the purpose of passing the recording on to another person.

A new offence under section 21H of installing a device to facilitate filming for indecent purposes will also cover the situation where a person installs a surveillance device with the intention of committing an offence under section 21G. Schedule 2 amends section 11 of the Children (Criminal Proceedings) Act 1987 to clarify that the protections provided by the section apply to deceased child victims, and to extend the protection to the child siblings of child victims. Section 11 (1) of the Children (Criminal Proceedings) Act 1987 prohibits the publication or broadcasting of the name of any child who appears as a witness in criminal proceedings. This

amendment closes a gap to cover situations where the victim of the offence is a deceased child and extends that protection to include the siblings of child victims, including deceased child victims, in order to minimise the trauma to the family of the deceased.

Schedule 3 amends the Costs in Criminal Cases Act 1967 to provide that an applicant can seek a certificate for costs in relation to a special hearing. Pursuant to section 2 of the Costs in Criminal Cases Act 1967 the court may grant a certificate to a defendant seeking costs. It is unclear whether this section applies to applications made in respect of a special hearing. Special hearings are trials held for defendants who have been found unfit to be tried in the normal way. Special hearings may be distinguished from other criminal cases because of the limited evidence that is available and because the defence advocate faces unique problems in relation to obtaining instructions. This on its own, however, should not be a bar to obtaining costs. In every other respect the matter proceeds in the same way as a normal criminal trial. Accordingly, this amendment allows applicants in special hearings to seek a certificate for costs when the applicant has been acquitted or where the court has not reached a verdict following a special hearing.

Items [1] and [2] of schedule 4 amend sections 52A and 52B of the Crimes Act 1900 to expand the definition of "impact" for dangerous driving offences. Section 52A of the Crimes Act 1900 provides for the offence of dangerous driving occasioning death or grievous bodily harm where a vehicle is involved in an impact that causes the death or grievous bodily harm of a person. Section 52B is set out in similar terms. However, that section concerns the offence of "dangerous navigation". Section 52A (5) sets out the definition of "impact". It covers many, but not all, scenarios. Dangerous driving can result in serious injury or death even though the vehicle itself does not collide with anything. Examples of this are where a person is thrown or ejected from a vehicle or where a part of the body of the person protrudes from the vehicle and impacts with some object, including the ground. The Government is therefore amending sections 52A (5) and 52B (5) to accommodate these situations. It is still a defence when the death or serious injury is in no way attributable to the manner of driving.

Items [3] and [4] of schedule 4 amend section 80A of the Crimes Act 1900 so that it has the same circumstances of aggravation and penalties as other sexual offences in the Crimes Act 1900. Section 80A of the Crimes Act provides that it is an offence to compel another person, by means of a threat, to engage in self-manipulation. The offence carries a maximum penalty of 14 years imprisonment. Unlike other sexual offences, however, section 80A identifies only one aggravating feature: if the victim is under the age of 10 years.

Schedule 5 amends the Crimes (Sentencing Procedure) Act to clarify the powers of the Sentencing Council in respect of guideline judgments. We know that guideline judgments can be very effective in giving courts guidance on the appropriate factors to take into account in the exercise of their sentencing function. They foster more consistent sentencing by the courts. Section 100J (1) (b) will now allow the Sentencing Council to advise and consult with the Attorney, not only in relation to offences suitable for guideline judgments but also in relation to particular courts or classes of courts, particular offences or classes of offences, particular penalties or classes of penalties, or particular classes of offenders but not particular offenders.

Schedules 6 and 7 make consequential amendments arising out of amendments last year to section 39 of the Mental Health (Criminal Procedure) Act so that, after a finding of not guilty by reason of mental illness, the court is empowered to order a person's detention or release on such terms and conditions as the court considers appropriate. The amendment to section 7 (4) of the Criminal Appeal Act simply provides the Court of Criminal Appeal with the same powers as a court now has under section 39. The amendments in schedule 7 clarify that the Mental Health Review Tribunal and authorised officers have the same powers in relation to persons that are released conditionally under section 39 as they do for other forensic patients detained under section 39. The bill makes a number of amendments that are necessary for the continuing development of an efficient and equitable criminal justice system in New South Wales. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire.

PRINTING OF PAPERS

Motion, by leave, by Mr Neville Newell agreed to:

That the following papers be printed:

Report of the New South Wales State Emergency Management Committee for the year ended 30 June 2003
Report of the State Rescue Board of New South Wales for the year ended 30 June 2003

SPECIAL ADJOURNMENT

Motion by Mr Neville Newell agreed to:

That the House at its rising this day do adjourn until Tuesday 9 March 2004 at 2.15 p.m.

PRIVATE MEMBERS' STATEMENTS

TRAIN DRIVERS

Ms PETA SEATON (Southern Highlands) [11.15 a.m.]: There have been many victims of the Carr Government's mismanagement of our rail system, such as the people who tragically lost their lives at Glenbrook and Waterfall, including driver Herman Zeides—may they all rest in peace. Other victims include countless thousands of commuters across the State, including many people in my electorate. One of the most significant categories of victims of the Carr Government's mismanagement of our rail system continues to be the drivers, dedicated people who want to do the best they can each and every day. I draw the attention of the House to some of the Government obstacles to drivers doing their jobs in a professional and hard-working manner. First, I refer to a special edition of "What's News" of Thursday 15 January 2004, a notice to staff from Vince Graham, Chief Executive of RailCorp. Mr Graham talks about the McInerney report and goes on to say:

Vigilance control will be fitted on all intercity Tangaras by the end of March and on all suburban trains by the end of December.

Another notice, train crewing division general order No. 04 of 2004 of 15 January 2004, to all train crew regarding an urgent safety matter, instructs drivers as follows:

The deadman foot pedal may not be failsafe if the driver is incapacitated.

If guards have any concern that their train is not under effective control, stop the train by opening the emergency brake pipe.

On the one hand, Ian Hill, the acting general manager, is saying to people, "We know the trains are not safe so we are just hoping that the guards can figure out when the trains are not working properly and pull this emergency brake pipe." On the other hand, Mr Graham is admitting that the vigilance control will not be fitted on trains until March or December. So every day drivers are working in the knowledge that they are driving Tangara trains that are not properly fitted with necessary safety devices. That is a terrible system under which train drivers have to operate and accept responsibility for rail safety. On 22 January RailCorp chairman Ross Bunyon issued a media release that stated:

And staff at all levels will be held accountable for ensuring safety is the priority in all their duties.

Train drivers are being asked to take responsibility for a system when another arm of the rail system admits that all of the safety systems are not yet in place, but by a little guesswork and goodwill perhaps we can make it work all right. That is not fair to train drivers. Other train drivers have pointed out to me that at the same time as the Government is claiming that a shortage of drivers is causing these terrible problems on the rail system it is sending out drivers with work instructions that clearly do not take advantage of the total human resource available to the system.

I have been shown CityRail train crew notices from a number of drivers in my area that show that even though they are meant to be working eight hours and 33 minutes and driving up to 217 kilometres a day—drivers are arriving at work wanting to do that—on one occasion one driver has been nothing but a passenger on a train all day, moving from one place to another to start driving but did little actual driving. On that day he drove 59.864 kilometres and on other days has driven as little as 33.5 kilometres, 54 kilometres, 72 kilometres, 65 kilometres, 59 kilometres and 64 kilometres. This is a driver who wants to work, to use the full complement of his hours each day driving his full kilometres, but this Government cannot make proper use of drivers. It is time to stop blaming the drivers.

TRIBUTE TO BANKSTOWN CITY COUNCIL COUNCILLORS

Mr ALAN ASHTON (East Hills) [11.20 a.m.]: Nominations for election to council in Bankstown close on Wednesday. I wish to pay tribute to three sitting councillors who are not contesting the next election. I have had the pleasure of serving on council with Councillor David Blake from east ward. David Blake was elected to Bankstown City Council in July 1981 in a by-election for north ward. That was the only time in

Bankstown's history, since 1895, Labor had seven of the 12 councillors on Bankstown council. Bankstown is well identified as a strong Labor area but it is interesting that for only 18 months has it had a majority of Labor councillors.

Councillor Blake was re-elected in 1987, and has served continuously since that time. He was deputy mayor in 1996 and 1997, and mayor in 2000-01. I pay tribute to his 32 years of life in Bankstown, and his long involvement with local sporting clubs and other organisations. David has been very passionate about keeping Bankstown clean and green, and keeping the density of development. I want to acknowledge the contribution he made.

I want to acknowledge also the contribution of a sometime, or perhaps most-time, rival of mine on the council, Councillor Clive Taylor. Clive was first selected as a Liberal councillor. He saw the light, became an Independent, and started to exercise a much greater degree of flexibility—as Independents can do perhaps better than their Liberal or Labor colleagues. Clive is a successful local businessman. He is the father of three grown daughters and a young son, which makes it very difficult for him to continue to be involved in local government as much as he was in the first 11½ of the 12 years he was on council. I always enjoyed our debates; they were always good fun as Clive has a fairly wicked English sense of humour. I pay tribute to his time on council.

Councillor Paul Barrett also served on Bankstown council in my time there. Paul has lived in Chester Hill for more than 35 years. He has been a councillor for 21 years—a very long term of service. Paul would not be embarrassed by my saying he has been in and out of the Liberal Party and served as an Independent more times than some people have had breakfasts. However, his focus has always been on the interests of the constituents in north ward. North ward is the strongest Labor ward of Bankstown council, and in that sense it has been quite an achievement for Paul to have been re-elected to council as a non-Labor councillor for 21 years.

In one sense Paul is one of the most qualified people in local government, having university degrees in science, finance and business management. He has more letters to his name than most councillors. Paul and I had a lot of great clashes. When I was being presented with a watch to mark my 10 years service on Bankstown council, Paul said he had never really expected to like me much at all, and it was only after 10 years that he had come to like me a little bit. I took that as a great compliment because, as we all know, there are politics in local government.

I recall, though, one occasion when Paul was upset about the way a particular debate was going and the fact that officers presented him with a bundle of written material that he thought was meant to deluge councillors who had no time to read it. He got up and threw what he thought was paper onto the floor of the council chambers, but it was one of those rolls that were used in old computers. It rolled out across the council chamber to about the length of a cricket pitch. On another occasion Paul stormed out of council when the debate was not going his way. When he turned up for the next meeting I presented him with a cricket bat—so that the next time he stormed out he could take his bat home with him.

I want to pay tribute to Councillor Helen Westwood for her period as mayor at Bankstown, which will come to an end on 27 March. Her service may not in fact end there, but officially it will on that day. Helen has done a great job as mayor, particularly this year. She is a very progressive person. I pay tribute also to my colleague Councillor Alan Winterbottom, whose term as deputy mayor has seen outstanding progress and support for Helen as mayor.

WONGA WETLANDS AQUATIC ENVIRONMENT EDUCATION CENTRE

Mr GREG APLIN (Albury) [11.25 a.m.]: I have spoken of the Aquatic Environment Education Centre at Wonga Wetlands near Albury on several occasions, and today I want to focus on its importance to our education system. The Wonga Wetlands were initially developed as part of Albury's sustainable solution to water management and water re-use. It accomplished the mimicking of the natural flow of our inland waterways—filling the wetlands in winter and spring and allowing them to dry out in summer and autumn.

From an ecological viewpoint, the success of the Wonga Wetlands is evidenced by the return of more than 150 species of birds to the site and significant interest from the scientific community in a range of regenerative activities. From a statewide viewpoint, the success is astounding as the centre was the overall winner of the Local Government Association of New South Wales Environment Awards 2003 in the Environment Education category. The delivery of education outputs as well as environmental benefits now

substantially exceeds the mandate of the original water management plans. To date this has been accomplished by donations and investment from a wide range of sources.

The Wonga Wetlands Community Advisory Management Committee planned an interpretive centre, and this came about when Charles Sturt University, La Trobe University and the Murray Darling Freshwater Research Centre offered Albury City the Michael Ryan Ecological Laboratory, a jointly owned transportable building. Albury city relocated and refurbished the building to create the Aquatic Environment Education Centre for the use of educators, interest groups and the general public. Albury city also agreed to temporarily employ an experienced local education consultant to oversee the project. The centre was opened on the 2 November 2002 and in its first year of operation it has had a significant impact on the education programs of local and visiting schools and community groups.

The contribution to the education sector in both New South Wales and Victoria is considerable. In the first year of operation there were 90 visits from New South Wales schools, involving 2,390 students and 353 New South Wales teachers and parents. There were 40 visits from Victorian schools, with 1,327 students accompanied by 70 teachers and parents. In addition there were summer and Easter schools held at the education centre involving 370 students and 76 mentors over 11 days. Universities and TAFEs use the facility, with 60 visits and a total of 713 students and teachers attending. Community groups, by comparison, total only 39 visits, and there have been 27 visits from professional and government groups involving a further 349 personnel.

Numerous other groups and individuals make their own way around the Wonga Wetlands using trail maps and fact sheets supplied to them. Most of the schools that visited in 2003 have booked in for this year, and in my discussions with teachers and principals I have heard nothing but praise for the educational benefits derived from the visits. So much so that science and biology teachers not only have included the visit as part of the year's work but have organised volunteer student groups to attend the site to assist with maintenance and development.

The program delivered by the Aquatic Environment Education Centre conforms with all stages of the Board of Studies syllabus statements, covering all KLAs for Science and Arts. In recognition of the practical educational outputs of this exciting development, the centre is featured on the front cover of the 0260 area telephone directory for this year, with students from Springdale Heights Public School working with program co-ordinator Mike Copland and John Hawkins from Albury city. The achievements of Wonga and the Community Management Committee have been formidable but this has come about through the generosity of Albury city, the Murray Darling Freshwater Research Centre, the two universities, local businesses such as Alessi Mazda and the Victorian Department of Education and Training.

That is correct: the Victorian Department of Education and Training has committed \$25,000 per annum for three years in a partnership program. It is disturbing and incomprehensible that the New South Wales Department of Education and Training will not contribute, despite the fact that the vast majority of schools arranging educational visits are from New South Wales—schools such as Murray High, Albury High, Corowa High, Thurgoona Public, Hume Public, Glenroy Public, Culcairn Public, Balldale Public and further afield, Finley High and Epping Boys High.

Last year I asked the Minister for Education and Training what funding has been allocated to the education centre and was advised that the Wonga Wetlands Centre is managed and funded by the Albury City Council. Correspondence to the department elicited no willingness to consider any funding, only an offer to "advertise the place and services to our schools". That is the last thing the centre needs as its appeal is already resulting in a deluge of bookings and inquiries, and Mike Copland, the educator and co-ordinator, just cannot keep up with the demand.

I call for initiative and resolve on the part of the Minister and his department to have a good look at the services offered to New South Wales school and TAFE students by this education centre. I ask the Minister to recognise the quality and value of the work taking place and to allocate funding to the centre, to utilise the resource and to develop it further. Here is a ready-made educational resource that can be a flagship for practical environmental education in the Murray region.

SOUTH EAST NEIGHBOURHOOD CENTRE

Ms KRISTINA KENEALLY (Heffron) [11.30 a.m.]: I pay tribute to the South East Neighbourhood Centre [SENC] and its efforts to develop positive ageing programs in the electorate of Heffron. The South East Neighbourhood Centre provides a range of community support services for ageing and multicultural groups in the southern end of Heffron, including the communities of Eastlakes, Mascot, Pagewood, Hillsdale and Botany.

Last Wednesday, 18 February, the neighbourhood centre commenced a series of seminars titled "Healthy Ageing in the New Millennium". I was pleased to officially launch the program. My congratulations go to the SENC for their success in securing a positive ageing grant from the Department of Health and Ageing to conduct the seminars on the different facets of ageing.

The Healthy Ageing in the New Millennium Program aims to enhance the wellbeing of ageing residents by providing information, stimulation, participation and ongoing support. The seminars cover a wide range of topics, including health and alternative therapies, personal safety, sexuality, creativity and cooking, and finance. Last Wednesday participants heard from Dr Jane Tolman, geriatrician from Prince of Wales Hospital at Randwick, and Helen Pinnock from AIM for Fitness on the benefits of exercise. Later in the day Simone Kontellis from Medicine Information Persons Project spoke on the wide use of medicine. Following that participants had the opportunity to try out Thai Chi, meditation and gentle exercises, and have hearing tests and blood tests.

The SENC has worked with the Eastern Suburbs Multicultural Access Project, Botany Bay City Council and Community Health to set up the seminars. According to Anne Stedman from the SENC, the aim of the program is to promote healthy ageing, create a positive attitude and support participation and learning. She also hopes it will promote intergenerational communication and understanding. I welcome these efforts. I cannot stress how important it is to have a healthy and positive view of ageing. The project is significant to our local area. In the electorate of Heffron 12 per cent of the population is over 65 years old. Undoubtedly, this seminar is valuable to them. But the intergenerational communication and understanding that this project also strives to create is essential. In Heffron, 25 per cent of the electorate is aged between 5 and 24 years.

We have a large number of young people, who have so much to gain from the older generations. Nowhere is this more evident than in Eastlakes. The SENC is located in Eastlakes shopping centre and the seminars took place in Eastlakes community hall. In Eastlakes many young people share open, public space with older members of the community. At times this has led to concern, fear and misunderstanding between the two groups. My office has launched a youth working party to deal with some of these problems. The SENC and Botany Bay City Council participate in the working party. The work being done by the SENC on ageing may yet intersect and contribute to greater understanding between young and old in the Eastlakes community.

I congratulate each of the 70 participants who were involved last Wednesday with this outstanding initiative. I also congratulate Anne Stedman and Karen Kruger from the South East Neighbourhood Centre, Liz Beasely from the City of Botany Bay, Samantha Ngui from ESMAP, and Silvana Deep and Debbie Cawler from the Aged Care Assessment and Rehabilitation Team at Prince of Wales Hospital on putting together the steering committee and so successfully running the seminars, which are developing great resources for the electorate of Heffron—a group of motivated, positive people ready to lead the adventure of ageing in the new millennium.

PARRAMATTA RAIL LINK

Mr ANDREW TINK (Epping) [11.35 a.m.]: I refer to concerns about the review of the environmental factors and modifications to the Parramatta rail link, currently on display for public comment. At a recent meeting of the Epping Civic Trust approximately 100 people who heard a presentation from the proponents of the plan expressed a number of concerns. The president of Epping Civic Trust and the majority of those present rejected the huge carport-like structure for the new station concourse because it failed to recognise the heritage of Epping station and failed to provide adequate wind protection. Feedback following the meeting strongly criticised the presentation by representatives of the Transport Infrastructure Development Corporation [TIDC], which displayed only their preferred flat-roof option. The two latest options were not displayed, nor were the original environmental impact statement plans for Epping station.

The TIDC could not answer basic questions on current or projected commuter numbers using Epping station, nor the number of trees to be removed in Langston Place, where the large box-type service building would be erected. It is interesting to note that the EIS publication shows that just over 1,000 additional commuters would use Epping station in the morning peak period from 2006 to 2021, which hardly justifies expenditure of an extra to \$27 million on the proposed station. Our Lady Help of Christians, a Catholic school at Epping, and the Catholic parish are affected significantly by the proposal. During January I had a number of meetings with them, the traffic committee representatives and Parramatta Rail Link [PRL] representatives. As a result, a roundabout has been relocated behind the School of Arts building in Epping, which I support.

However, I, the school community and the parish remain concerned about the removal of permanent car parking spaces. A greater effort must be made to retain long-term car parking spaces for use by both the school and the parish. I strongly support the proposal by the school community of a clearway in Langston Place

during peak hour, and synchronised lights at Pembroke Street and Oxford Street. I maintain the concerns I have expressed previously in this House about the lack of commuter car parking. When the link was to go all the way through to Parramatta the proposal was to build a car parking station at Carlingford station to accommodate an extra 800 motor vehicles. But Carlingford station will not now be built. I am very concerned that at least some of the 800 motor vehicles that would have used the parking facilities at Carlingford will come to Epping, but no extra commuter car parking spaces have been proposed.

I know that it is very difficult to find space for further commuter car parking in the Epping precinct. A Coles car park is adjacent to Rawson Street, and next to that is a council car park owned by Parramatta City Council. It is very important that the PRL and Parramatta City Council get together to set aside an area for commuters in those two car parks. I am amazed that the concourse, as depicted in figure 3-7, has tripled in length on the new design for the station buildings. In other words, commuters will have to walk three times as far as they do now to get down onto the platform. It makes no sense. If substantial changes are to be made to the station I would support the H3 option, which allows both the heritage buildings to be retained. I am happy with a roundabout, subject only to the loss of commuter car parking being taken into account and extra commuter car parking spaces being provided.

I sincerely hope the Parramatta rail link will resubmit the traffic management plan to the Roads and Traffic Authority for temporary one-way northbound restrictions in High Street at Beecroft Road, Epping—in other words, to keep the north-bound traffic flowing in High Street rather than the south-bound traffic, with one or other having to go for the purpose of carrying out the work. I ask for all those things to be taken into account in the review of environmental factors.

WOLLONGONG HOSPITAL MAGNETIC RESONANCE IMAGING MACHINE

Ms NOREEN HAY (Wollongong) [11.40 a.m.]: In January the Carr Labor Government announced funding of \$2.8 million to install a state-of-the-art magnetic resonance imaging [MRI] machine in Wollongong hospital. The machine examines the brain and spine, and produces a three-dimensional image that allows doctors to make more accurate and early diagnosis for stroke victims. It is also used increasingly in other areas, such as musculoskeletal treatment, cardiac treatment, cancer treatment and paediatric investigation. The Carr Labor Government called for advice in late 2001 to determine the priority regions for new MRI licences for public sector MRI machines. Recognising a genuine need in the Illawarra, the New South Wales Department of Health nominated Wollongong hospital as a priority.

While some hospital staff celebrated the recent funding announcement, many could not help but express their disappointment at the Federal Government's failure to provide Wollongong Hospital with an MRI licence in order to offset the machine's ongoing running costs through Medicare. The real concern is that without the licence, that responsibility will fall upon the Illawarra Area Health Service as part of its annual budget. Without the licence the hospital is unable to generate any revenue for the running costs of the machine. Once a licence is provided outpatients will be charged through Medicare for using the MRI machine. Currently, patients are forced to use a private MRI facility, with transportation, often by ambulance, and MRI costs being paid for by Wollongong Hospital with the significant gap paid by the patients.

More than 1,000 patients are expected to use the machine in its first year of operation, and until it is installed they will continue to use the private facility. It is hardly conducive to a feeling of wellbeing for public patients in a public hospital to be transferred to a private facility for MRI treatment, adding a cost burden to both the hospital and patient. Recently, Federal Liberal member of Parliament Joanna Gash stated that she would lobby the Federal Government to provide a licence to Shoalhaven District Memorial Hospital ahead of Wollongong Hospital. Her comment, "If the State Government can afford to grant the money for the machine they have to be able to pay for its running costs", is not only short-sighted but ridiculous. It is the Federal Government's responsibility, its duty, to provide the licence for the benefit of the community. Ms Gash's comments reflect a blinkered and a one-sided political attitude and demonstrate that her sole focus is votes in one area rather than the broader issue of community health.

I have been informed, and am pleased to report, that the team of specialists working to identify the model and specifications for the purchase of the MRI have completed their work and recently made a recommendation to the Performance and Finance Committee of the Illawarra Area Health Service. Wollongong Hospital is working to place the order for the equipment with the supplier in the next few weeks and it will be installed in the Medical Imaging Department. The installation of the MRI machine will strengthen Wollongong Hospital's push to become a teaching hospital, further raising the hospital's profile and attracting further highly

skilled staff to the Illawarra. The machine is a fundamental tool for the hospital's stroke unit. I commend the Carr Labor Government for its ongoing commitment to continue to develop services to accommodate the health needs of the region.

The provision of an MRI machine is absolutely imperative to Wollongong as a public health facility. Currently, in-patients and out-patients, regardless of their health, have to be transported to a private MRI facilitator and have the public hospital pay those costs. Further, the gap required to be paid by the patients is much more significant. It is absolutely essential that access to Medicare repayments be available to Wollongong Hospital. Therefore, it is a priority that the Federal Government issue that licence so that the people of the region can benefit.

GREAT WESTERN HIGHWAY UPGRADE

Mr RUSSELL TURNER (Orange) [11.45 a.m.]: I am sad to report two tragic deaths involving trucks which have occurred on the Great Western Highway. Yesterday's *Sydney Morning Herald* carried a report on the accidents and today's edition of the *Daily Telegraph* carried the headline "Death on a toxic road". The accidents occurred on Wednesday, but the highway has not yet been reopened because work is continuing to remove toxic chemicals. Two truck drivers died in separate semitrailer crashes on the major highway across the Blue Mountains. The Great Western Highway was completely closed to traffic, which was diverted to the Bells Line of Road and across the Darling Causeway. Police said that the highway would be closed for some hours, but 36 hours later it is still closed.

According to police the first crash occurred at about 1.30 p.m. on Wednesday, at Forty Bends, about five kilometres east of Lithgow, involving a semitrailer travelling east on the Great Western Highway. The semitrailer crossed to the wrong side of the road and struck a railing. It overturned and came to rest hanging over a 15-metre embankment. The 55-year-old St Clair man who was driving the truck was found dead at the scene. It was reported to me this morning that the driver died of a heart attack, not as a result of the accident. In the second crash a semitrailer laden with mixed chemicals failed to negotiate a sharp bend at the bottom of the Mount Victoria pass at about 11.00 p.m. on Wednesday evening. The truck rolled, killing the driver and dislodging a load of hydrochloric acid and herbicide.

Emergency services responded to the second crash, but were forced back by fumes from the spill, and established a perimeter 350 metres from the crash. Two motorists who arrived immediately after the accident attempted to help the driver. However, they suffered exposure to the vapour and were taken to Lithgow hospital. Hazmet began making the area safe and were subsequently assisted by a heavy rescue vehicle from Katoomba. Fortunately, both accidents involved a single vehicle. I thank the State Emergency Service for its wonderful work in containing and removing the chemicals. As that site is part of the catchment area for Sydney's water supply, it was concerned that the area be declared safe. The Nationals have called on the New South Wales and Federal governments to jointly build a new four-lane highway over the mountains to bypass that section of road. That project was a March 2003 election promise by The Nationals and the Coalition; we promised to have a new highway running roughly parallel to the Bells Line of Road, and for it to be completed within 10 years.

A feasibility study is currently under way on the most preferred route along the Bells Line of Road. However, I understand that the Federal Government has asked for a rail corridor to be included in the study, so the study has been deferred until June. That will not be the first study, but the last of a number of studies, that have been undertaken. I call on the Government to pull out all stops and fast-track this urgently needed new highway before any more needless deaths occur. Had the new four-lane divided highway been constructed, neither of those trucks would have been on those dangerous sections of road. All vehicles will be able to travel far more safely than they are currently forced to travel on that notorious section every day. Had that new road been provided, two families would not be dealing with those tragedies.

LIVERPOOL POLICE AND COMMUNITY YOUTH CLUB

Mr PAUL LYNCH (Liverpool) [11.50 a.m.]: I am pleased to advise the House of a long-awaited and auspicious event in Liverpool, which has been about 40 years coming: the opening of the Liverpool Police and Community Youth Club. The club was officially opened last Saturday, 21 February, by the Minister for Police, the Hon. John Watkins. I attended the opening with a number of other people, including the honourable member for Menai, who is a Parliamentary Secretary, and a number of dignitaries. Also present were councillors Wendy Waller, the Deputy Mayor of Liverpool, and Cecilia Anthony, both of whom have well represented the Labor Party over a period of time in Liverpool. This club has been a very long time coming. It is frequently said in

Liverpool that the people who will use the club are the grandchildren of those who first wanted to use it. Obviously, I am delighted to be the member of State Parliament when the club is opened. One great irony of the history of the club is that, although there was a long-serving member for Liverpool, the club managed not to open or, indeed, be progressed very far while he was the Minister for Police.

I am delighted that the club has now been opened. The opening of the club is symbolic and emblematic of a number of things about south-west Sydney and Liverpool. The absence of the club reflected the lack of facilities and services provided in the western suburbs and certainly in the Liverpool area. That has been a long-term problem for four or five decades. The opening of this club goes some way to redressing that lack of facilities and services. Likewise, the widening of Hoxton Park Road, the redevelopment of Liverpool Hospital and Liverpool railway station, and a host of other capital infrastructure projects mean that things that have been missing for so long have been supplied and dealt with in recent years. Some would say that many of those things should have been done 30 years ago as well.

The opening of the club reflects the high proportion of young people in the area, the significantly high youth unemployment rates and the fact that it is an area that does not have a lot of money. It also reflects a shift away from some of the inner-city police and community youth clubs [PCYCs]. In June 2000 I spoke in this place about the decision of the PCYCs to move away from inner-city clubs and locate them in areas where they are more needed. I also spoke about the significant role PCYCs play in crime prevention. The PCYCs developed that focus after the Callaghan report of 1997. Rather than simply having a stupid knee-jerk law-and-order response to social issues, one tries to provide facilities to deal with those problems, rather than use the blunt and largely ineffective tools of the criminal justice system.

At that level, the development of the club is consistent with the community solutions approach that has been developed by community 2168 and facilities such as the Hub. It is very much a holistic approach to issues in the Liverpool area. The club has been developed over a long period. Extensive surveys have been undertaken of potential users. There is some local criticism about some of the facilities being offered in the club. That criticism comes largely from people who are about 50 years too old to use the club. It is much more important that the club is targeted to the needs of those who are likely to use it. The club officially started to function in mid December last year. I had the pleasure of inspecting the centre a week before that. It has, thus far, been a spectacular success, and has been overwhelmed by the number of young people who want to use the facility. That, if nothing else, speaks to the lack of other facilities and confirms its status as a multipurpose youth facility. The club is usefully located at McGirr Park—named after a great Labor family of a local member and Labor Premier—in Cartwright Avenue, near the Michael Wendon Aquatic and Recreation Centre.

At the opening there were a number of long-term campaigners for this facility, but I particularly mention Flora Reid. Others who have had a long-term involvement were Casey Conway, Don Syme, a former mayor of Liverpool, and Peter Fraser, a former alderman of the council. The centre is purpose built; it was designed specifically for the purpose for which it will be used. It will feature a drop-in facility, pool tables, computer rooms, meeting rooms, a sport area outside for basketball, and a large hall for entertainment purposes. It will develop art skills and living skills. Rod Douglas is the club manager, and Rachel Kennedy is the full-time police officer. They have formed a club advisory council and are recruiting volunteers, including Joe Zappia, whom I know. The final point I make is that while this is a joint project between the PCYC and the council, and they both provided money, the most noteworthy contribution financially is the \$500,000 raised from the local community over 20 years. And it is the local community that has allowed this to be developed.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [11.55 a.m.]: I thank the honourable member for Liverpool for advising the House about the official opening of the highly successful Liverpool Police and Citizens Youth Club. Having had the chance to look over the facility, I can say that it is excellent. The club has computer rooms that people can use for homework and general Internet use, and meeting rooms for parenting groups. It provides a whole range of services that should have been provided for the Liverpool community some time ago. I concur with the honourable member's comments that he inherited a backlog of things that should have, and could have, been done many years before his tenure. However, some of the projects the honourable member has listed have occurred in that time. I congratulate the honourable member on his hardworking efforts on behalf of the Liverpool community.

KU-RING-GAI COUNCIL ELECTIONS

Mr ANDREW HUMPHERSON (Davidson) [11.56 a.m.]: At the moment the residents of Ku-ring-gai are turning their attention to the local council elections in a month's time. They have long held the view that a

primary issue for them in relation to council elections is the need for transparency, accountability and fiscal competence. However, over the past 4½ years the council has been controlled by the Ku-ring-gai Preservation Trust [KPT], whose tenure has been characterised by a lack of transparency, accountability and a fiscal, commonsense approach to council. First, there has been a substantial waste of money and resources.

At least \$8 million has been wasted on legal and consultant costs in relation to unwinnable cases in the Land and Environment Court. Much of that has been due to planning incompetence and council's inability to work with the State Government to resolve some of the planning challenges that Ku-ring-gai faces. Indeed, Ku-ring-gai Council has refused to work with the Government. The council has what can only be defined as a schizophrenic attitude; it seems to change its position almost weekly. One typical example involves a roundabout in Killara, which was a \$200,000 debacle. That money was wasted, and ultimately the matter was taken to the Supreme Court by a resident who had been adversely affected. Justice Austin said that the decision was:

... so devoid of any plausible justification that no reasonable body of persons could have reached it ... and one which no sensible authority ... would have decided to adopt.

That comment by Justice Austin relates to the five KPT councillors who drove the decision through the council: Councillor Bennett, Councillor Kitson, Councillor Coleman, Councillor Keays and Councillor Little. Four of them are standing for re-election to council. The exercise cost the ratepayers of Ku-ring-gai about \$200,000 because the council and ratepayers had to play the plaintiff's costs as well. Justice Austin further said:

It was highly unreasonable for the council to make a decision which entailed that the resident's vehicle would be likely to protrude into the roundabout travelling in an anti-clockwise direction in contravention of Australian road rules.

However, it is typical of many things Ku-ring-gai Council has done over the past 4½ years. In 2000, some four years ago, a residential strategy should have been resolved after an independent study. If the KPT councillors had adopted the strategy at that time there would not have been the enormous problems over the past couple of years with medium-density development and an unresolved debate with the State Government. As the KPT councillors were focused on looking after their mates, and because they wished to excise areas where mates lived from the independent recommendations of that study, the residential strategy was not resolved.

Mates were put ahead of public interests. KPT friends were looked after in preference to the residents of Ku-ring-gai. The KPT councillors have not governed for all; they have placed their own interests ahead of the interests of Ku-ring-gai, and they have sacrificed the character of Ku-ring-gai in order to look after friends and mates in the Ku-ring-gai Preservation Trust. Councillors Bennett, Kitson, Coleman, Keays and Little need to be held to account. The latest deeply disturbing issue that has been drawn to my attention is a breach of pecuniary interests by one KPT councillor. Again, it appears that the KPT has been looking after one of its own. Two years ago a matter was referred to the Department of Local Government for investigation, and critical findings were made and communicated to the council. However, the findings were not referred to the council for consideration, they were not referred to a public council meeting, and they have not been disclosed fully and publicly to the residents of Ku-ring-gai. Fundamentally, it is simple: one councillor has failed to understand that disclosure is a public obligation. Without identifying the councillor involved, I quote the letter from the Department of Local Government:

The Department is of the view that it appears that ... [the] Clr ... may have had a pecuniary interest in terms of section 442 of the Act ...

The letter also states:

An Officer of the Department has reviewed section 449 returns and revealed an apparent breach of section 449 of the Act.

Out of two breaches of the Act, neither has been disclosed or explained publicly. I call on the councillor to disclose and I call on other councillors who sought to hide this matter from public attention to explain their actions. I am referring to Councillor Laura Bennett, Councillor Bruce Coleman, Councillor Janine Kitson and Councillor Elise Keays. They are standing for election. They should disclose their position in this matter and explain the reasons for their actions. They should also state whether they believe that Ku-ring-gai ratepayers deserve to know the facts on which to be able to base a judgment in relation to these matters.

GOSFORD VIETNAM VETERANS NAMBUS PROJECT

Ms MARIE ANDREWS (Peats) [12.01 p.m.]: In 2002 I reported to the House that the then Minister for Transport, the Hon. Carl Scully, had handed over a replacement vehicle for the Nambus project to members of the Gosford City Sub-branch of the Vietnam Veterans Federation, whose offices are located at Ettalong

Beach. The replacement vehicle is a former State Transit Authority Mercedes-Benz passenger bus, which was surplus to requirements. Following the handover ceremony, which took place outside Henry Kendall High School, I sought the assistance of the then Minister for Education and Training, the Hon. John Watkins, in having technical and further education [TAFE] students involved in refitting the bus. I point out to honourable members that the Nambus is registered with the New South Wales Department of Education Training and plays an important educative role in the New South Wales school system.

The Nambus is fitted out as a mobile museum and memorial. It contains memorabilia of the Vietnam war and Australia's military involvement. On invitation, the Nambus visits high schools and colleges throughout New South Wales. It also participates in a number of major events on the Central Coast and in other areas of the State. The Vietnam Veterans Federation's volunteers staff the Nambus and make the bus available for inspection. They hold discussions with school students and, when applicable, they also hold discussions with members of the public. The Nambus contains audiotapes, video footage, photographs, headline posters and slides of the Vietnam war era. I am pleased to report to the House that Minister Watkins readily came to the party; hence, TAFE NSW came on board to carry out the major refit of the Nambus.

Discussions were held between representatives of the Hunter Institute of TAFE NSW, Mr Michael Adermann, who was the then deputy director, and Mr Don Harrowell, who is the faculty director, primary industries, construction and environment, and members of the Nambus committee and me. An inspection was made of the new Nambus and things flowed on from that point. The students of the Hunter Institute carried out panel beating, removal of interior fittings and did an excellent job in transforming the interior of the Nambus. The cabinet-making is of an excellent standard and enables the memorabilia to be displayed in the very best light. The painting of the bus, which included jungle camouflage at the rear, was done by students of TAFE NSW at the South-Western Sydney Institute, Wetherill Park. To top it all off, a magnificent mural was designed by TAFE NSW Hunter Institute painting and decorating teacher, Eric MacLucas, and Aboriginal students of the Hunter Institute were also involved in painting this outstanding Vietnam war mural. The mural depicts the Vietnamese countryside with helicopters hovering overhead.

The official handing over ceremony of the transformed Nambus took place at the Ourimbah campus of the University of Newcastle on Friday 20 February. The ceremony was hosted by the director of the Ourimbah campus, Dr Barry McKnight, who is a great advocate for the campus. The well-attended ceremony included many members of the Gosford City Sub-branch of the Vietnam Veterans Federation, their spouses and friends, and representatives of TAFE NSW, including Mr Michael Adermann, Mr Don Harrowell, as well as a number of teachers, students and staff of the Hunter Institute. The Woy Woy Ettalong Hardys Bay RSL sub-branch and the Ettalong Beach War Memorial Club were also represented—both organisations being very supportive of the Nambus project. Mr Harrowell congratulated the TAFE students and staff on a job well done.

On behalf of the State Government I presented a plaque to the President of the Nambus Committee, Mr Alan Ball. Other executive members of that committee are Mr Peter Reid, who is the vice-president, and Mr Jim Thorley, who is the secretary. A number of students and teachers of TAFE worked on the Nambus and I wish to acknowledge them. Those responsible for the mural were teacher/artist Eric MacLucas, teacher Mark Wallis, teacher Linda Sharpe, and Aboriginal students Samantha Baker, Belinda Barton, Opal Warrick and Raymond Kelly. I might add that the names of those students appear on the side of the Nambus. Those responsible for the installation of cupboards and cabinets were faculty director Don Harrowell, teachers Ian Wykes and Brad Holmes, and students Benjamin Adams, Craig Arthurson, Shane Blair, Matthew Gentle, Peter Hayes, Jamie Jefferson, Gary Johnson, Benjamin Lye, Andrew McDermott, Jamie McNamara and Mark White.

I place on record my gratitude to the Premier, Bob Carr, the former Minister for Transport, the Hon. Carl Scully, the former Minister for Education and Training, the Hon. John Watkins, and the current Minister for Education and Training, the Hon. Andrew Refshauge. I thank also Mr Michael Adermann and Mr Don Harrowell from TAFE NSW. Without their support, the transformed Nambus would probably never have eventuated. I also congratulate all students and teachers of TAFE NSW who were involved in this wonderful project. As the Nambus makes its way around the Central Coast and other areas of New South Wales, it will be a magnificent showcase of the tools and talents of teachers and students of TAFE NSW. It also represents a very successful partnership between the Gosford City Sub-branch of the Vietnam Veterans Federation and TAFE NSW. I wish the Nambus project well for the future.

HMAS HAWKESBURY

Mr STEVEN PRINGLE (Hawkesbury) [12.06 p.m.]: Recently I had the privilege of taking part in a welcoming ceremony at the Hawkesbury River City Council's chambers for the commanding officer of the Royal Australian Navy's coastal minehunter HMAS *Hawkesbury*, Lieutenant Commander Paul Mandziy, and his crew. The Navy has a very strong association with the Hawkesbury district. The local museum maintains a

comprehensive and excellent collection of memorabilia from the first HMAS *Hawkesbury* with the assistance of Mrs Beryl Miller and her band of volunteers. I am aware that HMAS *Hawkesbury* recently performed a freedom of entry march in the electorate of the honourable member for Gosford. Having served in the Navy myself for many years, I strongly believe it is important to maintain links between our service men and women and the community to preserve national security and stability within our region. We often see sporting heroes being widely recognised for their exploits—and that is very worthwhile—but it is also important for members of our defence forces to be treated in exactly the same manner.

In my inaugural speech I made a special mention of the exploits of the men and women who serve at the Royal Australian Air Force base at Richmond, which is adjacent to my electorate, and particularly their efforts during the recent Timor and Gulf crises. However, today I wish to highlight the efforts of HMAS *Hawkesbury* in maintaining security within our Pacific region by patrolling the waters of the Solomon Islands. No doubt all honourable members have heard and seen reports of the troubles that the Solomon Islands were enduring last year. Australia took a brave step and made the bold move to commit to taking a leading role by sending a contingent of military and police personnel as well as many other workers to help restore order and bring much-needed stability back to the islands. Part of the operation was dealing with one of the major concerns—the potential for guns being moved between the Solomons and Bougainville.

HMAS *Hawkesbury* and a number of other naval vessels took part in Operation Helpem Fren. The deployment was an operational first for the new class of coastal minehunter. HMAS *Hawkesbury* is a 52-metre, 720-tonne displacement Huon class coastal minehunter vessel. It is the second of six vessels that have been built for the Navy. It was launched in 1998 and was commissioned as recently as February 2000. HMAS *Hawkesbury* patrolled the waters around the islands, hunting down and, if necessary, boarding boats that were suspected of gun-running. The ship may be a minehunter, but HMAS *Hawkesbury* proved that it was far more flexible and capable than its class name indicates, chalking up a list of outstanding achievements including the collection of a massive 333 weapons and over 1,800 rounds of ammunition during the gun amnesty period.

HMAS *Hawkesbury* was also involved in humanitarian aid support, maritime surveillance and boarding operations, maritime transport, search and rescue, medical evacuations, disposal of dangerous ordnance, beach landings, airfield surveys and myriad other support tasks. The Maritime Commander of Australia, Rear Admiral Raydon Gates, CSM, described HMAS *Hawkesbury* as an ambassador for the Navy in the light of her efforts in giving regional assistance to the Solomon Islands. At the time of HMAS *Hawkesbury*'s deployment, I wrote to the maritime commander and passed on the best wishes of honourable members of this House, the people of the Hawkesbury electorate and me for HMAS *Hawkesbury* to have a safe and successful mission.

The efforts of HMAS *Hawkesbury* also extend to the humanitarian arena. On one occasion in bad weather the ship's company found and rescued six Solomon Islands fishermen in shark-infested waters after their canoe had overturned. The men were rescued in two- to three-metre swells and winds of up to 35 knots. After finding two of the men, it took the *Hawkesbury*'s 42-man crew 20 minutes to find the third and fourth canoeists, about 1.5 kilometres from the first survivors. The remaining two men were found a further 1.5 kilometres away. The mine clearance experts on board were also kept busy destroying 750 kilograms of ordnance, as well as neutralising a World War II sea mine holding 300 kilograms of high explosives, making safe areas that had threatened the local fishing population for many years. In conclusion I thank the Mayor of Hawkesbury, Dr Rex Stubbs, for his efforts in commending HMAS *Hawkesbury* and her efforts in the Solomon Islands.

GUNNEDAH WEEK OF SPEED FESTIVAL

Mr PETER DRAPER (Tamworth) [12.11 p.m.]: I take this opportunity to highlight the town of Gunnedah in my electorate and a unique upcoming event for the community. Gunnedah is an agriculturally based town on the banks of the Namoi River, with a population of around 10,000. During the last decade it suffered badly with the closure of its abattoir and the termination of a number of coalmines in the area. The town almost had its heart and soul ripped out as jobs were lost and many families moved out of town to seek other job opportunities, taking with them schoolchildren, and professional and skilled workers. Most importantly, this had a serious effect on the local economy.

Of late, however, Gunnedah has bounced back strongly, using tourism as a powerful tool to draw people back to the town and district. Events such as the national tomato contest, which is held annually in January, and Ag-Quip, the largest agricultural field days in the southern hemisphere, have always brought many thousands of people to the town. More recently, Gunnedah has adopted the mantle as the koala capital of the

world. People can go to Gunnedah on any day of the week and see koalas in the trees; it is a wonderful thing. This has spread the word nationally and internationally about this wonderful community. Visitors can even take home a beautifully packaged bag of koala poo as a permanent memento of their trip.

I wish to draw to the attention of the House the upcoming Gunnedah Week of Speed Festival. Held during March each year, the Week of Speed Festival is just that: a festival boasting a wide range of speed and speed-related activities. The week-long festivities showcase everything from cars, bikes, go-karts, athletics, yachts, greyhounds and horses, to mention but a few. For extreme enthusiasts, this year even yabby races have been included in the program. It is a unique festival. The Week of Speed Festival is now in its eighth year. When the festival is officially opened on Saturday 13 March thousands will be present to witness the opening parade down Gunnedah's Connadilly Street. I was fortunate to attend the event last year.

The benefits of the festival are obvious. It brings thousands of visitors to the town, which injects a lot of money into the local economy. Local hoteliers report full occupancy, and restaurants and other retail outlets are inundated with visitors. Events such as this have not only financial benefits but also important benefits such as increasing the community's morale. Every event or festival that brings people to Gunnedah and into contact with its residents is another step towards recovering the ground lost during the early 1990s. Gunnedah is a much stronger community for having the success of festivals such as the Week of Speed on its calendar.

However, Gunnedah residents who cast their eyes over this year's festival program are quick to note that a much-enjoyed event is missing. Due to increases in public liability insurance premiums the extremely popular go-kart races held in the streets surrounding the memorial pool complex have had to be moved out of town to Balcarly Park Raceway. While it is an extremely good venue, it does not have immediate access for visitors who have to travel out of town. Residents have expressed a great deal of disappointment that such a popular event has had to be removed from town. The organisers are not to blame; they simply cannot risk holding the races in the streets surrounding the pool complex without adequate insurance.

The Gunnedah community cannot sustain the enormous insurance premiums required to insure an event such as this, which is an unfortunate situation. This highlights an issue that is coming to the fore in many regional and rural communities. Increases in public liability insurance premiums are ripping the social fabric out of many such communities. Question marks were raised about the Great Nundle Dog Race, until the Lions Club came to the rescue with its public liability insurance. A small tennis club in my electorate has had to close down. Many thousands of dollars have been spent upgrading the club's facilities, but because the club has a very low membership it cannot afford public liability insurance.

The Manager of Tourism and Economic Development in Gunnedah Shire Council, Chris Ryan, is very excited about the upcoming festival. The program is bigger than ever, and it is anticipated that the festival will bring even more visitors to the town. I commend the organisers of the festival for their fantastic efforts in promoting it and bringing visitors to the town. I encourage everyone in the wider community who has an interest in speed and speed-related activities to visit Gunnedah to experience a wonderful little country town and get a taste of real country life.

NORTHERN TABLELANDS ELECTORATE LAW AND ORDER

Mr RICHARD TORBAY (Northern Tablelands) [12.16 p.m.]: I wish to raise concerns about law and order issues in my electorate. Some of my comments may be deemed to be controversial, but I believe it is important that we are able to speak about these matters with openness and honesty. Youth-related crime continues to be a significant issue in my electorate and, indeed, throughout the State. The problem must be better addressed. I urge the Government to look at the many programs that have been put in place but are not working, and to reallocate the funding that is provided for them to programs that are working. I received a letter from the local police in my electorate concerning youth-related crime, particularly amongst the Aboriginal community. It reads:

I refer to your letter of 4 February 2004 in relation to [a constituent's] concerns.

Following your representations, I called for a report from Sergeant Greentree ... in relation to the issues raised.

Sergeant Greentree stated that he was aware of the issues raised by [your constituent]. Senior Constable Bartlett had attended [the constituent's] residence in relation to a trespass by some youths which included taking a statement from [the constituent]. The youths responsible for this offence were two children under the age of 10 years. The second incident, which was also investigated by Senior Constable Bartlett, revealed the same children to be responsible.

Police share the concerns of [your constituent] in relation to these children. You would be aware that in NSW, the age of criminal responsibility is 10 years. Below that it is an irrebuttable presumption that a child is incapable of forming the necessary intent to commit an offence. Whilst the reality may be different, as far as the law is concerned, Police are unable to take any formal action in relation to children under 10 years.

This is not to say that the Police did not act as a result of these and other incidents. In relation to one of the children involved, he has no less than 45 incidents recorded on the Police computer system and a large majority of these are for criminal offences from robbery through to assault and stealing. Police have been instructed to notify the Department of Community Services each time these children commit offences, and in the case of this particular child, DOCS have been notified on 23 occasions.

Police are examining ways to make parents more accountable for the actions of their very young children. As such Senior Constable Bartlett has forwarded a file to the Police Legal Services Branch in relation to these incidents. However, as stated, when a child is under 10 years, they are taken as not to be capable of committing a criminal offence. Police and community members ... are becoming frustrated at their impotence to deal with incidents such as these.

This matter ... is complex, with no easy solutions. Perhaps this is a matter that can be discussed between us and the other members at the next PACT meeting.

I acknowledge that many programs have been put in place, and governments of all persuasions are to be commended for attempting to address the issue. However, many of the programs in place are simply not working. We must better address the issue, and we must be honest enough to talk about it. It saddens me that I have to read that letter into *Hansard* to alert people that we have to do more. For all the law abiding citizens in my electorate—I particularly mention the hard-working Aboriginal members of my community who are being severely disadvantaged by the actions of some—we must do better in dealing with this problem. Do not give us more programs so that we can send out a media release in the short term. Let us talk about it.

Let us look at getting rid of those programs that are not working and putting the funding and resources devoted to them into programs that do work. Let us be honest enough to speak about it so we can come together as a nation rather than having this us-and-them attitude, this divided debate, talking about resolutions that are not really providing the solutions that we need. It has to start with open and honest debate. Whilst my comments today may be seen as controversial, I hope they will be part of bringing the community together to have an open and honest debate in a way that looks at corrective action and solutions. Kids under 10 years old are committing robbery and other very serious offences, and the offences can only get worse in the future if we do not do something meaningful now.

Private members' statements noted.

The House adjourned at 12.21 p.m. until Tuesday 9 March 2004 at 2.15 p.m.
