

LEGISLATIVE ASSEMBLY

Thursday 24 June 2004

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

Mr Speaker offered the Prayer.

LEGISLATIVE COUNCIL VACANCY

Joint Sitting

Mr SPEAKER: I report the receipt of the following message from Her Excellency the Governor:

GOVERNOR
Marie Bashir

OFFICE OF THE GOVERNOR
Sydney, 24 June 2004

I, Professor Marie Bashir, AC, in pursuance of the power and authority vested in me as Governor of the State of New South Wales, do hereby convene a joint sitting of the Members of the Legislative Council and the Legislative Assembly for the purpose of the election of a person to fill the seat in the Legislative Council vacated by the Honourable Anthony Burke, and I do hereby announce and declare that such Members shall assemble for such purpose on Thursday the twenty-fourth day of June 2004 at 5.00 pm in the building known as the Legislative Council Chamber situated in Macquarie Street in the City of Sydney; and the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

In order that the Members of both Houses of Parliament may be duly informed of the convening of the joint sitting, I have this day addressed a like message to the President of the Legislative Council.

I direct that the joint sitting with the Legislative Council in the Legislative Council Chamber for the election of a member of the Legislative Council be set down as an order of the day for 5.00 p.m. today, as appointed in Her Excellency's message dated 24 June 2004.

NATIONAL COMPETITION POLICY HEALTH AND OTHER AMENDMENTS (COMMONWEALTH FINANCIAL PENALTIES) BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 22 June

- No. 1. Page 2, clause 2, line 6. Omit all words on that line. Insert instead:
- (1) This Act commences on the date of assent, except as provided by subsection (2).
 - (2) Schedules 1-3 commence on a day or days to be appointed by proclamation.
- No. 2 Page 7, Schedule 2 [7], line 12. Omit "400". Insert instead "800".
- No. 3 Page 7, Schedule 2 [7], line 13. Omit "800". Insert instead "1600".
- No. 4 Page 10, Schedule 2 [7], line 17. Omit "400". Insert instead "800".
- No. 5 Page 10, Schedule 2 [7], line 18. Omit "800". Insert instead "1600".
- No. 6 Page 10, Schedule 2 [7], line 24. Omit "100". Insert instead "200".
- No. 7 Page 12, Schedule 2 [7], line 32. Omit "400". Insert instead "800".
- No. 8 Page 12, Schedule 2 [7], line 33. Omit "800". Insert instead "1600".
- No. 9 Page 13, Schedule 2 [7], line 8. Omit "400". Insert instead "800".
- No. 10 Page 13, Schedule 2 [7], line 9. Omit "800". Insert instead "1600".

No. 11 Pages 23-28, Schedule 4 [1]-[10] and Explanatory note, line 3 on page 23 to line 14 on page 28. Omit all words on those lines. Insert instead:

[1] **Section 26 Restrictions on carrying on business of a pharmacist in pharmacies**

Omit "3" wherever occurring in section 26 (1) and (2).

Insert instead "5".

[2] **Section 27A Exemptions for certain friendly societies**

Insert after section 27A (5):

(6) A friendly society to which subclause (1) or (2) applies must not:

- (a) carry on the business of a pharmacist in more than 6 pharmacies, or
- (b) have a direct or indirect pecuniary interest in the business of a pharmacist carried on in more than 6 pharmacies, or
- (c) carry on such a business in one or more pharmacies and have such an interest in one or more pharmacies so that the total number of pharmacies involved exceeds 6.

(7) A friendly society that contravenes subsection (6) is guilty of an offence against this Act.

[3] **Section 40**

Insert after section 39:

40 Savings and transitional regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:
National Competition Policy Health and Other Amendments (Commonwealth Financial Penalties) Act 2004, to the extent that it amends this Act
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Explanatory note

Schedule 4 [1] amends section 26 of the *Pharmacy Act 1964* (the *Principal Act*) to increase (from 3 to 5) the number of pharmacy businesses that a pharmacist may carry on or in which the pharmacist may have a direct or indirect pecuniary interest, and the number of partnerships carrying on such a business or having such a pecuniary interest of which a pharmacist may be a member.

Section 27A of the *Principal Act* allows certain friendly societies to carry on pharmacy businesses. **Schedule 4 [2]** amends section 27A of the *Principal Act* to limit to 6 the number of pharmacy businesses that such friendly societies may carry on or in which they may have a direct or indirect pecuniary interest.

Schedule 4 [3] provides for the making of savings and transitional regulations as a consequence of the proposed amendments to the *Principal Act*.

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [10.05 a.m.]: I move:

That the Legislative Council's amendments be agreed to.

Mrs JUDY HOPWOOD (Hornsby) [10.05 a.m.]: The National Competition Policy Principles Agreement legislation in relation to health went to the upper House accompanied by considerable anticipation about changes that could be made regarding optometrists and dentists. Unfortunately only very minor changes were achieved in the upper House, and they relate to a reduction in penalties affecting the dental profession. Optometrists and dentists are disappointed that they did not get a proper hearing or the changes they sought. However the Opposition, in accordance with the wishes of the optometry and dental associations, will not oppose these amendments.

The Opposition welcomes the amendments relating to pharmacy and the assistance given by the Prime Minister to promote a sensible approach to changes sought by the Government in relation to pharmacy. That has resulted in a more sensible approach to pharmacy. The Coalition promotes and fully supports community pharmacy, a concept enhanced by the Prime Minister in relation to this legislation. I am pleased that community pharmacy has been well received by the community. Pharmacists enjoy participating in this system, and residents like the access to services and the information they are able to obtain through community pharmacy. Though the Coalition will not oppose these amendments, we note a degree of consternation that at the last minute optometrists and dentists appear to have been forced into a position from which they could not recover.

Motion agreed to.

Legislative Council's amendments agreed to.

Resolution reported from Committee and report adopted.

Message sent to the Legislative Council advising it of the resolution.

PASSENGER TRANSPORT AMENDMENT (BUS REFORM) BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 3 June

No. 1 Page 5. Insert after line 14:

[11] Section 18 Commercial and non-commercial contracts

Omit "(subject, in the case of school bus services, to the regulations)" from section 18 (5).

No. 2 Page 6, Schedule 1 [13], proposed section 28B. Insert after line 18:

- (4) A service contract for a regular bus service is taken to include a term to the effect that the holder of the contract must comply with the holder's obligations under any industrial instrument applicable to the holder concerning the conditions of employment of bus drivers or conductors (or both) as in force from time to time during the term of the contract.
- (5) Any contravention of the term implied in a service contract by subsection (4) may be remedied at law or in equity as though the term were an essential term to which the parties had by contract agreed.
- (6) In this section, *industrial instrument* means:
 - (a) an industrial instrument within the meaning of the *Industrial Relations Act 1996*, or
 - (b) an award or agreement made or entered into in accordance with the provisions of the *Workplace Relations Act 1996* of the Commonwealth.

No. 3 Page 6, Schedule 1 [13], proposed section 28C. Insert after line 22:

- (2) Without limiting subsection (1), the performance standards may include any model performance standards for regular bus services that the Director-General may, by order published in the Gazette, approve from time to time.
- (3) Before the Director-General makes an order under subsection (2) approving a model performance standard, the Director-General must consult with each of the following about the standard:
 - (a) the Transport Advisory Group constituted under the *Transport Administration Act 1988*,
 - (b) the Bus and Coach Association of New South Wales,
 - (c) such other persons or bodies as the Minister may direct.
- (4) The performance standards are to include standards concerning greenhouse emissions by buses that have been developed by the Director-General following consultation with the New South Wales Greenhouse Office in the Cabinet Office.

No. 4 Page 12. Insert after line 7:

[22] Section 48 Review of decisions concerning service contracts

Insert at the end of section 48:

- (2) This section does not apply to a decision of the Director-General with respect to a service contract for a regular bus service.

No. 5 Page 16, schedule 1 [25]. Insert after line 8:

34 Review of decisions under Part 5

- (1) Section 48 (2) (as inserted by the amending Act) does not apply to any decision of the Director-General made in respect of an existing commercial bus service contract or existing non-commercial bus service contract.
- (2) However, Part 5 of the Act does not apply to any of the following decisions of the Director-General made on or after the commencement day in respect of an existing commercial bus service contract or existing non-commercial bus service contract:
- (a) a decision to enter into a service contract for a regular bus service with another person under Division 3 of Part 3 of the Act (as amended by the amending Act),
- (b) a decision to terminate the contract under clause 29,
- (c) any other decision made under this Part (including a decision made under clause 30 or 31).

No. 6 Page 20, schedule 1 [25]. Insert after line 17:

38 Valuation and acquisition of certain bus service assets

- (1) In this clause:

bus service asset of an existing service provider means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description used in connection with the provision of a regular bus service in the existing service area, but does not include any goodwill.

existing service area of an existing service provider means the region or route of operation (or part of the region or route) for which the provider is to cease to provide a regular bus service.

existing service provider means the holder of an existing commercial bus service contract or existing non-commercial bus service contract who is not to be awarded a new service contract under the provisions of Division 3 of Part 3 (as inserted by the amending Act) to provide a regular bus service for the region or route of operation (or part of the region or route) for which the holder is currently providing a regular bus service under the existing contract.

modification includes addition, exception, omission or substitution.

proposed new service provider means a person to whom the Director-General proposes to award a new service contract under the provisions of Division 3 of Part 3 (as inserted by the amending Act) to provide a regular bus service in the existing service area of an existing service provider.

- (2) An existing service provider who wishes to sell or otherwise dispose of any bus service asset to a proposed new service provider who has refused to acquire it (whether at a particular price or at any price) may apply to the Director-General for the Director-General to make it a condition of the service contract of the proposed new service provider that the provider acquire the asset.
- (3) On any such application, the Director-General may:
- (a) reject the application, or
- (b) refer the question of the valuation of the bus service assets in question to arbitration under this clause.
- (4) The *Commercial Arbitration Act 1984* applies to any such arbitration subject to this clause and with such modifications as may be prescribed by the regulations.
- (5) Without limiting subclause (4), the regulations may make provision for or with respect to any of the following matters:
- (a) the persons who are qualified to be appointed as arbitrators and the nomination of such arbitrators,
- (b) the matters that may be considered, or not considered, in making a valuation of bus service assets in an arbitration under this clause.
- (6) Following any such arbitration, the Director-General may (but need not) require the proposed new service provider to acquire any bus service asset that was the subject of the arbitration at the value determined in the arbitration as a condition of any service contract entered into to provide a regular bus service in the existing service area.

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [10.09 a.m.]: I move:

That the Legislative Council's amendments be agreed to.

Mr PETER DEBNAM (Vaucluse) [10.09 a.m.]: The Opposition will oppose these amendments. As honourable members would be aware, this saga of bus reform has been going on for many years. Earlier this month the Government found the numbers in the other place and pushed the bus reform bill through with the help of the Greens and some other crossbench members. The basis of the support the Government received was that the bus industry needed reform and the legislation was needed to guarantee that reform. As we have said in this House and in the other place, no-one has denied the need for reform; certainly, the industry has also acknowledged that. However, it needs to be done in consultation with the industry. Currently, there is a problem. The risk that the Parliament has taken in accepting the bill in the other place is that it is basically passing a blank cheque to the Government while the industry is still in conflict on many of the fundamental provisions of the reform package.

The Legislation Review Committee, which I remind honourable members is a bipartisan parliamentary committee, also expressed serious concerns about some aspects of the legislation, more particularly the non-changeable powers granted to the director-general and the failure to provide adequate compensation to an aggrieved bus operator, which is possibly in conflict with the Commonwealth Constitution. I spoke at length during the second reading debate on this bill. During my contribution I made the point that, given the history of transport in this State and the history of Labor hacks who have been appointed to senior roles in almost all departments, we simply cannot give such powers to a director-general without appeal. We are seeing reform at any cost being pushed through the other place, and we simply will not accept that. The industry needs to negotiate satisfactory terms with the Government, and that may take some time. The Minister for Transport Services in the other place seemed to have convinced enough members of the other House of his integrity by making two promises which ensured the passage of the bill, and I simply record those assurances again. The Minister said:

I assure the House that the amendments to the Act will not be proclaimed until the industry and the ministry have had sufficient time to work through the issues. These issues include the metropolitan funding model, the service planning guidelines and key terms of the model contract.

The Minister further said:

I also assure the House that the Director-General of the Ministry of Transport will not exercise his powers to terminate or vary any existing contract until he can demonstrate to me that the negotiations have been included and, where possible, agreement has been reached.

We put those assurances on the record again in the hope that the Minister might stick to them. However, based on the history of the Carr Government, it has been sad to watch the saga of this reform process. We are afraid that the Government will not stick to those assurances. The Opposition will oppose the bill, on the basis that to date the Government has failed to undertake good faith negotiations with the industry and put in place a reform package that is not too difficult to formulate and implement. I can only suggest that the Government has a hidden agenda. The Government now has an opportunity to work with the industry in good faith and to get it right. In the interim we will oppose the legislation.

Mr MILTON ORKOPOULOS (Swansea) [10.13 a.m.]: The honourable member for Vaucluse talked about a hidden agenda. The only hidden agenda of this Government is to provide better public transport, bus transport, for the people of New South Wales, especially those in the Swansea electorate who have experience of both public and private bus services that are unable to connect or traverse each other. I support the amendments passed in the Legislative Council. The Government's key amendment, which requires the Ministry of Transport to consult with the Transport Advisory Group, which advises the Independent Transport Safety and Reliability Regulator on safety and reliability standards; the Bus and Coach Association [BCA], which I am sure is a great supporter of the Liberal Party; and such other persons or bodies as the Minister may direct, arose out of consultation—

Mr Peter Debnam: Point of order: If the member in this cowards' castle is going to defame the industry, are we talking about a hidden agenda?

The CHAIRMAN (Mr John Mills): What is the point of order?

Mr Peter Debnam: My point of order is that the honourable member for Swansea is speaking on behalf of the Government but all he is doing is defaming the bus industry. The point I made in my address this morning is that the Government needs to negotiate in good faith.

The CHAIRMAN (Mr John Mills): Order! The honourable member for Vacluse should identify the standing order that has been breached. If he is unable to do so, I will rule that there is no point of order.

Mr MILTON ORKOPOULOS: When Bruce Baird was the Minister he gave the Bus and Coach Association the opportunity to write the legislation that this Government should have done. The key amendment, which requires the Ministry of Transport to consult with such other persons or bodies as the Minister may direct, arose out of consultation on the bill. I cannot understand why the honourable member for Vacluse talked about a lack of consultation with the industry when there has been extensive consultation with industry stakeholders, including the Council of Social Service of New South Wales and the industry itself. The amendment proposed by the Hon. John Tingle will provide a mechanism for ensuring that operators wishing to exit the industry will have a market at a fair price for their assets.

The amendment requiring consultation on emissions standards with the recently established New South Wales Greenhouse Office in the Cabinet Office is supported by the Government, as is the requirement that operators meet their industrial obligations as a statutory term of their new service contracts. How can the shadow Minister oppose that? In the other place the Minister for Transport Services made a commitment not to proclaim the Act until industry and the Ministry of Transport have had sufficient time to work through outstanding issues on the metropolitan funding model, the key terms of the draft metropolitan contract and the service planning guidelines. The Minister also made a commitment not to allow the director-general to use the powers set out in the transitional arrangements until the ministry had demonstrated that good faith negotiations had been exhausted.

I am pleased to advise the House that these commitments are being met. The Ministry of Transport has briefed operators on the proposed new funding model for metropolitan Sydney, and is seeking industry data to assist with the on-calibration of the model. Discussions on the key terms of the draft metropolitan contract are continuing, with a number of options being canvassed to meet the Government's objectives of ensuring an orderly transition should there be a change of operator at the end of the contract term, or should the contract be terminated, and removing barriers to a competitive tender at the end of the transition phase.

The Bus and Coach Association has now provided the ministry with the industry's final comments on the draft service planning guidelines for metropolitan Sydney. The boundaries conference, held last Thursday, gave all operators a chance to put forward proposals for changes to the new region boundaries. The basis for assessing those proposals includes clear planning benchmarking, fare harmonisation and transition principles. I am told that the willingness on both sides to engage on the issues in good faith shows that there is a solid basis for going forward. Given all of that, I cannot for the life of me understand why the Opposition persists in obstructing this legislation.

Question—That the amendments be agreed to—put.

Division called for and, pursuant to sessional orders, deferred.

Progress reported and leave granted to sit again.

NATIONAL COMPETITION POLICY LIQUOR AMENDMENTS (COMMONWEALTH FINANCIAL PENALTIES) BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 22 June

No 1. Page 2, Clause 2, line 6. Omit "July". Insert instead "August".

No 2. Page 8, Schedule 1 [17], proposed section 62F. Insert after line 13:

- (5) Sections 40 and 41 of the *Interpretation Act 1987* apply to the guidelines in the same way as those sections apply to statutory rules.

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [10.20 a.m.]: I move:

That the Legislative Council's amendments be agreed to.

Mr DARYL MAGUIRE (Wagga Wagga) [10.20 a.m.]: For the reasons given in this place and in another place, the Opposition will oppose these amendments.

Question—That the amendments be agreed to—put.

Division called for and, pursuant to sessional orders, deferred.

Progress reported and leave granted to sit again.

CRIMES AMENDMENT (CHILD NEGLECT) BILL

Second Reading

Debate resumed from 23 June.

Mr ALAN ASHTON (East Hills) [10.21 a.m.]: I support the Crimes Amendment (Child Neglect) Bill.

Mr Thomas George: Because you were told to.

Mr ALAN ASHTON: No, it is not a matter of being told. I take umbrage at the remark made by the honourable member for Lismore, who, the other night in this place, was offended by language directed at him. I am quite prepared to speak in support of anything that will prevent children from being neglected. This legislation goes as far as it can relating to child neglect, while recognising that there will always be people in our community who will do the wrong thing. The Government proposes to change the Crimes Act 1900 to strengthen and clarify the provisions relating to child neglect. The bill will modernise the language used in section 43, which deals with exposing or abandoning a child under seven, creates new section 43A, which deals with the failure of persons with parental responsibility to care for a child, and makes consequential changes to section 44, which deals with not providing a wife, child or servant with food. The bill was introduced in the upper House, and although I have not read that part of it I presume that in the modern age it might also be an offence not to provide a husband, child or servant with food. But I digress.

The amendments will clarify and strengthen existing provisions. All governments seek to ensure that children are protected from birth. What can happen to children when they are neglected or abandoned has never been more obvious than in the past few months. Despite the record budgets the Government has delivered since 1995, child neglect will continue. The legislative framework must ensure that the effects on children of neglect or abandonment are ameliorated as much as possible. The Government, and no doubt the Opposition, acknowledges the realities and complexities involved in child neglect and endeavours to provide appropriate penalties. For example, recently a wealthy family from Chicago decided to leave their four-year-old daughter at home with their 18-month-old baby while they travelled overseas for three months. The case made the world news. The four-year-old was able to live out of what was left in the cupboard and the fridge, but it was totally wrong and totally inappropriate.

That type of child neglect, by wealthy people, is different from neglect by someone who is poor and struggling to bring up a large family. The bill recognises the different nature of what might be neglect for one but what is criminal neglect for another. The change to section 43 will make it an offence for a person to intentionally abandon or expose, without reasonable excuse, a child under the age of seven if the abandonment or exposure causes a danger of death or serious injury to the child. This section will apply to anyone, not only the parents of a child. Recently someone said I made no reference to ancient history in my contribution to a debate, and that annoyed me. Today I will make a reference to ancient history, despite the look on the face of the Acting-Speaker Mr Paul Lynch.

In the days of ancient Sparta babies were exposed on the night or the day of their birth. They were taken up to the highest mountain and left there overnight. In the morning, if the family found that the baby had died they took the view that the baby was not fit to live. Spartans had a strict policy on fitness and the survival of their State. If the baby managed to survive that night in the freezing cold, they took the view that he or she would be a fit Spartan who would grow up to be strong hoplite or a strong mother. "Exposure" has an historical infamy. I appreciate that we are not referring to that type of exposure, but a bit of historical background never hurts. The new wording of the section will provide for the punishment of those guilty of an offence without unduly punishing those who, in the circumstances of the case, have a reasonable excuse for their conduct.

It may be that a person is in the middle of nowhere and has to leave a child with another young person in a car with some water while that person leaves to try to find help. In that case it would be justified to leave a child. A judicial officer will determine whether an individual has established a defence of reasonable excuse. Some years ago in Queensland a person stole a car and dumped the baby, who was in the car, on the side of the road. It was only sheer luck that someone pulled off the highway and was going for a bit of a wander through the bush and heard the baby crying: the baby was saved. I will give an example that everyone in the Chamber would be aware of. I will not mention names or the specific incident. Recently in the outer suburbs of Sydney a child was asleep in a car that was stolen. If the man who stole the car abandoned the car knowing that a baby or a young child under the age of seven was in the back of the car, the baby or the young child could die of heat exhaustion, particularly if it is in the summer and the windows are closed.

In such circumstances, under this legislation there will be no reasonable excuse for abandoning a child. If the action causes a child serious injury, a person could be charged under section 43 and would be liable to very strong penalties. Generally speaking, leaving a child in a car on a hot day is something that none of us would contemplate. Unfortunately, we know so many people who say that they just pulled up to quickly get something from the bank but the queue was very long. We all know that the temperature in a car can rise dramatically in a very short time. The impact of radiation through glass in a parked car on a hot day can cause the temperature inside the car to rise by a staggering 75 per cent in approximately five minutes. Small children are more vulnerable than adults because in that five-minute period they can suffer dehydration, heat exhaustion, and organ failure, which can lead to death.

The amendments in the bill will provide judicial officers with a range of sentencing options in such cases. This will mean that penalties will be able to be applied to best fit the individual circumstances of a case and ensure the best possible outcome for children and families. The amendments provided in the bill are reasonable and practical. They complement existing Government initiatives and programs for supporting and strengthening families, such as the Early Intervention Program for vulnerable families and children and the Supported Accommodation Assistance Program, which assists families, women and children in crisis. In May the Minister for Community Services, the Hon. Carmel Tebbutt, announced the first part of \$150 million of additional funding for early intervention services over five years. I am pleased to say that, as previously announced, the budget allocates \$600,000 to four electorates for that program.

I note the presence at the table of the honourable member for Tweed. He has been successful in attracting funding for the Early Intervention Program in his electorate and I congratulate him. It is always a struggle to obtain Government funds from Ministers, but he thumped the table and was very successful, and his efforts deserve to be recognised in this House. A separate allocation of \$600,000 will apply to the Bankstown area of my electorate, and my constituents are very pleased that the Early Intervention Program will be given additional financial assistance. The funds will go towards an education process organised by the Kindergarten Union and give material effect to this Government's legislative provisions. Those measures demonstrate the Government's ongoing commitment to policies designed to create better functioning families, reduce child abuse and neglect, and reduce juvenile and adult crime. I commend the bill to the House.

Ms VIRGINIA JUDGE (Strathfield) [10.32 a.m.]: I support the Crimes Amendment (Child Neglect) Bill. The eloquent speech by the honourable member for East Hills provided some good examples of possible consequences of currently not having this type of bill, and of the devastating effects that neglect has upon children. The Carr Labor Government has adopted a proactive approach to ensure that a very clear signal is sent to every man, woman and family in New South Wales that this Government will not tolerate in any way, shape or form the abuse, misuse or neglect of a child.

This bill seeks to legislate against the very serious matter of child neglect. I am proud to be part of a government that has introduced this bill. I congratulate the Minister and her hardworking staff on the bill, for what is the business of Parliament if it is not to help those who are vulnerable to harm in our so-called civilised society? The bill creates an offence relating to the neglect of a child under the age of 16 by a person with parental responsibility. The offence will occur if such a person fails to provide the child with the necessities of life, including adequate food, clothing, medical aid, and shelter in circumstances in which such neglect would most likely occasion the death or serious injury of the child. The maximum penalty available for the offence will be five years in gaol. The bill ties in with the Children and Young Persons (Care and Protection) Act 1998, which carries a \$22,000 fine, but does not provide for imprisonment.

Chapter 14 of the Children and Young Persons (Care and Protection) Act details offences involving children and young persons. These offences relate to the abuse of children and young persons, the neglect of

children and young persons, the unauthorised removal of children and young persons from the care and protection of persons into whose care and protection they have been placed under the proposed Act, the tattooing of children and young persons without the written consent of a parent, and the leaving of children and young persons unsupervised in motor vehicles. As described so eloquently by the honourable member for East Hills, this great nation of ours has a pretty wild range of climatic conditions. One need only think of what almost all people refer to as stinking hot days in January and February each year to appreciate the need for this legislation.

Quite aside from the neglect of our precious young people in cars on hot days, I have seen dogs that have been left in a car and are jumping up, clawing at the windows with their tongues hanging out and panting for oxygen. That is cruel treatment of animals, but when our precious young children, particularly those in the 0 to 2 years of age category, are left alone in a car by parents who are in a rush to whiz in to a supermarket to buy household supplies, something has to be done, and the Government has. Sometimes babies are left in a car, dressed up in warm clothes, probably with a bonnet and a blanket, in a baby capsule whose belts are wide and likely to trap a deal of their body heat. The consequences of those circumstances can be absolutely devastating.

The honourable member for East Hills referred to examples of stolen cars with babies in them, and I make the point of how dreadful it would be if a stolen car with a baby in it was involved in a high-speed chase or a crash. It is important for people to be mindful of the dire consequences of what may seem relatively innocent activity. I have the privilege of being a member of the Committee on Children and Young People, which oversees the work of the Commission for Children and Young People. I am sure that the chair of the committee, the honourable member for Auburn, Barbara Perry, and other members of the committee support this legislation.

The amendments to section 43, which relate to exposing or abandoning a child under seven years old, seek to update the language used in the section in much the same way as the Children and Young Persons (Care and Protection) Bill 1998 replaced "guardianship" with "parental responsibility", "access" with "contact" and "foster care" with "out of home care". This is a logical step that will ensure the continuing relevance of the Crimes Act. I particularly endorse the prison sentence that will flow from proposed new section 43A, which relates to the failure to provide a child with the necessities of life. It is vital that we send to people with parental responsibilities who do not afford their children the attention they deserve the message that their behaviour is not acceptable. They must realise that we as a society expect them to give their children the love and attention that all children should receive as a basic human right.

The penalty of a maximum five years imprisonment for this offence will tell negligent carers—one hopes they constitute a minority among all the many wonderful parents and people with parental responsibilities for the care of children—once and for all that their actions have consequences, not just for their children, but for them personally. Parenting is a wonderful experience, but it is not easy. I have three children and I think parents deserve a medal. I am sure that no-one in this House would disagree that the neglect of a child that results in death or serious physical harm is a truly appalling and inexcusable deed. The consequences of such inhumane behaviour are devastating on children, but also have wide-reaching repercussions. Late in 2002 the New South Wales Commission for Children and Young people released a report that followed an inquiry into the best means of assisting children and young people with no-one to turn to. In regard to young children, the report stated:

Relationships made during this period form the template for future relationships, so it's important to create strong and positive bonds in the early years.

Children under five are profoundly affected by their parents' behaviour and inevitably feel the impact of any prolonged absences or reduced ability to cope.

Neglect at an early age in a child's life can have destructive consequences and undermine the child's ability to grow into a happy and healthy adult. If children do not receive basic necessities their deprivation can cause a knock-on effect. The inquiry report quoted a social worker from Dareton who said:

We've got to feed the kids. If they aren't getting fed then that's it, we've lost them. They won't go to school, they can't concentrate at school. They're running riot around the streets. But... well, it's just basic survival needs—food and shelter.

In my previous career I taught at primary and secondary levels. I found that, particularly in the early years, if children went to school with an empty tummy it was not easy for them to concentrate on school work. The inquiry report also quoted a 15-year-old girl from Grafton who said:

My parents don't know half of what I do at school, they're too busy in their own lives. They don't give you the attention you need in a lot of cases.

Children should have the right to not only be provided with the necessities of life such as food and shelter, but to expect and receive their parents' attention, approval and reassurance. Recently a lady told me that when she was in a hairdressing salon a young child came in to speak to his parent. The parent took \$200 out of her pocket, gave it to the child, and said, "Take this, go away, don't bother me, go and buy something." The parent did not ask whether the child had a problem, or wanted to talk about an issue, or needed something. The parent simply said, "I am too busy, go away. I am doing something. You go off and do your own thing." Parents should take the time to sit and listen, and communicate with their children.

Of course, the giving of love cannot be legislated for, but the provision of the basic necessities to children can be, and that is the closest thing to love that we can and should legislate for. The damage done to a child in early life through neglect can take an entire lifetime to repair, but hopefully that will be noticed early and treated. A neglected child has the potential to develop health issues, become a concern within the school system, and fail to emerge as an effective member of society if that neglect is left unattended. That is fairly obvious. Indeed, the future of children may be in jeopardy if the parents have failed to provide an adequate parenting model. It is vital that we intervene early, not just from a social perspective but also in terms of economic consequences. I know that the Government took a very active role in another fantastic support system, the Families First Program. The Government realised the impact of early intervention during the formative years. A Department of Community Services [DOCS] fact sheet released recently quoted a United States of America study that took place over 27 years. The study found:

... that for every one dollar invested in services to help families with young children, four dollars was saved within three years on child protection, health, education and justice systems. By the time the children were adults, seven dollars had been saved.

All the consequences of child neglect are devastating, for both the victims and society. That is why it is vital that the Crimes Amendment (Child Neglect) Bill be passed. If we pass this bill this morning, people who are currently fighting child neglect, those courageous and tireless DOCS workers, will have better mechanisms to effect a change and catch these children before the unthinkable happens and they are hurt irredeemably. It is our duty, as members of Parliament and as members of the broader community, to ensure that children are protected from harm in whatever way is necessary. Through equipping DOCS workers with this new consequence for child neglect, we will help to protect those most at risk of neglect, particularly our wonderful young children, our youth, our future. I commend the Government for introducing the bill, and I commend all those involved in its preparation. It has been interesting listening to some of the excellent comments on the bill, and I commend the bill to the House and urge everyone to support it.

Mr DARYL MAGUIRE (Wagga Wagga) [10.45 a.m.]: After listening very closely to the debate on the Crimes Amendment (Child Neglect) Bill, which amends the Crimes Act, I wish to make a small contribution. The bill proposes the insertion of new sections 43, 43A and 44 into the Crimes Act, which state:

43 Abandoning or exposing a child under 7 years

A person who, without reasonable excuse, intentionally abandons or exposes a child under 7 years of age is guilty of an offence if it causes a danger of death or of serious injury to the child.

Maximum penalty: Imprisonment for 5 years.

43A Failure of persons with parental responsibility to care for a child

(1) In this section:

child means a child under 16 years of age.

parental responsibility means the duties, powers, responsibilities and authority in respect of a child that, by law, parents have in relation to their children.

(2) A person:

(a) who has parental responsibility for a child, and

(b) who, without reasonable excuse, intentionally or recklessly fails to provide the child with the necessities of life,

is guilty of an offence if the failure causes a danger of death or of serious injury to the child.

Maximum penalty: Imprisonment for 5 years.

44 Not providing wife, child or servant with food etc

As far as I can see, new section 43A fails to mention carers or people in charge of a child, whether that be a babysitter or a family friend. Is it intended that the bill cover that responsibility? The Opposition has said that it would not oppose the bill; it certainly supports any move to protect children and ensure they are cared for in a way that is responsible and suitable for the health and well-being of the child: it is, of course, every parent's responsibility to do so. However, I raise the broader issue of the message to the community about child care and child welfare. That message to the community is that bringing a child into this world imposes on parents and carers the onerous responsibility to provide certain basic things. This bill is an attempt to give the Department of Community Services [DOCS] more power, more ability, to deal with people who do not provide the necessary well-being and care for a child.

I raise now deeper points concerning DOCS and the resources available to it, and the education of parents. Unintentionally some parents can make a silly mistake—we have all done it—such as jumping out of the car and leaving the keys inside, or not putting the handbrake on, or pulling out from a give-way sign or a stop-sign without checking. We are human, and humans are vulnerable to mistake. My point is that there is an educational issue about anticipating a consequence of an action. On occasions a parent may not recognise danger, such as when letting go of a small child's hand on a busy road, or when dropping a child at school and staying at the crossing instead of walking the child across.

At some stage all parents have been guilty of doing those sorts of things. What measures will the Government implement to ensure that this message is conveyed to the community and that they understand the consequences of the bill? What educational resources will the Government provide so people fully understand their responsibilities? People must be made aware of some of the things that can happen as a matter of everyday life. Parents might take their eyes off a child for a moment, they might duck into the corner store while their child is asleep in the back of the car or perhaps when a family pet is in the back of the car—a matter to which the honourable member for Strathfield referred earlier. Those sorts of things can happen.

Once this bill has been implemented how will the Government create a greater awareness about these issues? What resources will it provide to ensure that we have an adequate educational program? I refer to staffing in the Department of Community Services, which has been a huge issue. What resources will the Government allocate to that underresourced department? The Treasurer said in his Budget Speech that this Government would employ 100 additional inspectors in the Department of Community Services to enforce the law and to assist in cases involving children. That is all well and good, but there will always be those who are unaware of the right thing to do. What will the Government do about that?

Mr NEVILLE NEWELL (Tweed—Parliamentary Secretary) [10.52 a.m.], in reply: I thank the honourable member for East Hills, the honourable member for Strathfield and the honourable member for Wagga Wagga for their contributions to the debate. The Government has proposed important amendments to the Crimes Act that will effectively modernise the law of child neglect. The bill makes it clear that persons who endanger the life or health of a child can face significant penalties. In appropriate cases those penalties can be up to five years imprisonment. The honourable member for Wakehurst raised a number of issues referred to by Professor Patrick Parkinson that related to both the Government and the Opposition. I refer the honourable member for Wakehurst to the comprehensive response of the Minister for Community Services to those issues in the other place some weeks ago. Similarly, I make the same comment to the honourable member for Wagga Wagga. The provisions of the bill are a sound reflection of community attitudes and expectations and I commend it to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

PASSENGER TRANSPORT AMENDMENT (BUS REFORM) BILL

In Committee

Deferred division

The CHAIRMAN (Mr John Price): The Committee will now proceed with the deferred division on the question, That the Legislative Council's amendments be agreed to.

The Committee divided.

Ayes, 48

Mr Amery	Ms Hay	Mrs Paluzzano
Ms Andrews	Mr Hickey	Mr Pearce
Mr Barr	Mr Hunter	Mrs Perry
Mr Bartlett	Mr Iemma	Dr Refshauge
Ms Beamer	Ms Judge	Mr Scully
Mr Brown	Ms Keneally	Mr Shearan
Ms Burney	Mr Lynch	Mr Stewart
Miss Burton	Mr McBride	Mr Tripodi
Mr Campbell	Mr McLeay	Mr Watkins
Mr Collier	Ms Meagher	Mr West
Mr Corrigan	Ms Megarrity	Mr Whan
Mr Crittenden	Mr Mills	Mr Yeadon
Ms D'Amore	Ms Moore	
Mr Debus	Mr Morris	
Ms Gadiel	Mr Newell	<i>Tellers,</i>
Mr Gibson	Ms Nori	Mr Ashton
Mr Greene	Mr Orkopoulos	Mr Martin

Noes, 34

Mr Aplin	Mrs Hopwood	Mrs Skinner
Mr Armstrong	Mr Humpherson	Mr Slack-Smith
Ms Berejikian	Mr Kerr	Mr Souris
Mr Cansdell	Mr McGrane	Mr Stoner
Mr Constance	Mr Merton	Mr Tink
Mr Debnam	Mr Oakeshott	Mr Torbay
Mr Draper	Mr Page	Mr J. H. Turner
Mr Fraser	Mr Piccoli	Mr R.W. Turner
Mrs Hancock	Mr Pringle	
Mr Hartcher	Mr Richardson	<i>Tellers,</i>
Mr Hazzard	Mr Roberts	Mr George
Ms Hodgkinson	Ms Seaton	Mr Maguire

Pairs

Mr Gaudry	Mr Brogden
Ms Saliba	Mr O'Farrell

Question resolved in the affirmative.

Motion agreed to.

Legislative Council's amendments agreed to.

Resolution reported from Committee and report adopted.

Message forwarded to the Legislative Council advising it of the resolution.

NATIONAL COMPETITION POLICY LIQUOR AMENDMENTS (COMMONWEALTH FINANCIAL PENALTIES) BILL

In Committee

Consideration of Legislative Council's amendments.

Deferred division

The CHAIRMAN (Mr John Price): Order! The Committee will now proceed with the deferred division on the question: That the Legislative Council's amendments be agreed to.

The Committee divided.

Ayes, 47

Mr Amery
 Ms Andrews
 Mr Bartlett
 Ms Beamer
 Mr Brown
 Ms Burney
 Miss Burton
 Mr Campbell
 Mr Collier
 Mr Corrigan
 Mr Crittenden
 Ms D'Amore
 Mr Debus
 Ms Gadiel
 Mr Gibson
 Mr Greene

Ms Hay
 Mr Hickey
 Mr Hunter
 Mr Iemma
 Ms Judge
 Ms Keneally
 Mr Lynch
 Mr McBride
 Mr McLeay
 Ms Meagher
 Ms Megarrity
 Mr Mills
 Ms Moore
 Mr Morris
 Mr Newell
 Ms Nori

Mr Orkopoulos
 Mrs Paluzzano
 Mr Pearce
 Mrs Perry
 Dr Refshauge
 Mr Scully
 Mr Shearan
 Mr Stewart
 Mr Tripodi
 Mr Watkins
 Mr West
 Mr Whan
 Mr Yeadon
Tellers,
 Mr Ashton
 Mr Martin

Noes, 35

Mr Aplin
 Mr Armstrong
 Mr Barr
 Ms Berejikian
 Mr Cansdell
 Mr Constance
 Mr Debnam
 Mr Draper
 Mr Fraser
 Mrs Hancock
 Mr Hartcher
 Mr Hazzard

Ms Hodgkinson
 Mrs Hopwood
 Mr Humpherson
 Mr Kerr
 Mr McGrane
 Mr Merton
 Mr Oakeshott
 Mr Page
 Mr Piccoli
 Mr Pringle
 Mr Richardson
 Mr Roberts

Ms Seaton
 Mrs Skinner
 Mr Slack-Smith
 Mr Souris
 Mr Stoner
 Mr Tink
 Mr Torbay
 Mr J. H. Turner
 Mr R. W. Turner
Tellers,
 Mr George
 Mr Maguire

Pairs

Mr Gaudry
 Ms Saliba

Mr Brogden
 Mr O'Farrell

Question resolved in the affirmative.

Motion agreed to

Legislative Council's amendments agreed to.

Resolution reported from Committee.

Question—That the report be now adopted—put.

The House divided.

Ayes, 48

Mr Amery
 Ms Andrews
 Mr Bartlett
 Ms Beamer
 Mr Brown
 Ms Burney
 Miss Burton
 Mr Campbell
 Mr Collier
 Mr Corrigan
 Mr Crittenden
 Ms D'Amore
 Mr Debus
 Ms Gadiel
 Mr Gibson
 Mr Greene
 Ms Hay

Mr Hickey
 Mr Hunter
 Mr Iemma
 Ms Judge
 Ms Keneally
 Mr Lynch
 Mr McBride
 Mr McLeay
 Ms Meagher
 Ms Megarrity
 Mr Mills
 Ms Moore
 Mr Morris
 Mr Newell
 Ms Nori
 Mr Orkopoulos
 Mrs Paluzzano

Mr Pearce
 Mrs Perry
 Mr Price
 Dr Refshauge
 Mr Scully
 Mr Shearan
 Mr Stewart
 Mr Tripodi
 Mr Watkins
 Mr West
 Mr Whan
 Mr Yeadon

Tellers,
 Mr Ashton
 Mr Martin

Noes, 35

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

Pairs

Mr Gaudry	Mr Brogden
Ms Saliba	Mr O'Farrell

Question resolved in the affirmative.

Report adopted.

Message forwarded to the Legislative Council advising it of the resolution.

COMMERCIAL AGENTS AND PRIVATE INQUIRY AGENTS BILL

Second Reading

Debated resumed from 3 June.

Mr PETER DEBNAM (Vaucluse) [11.14 a.m.]: At the outset I will indicate that the Opposition will not oppose this bill. Clearly the industry has a number of concerns about the bill. There have been a number of negotiations with the Government for a considerable period of time, and while some sectors of the industry seem very happy with the bill, other sectors have a number of concerns. The critical point of the bill is obvious: the devil will be in the detail and the regulations. There is also very considerable concern about what will happen to government fees and charges when they are finally declared. The bill is essentially a major rewrite of 40-year-old legislation and flows from the National Competition Policy review. Even in the first object of the bill—"to protect the public"—one can see the Carr Government's spin. Obviously that is intended to create a perception that the Government is protecting the public, but nothing could be further from the truth. The first object states:

- (a) to protect the public in relation to commercial agents and private inquiry agents activities (that is, process serving, debt collection, repossession of goods, surveillance of persons and investigation of persons),
- (b) to provide for the licensing of persons carrying out, and persons carrying on business in relation to, commercial agent and private inquiry agent activities,
- (c) to establish standards to be observed by licensees in relation to commercial agent and private inquiry agent activities,
- (d) to ensure that licensees are accountable for their acts and omissions in relation to commercial agent and private inquiry agent activities,
- (e) to repeal the *Commercial Agents and Private Inquiry Agents Act 1963*.

Some sections of the industry have concerns about the carriage of this sort of legislation being transferred from the Attorney General to the police portfolio and about access powers being given to police to enter premises and search for information. I understand those matters have been extensively debated with the Government for some time. There is no doubt that a major rewrite of this legislation is needed: it is 40 years old and the national competition policy review has been done. I have no difficulties with the transfer to the police portfolio from the Attorney General.

However, I must again put on the record that in the time that I have been overseeing the police portfolio, since the State elections, it has been apparent that almost every piece of legislation that has come before this Parliament from that portfolio has been flawed in some way. We have had to either rush legislation through or make amendments subsequently. The industry and the Opposition will watch the preparation, flow and publication of regulations as well as charges and fees in due course. Those are the only points I want to put on the record at this stage. We will not oppose this legislation but we will watch the implementation of it closely.

Mrs KARYN PALUZZANO (Penrith) [11.18 a.m.]: I support the Commercial Agents and Private Inquiry Agents Bill. The purpose of the bill is to protect the public in relation to commercial agent and public inquiry agent activities, that is, process serving, debt collection, repossession of goods, and surveillance and investigation of persons. The bill provides for the licensing of persons who engage in commercial agent and private inquiry agent activities. The bill establishes standards to be observed by licensees in relation to commercial agent and private inquiry agent activities, and ensures that licences are accountable for their acts and omissions in relation to commercial agent and private inquiry agent activities. The bill also repeals the Commercial Agents and Private Inquiry Agents Act 1963. It has been said in this place by the Minister for Police that the bill is based on the report entitled "National Competition Policy—Final Report into the Commercial Agents and Private Inquiry Agents Act 1963", released in November 2003. The final report states that in New South Wales there are 5,185 licences issued under the Commercial Agents and Private Inquiry Agents Act 1963. Those 5,185 licences include licences held by 2,431 public inquiry agents, 974 private inquiry subagents, 692 commercial agents and 1,178 commercial subagents.

The Australian Institute of Criminology, in its paper No. 234, titled "The Role of Private Investigators and Commercial Agents in Law Enforcement", notes that 40 people were interviewed as part of this project and that there is a four-way division of labour in this industry. One area is anti-fraud work, which is mainly for insurance, including factual and surveillance work; legal work, which involves background or factual work for lawyers in civil and some criminal cases; commercial inquiry, a growing area for private investigators; and, finally, domestic investigation, which can include checking partner fidelity in personal relationships, abducted child recoveries and missing person inquiries.

The bill also provides for the licensing of persons carrying out, and carrying on, business in relation to commercial and private agent activities. It establishes standards to be observed by licensees in relation to their activities, as well as ensuring that licensees are accountable for their acts and omissions. The bill repeals the Commercial Agents and Private Inquiry Agents Act 1963. The bill also provides for the issue of master licences and makes it an offence to carry on or to carry out business in relation to commercial agent activities or private inquiry agent activities without the appropriate licence. The maximum penalty is 1,000 penalty units, currently \$110,000 in the case of a corporation, or 50 penalty units, or \$55,000 or 12 months imprisonment, or both, in the case of an individual. The Commissioner of Police may grant master licences for process serving, debt collection, repossession of goods, surveillance of persons and investigation of persons. The master licence is valid for five years. A master licence must be refused if an applicant is a disqualified individual or corporation. A disqualified individual or corporation is defined in clause 4.

The bill provides that it is an offence to carry out any commercial agent activity or private inquiry agent activity unless the operator does so in the course of employment with the holder of a master licence. The maximum penalty for a breach of this provision is 500 penalty units, or \$55,000, or 12 months imprisonment, or both. The Commissioner of Police may grant operator licences for process serving, debt collection, repossession of goods, surveillance of persons and investigation of persons. The operator licence is valid for one or five years. An application for an operator licence must be refused if the applicant is a disqualified individual. Clause 16 provides that a person's first operator licence is a probationary licence, and is issued for one year. The commissioner must cancel an operator licence if the licensee becomes a disqualified individual. The commissioner may also cancel an operator licence if the licensee contravenes a condition of the licence or is convicted or found guilty of a minor offence. The commissioner may also suspend an operator licence for up to 35 days while considering whether or not action should be taken.

The bill also provides that discretionary licensing determinations are reviewable by the Administrative Decisions Tribunal and that a register of licence holders may be kept by the Commissioner of Police and be accessible by the public. The bill also makes it an offence to employ unlicensed and non-eligible persons, harass persons in the collection of debts from them, fail to produce a licence on request by an authorised officer or a person with whom the licensee is dealing, or obstruct authorised officers in the carrying out of their duties. I commend the bill to the House.

Mr JOSEPH TRIPODI (Fairfield—Parliamentary Secretary) [11.25 p.m.]: The Commercial Agents and Private Inquiry Agents Bill remakes the existing Commercial Agents and Private Inquiry Agents Act 1963 to establish the regulatory framework for licensing of commercial agents and private inquiry agents. The bill defines these activities to include acting as an agent for another person or company by providing services of debt collection, process serving, repossession of goods, investigation of persons, or surveillance of persons. This bill only regulates those who undertake these activities on behalf of others for a fee. My western Sydney electorate of Fairfield is home to many families who are struggling to make ends meet. When a family is living on the edge of poverty, and relies heavily on credit to survive, it takes only a minor turn of events to get them into financial strife. A reduction in shift work, or a higher than expected telephone bill can make it difficult for struggling families to pay on time.

Sometimes the situation gets bad enough for the debt collectors to come knocking on their door. Repossession of goods can be devastating for a family in financial trouble. When basic amenities, like a washing machine or computer, are repossessed major disruption is caused to the lives of parents and their children. Working families falling on hard times should be given a fair opportunity to get back on their feet and repay their debts. This bill will ensure financially vulnerable families are not taken advantage of by dodgy debt collectors who profit from unfair repossession of goods. The Government has introduced a whole raft of consumer protection measures with this legislation. The police will now administer the licensing of commercial and private inquiry agents. The police will issue master licences for business owners and operative licences for employees who undertake commercial agent or private inquiry agent activities.

It is important that debt collection agents are accountable if they disobey the law. This bill makes it an offence to employ unlicensed and non-eligible persons; harass persons in the collection of debts; or fail to produce a licence on request by an authorised officer or a person with whom the licensee is dealing. Licence holders must display and provide licences so the consumer is aware of the bona fides of the agent. It is also an offence to obstruct authorised officers in the carrying out of their duties. The bill provides powers for authorised officers to obtain documents relating to the activities of the business, and to enter a licensee's business premises only in strict circumstances.

In an industry where there is a potential for thuggery, the licensing system must vet the characters of debt collectors. The licensing system provides for a probationary licence for newly licensed operators to ensure they are vetted before they get a full licence. The bill also sets out the classes of persons who are ineligible for a licence, including persons convicted of specified offences, non-citizens who are prohibited from engaging in employment in Australia, and persons who do not have appropriate experience or are unqualified or untrained. Specific provisions are included in order to regulate the record keeping of debt collectors and the collection and distribution of moneys collected by these agents. This bill will also ensure these regulations are fair to the industry. The bill provides discretionary licensing determinations are reviewable by the Administrative Decisions Tribunal. The Government understands there are situations in which debt collection and repossession of goods is necessary. However, the bill will ensure the agents who carry out these activities obey the law and do not exploit vulnerable families.

Ms NOREEN HAY (Wollongong) [11.29 a.m.]: I support the Commercial Agents and Private Inquiry Agents Bill, which provides for the licensing of persons carrying on business as commercial and private inquiry agents. I commend the Government and the Minister for Police for introducing the bill, which is overdue. The bill is based on the national competition policy review final report into the Commercial Agents and Private Inquiry Agents Act 1963. The review considered the objective of government regulation of commercial and private inquiry agents, as well as whether regulatory intervention is justified, the impact of the current legislation on competition within the industry, the costs and benefits of the legislation, and whether the Government's objective could be met by any less restricted mechanism. The legislation has remained substantially unchanged since 1985. Licences for commercial and private inquiry agents were previously issued by the Local Court after consultation with the police. Police now administer the licensing of commercial and private inquiry agents to business owners, master licences and employees of such licences to undertake commercial agent or private inquiry agent activities. Approximately 3,000 licences are issued to agents and subagents in New South Wales.

The objects of the bill are to protect the public from private agents acting as process servers and debt collectors and from those engaged in the repossession of goods and the surveillance and investigation of persons. In my electorate of Wollongong I have numerous examples of the activities of over-enthusiastic and heavy-handed inquiry and collection agents. That is particularly so in cases involving young women, who, for one reason or another, find themselves owing money they cannot afford to repay. Big, burly private

investigators and agents intimidate them and threaten to repossess property when they are clearly not legally entitled to do so. They scare young women, who fall into further debt to find money to remove themselves from such fearful situations.

I am pleased to note that the bill provides repercussions for those who send burly, big, muscle-builder hooligans to threaten and intimidate young women for no reason other than that they owe money because of the move in society to entice people into debt they cannot afford to repay. As the Minister for Police said, people who undertake this kind of harassment and who engage in overcharging and deceptive conduct may face gaol terms. Unlike some other areas of the security industry, until recently there has been little regulation or inspection of what people do once they have gained licences to collect a debt. Advertisements to recruit inquiry agents describe the appropriate person as someone who is result oriented with the capacity to meet a deadline, which puts pressure on those who join the industry to deliver the money or the goods.

The Australian Institute of Criminology indicates that it is extremely difficult to determine a true picture of the size of the private agent sector because of a lack of consistent licensing figures. Numerous tables show that determining the number of people involved in the industry is guesswork. However, figures show that New South Wales has 5,339 private inquiry agents and 4,434 private inquiry subagents, 1,539 commercial agents and 4,453 commercial subagents. Those who take up such positions are required to undertake a TAFE course and invariably work as private inquiry subagents before establishing themselves as full agents. In my electorate of Wollongong all sorts of industrial activity has occurred as a result of the unscrupulous behaviour of private inquiry agents.

A bus strike was reported because inquiry agents were trouping around checking on bus drivers without their knowledge. A private inquiry agent in the Illawarra entered a brothel and participated in sex for sale to report to the client that the premises were operating as a brothel. It seems that there is no limit to the levels to which these people will stoop. Our local newspaper and I have received reports from young mothers and others who find themselves in difficult situations with debt collectors. I commend the provision in the bill for a gaol term for commercial agents and private inquiry agents who do not act responsibly and appropriately. I applaud the Minister for Police and the New South Wales Government for introducing the bill, which I commend to the House.

Ms KRISTINA KENEALLY (Heffron) [11.37 a.m.]: I support the Commercial Agents and Private Inquiry Agents Bill. It is important to begin by looking at what it is that commercial agents and private agents do.

Mr Peter Debnam: No!

Ms KRISTINA KENEALLY: I am pleased that the honourable member for Vaucluse has a keen interest in the bill. I welcome that interest. I am glad he is in the Chamber to listen to Government members explain the legislation. Commercial agents and private agents are involved in a variety of work, including debt collection, process serving, repossession, dispute resolution, debt restructuring and locating missing persons such as witnesses or debtors, and debugging. They specialise in commercial inquiries, such as pre-employment checks and the investigation of copyright infringement. They also specialise in private inquiries, such as tracking down missing relatives or carrying out spousal fidelity checks—nothing I have had to use in my marriage, fortunately.

Mr Peter Debnam: Perhaps we should leave this until question time.

Ms KRISTINA KENEALLY: I am certain that if members of the House need to take up those sorts of services they can now be confident that these agents will be properly licensed and have proper penalties applied to them when they act inappropriately. Given the type of activity that private and commercial agents undertake, one can imagine that it would be quite easy for deceptive, illegal, heavy-handed or other sorts of shoddy conduct to be involved. After all, agents deal with people's private lives, their private information and their financial security. As the honourable member for Fairfield stated, families who are struggling financially must be protected from the sort of heavy-handed, and at times deceptive or illegal, conduct that unscrupulous or unlicensed commercial agents might undertake. This legislation is important because essentially it throws out 41-year-old legislation and adopts a new, tough and fair regime.

It is important to note that the honest and hardworking people involved in this field have welcomed this legislation. The Government believes that the proposed new laws will bring the conduct of private and

commercial inquiry agents into the twenty-first century. The honourable member for Vacluse has indicated a keen interest in this bill, so it is important to discuss the effect of the legislation. The bill provides for the licensing of persons who are carrying on a business in relation to commercial and private inquiry agents' activities. The bill defines these activities as acting as an agent for another person or company by providing services of debt collection, process serving, repossession of goods, investigation of persons and surveillance of persons. The bill re-creates the existing exemptions from requirements to be licensed, except for one outdated exemption that relates to hire purchase arrangements, for persons who undertake inquiry activities on their own or on their employer's behalf, including police and other public servants in New South Wales and the Commonwealth, lawyers, company auditors, persons who are employed by insurance companies, insurance loss assessors and banking employees.

This bill also sets out the classes of persons who are ineligible for a licence, including persons who have been convicted of specific offences, non-citizens who are prohibited from engaging in employment in Australia and persons who do not have appropriate experience, and are unqualified or untrained. This bill also provides that discretionary licensing determinations are reviewable by the Administrative Decisions Tribunal, and that is a good thing. It also provides that a register of licence holders is to be kept and made accessible to the public by the Commissioner of Police—provisions which import public accountability to the bill. The bill also establishes standards to be observed by licensees in relation to their activities. Specifically, this bill makes it an offence to employ unlicensed and non-eligible persons, to harass persons in the collection of debts, and failure to produce a licence when requested by an authorised officer or a person with whom the licensee is dealing. It also makes it an offence to obstruct authorised officers in the carrying out of their duties.

This bill ensures that licensees are accountable for their acts and omissions. It allows authorised officers to obtain documents relating to the activities of the business and to enter a licensee's business premises under strict circumstances. The bill also contains provisions that enable search warrants to be obtained and repeals the Commercial Agents and Private Inquiry Agents Act. The bill is based on the final report of the national competition policy review into the Commercial Agents and Private Inquiry Agents Act 1963. That report made significant recommendations, many of which have been included in the bill. Members of this House will be well aware that the national competition policy reform program aims to maintain and promote competition in order to increase economic efficiency and community welfare while continuing to provide for consumer protection.

The honourable member for Fairfield, the honourable member for Penrith, and the honourable member for Wollongong spoke in some detail, and quite movingly in some cases, about experiences their constituents have had in dealing with private and commercial agents who have perhaps not acted in an above-board manner. I recall a constituent who came to my electorate office and who had been involved in an automobile accident in which he was not at fault. This constituent was an older man and English was not his first language. He was frustrated because his insurance company had not been able to contact the other person who was at fault in the accident in order to obtain that person's information.

Mr Peter Debnam: If you can keep going for eight minutes, you will definitely get on the front bench.

Mr Paul Lynch: Unlike the honourable member for Vacluse, who will never be on the front bench on the Government side of the House.

Ms KRISTINA KENEALLY: As the honourable member for Liverpool points out, it is interesting to receive advice from the honourable member for Vacluse on how I, as a member of the Government, may be appointed to the front bench. I will take that advice with a grain of salt, but I appreciate his interest in my political career. I was talking about one of my constituents—and, after all, I sought to be elected to serve the constituents of Heffron.

Mr Peter Debnam: The first thing I would do is establish a better relationship with the clubs.

Ms KRISTINA KENEALLY: The honourable member for Vacluse might be interested to note that recently I attended an event at the Kensington War Memorial Club. I sat with other official dignitaries, such as the honourable member for Coogee and the mayor of Randwick. The honourable member for Vacluse arrived late and was in the back of the crowd. I mention this because I was interested to note, as I believe other members of the House will be, that on the back of the program it was stated that the honourable member for Heffron, Kristina Keneally, was representing the honourable member for Vacluse, Peter Debnam. I only wish I had taken the opportunity to speak on behalf of the honourable member for Vacluse at that event and truly

represent him because I can think of quite a few things I would have enjoyed saying. I am certain that the club appreciated that he arrived late and was at the back of the auditorium. I recall that he did not hang around for the drinks afterwards, when I was there. My relationship with the clubs in my electorate is fairly healthy. I thank the honourable member for Vacluse for his advice.

The constituent who visited my electorate office was an older man and English was not his first language so he was not necessarily confident about written English. His insurance company continually tried to contact the person who was at fault in relation to his automobile accident, but his mail kept being returned. My constituent had taken to the insurance company a raft of information that he had collected at the accident scene, including the business card of the person who hit him. I cannot say whether the insurance company is efficient or not, but at the stage the constituent visited my office he had not yet succeeded in contacting the other party, even after some months. My constituent visited my electorate office because he was frustrated. He had consulted a private inquiry agent who had volunteered, for a significant sum, to contact the other party involved in the accident.

My electorate officer, Rosita Lang, is quite a smart operator, if I may say so, and she took one look at the papers that my constituent brought with him and noticed that the business card showed the other party's mobile phone number. Rosita said to my constituent, "Has anyone dialled his mobile phone number?" My constituent said, "No, not that I am aware of." Rosita picked up the phone, called the number and the fellow answered. Rosita told him that she had the constituent with her in the electorate office who had been unable to contact him. The interesting point is that the other party said that he had been waiting for someone to contact him and had been wondering what was happening because he wanted to clear up the matter. The two of them got together and went to the insurance company, and the matter was finalised.

My point is that my constituent had the mobile phone number of the fellow who hit him, yet the insurance agent intended to take a significant sum of money from him simply to dial that telephone number. That is the kind of shoddy behaviour we would like to have stamped out in this State. The bill is useful to constituents, particularly those described by the honourable member for Fairfield who may come from a non-English speaking background: 40 per cent of Heffron residents come from a non-English-speaking background. My electorate includes the suburb of Waterloo, which was noted in the Vinson report as one of the most disadvantaged areas in the State. My constituents in that part of the electorate are certainly vulnerable to the sort of behaviour I have described, and they will welcome the bill.

The bill provides significant penalties to commercial and private inquiry agents who are found to have engaged in the sort of behaviour I have referred to. The bill introduces new fines of up to \$22,000 for corporations, or \$11,000 or six months imprisonment for individuals. The bill increases penalties for operating without a licence, employing an unlicensed person, harassment, failure to produce a licence and debt collectors charging debtors for expenses—how bad is that! That is an important provision because if a person demanding information is not a police officer or an agent of the court, how can people in financially vulnerable situations, or those who do not wish to be found because they are fleeing domestic violence situations have any confidence that the person has a legitimate right to demand the information?

The penalties for obstructing police or an authorised officer are also to be increased. We all know about the good work done by police in this State, and the bill supports their efforts. The penalties for not supplying personal details or requested information are also to be increased. These reforms are important steps for commercial and private inquiry agents and will ensure that their dealings and conduct are closely and effectively monitored by police. As a result the public will have greater confidence in dealing with private agents and will be able to take any complaints straight to the police for quick and thorough investigation. I am mindful that other members wish to contribute to debate on the bill so I will forfeit the remainder of my speaking time. I commend the bill to the House.

Mr PAUL McLEAY (Heathcote) [11.52 a.m.]: I support the Commercial Agents and Private Inquiry Agents Bill. As honourable members have previously indicated, the bill comes on the back of the final report into the Commercial Agents and Private Inquiry Agents Act 1963 as part of an ongoing program of reviewing all New South Wales legislation to ensure that it was in line with the national competition policy principles. The aim of the report was to transparently assess the costs and benefits of the regulation of commercial agents and private inquiry agents with a view to underpinning legislative reform. Currently, the regulation of commercial agents and private inquiry agents is administered by the Minister for Police. The Local Court is responsible for issuing licences. All applications are referred to the local area commander to give the commander an opportunity to object to the issuing of a licence, if appropriate.

Unless the local area commander objects to the granting of a licence within one month of receipt of the application, the Clerk of the Local Court is obliged to issue the licence. If an objection is taken the application is set down for hearing by a magistrate. In New South Wales more than 5,000 licences have been issued, although the issues paper released for the review underestimated that number. During that comprehensive review the correct number was determined and their impact on the New South Wales community was established. The commercial agents and private agents industry is booming and is one by which more and more people may be affected. Many government agencies and private companies utilise the services provided by the industry and individuals are also able to use its services.

Because of the growing nature of the industry, particularly when dealing with major companies and government agencies such as WorkCover, there is a need for competent compliance and regulation administration. The industry agrees with that need for regulation. The submissions received indicated that the current legislation does not set out the industry's objectives. The objectives of the bill, in part, are:

- (a) to protect the public in relation to commercial agent and private inquiry agent activities (that is, process serving, debt collection, repossession of goods, surveillance of persons and investigation of persons),
- (b) to provide for the licensing of persons carrying out, and persons carrying on business in relation to, commercial agent and private inquiry agent activities,
- (c) to establish the standards to be observed by licensees in relation to commercial agent and private inquiry agent activities,
- (d) to ensure that licensees are accountable for their acts and omissions in relation to commercial agent and private inquiry agent activities,

The Government conducted the review because it wanted to promote the proper maintenance of appropriate standards by those engaged in the provision of commercial agents functions and, as I said earlier, to promote the accountability of those engaged in the provision of investigative and commercial agency functions. The Government received 22 submissions from companies and agencies including the Australian Centre for Security Research at the University of Western Sydney, the Australian Collectors Association, the Australian Finance Conference, the Australian Institute of Private Detectives, a confidential submission, the Consumer Credit Legal Centre (NSW) Inc., Country West Collections, Peter A. Cox and Associates, Crowned Investigations, the Department of Fair Trading, the Department for Women, the Institute of Mercantile Agents, the Insurance Australia Group, the Insurance Council of Australia, Lyonswood Investigations, the NSW Police Organised Crime Squad (Gaming and Liquor), the NSW Privacy Commissioner, the NSW Treasury, Mr Brian Staples, TAFE NSW, Ian Teasdale and Associates, and WorkCover NSW.

The national competition policy final paper and the draft bill were released on 28 November 2003 and consultation formally closed on 31 December 2003. However, submissions were accepted until February 2004, by which time a further 11 submissions were received. They included the Australian Collectors Association, the Australian Finance Conference, the Australian Institute of Private Detectives, the Australian Institute of Private Investigators, the Consumer Credit Legal Centre, the Institute of Mercantile Agents, Peter A. Cox and Associates, Mr B. Brown, Mr Brian Boyle, RMG Inc., and the Insurance Council of Australia. That the industry participated rigorously and produced 30 recommendations, nearly all of which have been implemented through the bill, is an indication that it wanted the old 1963 Act updated and made workable. The report states:

In its submission, WorkCover advised that in 2000/01 the WorkCover Scheme spent a total of over \$112 million on the investigation of 79,798 claims for workers compensation. Of this, WorkCover estimates that an amount in the order of 70 million was spent on surveillance and factual investigations carried out by private investigators. The largest client of private inquiry services today are insurance agencies. This is as a result of a profound change that occurred in the 1980s and 1990s in the response of the insurance industry to suspect claims.

The report also states:

An analysis of the private inquiry industry... found that, apart from fraud investigation work for insurance and welfare agencies, the other major categories of private investigation are:

- Legal work, including factual inquiries and locating persons (such as beneficiaries to wills, witnesses to events, persons who allegedly have skipped owing monies).
- 'commercial work' involving a miscellany of services such as debugging, pre-employment checks...
- 'domestic work', including finding missing relatives in situations where families are trying to reunite or other missing persons...

In the course of undertaking private inquiry functions, private inquiry agents may need to discreetly observe the activities of individuals; interview persons and take statements and gather physical evidence for use in proceedings.

In conducting the review commercial agents, debt collections, process serving and repossessing agents were also dealt with. One of the questions asked was: Should we continue with licensing? Because of the national competition policy guidelines we had to assess costs and benefits relating to the restriction on competition imposed by current legislation. The report states:

The costs of the regulatory scheme in place for commercial agents and private inquiry agents can be characterised as follows:

- Statutory regulation restricts entry to the market through the imposition of requirements and standards...
- Statutory controls are relatively inflexible, and less capable of adapting...
- Regulation imposes additional costs on service providers which they may not otherwise incur...
- Restrictions on supply of service providers and increased costs on service providers may raise the cost of services to consumers.
- The general public incurs costs in the event that regulation is ineffective.

There are also costs relating to licensing, such as fees and other administrative costs.

The report then deals with benefits and states:

...the industry itself can be characterised as follows:

Statutory regulation introduces a transparent system, clearly defined by reference to statutory approvals.

- The regulatory scheme provides a universal measure and standard against which service providers can be benchmarked and evaluated...
- The regulatory scheme protects the public against risks to health and safety, risks of criminal activity and financial risks...
- The regulatory scheme is proactive rather than reactive...
- The regulatory scheme also provides a basis for discipline for misconduct...
- By introducing threshold entry standards and mechanisms for expelling and disciplining members who fail to adhere to the standards.

Submissions to this current review considered that the costs of the current regulatory model... are minimal in comparison to the benefits to the community as a whole.

I am sure that all honourable members and members of the public would agree that this industry needs licensing and regulation. With the influx of American television the industry is perceived as either romantic or dramatic, for example, in shows such as *Renegade* and *18 Wheels of Justice*. I am sure that the honourable member for Vaucluse would remember *Magnum, P.I.* Earlier the honourable member for Auburn told me that she enjoyed watching Paul on *The Young and The Restless*.

Other speakers in debate on this bill expressed concern about this legislation and referred to shonks in the industry. However, many people made an input into the bill and wanted to be part of the review. This Government takes this issue seriously. The Opposition said it supports the bill. As I said, all honourable members would be aware that the industry needs regulation and it needs licensing. We have imposed regulations and licensing in many other areas of service provision, but this is an area in which it is critical. I congratulate the Minister on introducing this bill. I congratulate Mr Les Tree on his report and on the review. I believe he is soon to have some new assistants. I commend this bill, which I believe to be worthy of support.

Mr PAUL LYNCH (Liverpool) [12.07 p.m.]: I support the Commercial Agents and Private Inquiry Agents Bill. I have an interest in this field partly because when I was a legal practitioner I had dealings with a number of people in this industry in a professional capacity. They would serve process and perform other tasks for me. This bill, which arises out of a national competition review, replaces current legislation that has been in place largely since 1985, but which originated in 1963. The issue in a national competition review ostensibly is whether regulation is in the public interest. Often it has seemed to me that in this field of governance ideology has taken over good government. There is a philosophy that deregulating private enterprise and removing government controls is an inherently good thing. That strikes me more as a product of ideology rather than of rational assessment. To set the philosophical or ideological environment for this sort of legislation, I refer honourable members to comments in a recently published work entitled "Political Economy—The Contest of Economic Ideas." The author of that work, Frank Stilwell, wrote:

Increasingly, governments have asserted the need for more emphasis on market processes rather than 'interventionist' planning. At least that is the declared aim of *neo-liberalism* (sometimes called 'economic fundamentalism' or 'economic rationalism'). The core belief is that giving freer reign to market forces will produce more efficient economic outcomes. Hence, the push, evident in most of the major industrial nations in the last couple of decades, for deregulation, privatisation, and the liberalisation of trade and capital movements. The declared goal is to create the conditions for the reinvigoration of free-enterprise capitalism.

Deregulation involves the removal of government on businesses.

Later in the work he said:

'Economic rationalism' involves the extension of neoclassical economic reasoning to the realm of public policy. The terminology conveys a strong inference that subjecting policy issues to a rigorous economic analysis is conducive to rationality. However, economic rationalism is not necessarily rational. The term 'rationalism' is better understood as 'deriving from theory'—in this case, neoclassical economics and its variant, public-choice theory—and is the opposite of empiricism, which is the gaining of knowledge from experience. In practice, economic rationalism has the characteristics of a faith: faith in the 'free market' to deliver superior outcomes to government 'intervention'.

The most obvious manifestations of economic rationalism in practice are policies of privatisation, deregulation, trade liberalisation, reductions in the level and progressivity of income taxation, 'contracting-out' of public services and the withdrawal of governments from their previous commitment to universal provision of social security and other welfare state entitlements.

I read that quote onto the record for the benefit of the honourable member for Vaucluse, who could do with some training in economic theory. In this case, thankfully, not even the National Competition Council could dispute that the regulation of these professions is in the public interest. The number of people involved in these activities professionally is quite significant. Two years ago, researchers for the Australian Institute of Criminology estimated that there were about 25,000 private investigators Australia wide. They estimated that there were 15,800 private agents in New South Wales. The private security industry generally, which is wider than the group regulated by this legislation, is at least double the size of the public police services. Granted the range of activities that can be undertaken by commercial agents and private agents, and granted some of the specific activities, there appears to be an overwhelming case for public regulation. Indeed, having read material from bodies such as the Consumer Legal Credit Centre, I get a sense that there is a need for more regulation rather than less. I note that in July 2003 the Consumer Credit Legal Centre commented:

The debt collection industry has grown significantly in the last 5 years. As part of that growth there are now many specialist debt collectors pursuing debts. The debt collection industry is structured around getting as much of the debt back for the lowest cost possible. It is not surprising that under pressure to achieve this aim, the conduct of some debt collectors may constitute debtor harassment.

The Australian Institute of Criminology [AIC] report indicates that a typical industry profile is a principal who employs an administrative person and then subcontracts specialist tasks, such as surveillance. Comparatively few people work in firms with more than five employees. The larger the firms the more diverse the range of activities, some of which are highly specialised. There are four broad types of work: antifraud work, legal work for lawyers and process serving, commercial inquiry, and domestic investigations. Respondents to the inquiry regarded the most dangerous work as process serving, debt recovery and repossession. There are many ethical challenges in the work carried out by people involved in this industry. I note in particular the 1992 Independent Commission Against Corruption Inquiry into the use of confidential information. I think that significant inquiry was conducted under Commissioner Adrian Roden. The AIC reported industry participants as having very divergent views on industry compliance with the law and ethical standards. The AIC report states:

Private investigators, process servers and debt recovery agents occupy a critical place in the justice system. At the same time, there are clearly pressures on these private agents to breach the law in pursuit of goals of law enforcement and crime reduction.

The report also suggests that the industry believes that the conduct of private agents and the industry's image has improved enormously over the past 20 years. While many stereotypes undoubtedly persist, there is a view within the industry that its performance has improved significantly. The AIC report also states:

All interviewees were highly conscious of the fact that their occupation entails numerous ethical challenges and risks. Respondents reported receiving and rejecting requests for illegal or ethically questionable services—such as placing listening devices in homes or offices, threatening or harassing people, or seeking victims of domestic violence who had gone into hiding. The 1983 Australian Law Reform Commission's report into privacy found that private agents can be strongly tempted to engage in breaches of privacy.

For all those reasons there is obviously a powerful, and indeed almost overwhelming, case to argue for significant and ongoing regulation of this industry. The legislation changes the current regime by removing the issuing of licences for commercial and private inquiry agents from the Local Court. The administration of this licensing will now be done by police. This includes licences for serving legal process, debt collection, repossession of goods, and the surveillance and investigation of persons on a commercial basis.

The Act sets out the basis for a licence being refused by the Commissioner of Police. In some cases it is mandatory and in other cases it is discretionary. The regime allows for probationary licences and licences that are subject to conditions. A licence extends for one or five years. A person's first operation licence must be a one-year probationary licence and must contain the condition that the person carries out his or her activities under the immediate supervision of a more experienced operator. The commissioner also has the capacity to cancel licences. The decisions of the commissioner under the Act are reviewable by the Administrative Decisions Tribunal. Accordingly, judicial avenues still have a role in this process despite the removal of the role of the Local Court.

The legislation also contains provisions prohibiting behaviour that could be described as harassment. They are in clause 25 of the bill and seem to mirror, or to be substantially similar to, current provisions not only in this jurisdiction but in other jurisdictions throughout Australia. They prohibit unreasonable frequency of communication or unreasonable times of communication with the occupants of any premises. Agents cannot approach people at extraordinary hours or on an unreasonable number of occasions. There are appropriate prohibitions on contacting an employer of a person, although an exception is made for the serving of proper and appropriate legal process. There are also prohibitions on harassment in the form of leaving notices that indicate that someone might be the object of the attention of a debt collector or someone of that capacity.

The range of licences includes licences for business owners, master licences, and licences for employees of such bodies. A register will be kept of licence holders. The administration of the Act is assisted by the vesting of various powers in the Commissioner of Police and authorised inspectors. The very nature of the activities is one reason why it is important to regulate them properly. Inquiry agents provide services that are very similar to those provided by the State—in many cases, they are identical to the activities that an agent of the State might carry out. However, some individuals wish to receive the protection of a private service so their activities are not revealed to government. That gives rise to a quite interesting series of potential situations that underline the necessity for proper regulation in this area.

Regrettably the mobile telephone of the honourable member for Vaucluse has just rung. It is appalling that that occurred while he was in the Chamber—which is an indication of his contempt for standing orders. Even worse, it has forced the honourable member out of the Chamber just as I was about to rebut some of his comments. As I recollect, he said the industry was concerned about this bill. I will read onto the record a letter from Peter Frisch, the New South Wales Division President of the Institute of Mercantile Agents, to the Minister for Police. It is about the Commercial Agents and Private Inquiry Agents Bill, and it says:

I write with regard to the above-named Bill which we are informed is about to be presented to Parliament.

The IMA, established in 1961, is the pre-eminent body representing the professional interests of collectors, investigators, process servers and repossession agents throughout Australia. A team of elected volunteer executives, networked throughout all Australian States and Territories, work on matters of licensing, privacy, training and ethics affecting members. The IMA has a National Office based at Newcastle where its Executive Director and support staff attend to administrative and planning tasks.

Members, in the main, perform their tasks as agents for principals such as banks, financiers, lawyers, insurers, together with the business community and the private sector generally. Almost all members hold both a commercial agent licence and a private inquiry agent licence.

The Institute has reviewed the Draft of the Bill as released and I write today to advise that the IMA is pleased to see this Bill and, while it does not incorporate some of the matters suggested in our response paper, supports its early passage through both Houses of the NSW Parliament.

We look forward to working with the Minister and his Department in the drafting of the Regulations necessary to see the early enactment of the Bill.

Yours faithfully,

Peter Frisch

That correspondence would appear to dispose neatly of the scaremongering being indulged in by the honourable member for Vaucluse, who has finally elected to return to the Chamber after I have finished reading onto the record a letter that destroys the substance of his remarks. I commend the bill to the House and I commend Frank Stilwell's work to the honourable member for Vaucluse.

Mr MILTON ORKOPOULOS (Swansea) [12.17 p.m.]: I have great pleasure in supporting the Commercial Agents and Private Inquiry Agents Bill. I make the obvious point that the Opposition is clearly not interested in this legislation or in reforming the industry, as only one Opposition member has spoken in this debate.

Mr Peter Debnam: Point of order: I said in my speech that it was important that the bill pass through the House quickly. We will not oppose the bill. The Government is simply wasting the time of the House as it clearly does not have further business to bring before us.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! There is no point of order.

Mr MILTON ORKOPOULOS: I make the passing observation that Opposition members are not speaking to the bill. It is 41 years since the Commercial Agents and Private Inquiry Agents Act was proclaimed in 1963. The bill is the result of the national competition policy review of this industry and many other industries. The objects of the bill are to protect the public in relation to commercial agent and private inquiry agent activities, to provide for the licensing of persons carrying out and persons carrying on business in relation to commercial agent and private inquiry agent activities, to establish standards to be observed by licensees in relation to commercial agent and private inquiry agent activities, to ensure that licensees are accountable for their acts and omissions in relation to commercial agent and private inquiry agent activities, and to repeal the Commercial Agents and Private Inquiry Agents Act 1963.

This bill completes the reform of a large section of the industry in relation to giving powers to the Commissioner of Police. It also provides for considerable other protection for consumers. For example, it makes it an offence to employ unlicensed and non-eligible persons, to harass persons in the collection of debts from them, to fail to produce a licence on request by an authorised officer or a person with whom the licensee is dealing, and to obstruct authorised officers in carrying out their duties. Honourable members on both sides of the House have given a number of examples of private inquiry agents and commercial agents acting in an untoward manner, and I believe that this bill will regulate the professions so that consumers will feel protected.

The activities of commercial agents or private inquiry agents are defined as activities that involve acting as an agent for another person or company by providing services of debt collection, process serving, repossessing goods, investigation of persons, or surveillance of persons. There has been a lot of consultation in regard to the bill. A number of commercial agents and private inquiry agents in my electorate have contacted me about their concerns, some of which are unfounded as a result of consultation, but others are beyond the scope of the bill. The bill reforms an industry that is increasingly being used by a number of commercial bodies.

The level of debt per household in this country is the highest it has ever been in the history of the Commonwealth. Private household debt has risen at a time when the Commonwealth is punishing people by forcing them to pay even more for prescriptions and by taxing them for ordinary goods and services. It is important in that context that the commercial agents and private inquiry agents industry be reformed. I hope this is one of the last national competition policy reviews, because we have already managed to reform practically every nook and cranny of the economy and of our society. I will not quote large slabs from Professor Stilwell, but I agree with him and I commend them to the honourable member for Vaucluse.

Mr ALAN ASHTON (East Hills) [12.24 p.m.]: I have the privilege of being the last speaker before the Parliamentary Secretary, the honourable member for Bankstown, will reply on behalf of the Government. I appreciate the Opposition's support for the bill. I am sure we have outlined a detailed case for the importance of the bill and why we have explained it thoroughly to the Parliament. As children many of us grew up in an era with black and white television and a fear that someone might knock on the door and say that the last instalment on the television had not been paid, and the television would be taken away. I remember that the Wran Labor Government introduced initiatives under the first Minister for Consumer Affairs, Mr Sydney Einfeld, to prevent commercial agents and "re-po" men, as they were called in those days, knocking on doors and saying, "You're two days late on your last payment of \$1.50" and taking away the \$300 television.

The Government deserves full credit for these changes to the Commercial Agents and Private Inquiry Agents Act 1963. That was a great year with the Beatles and the great surf sound of the Beach Boys and other groups; I am sure the honourable member for Vaucluse would appreciate that. But it is time for the legislation to be revised. As other speakers have mentioned, the bill arises from the stipulation of the National Competition Council to State governments that these reforms are needed. At least on this occasion we are not legislating that there have to be chemist shops open on every corner owned by highflying people from the eastern suburbs or the North Shore, or forcing liquor outlets into every nook and cranny of every electorate. I appreciate that the Minister for Police has introduced the bill.

It is important that a probationary licence will be issued under these new arrangements so that if persons are not up to scratch, that is, if their probity is not proven after a year, they will be deregistered. The bill

also outlines who cannot be an agent or a private investigator, and that is just as important as stating who can. The bill also provides for the police to be the final arbiter of who can hold these positions, and it allows for any decision to be reviewed by the Administrative Decisions Tribunal, which is an important safeguard.

Over the years, complaints have been made that virtually anybody can knock on a front door and say, "I am here to collect this or that." This industry has not had the standing it should at times. I am sure that most honest and hard-working commercial agents or private inquiry agents do a reasonable job—given that they have to knock on doors and say, "You owe this" or "You have not paid that bill." It is not an easy job, and we understand that they are also workers. But some people, more on the criminal side of things, have benefited from a lack of regulation. This legislation will improve the standards of the industry and ensure that the police and the community can take quick action against agents who do the wrong thing or, as I said, people who are not agents at all. In that sense the shonky and shoddy people will be brought into line and those who have no qualifications to participate in this industry will be quickly found out.

The title of the bill might make some wonder whom it affects, but, as the Minister said, it affects reasonable people who are appropriately collecting people's rent, process servers, and those who repossess goods—which is always a bit of a worry. Businesses I have spoken to have been quite happy, and real estate agents say they can work in with people and arrange for them to pay off debts. Other people who have not had that attitude have had a tendency to apply some degree of thuggery or intimidation. This bill will go to great lengths to fix up that. There will be fines of up to \$22,000 for corporations and \$11,000 or six-months gaol for individuals who break the rules that will be established by this bill. We are not looking to convict a whole lot of people for doing the wrong thing, but we are looking to provide accountability. Because of the bill, people will be able to deal with commercial agents and private inquiry agents confident in the knowledge that they are dealing with fair dinkum people who are doing a fair dinkum job. Those who are not doing a fair dinkum job will be caught by this legislation, as they should be.

Mr JOHN WATKINS (Ryde—Minister for Police) [12.30 p.m.], in reply: I thank honourable members for their contributions to the debate. The bill strikes an appropriate balance in the regulation of commercial agents and private inquiry agents between necessary controls and enabling the industry to operate free from unnecessary interference. The national competition policy review process that has been conducted in respect of this legislation has been a useful exercise in the process of reforming the industry, as the current legislation has been substantially the same for the past 40 years.

The vast majority of the industry has for a long time been eagerly awaiting this more effective regulation. In that respect I refer to correspondence from Peter Frisch, President of the New South Wales Division of the Institute of Mercantile Agents, which represents collectors, investigators, process servers and repossession agents. He wrote to me a week ago regarding the Commercial Agents and Private Inquiry Agents Bill, explaining that the institute was established in 1961 and is the pre-eminent body representing the professional interests of collectors, investigators, process servers and repossession agents throughout Australia. He reminds me and the people of New South Wales that members of the institute in the main perform their tasks as agents for principals such as banks, financiers, lawyers and insurers, but also for the business community and the private sector generally. Almost all of the institute's members hold both a commercial agent licence and a private inquiry agent licence.

Mr Frisch explained to me that the institute reviewed the draft of the bill. He advises that the Institute of Mercantile Agents is pleased that the bill has been introduced and supports its early passage through both Houses of the New South Wales Parliament. He makes the point that the draft does not incorporate all matters suggested in the response paper, but he does support the bill in its current form. He also notes that he looks forward to working with the Minister and the department in drafting the regulations upon the early enactment of the bill. I thank Peter Frisch and his members for their professional work and their support for the legislation.

I must make the point that the legitimate operators in this industry are very supportive of the legislation. It can only be in their interests that poor operators or those who have something to worry about should be concerned about this legislation. Increased scrutiny and oversight of the industry are necessary in a profession such as this. I am pleased to have the support of the president of the institute for this legislation. As I have said, the vast majority of people in the industry have for a long time been eagerly awaiting this more effective regulation. The licensing system in the bill will be more effective in determining who is appropriate to hold a licence and gives licence applicants fair means of proving they are suitable as well as providing appeal rights to the Administrative Decisions Tribunal.

The bill makes it clear who is eligible and who does not require a licence to conduct activities in debt collection, process serving, repossession of goods, investigation of persons or surveillance of persons. The bill make provision in regard to conduct requirements of licensees, protects consumers from wrongful conduct of licensees, and makes specific provisions for debt collectors in the area of trust accounts, receivership and record keeping. The bill also provides for effective administration and enforcement. Again I thank all honourable members who took part in the debate, and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

POLICE AMENDMENT (SENIOR EXECUTIVE TRANSFERS) BILL

Second Reading

Debate resumed from 3 June.

Mr PETER DEBNAM (Vaucluse) [12.35 p.m.]: The Opposition will not oppose the bill. The Minister set out the reasons for it in his second reading speech. It provides more administrative flexibility for the commissioner, and I understand it has the full support of the Police Association.

Mr PAUL LYNCH (Liverpool) [12.35 p.m.]: I support the Police Amendment (Senior Executive Transfers) Bill.

Mr Peter Debnam: Magna Carta again!

Mr PAUL LYNCH: The honourable member for Vaucluse would do far better turning off his mobile telephone when he is in the Chamber rather than continually referring to Magna Carta. The bill amends sections of the Police Act relating to senior executive positions within the police service. I think there are two broad categories of reasons to support the bill. One is that its practical implications will make senior executive service positions within the police service similar to senior executive service positions in other parts of the public sector, and accordingly will make police service positions more attractive. That is a logical and commonsense basis upon which to support the bill.

The other, somewhat broader, issue is just as significant. One of the significant issues in the Wood royal commission and in reform process relating to police generally is making the police service a modern organisation; that is, having it move away from a command or military structure type of organisation. This bill is consistent with that agenda and process. Anything that makes the police service as an organisation more contemporary and makes its management look more like that of a normal organisation, rather than a structure to be commanded in a military sense, is a useful and positive thing to do.

Section 60 of the Police Act currently has the effect of limiting the flexibility of arrangements for the internal transfer of staff. At the moment, it prevents the transfer of an executive officer to a non-executive position, or to a position at a lower level of remuneration than the officer's existing level of remuneration. The bill omits section 60 of the Police Act and inserts a new section to deal with some of the problems that have been outlined. Additionally, the bill provides that section 39 of the Police Act will not apply to transfer type positions. Section 39 requires that integrity checks be carried out and that appointments to positions be made on merit. Obviously, it is not necessary to apply those restrictions to people who have already been appointed to the senior executive service. One other provision of the bill is that an executive officer who is transferred to a position at a lower level of remuneration is not entitled to compensation.

The Police Act provides for the management of NSW Police and for the employment of its staff members, including those in the police senior executive service. Currently, the Commissioner of Police has far less flexibility than other public sector chief executive officers in permanently transferring senior executive officers to other positions. The commissioner can transfer a police senior executive service [PSES] officer from one PSES position to another with the same remuneration package, but at the moment he cannot transfer a police senior executive service officer to a lower remunerated PSES or non-executive position, even if that officer consents. The commissioner cannot transfer or remove a PSES officer to another position even when that officer has the commissioner's confidence unless the officer joined the police senior executive service before 1 December 1996 and had elected and maintained a right of return. Once a PSES officer ceases to be such an

officer he or she cannot apply to return to a senior non-executive level: he or she can apply to return only at constable rank and return to a non-executive position through merit-based promotion processes.

That is an extraordinarily convoluted way to structure the senior management of an organisation as large and diverse as the police service and is in quite significant contrast to other parts of the public sector. The Public Sector Employment and Management Act currently allows a chief executive officer to permanently transfer an appropriately qualified officer to another position or other employment within the agency. The transfer may be to a position with lower remuneration if the officer consents. That liberty is not currently available to the Commissioner of Police. Substantive policy reasons behind the change are glaringly obvious. Apart from wanting to give those who command the police the same management capacity as other public sector managers, there is a range of other reasons. There may be a whole host of reasons why a current police SES officer might want to go to another position.

There may be domestic issues or a whole range of other personal reasons that someone may no longer want to be a member of the PSES, but may want to continue in a significant role within the police service but not at the level of constable. At the moment the flexibility to accommodate that wish is not available. At the moment that person may not have a future within the police service which, in turn, causes problems because if one has worked in the police service for some length of time, one's other employment options may well be somewhat limited. It is worth making the point that the proposal is enthusiastically supported by the Police Association. I notice that the shadow Minister for Police indicated that he understood the Police Association would support it, but he did not indicate how fulsome its support was. I have seen a letter from Peter Remfrey which sets out the level of support the association has for the legislation. Part of that letter reads as follows:

The purpose of this correspondence is to advise that the Police Association fully supports the Bill and requests your assistance in having it passed during the current session of parliament. The bill in fact emanates from a campaign by the Association on behalf of our senior officer members. We have been negotiating with the government for over 12 months and have been properly consulted in respect to the provisions of the draft legislation.

In short, we have been concerned for some time that the arrangements of Police officers who take up Senior Executive Service (SES) appointments have been inequitable and some particular consideration needs to be given to the uniqueness of the policing profession. Given the reality that policing is a specialist profession and Police skills are rarely transferable to other government agencies our SES members are significantly disadvantaged at the conclusion of the contract if the Commissioner chooses not to renew. Whilst SES officers in other agencies routinely continue their careers elsewhere in the public sector in such circumstances I am unaware of any NSW Police officer who has been able to do so. This bill is designed to provide an option for such members to continue their policing careers as the rank that they held prior to entering the SES. If passed, the legislation will ensure that competent officers are not dissuaded from applying for SES positions and we can therefore ensure the best possible field for these important positions.

I am delighted to support the bill, and I commend it to the House.

Ms NOREEN HAY (Wollongong) [12.43 p.m.]: I support the Police Amendment (Senior Executive Transfers) Bill, particularly after speaking with a number of police in my electorate of Wollongong. The current situation restricts senior executive service police from seeking transfers into lower-paid positions if they so choose. Policing is a highly specialised career and, as police in my electorate of Wollongong have advised me, police in senior executive positions have enjoyed lifetime careers in NSW Police. By its very nature, a specialised career in policing makes it difficult for officers to take up other kinds of employment in the public sector. However, the legislation provides flexibility. I note that in its correspondence supporting the bill the Police Association of New South Wales stated:

... we have been concerned for some time that the arrangements for Police officers who take up Senior Executive Service (SES) have been inequitable and some particular consideration needs to be given to the uniqueness of the policing profession. Given the reality that policing is a specialist profession and Police skills are rarely transferable to other government agencies our SES members are significantly disadvantaged at the conclusion of their contracts if the Commissioner chooses not to renew.

The legislation gives the Commissioner of Police more flexibility in making arrangements that are suitable to all parties in allowing officers to take up alternative positions. I commend the bill, the Minister for Police and the New South Wales Government for the changes.

Mr ALAN ASHTON (East Hills) [12.46 p.m.]: The Police Amendment (Senior Executive Transfers) Bill will bring the police service into line with an arrangement that works across the rest of the public service in just about all cases. As previous speakers and the Minister pointed out, the police service has a specific field of promotion and transfer and it is also specific about the nature of being a senior executive service officer in the police service. The Commissioner of Police, even when a police officer agrees to be transferred or to take up a lesser role than a senior executive service position, does not have the power to appoint a police officer to a lower

position. Nor can police officers carry with them their remuneration and other entitlements. The bill will bring the police service into line with the provisions of the Public Sector Employment and Management Act 2002, which allows a chief executive officer to permanently transfer an appropriately qualified officer to another position or other employment within the agency.

The transfer may be to a position with a lower remuneration if the officer consents. The spokesman for the Opposition, the honourable member for Vacluse, indicated that the Opposition would support the bill, and we appreciate that. The Police Association was consulted in the drafting of the bill, and I assume that most honourable members have seen a copy of the letter from Peter Remfrey, the Secretary of the Police Association of New South Wales, which states that the Police Association is happy with the bill. It has taken some time for the legislation to work its way through the processes of the House, but I am pleased that we are now debating it. I have no hesitation in recommending that the House adopt the Police Amendment (Senior Executive Transfers) Bill.

Mr JOHN WATKINS (Ryde—Minister for Police) [12.49 p.m.], in reply: I thank all honourable members for their contribution to the debate and for their support for this legislation. We in New South Wales are served very well by fine senior police, particularly the executive team headed by Commissioner Ken Moroney consisting of Deputy Commissioner Dave Madden, Deputy Commissioner Andrew Scipioni, and the executive director of corporate services, Senior Assistant Commissioner Dick Adams. Police officers are unique because of the role they play in our community and because of the roles played by all constables. The executive team and officers who serve in senior executive service positions are all senior executive service [SES] officers and they deserve a right of return to the wider public service to a classification that is as close as possible to the rank they hold in NSW Police. This legislation sets the principle involved and recognises the need for that transferability.

I note, as have previous speakers in this debate, that the New South Wales Police Association strongly supports this legislation. I note also that the Opposition accepts the good sense of this bill. The bill will bring about greater consistency between the provisions of the Public Sector Employment and Management Act 2002 and the Police Act 1990 in the transfer of senior staff. The bill replaces the current restrictive police senior executive service [PSES] permanent transfer arrangements under the Police Act with more flexible provisions under the Public Sector Employment and Management Act 2002. The bill makes it clear that merit appointment provisions of section 39 of the Police Act do not apply to transfers. It provides that an unattached senior executive service officer is regarded as holding an equivalent position in NSW Police for the purposes of any provision of the Police Act dealing with the permanent appointment of members of NSW Police. It prevents an officer removed from a senior executive service position from seeking compensation from the Statutory and Other Offices Remuneration Tribunal when he or she consents to a transfer at a lower level of remuneration.

The Commissioner of Police has far less flexibility than other public sector chief executive officers [CEOs] in permanently transferring senior executive officers to other positions. The CEOs of a major public sector agency such as NSW Police should have authority, as do other CEOs in public sector agencies in New South Wales, to permanently transfer an appropriately qualified officer to another position or other employment within the agency, following consultation with the officer. The transfer may be to a position or employment with lower remuneration, if the officer consents. The commissioner can transfer a senior executive service officer from one executive position to another with the same remuneration, if the transfer is considered to be in the interests of NSW Police. But the commissioner cannot transfer the senior executive service officer to a lower remunerated position, even with the officer's consent. Similarly, the commissioner cannot transfer an unattached senior executive service officer. Existing transfer provisions allow transfers only between positions, and unattached officers do not occupy positions.

Further, when the commissioner removes an officer from a senior executive position, he cannot return that officer to another position within NSW Police unless the officer was appointed to a PSES position before 1 December 1996 and has maintained a right of return. Again, the commissioner cannot provide alternative employment for officers who, for personal reasons, may wish to leave a senior executive position or take up a lower remunerated senior executive position. A police officer who ceases to be a senior executive officer cannot apply to return at a senior non-executive level. The officer can apply to return only at constable rank and return to a higher non-executive position through the merit-based promotion process. This differs from arrangements for former senior executive service officers in the public sector who can apply and compete for any available public sector position. That is why the Government has arrived at the position of introducing this legislation.

The consequential broadening of high-level career opportunities for police officers who transfer from or within the police senior executive service will attract more skilled and experienced police officers to PSES

and assist in ensuring continuous quality in leadership throughout New South Wales. At the end of the day, that is what all members of Parliament, the New South Wales Police Association and serving police officers want to achieve—quality leadership throughout NSW Police. That is, and will be, the greatest motivation for the continuation of the fine work of police officers in their efforts to drive down crime rates in this State. It needs to be said as often as possible by me as Minister that crime rates in New South Wales are either stable or decreasing, according to the independent Bureau of Crime Statistics and Research.

There has been a reduction in crime across New South Wales over the past couple of years, and that has to be attributed to the fine work of this State's police force. That work will continue under the quality leadership provided by Commissioner Ken Moroney and officers at the superintendent level as well as in ranks under their supervision. The bill gives powers and rights to senior executive service members that are enjoyed throughout the wider public service, and that is as it should be. The bill was drafted in close consultation with the New South Wales Police Association, which has actively sought these measures for its members. I commend the Police Association for its constant and tireless advocacy on behalf of all its members, including those at the highest levels of the police force. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

[*Madam Acting-Speaker (Ms Marie Andrews) left the chair at 12.56 p.m. The House resumed at 2.15 p.m.*]

BILLS RETURNED

The following bills were returned from the Legislative Council without amendment:

Agricultural Livestock (Disease Control Funding) Amendment Bill
Statute Law (Miscellaneous Provisions) Bill

DEATH OF CONSTABLE SHELLEY DAVIS

Ministerial Statement

Mr JOHN WATKINS (Ryde—Minister for Police) [2.17 p.m.]: I know that all honourable members will join me in offering heartfelt condolences to the family and loved ones of a promising young police officer, Constable Shelley Davis. Constable Davis died in car accident on the outskirts of Goulburn while on duty last Saturday morning. The death of any police officer in the line of duty is tragic, but that is particularly so when an officer is young and shows as much potential as Constable Davis. Like many of our police officers, she came to policing in her mid-twenties rather than straight from high school. She brought with her the valuable life experience and skills that working in other fields and travelling can bring, including two years as a counsellor at summer camps in the United States of America.

When Constable Davis began her Diploma of Policing Practice at the New South Wales Police College at Goulburn in August 2001 she did not know that the Southern Highlands would become her home in the longer term. She was stationed at Goulburn police station in August 2002 and settled at nearby Hill Top. Constable Davis made clear her motivation for joining NSW Police in a story published in the *Goulburn Post* last month to celebrate the twentieth anniversary of the Police College. She said:

It may sound a little clichéd, but I wanted a job where I could make a difference, that was not boring and where I could challenge my boundaries.

I am sure that all honourable members will agree that she chose the right profession. She told colleagues that she enjoyed high-visibility policing and, to that end, she was training to be part of the local bicycle squad. I place on the record of the New South Wales Parliament my thanks to Constable Davis for her service to the people of New South Wales. The force is better for having had her service. I know that her police colleagues across New South Wales, especially those in Goulburn, will feel her loss deeply. Constable Davis will be laid to rest with full police honours at Tahmoor Catholic Church at 1.30 p.m. tomorrow. On behalf of all honourable members I extend deepest sympathy to Constable Davis's parents, brother, partner, friends and colleagues.

Ms PETA SEATON (Southern Highlands) [2.23 p.m.]: The Coalition, particularly the honourable member for Burrinjuck, join the Government in conveying deepest sympathy to the family and friends of

Shelley Davis following her tragic death in a motor vehicle accident near Goulburn. Every day police officers go to work they risk their lives in the line of duty. Shelley Davis made the ultimate sacrifice in the course of the job that she loved. Shelley lived in Hill Top with her partner in life. She moved there so that she could continue to work in and be in commuting distance of her beloved Goulburn. Speaking today to some of her colleagues in Goulburn I was struck by the depth of their affection and respect for her. They described her as a bubbly, outgoing, lovely girl who loved to do everything, including horse riding and running, and she never had bad word to say about anyone.

I was told by Inspector Jackson, who passed on to me the sorts of things her colleagues would like us to hear about her today, that she was a competent and very good police officer who loved her job and especially her work in Goulburn. Shelley lit up everyone's day. That is a rare achievement which explains in some way the level of trauma and loss that her colleagues are feeling. That loss is also felt in neighbouring police stations, including Bowral, where I know everyone had the highest opinion of her. That loss is also felt in Picton, where I understand her cousin is also a police officer. Inspector Jackson told me that she was much loved by everyone. In extending condolences to Shelley's family and partner I hope that they take comfort in the support that is being extended to them by so many of her colleagues in the police force.

We honour her too-short life and her great service to our community. I ask the Minister to consider the concerns that I have heard from a number of officers. While highway patrol cars are routinely fitted with side-door airbags I understand that the model of car used by general duties officers does not routinely have that feature. The impact suffered in this sort of tragic accident may have been mitigated if the car had had a side-door airbag. I ask the Minister to take on board that concern and report back to Parliament on what plans he has to make any safety changes as a result of this tragedy.

HUMAN EMBRYO RESEARCH

Ministerial Statement

Mr FRANK SARTOR (Rockdale—Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts) [2.25 p.m.]: Honourable members will recall that in July 2003 we debated legislation that dealt with human embryo research. That legislation resulted from a meeting in April 2002 of the Council of Australian Governments, which agreed to the establishment of a nationally consistent legislative scheme to regulate the use of human embryos. That decision was significantly and critically influenced by Premier Carr in his advocacy of the use of embryonic stem cell lines. That initiative led to the passage through both Houses of this Parliament of the Human Cloning and Other Prohibited Practices Act 2003 and the Research Involving Human Embryos (New South Wales) Act 2003. When debate on the bills was concluded members were allowed a conscience vote. A significant number of members supported the legislation but some members had reservations. One of the issues at the core of the debate was whether or not the potency of adult stem cells could do all the things that embryonic stem cells could do. I am aware that a number of honourable members took a close interest in that matter.

Recently I was in San Francisco for the Bio2004 conference, where I discussed a number of medical research issues with scientists and others who attended the conference. A number of scientists said to me that in last six months the debate had shifted and that significant research was casting doubt on the potential for the use of adult stem cells. That strengthens the case that we must keep open the line of research involving human embryos, which I believe is of interest to all honourable members. Also of interest is the fact that Sydney IVF clinic was one the first clinics to receive a licence to use human embryos to produce embryonic stem cell lines. That clinic obtained its licence in April and within two months it was able to produce human embryo stem cell lines.

Today an announcement was made by a team of Australian researchers at Sydney IVF clinic that it is the first organisation to produce stem cell lines in Australia using excess IVF Australian embryos—a remarkable effort. The techniques that were adopted involved the use of only two embryos. The clinic managed to develop a technique to substantially reduce the wastage of embryos. I am impressed by the work that is being done. Regenerative tissue therapy is vital in the fight against disease. It is probably the Holy Grail in solving problems such as Parkinson's disease, motor neurone disease, pancreatic regeneration in juvenile diabetes, cystic fibrosis, spinal injury and many other neurological conditions.

For those reasons it is important that this line of research is allowed to occur. I am pleased that our regulatory framework has enabled that to happen. That process is now in place and it is progressing well. In

contrast, as a result of a presidential decree in the United States of America, the National Institute of Health and the National Institute of Neuroscience are unable to use human embryonic stem cell lines generated after 9 August 2001, despite pleas by United States scientists that they should be allowed to do so. The United States has a dual system. The publicly funded national system cannot use embryonic stem cell lines generated after 2001, but privately funded organisations can, which has caused a lot of concern for American scientists.

That critical issue is being debated in the United States. Recently honourable members might have heard Nancy Reagan's plea after the death of her husband for greater access to embryonic stem cells for research. I am aware of an initiative in California to create a Californian Institute for Regenerative Medicine. A proposition has been put to the people of California to generate \$300 million a year in research funds through the issuing of bonds, which I believe have been oversubscribed by petitioners in California. The scientific community hopes that as a result of stem cell research involving both adult and embryonic stem cells clinical therapies will be available within five or 10 years to address the degenerative afflictions from which many of our fellow human beings suffer. I commend the initiative of Sydney IVF and the House's decision last year to support this program.

Mr BRAD HAZZARD (Wakehurst) [2.39 p.m.]: I respond to the ministerial statement in my capacity as shadow Minister for Science and Medical Research. However, this subject involves a series of complex moral and ethical issues and I do not claim to speak on behalf of every member of the Coalition, because we all have different views in this area.

Mr Chris Hartcher: Hear! Hear!

Mr BRAD HAZZARD: The honourable member for Gosford agrees. Members should be allowed to form their own views on these complex moral issues. Last year Parliament supported the legislation that allows this research to occur. The Coalition certainly supports Sydney IVF, which is a fully privately funded clinic that has managed to produce a successful line of cells from only three embryos. That suggests that the decision to explore the opportunities offered by embryonic stem cell research may give hope to people who suffer in the future from conditions such as Parkinson's disease, juvenile diabetes and Alzheimer's disease. Those who believe we should head in that direction support and thank Sydney IVF for doing this magnificent work. We acknowledge that a great deal of research is being conducted in the United States of America, where the stem cell research debate is very much alive.

As recently as yesterday 20 Democrat and Republican members of the United States House of Representatives supported additional funding for embryonic stem cell research. We would like that to occur in Australia. We would particularly like the New South Wales Government to take some steps in that direction. The problem is that the New South Wales Labor Government cannot always be trusted. Yesterday we witnessed the spectacle of the Minister and the Premier announcing \$30 million for cancer research—we support that funding—but a year ago they promised funding of \$35 million. The Government's promised funding drops every year and the money disappears. Those opposite need to back up their promises with research funding. I look forward to that.

STATE CORONER

Report

Mr Bob Debus tabled the report entitled "Report by the NSW State Coroner into Deaths in Custody/Police Operations 2003".

BUSINESS OF THE HOUSE

Routine of Business

[During notices of motion]

Mr SPEAKER: Order! As I have indicated on prior occasions, the Chair is concerned about the length of some notices of motion. I will consider consulting the Clerks to decide whether they are in order. I also remind members about the use of derogatory remarks in notices of motion. I will also consult the Clerks in relation to that matter.

PETITIONS

Autism Spectrum Disorder

Petition requesting additional support for children affected by Autism Spectrum Disorder in all educational settings in New South Wales government schools, received from **Mr Daryl Maguire**.

Wagga Wagga Electorate Schools Airconditioning

Petition requesting the installation of airconditioning in all learning spaces in public schools in the Wagga Wagga Electorate, received from **Mr Daryl Maguire**.

Mature Workers Program

Petition requesting that the Mature Workers Program be restored, received from **Ms Clover Moore**.

Gaming Machine Tax

Petitions opposing the decision to increase poker machine tax, received from **Mr Andrew Fraser, Ms Katrina Hodgkinson, Mrs Judy Hopwood, Mr Daryl Maguire, Mr Steven Pringle and Mr Andrew Tink**.

Freedom of Religion

Petition praying that the House reject the Anti-Discrimination (Removal of Exemptions) Bill, and retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **Mr Paul Lynch**.

Topdale Road Upgrade

Petition requesting the upgrading and sealing of Topdale Road, received from **Mr Peter Draper**.

Coffs Harbour Pacific Highway Bypass

Petition requesting the construction of a Pacific Highway bypass for the coastal plain of Coffs Harbour, received from **Mr Andrew Fraser**.

Alpine Way Upgrade

Petition requesting funding to repair, upgrade and realign 11 kilometres of the Alpine Way between the State border at Bringenbrong Bridge and the beginning of Kosciuszko National Park, received from **Mr Daryl Maguire**.

Windsor Road Traffic Arrangements

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

Windsor Traffic Conditions

Petition requesting funding for construction of a bridge across the Hawkesbury River, from Wilberforce Road and Freemans Reach Road, connecting to the bridge into Windsor, and the rescheduling of the current roadworks program, received from **Mr Steven Pringle**.

Coffs Harbour Aeromedical Rescue Helicopter Service

Petitions requesting that plans for the placement of an aeromedical rescue helicopter service based in Coffs Harbour be fast-tracked, received from **Mr Steve Cansdell, Mr Andrew Fraser and Mr Thomas George**.

Hunter and New England Area Health Services Merger

Petitions opposing the merger of the Hunter Area Health Service and the New England Area Health Service, received from **Mr Peter Draper**.

CountryLink Rail Services

Petitions opposing the abolition of CountryLink rail services and their replacement with buses in rural and regional New South Wales, received from **Mr Peter Draper, Mr Andrew Fraser, Ms Katrina Hodgkinson, Mr Daryl Maguire, Mr Andrew Stoner and Mr John Turner.**

Armidale and Moree Rail Services

Petitions requesting continuation of CountryLink rail services from Sydney to Armidale and to Moree, received from **Mr Peter Draper and Mr Richard Torbay.**

State Forests

Petition opposing any proposal to sell State Forests, received from **Ms Katrina Hodgkinson.**

Country Rail Booking Offices

Petition opposing the closure of country rail booking offices, received from **Mr Daryl Maguire.**

Murwillumbah to Casino Rail Service

Petition requesting the retention of the CountryLink rail service from Murwillumbah to Casino, received from **Mr Donald Page.**

Broken Hill Water Pricing Structure

Petition opposing changes to the Broken Hill water pricing structure, received from **Mr Peter Black.**

Isolated Patients Travel and Accommodation Assistance Scheme

Petitions objecting to the criteria for country cancer patients to qualify for the Isolated Patients Travel and Accommodation Assistance Scheme, received from **Ms Katrina Hodgkinson and Mr Andrew Stoner.**

Horticultural Industry Water Restrictions Assistance

Petitions requesting assistance for the horticultural industry to cope with water restrictions, received from **Mr Chris Hartcher and Mr Steven Pringle.**

Water Carting Restrictions

Petition opposing the decision by Sydney Water Corporation to restrict the operating times for water carters and not allow Sunday cartage, received from **Mr Steven Pringle.**

Water Tank Subsidy

Petition requesting that the water tank subsidy be extended to rural residents of Baulkham Hills, Hawkesbury and Hornsby local government areas, received from **Mr Steven Pringle.**

Business Enterprise Centres

Petition requesting the reinstatement and funding of business enterprise centres, received from **Mr Ian Armstrong.**

Wagga Wagga Electorate Fruit Fly Control

Petition requesting funding for fruit fly control/eradication in Wagga Wagga, Lockhart, Holbrook and Tumbarumba, received from **Mr Daryl Maguire.**

Cat and Dog Meat

Petition requesting legislation banning the sale of cat and dog meat for human or animal consumption, received from **Ms Clover Moore.**

Sow Stall Ban

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

Hawkesbury-Nepean River System Weed Harvester

Petition requesting the purchase of a weed harvester for the Hawkesbury-Nepean River system, received from **Mr Steven Pringle**.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION**Report**

Mr Jeff Hunter, as Chairman, tabled report no. 14, entitled "History and Roles of the Committee on the Health Care Complaints Commission 1994 - 2004", dated 24 June 2004.

Ordered to be printed.

LEGISLATION REVIEW COMMITTEE**Report**

Mr Barry Collier, as Chairman, tabled report no. 1, entitled "Operation, Issues and Future Directions", dated 24 June 2004.

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

CAMDEN DISTRICT HOSPITAL MATERNITY UNIT

Mr JOHN BROGDEN: My question is to the Minister for Infrastructure and Planning, and Minister for Natural Resources. Now that Bob Carr's claim that the Camden maternity unit was "not opened until the appropriate staff were provided" has been proven wrong by the Legislative Council inquiry chaired by Reverend the Hon. Dr Gordon Moyes, will the Minister concede that he and Mr Carr opened the maternity unit for political purposes, accept personal responsibility for the death of Natalia Lalic and resign?

Mr CRAIG KNOWLES: I am tempted to say, "Go back and read the *Hansard*", but it is worth an explanation again. The report of the upper House inquiry does not make that assertion. It talks about perceptions and the fact that Dr David Henderson-Smart independently authorised the opening of that unit.

Mr SPEAKER: Order! The Leader of the Opposition has asked a question. The Minister will be heard in silence.

Mr CRAIG KNOWLES: Shouting loudly does not add any weight to his case.

Mr SPEAKER: Order! The honourable member for Bathurst will come to order.

Mr CRAIG KNOWLES: The fact is that the birthing services at Camden hospital were not opened until they were staffed with clinically appropriate staff.

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

Mr CRAIG KNOWLES: The first time I confronted this issue was at the opening of Camden hospital when the Premier and I were at a press conference being pilloried by the media because we had just been pilloried by a large demonstration of mothers and midwives demanding that we open the birthing services. I am on the record then and subsequently as saying that the birthing services would not open until it was clinically appropriate. The local newspapers and the local Liberal Party election brochures are full of demands by

Kernohan and the subsequent candidate, Messina, together with an advertisement by the honourable member for Southern Highlands, making a political issue of it, that we open those services. We did not open those services without clinically appropriate staff.

Mr SPEAKER: Order! The honourable member for North Shore will come to order.

Mr CRAIG KNOWLES: Let us be very clear on this: the Camden maternity unit was equipped and staffed to perform the role allocated to it, that of a level three maternity unit and a level two neonatal unit. That is not what I say or what the Government says; that is what clinical experts in paediatrics and maternity care said.

Mr Barry O'Farrell: It's not what the AMA says.

Mr CRAIG KNOWLES: Professor David Henderson-Smart is the New South Wales Director of the Maternal and Perinatal Committee and the Director of the New South Wales Pregnancy and Newborn Services Network, as well as being a highly respected and experienced neonatologist. He said in March, as part of his comprehensive review of maternal and perinatal services in South Western Sydney, that the anaesthetist had appropriate on-call anaesthetic cover and paediatric support. Let us be very clear about this: we were criticised as a Government when we opened that facility for not opening the birthing service. I remember standing in the corridor, outside the birthing suites, and making the obvious point that you could not open a birthing service without clinically appropriate staff. Dr David Henderson-Smart has verified that fact.

GOVERNMENT AND OPPOSITION WEB SITES LINKS

Mr MATT BROWN: My question without notice is addressed to the Deputy Premier. What is the latest information on community concerns about the use of new media to disseminate Government and Opposition policy?

Dr ANDREW REFSHAUGE: Labor's tenth budget was handed down this week with no criticism from Opposition members. They have not laid a glove on it at all. No questions were asked about it yesterday and no questions have been asked about it today. They have no alternative and no policies at all. When our staff went onto the Internet to research Opposition policy they found absolutely nothing—no Opposition policies at all. After almost 500 weeks in Opposition you would think they might have come up with some alternative. But we found something interesting on the web site of the honourable member for North Shore.

Mr SPEAKER: Order! The honourable member for Murrumbidgee will come to order.

Dr ANDREW REFSHAUGE: She has a tag for "useful links".

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

Dr ANDREW REFSHAUGE: Under the useful links are other Liberal members of Parliament. You would expect the Leader of the Opposition, John Brogden, to be a link on her site, but he did not appear. But Barry O'Farrell, the Deputy Leader of the Opposition, was on it. I remind members that the honourable member for North Shore did Collins in the back and supported Chikarovski, then did Chikarovski in the back and supported the current Leader of the Opposition, Brogden—he has gone quite pink on this. Are we now seeing her doing the Leader of the Opposition in the back and supporting the Deputy Leader of the Opposition, O'Farrell? The web site certainly suggests that.

Mr Andrew Tink: Point of order: I refer to relevance in connection with links between members of Parliament.

Mr SPEAKER: What is your point of order?

Mr Andrew Tink: I want to know what is the link between Kim Yeadon's web site and yours.

Mr SPEAKER: Order! There is no point of order. The Deputy Premier has the call.

Dr ANDREW REFSHAUGE: We have a list of all those who supported the current Leader of the Opposition against Chikarovski, but they seem to be moving away to the clean-shaven, slim man, the man on

the Atkins diet. He is getting a bit slimmer, he is getting a bit more svelte. Movement is happening. We have seen the announcement on his web site. It is interesting to note that the average tenure of a Liberal leader since Askin is two years and four months. The Leader of the Opposition has been here two years and three months. It is on the way. Five more kilos and two more votes and the Deputy Leader of the Opposition is there.

Mrs Jillian Skinner: Point of order: While I am delighted that the Minister finds viewing my web site so important, I believe he is misinforming this House. He should let honourable members know what the Teachers Federation said on its web site about his budget.

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

Mrs Jillian Skinner: They say they are angry with you. You have deceived them and you have misled the Parliament.

Mr SPEAKER: Order! The Deputy Premier has the call.

Dr ANDREW REFSHAUGE: No prizes for second. Two years and four months is the average tenure for a Liberal leader since Askin. John Brogden has been the Leader of the Opposition for two years and three months. With that weight loss going on, the old treadmill being used, weight coming off and new clothes, the votes are moving. We see that happening. I make the important point that there is a link with the web site of the honourable member for North Shore to some inappropriate material, although I am sure that is not her intention. The web site of the honourable member for Ballina is the same. When one clicks on the link to the Liberal Party the response is *nswcoalition.com*, which has inappropriate things on it. I know it is not intentional and I hope that it can be removed.

Although the Internet can give us great benefits, it also carries great risks. It is important that we are aware that these links, which are not intentional, can be inappropriate for children. Parents should know that they could be inappropriate. I ask all honourable members and all departments to ensure that no inappropriate links are displayed. When we rolled out email accounts in the schools, the \$795 million e-learning plan for schools, we incorporated high-security technology to block inappropriate Internet sites. No blocking will be absolutely perfect, but it is important to do what we can. We have brought in the best to block inappropriate sites found on the Internet in our schools.

The department employed professional hackers to attempt to hack into the site, but found they were unable to do so. The security system allows teachers to block bad language and control chat rooms. Simply by clicking a mouse, teachers are able to control the students' chat rooms and Internet sites. In addition, students under the age of 18 require permission to receive an e-learning account. The security system of the Department of Education and Training for email accounts has excited the interest of a number of jurisdictions, particularly those in Asia and Europe. They want to adopt the security measures that have been developed in New South Wales. It is important for everyone to be vigilant because inappropriate web sites may be accessed by children. Although the Internet provides great access to information, it also imports great risk. It behoves everyone to ensure that web sites are appropriately policed and screened to ensure they do not have links to inappropriate material.

AGRICULTURE BUDGET

Mr ANDREW STONER: My question without notice is directed to the Minister for Regional Development, representing the Minister for Primary Industries. How does he expect NSW Agriculture to remain competitive when his government is cutting the agriculture budget by \$37 million and closing down agricultural research facilities at Temora, Lockhart, Balranald, Duck Creek, Mullumbimby, Somersby, Gosford, Deniliquin, Gloucester, Manila, Singleton and Windsor and is selling off stations at Trangie and Wollongbar, as revealed by a leaked internal document?

Mr DAVID CAMPBELL: It is particularly interesting that every time this Government has tried to say how the New South Wales budget has been attacked by a reduction in this State's share of revenue disbursement of the order of \$376 million by the Howard Government's skewing of the Commonwealth Grants Commission process, and every time the matter is debated, not one member of the Coalition is prepared to join the chorus of protest. Not one member of the Coalition has been prepared to advance an argument to the Prime Minister, John Howard, and his Government that \$376 million a year would be much better spent in this State than in other States. Not once has a Coalition member raised his or her voice in support of that proposition.

Mr SPEAKER: Order! Members are obviously enjoying themselves, but the remainder of question time will proceed in an orderly manner. The Minister has been asked a question and he deserves to be heard in silence.

[*Interruption*]

Mr SPEAKER: Order! I place the honourable member for Murrumbidgee on three calls to order. I warn him that if he is removed from the Chamber today he may find himself outside the precincts of the Parliament for a considerable period.

Mr DAVID CAMPBELL: This Government makes absolutely no apology for restructuring its expenditure to ensure that funds are directed to front-line services such as education, health and community services. Unlike previous Coalition governments that made massive funding cuts to the Department of Community Services, this Government makes no apology for restructuring budgets to ensure that there are sufficient funds available for the provision of front-line services. Equally this Government makes no apology for the fact that it has set up structures to take red tape out of the agricultural sector. Not one farmer in this State would argue in favour of more red tape. Farmers want this Government to cut back on red tape. It is quite clear that this Government has in mind the best interests of the provision of front-line services, fiscal responsibility and rural areas of New South Wales when it implements restructuring policy.

COUNCIL OF AUSTRALIAN GOVERNMENTS MEETING

Mr ALLAN SHEARAN: My question without notice is addressed to the Minister for Health. What is the latest information on the inclusion of health issues in tomorrow's Council of Australian Governments meeting in Canberra?

Mr MORRIS IEMMA: I thank the honourable member for Londonderry for his question. The key challenge in New South Wales in the provision of health services is its work force. The recruitment and retention of sufficient work force resources to provide health care services in our public hospitals system is also the key challenge faced by all States.

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

Mr MORRIS IEMMA: The shortage of doctors and nurses prevents this Government from providing more hospital beds and additional services. The shortage of medical staff is having a severe impact on rural and regional services and has spread to metropolitan services, such as those provided at Mount Druitt hospital, which is situated in the electorate of the honourable member for Londonderry. For that reason I am pleased to advise the House that Premiers and Chief Ministers have unanimously supported the inclusion of health reform and medical work force reform as an agenda item at the Council of Australian Governments [COAG] meeting that will take place tomorrow. A significant amount of good work was done over an 18-month period up to the conclusion of the former Australian Health Care Agreement in August last year.

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

Mr MORRIS IEMMA: The Commonwealth's commitment to reform effectively ceased in March last year and we all know that New South Wales ended up with an inadequate agreement which cut public hospital funding and failed to address any of the reforms that had been constructively discussed in preceding months. A successful reform process must be focused on patients and the prevention programs of the health reform agenda, and must resolve health work force issues and create new sustainable funding arrangements. All Premiers and Territory leaders agree that the community is tired of disputes between the State and Commonwealth levels of government and the divided responsibilities that inhibit the effective and efficient delivery of health care services. These inefficiencies and jurisdictional conflicts involve our health work force.

It is imperative that the education and training sector—vocational, university and post-graduate—that is controlled by the Commonwealth work cohesively with State governments to produce a health work force that meets current and future needs. The New South Wales Government awaits the Commonwealth's commitment to finalise a national health work force action plan for the Australian Health Ministers Conference on 29 July in Hobart. Agreement was reached at the preceding conference on the development of a national action plan. Some indication has been given by the Commonwealth of a draft that will be circulated for consideration by all health Ministers prior to the meeting. The plan must address the shortage of doctors, nurses, and other health care

professionals in the public hospital system and it must go well beyond the measures taken by the Commonwealth which have partially addressed the general practitioner and nurse practitioner problems that are faced throughout the nation.

To ensure that that occurs, the Premiers have proposed that COAG endorse an increase in the number of training positions in universities for doctors, nurses and allied health professionals to reduce our reliance in the medium to long term on overseas-trained professionals. Put simply, that calls for more training places in Australian universities to produce more Australian-trained nurses and doctors. The plan also calls for action to encourage increased levels of staff retention and an improvement in bridging arrangements within and across professions, including the provision of innovative educational opportunities to up-skill existing professionals across traditional boundaries and ensure that TAFE colleges and universities work together to enable more enrolled nurses and assistants in nursing to be trained for registered nurse positions. The Premiers have proposed that COAG endorse introducing more student selection and support programs to ensure that graduates consider returning to practise in their local communities, and making innovative use of Commonwealth funding arrangements to improve service delivery, such as the after-hours and rural general practitioner [GP] services initiative.

The second major aspect of reform to be listed by the Premiers includes greater integration between GP services and emergency departments. All State and Territory leaders agree that co-located after-hours general practitioner practices and emergency department [ED] clinics will help reduce the pressure on hospital emergency departments, while ensuring that the Australian community is provided with increased access to those services. A number of those clinics are operating very successfully as pilot programs. The Premiers are calling on the Commonwealth to give security of funding for those clinics, to build on the success of the pilot projects, and to extend the GP-ED clinic concept model across as many sites as possible.

The Commonwealth's delay in finalising security of funding for the pilots, including the five in the Hunter, and the delay in finalising and guaranteeing security of funding, puts at risk those five pilot ED clinics in the Hunter. The Commonwealth's delay in finalising the extension simply adds pressure on our emergency departments and denies families access to basic after-hours medical care. The third major area of reform to be placed on the COAG agenda by the Premiers involves the continuity of care between primary, acute, aged, and community care. We acknowledge the initial steps taken towards national co-operation in providing jointly funded home and community-based transitional care for senior citizens. However, the national shortage of residential aged care beds means that senior citizens are still being kept in acute care wards in public hospitals. That is not the most appropriate form of care for them.

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

Mr MORRIS IEMMA: The nation requires urgent action be taken to ensure that additional aged care places are available to meet pressing needs, and all Premiers will raise that matter with the Prime Minister tomorrow. State and Territory leaders have called upon the Commonwealth to take a proactive approach to addressing those key areas of national reform in our health care system. Tomorrow the Prime Minister will have an opportunity to show true national leadership in these key areas of reform so that we can improve our health care system. While he is at it he might turn his attention to the fourth and final key area of reform: a very simple decision that the Prime Minister can take tomorrow. He could say to Peter Costello, "No", to the cuts to the four public health programs that four weeks ago he allowed his Treasurer to inflict on the States. The fourth key area of reform that the Prime Minister can announce tomorrow is that the \$13.5 million cut to screening for breast cancer, cervical cancer, AIDS and family planning is not on, and return the money.

MORUYA DISTRICT HOSPITAL BIRTHING CENTRE

Mr ANDREW CONSTANCE: My question without notice is addressed to the Minister for Health. Given that the Government opened the maternity unit at Camden District Hospital with inadequate staffing levels to provide safe coverage, why is the Minister planning to open the Eurobodalla birthing centre at Moruya District Hospital on 1 July without the services of at least two general practitioner obstetricians?

Mr MORRIS IEMMA: The maternity services for the Eurobodalla area have been the subject of a review. That review was initiated because of difficulties in the work force. In my answer to the previous question I outlined some key initiatives that the Commonwealth can work on with us to try to address them. One key critical area of the work force shortage is in obstetric services in regional and rural communities. The Eurobodalla region is no different from any other region outside the major metropolitan cities in experiencing

difficulties in obstetric services. The review has taken place. The area health service established a representative reference group to oversee the development of a maternity services plan for the Eurobodalla region.

Mr SPEAKER: Order! The honourable member for Bega will come to order.

Mr MORRIS IEMMA: The quality of current service provision was not the issue; rather, it was the sustainability of providing two work forces for two separate sites, at Moruya and Batemans Bay. Naturally it is important that the Eurobodalla residents have their say on promoting safe and sustainable maternity services for their region—that is behind the consultation process and the planning process that has taken place. I understand that almost 200 Eurobodalla residents took part in public consultation meetings in Batemans Bay, Narooma and Moruya. There were 39 participants in the reference group that met on 22 March 2004, and they were drawn from the medical profession, staff, mothers, relevant community organisations and indigenous groups. The reference group agreed on the criteria to be used in the service selection process.

The key criteria related to equity of access, staff recruitment, retention, education and training, access to pathology services on site, critical mass issues, and the possibility of reducing outflows. Based on the selected criteria the reference group was able to recommend that Moruya should be the maternity hub for the Eurobodalla shire. It is important to note that mothers in the Eurobodalla area will receive their antenatal and post-natal care in outreach clinics in collaboration with their general practitioner and will not have to travel to Moruya for those services.

Mr SPEAKER: Order! The honourable member for Bega will come to order.

Mr MORRIS IEMMA: Those outreach services will cover the entire shire. Senior health managers in the Eurobodalla area are currently working on the model of care and the Nurse Unit Manager, Maternity, commenced on 24 May to further develop the process. I understand that an update to the community on the operation of the outreach services will be released soon. As a result of Moruya being chosen as the single point to provide actual birthing services, the births will occur in the centre of the Eurobodalla region. The recommendation has been agreed to by the Southern Area Health Service Board and has received approval from the Department of Health.

WASTE MANAGEMENT

Mr JOSEPH TRIPODI: My question without notice is addressed to the Minister for the Environment. Will the Minister tell the House about new methods of waste management being developed in Sydney's west and the benefits for the environment and the community?

Mr BOB DEBUS: As honourable members would be aware, the traditional method of waste disposal is landfill; that is, simply putting garbage in a hole in the ground. In recent years landfill methods have improved so that the biogas, the methane created by decomposing waste, is captured for use in the generation of green electricity, and methods have been developed to speed up the decomposition of waste in landfill. But, at the end of the day, landfill is still landfill. As its name implies, it is still filling up a hole in the ground. Since the early 1990s we have avoided putting all our waste into landfill. Kerbside recycling has helped to separate recyclable paper, plastic and glass and divert them from landfill. But general household garbage still ends up in landfill.

In response, and as our population continues to increase, there has been a search for better solutions to waste management than landfill. A search for alternative waste technologies has been going on around the world. Today I am pleased to be able to tell honourable members that Sydney is about to get its first alternative waste technology facility, which will be of world standard. At the Waste Service NSW site in Eastern Creek in the west of Sydney work is well under way on the construction of the urban resource—reduction, recovery and recycling [UR-3R] facility.

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

Mr BOB DEBUS: That facility is Sydney's first alternative waste treatment facility for household garbage. When the UR-3R facility is operating later in the year it will be the largest of its kind in the Southern Hemisphere. The Eastern Creek UR-3R facility is a public-private partnership between Waste Service NSW and Global Renewables Ltd, a company that is supported by the New South Wales Government. Global Renewables is building a facility that it will own and operate under contract with Waste Service NSW.

Ms Clover Moore: Point of order: This is an incredibly important subject and I am finding it hard to hear what the Minister is saying.

Mr SPEAKER: Order! The point of the honourable member for Bligh is well taken. There is too much conversation in the Chamber. The Minister will be heard in silence.

Mr BOB DEBUS: It is true that those associated with local government know of the critical significance of this kind of exercise.

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

Mr BOB DEBUS: I point out for the benefit of Opposition members that, until recently, John Hewson chaired that company, which has managed a most significant initiative. The UR-3R facility will sort recyclables and compost waste and convert waste to energy, reducing the amount of household waste going to landfill. It will not just reduce it by a little: the facility will divert 80 per cent of waste away from landfill by separating valuable products like metal, plastic, paper, and glass and converting the organic component of the waste stream into compost and fertiliser. It will set entirely new standards for the recovery of recyclables from council municipal waste through an intensive separation process that will recover an extra 17,000 tonnes of plastic, glass, paper, and metal recyclable material each year on top of the amount that is recovered from traditional kerbside recycling.

The residual waste will then be treated using already proven sustainable mechanical and natural biological processes to convert it into more than 23,500 tonnes of compost products for agricultural and horticultural use. The facility will initially process 175,000 tonnes of Sydney's waste each year—that is, about 11 per cent of all the household waste in Sydney—and over 25 years it will divert four million tonnes of waste from landfill. In summary, it will divert 80 per cent of waste from landfill; recover 17,000 tonnes of recyclable material every year; reduce greenhouse emissions by an extra 210,000 tonnes a year compared with landfill—that is the equivalent of taking 35,000 cars off the road—produce 23,500 tonnes of compost and fertiliser; and capture 100 per cent of the biogas produced, a significant improvement on the amount that is captured in landfill.

The biogas will be used to produce 12,000-megawatt hours of green electricity a year, which is enough to provide power for 1,500 homes. It will provide power for 1,500 homes, and the equivalent of 35,000 cars will be taken off the road. They are very big figures. The Eastern Creek facility will also reduce the social impact of waste collection and disposal by dealing with waste locally and by doing so in a modern facility that is enclosed to avoid the generation of noise, dust and odour in the atmosphere. Because the waste will not have to be transported over long distances it will be of significant benefit to the state of our roads and the quality of Sydney's air.

Mr Barry O'Farrell: What will it cost?

Mr BOB DEBUS: In answer to the undoubtedly sincere question that was asked by the honourable member, it will cost \$70 million, so it is a major investment in Western Sydney. It will provide 100 permanent jobs and 50 jobs in the construction phase. It is manifestly a win-win situation for councils, enabling them to meet their environmental and economic goals by delivering certainty of service and pricing well into the future. The honourable member for Fairfield would be particularly aware that, in December 2003, Fairfield City Council became the first foundation partner in the Eastern Creek UR-3R facility. That is a landmark 20-year contract with Waste Service NSW. I congratulate Fairfield council on the leadership it has shown in this respect. I encourage other councils to take up the challenge of environmentally sustainable waste management. So long as councils in this city co-operate appropriately to work with Waste Service NSW on the facility that will be provided, we can look forward to an entirely new era of managing waste in this city.

MINISTER FOR ENERGY AND UTILITIES INVESTMENT UNIT

Mr BARRY O'FARRELL: My question without notice is directed to the Minister for Energy and Utilities. How can he explain paying \$100,000 less than the independently assessed market rate for his luxury investment in the waterfront HMAS building in Port Melbourne when, at the same time, the Central Sydney Planning Committee that he chaired approved a major development on the old Regent Theatre site in which the same developer, Nonda Katsalidis, had an interest?

Mr Scully: Point of order: Clearly, that question has nothing whatsoever to do with the Minister's portfolio. The question should be ruled out of order.

Mr Andrew Tink: To the point of order: The question related more generally to the Minister's credibility. He appears to be happy to answer the question.

Mr SPEAKER: Order! I rule the question out of order. It is clearly a substantive personal attack on the Minister. That being so, it is not related to the Minister's portfolio and is out of order.

NEW ENGLAND AREA HEALTH SERVICE AND HUNTER AREA HEALTH SERVICE AMALGAMATION PROPOSAL

Mr RICHARD TORBAY: My question without notice is directed to the Minister for Health. Given the strong community concern and lack of any detailed information on the reasons for a merger, will he rule out a forced amalgamation between the New England and Hunter area health services? They deserve an answer.

Mr SPEAKER: Order! The Minister has the call.

Mr MORRIS IEMMA: As was clearly indicated in the April mini-budget, the Government has undertaken a review of the administrative structures relating to the delivery of our health services. Currently we have 18 area health services. We have 17 stand-alone area health services. The Children's Hospital at Westmead effectively takes that number to 18, and the head office at North Sydney takes the number to 19. So, in effect, 19 health departments are attempting to deliver health services across New South Wales. Given the fact that that structure has been around for a long time, it is timely and appropriate for the Government to undertake a review to determine whether that is the most efficient way to deliver health services and to determine whether there are opportunities to release resources currently locked up in bureaucracy to front-line health services.

The review is being undertaken to determine whether there are opportunities to unlock resources that are currently tied up in bureaucracy and release them for front-line health services in communities such as Tamworth and Armidale. That is the reason for the review. A guiding principle of the review is the possibility of, when reconfiguring area health services, placing a principal referral teaching hospital within each health service area to provide additional support for other hospitals in the region. It is all about equity of access and the redistribution of health resources to areas of most need, such as Tamworth and Armadale. As to the future of the New England Area Health Service, two options are currently under consideration. The first option is for the New England Area Health Service to stand alone.

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

Mr MORRIS IEMMA: The second option being considered is to see whether a partnership between New England Area Health Service and Hunter Area Health Service will provide additional benefits for communities in the New England region. The following principles will guide the examination of that option. These are: enhancing health services in the New England region, ploughing the administrative savings obtained across the State into health services such as those in the New England region; examining the feasibility of rotating medical staff from hospitals in the Hunter to assist in filling work force gaps in the New England region, particularly in the mental health field where the Hunter has significant resources and a critical mass of staff; maintaining and strengthening the links between the health faculty at the University of Newcastle; retaining local input in regional advisory bodies; and retaining an administrative office in Tamworth, which I understand is the current location of the New England Area Health Service head office. They are the principles guiding the examination of the option of forming a partnership with Hunter. As I said, the other option is for New England Health Service to remain as a stand-alone service.

If the honourable member for Northern Tablelands is interested in the truth about this issue he may wish to provide the following information to his constituents. I have some interesting examples of misinformation being distributed in the New England area in the examination of the two options. A rally held the other day in Tamworth had an interesting participant: an upper House member from The Nationals, Miss Gardiner. She gave us the benefit of her views about no amalgamations, doom and gloom, and the death of health services in New England should the merger proceed. Interestingly, she may have misled members of the public who attended that rally in light of her leader's views on health administration, particularly area health services. She says one thing to the communities of New England yet her leader says something different. He has had the opportunity to place his position on the public record, and it is most instructive. As to area health services, the Leader of the Opposition is on the record as saying:

Let's get rid of area health services all together, not tinker at the edges but abolish them all together and release literally hundreds of millions of dollars to go back into opening the real number of beds we need and putting nurses back on the job.

There is great deal of merit in that proposition. The Leader of the Opposition made that statement on 21 June. He also talked about reducing administration and releasing funds for front-line services, more hospital beds and employing more nurses. On 15 March the shadow Minister for Health, the Deputy Leader of the Opposition, referred to area health services, and said:

We see them holding up valuable dollars that could otherwise be used to support frontline health professionals and to fund our medical services.

On 24 May in an interview on ABC New England North West the Leader of The Nationals said:

We're not against cuts to the bureaucracy and to the fat, in fact we'd like to get stuck into area health services and return that money by way of more nurses, more beds, more operations in our local hospitals.

Jenny Gardiner attended the rally in Tamworth and told us how dreadful the mere thought of entertaining the option of amalgamating or partnering New England Area Health Service with Hunter Area Health Service was, but the Leader of The Nationals has told us that he would like to "get stuck into area health services" and the Leader of the Opposition has said he will get rid of them altogether. The honourable member for Northern Tablelands and the honourable member for Tamworth have raised their concerns, which have been heard and are being considered. A decision on this matter is approximately three to four weeks away. The concerns of their local communities are being taken into account. The decision will be made in the best interests of all communities and area health services across the State.

BIG BANANA REDEVELOPMENT

Mr JOHN BARTLETT: My question is addressed to the Minister for Small Business. What is the latest information on plans to redevelop the Big Banana?

Mr John Brogden: Who is the man with the big moustache?

Mr DAVID CAMPBELL: I thank the honourable member for Port Stephens for his question and acknowledge his long interest in tourism in regional New South Wales.

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

Mr DAVID CAMPBELL: Australia is a big country chock-a-block with big things. We have all heard of the Big Merino at Goulburn, the Big Potato at Robertson, the Big Gold Panner at Bathurst, the Big Oyster at Taree and the Big Guitar at Tamworth.

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

Mr DAVID CAMPBELL: But the biggest thing of them all is undoubtedly the Coffs Harbour Big Banana—the 13-metre long symbol of Australia's love of great big things.

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

Mr DAVID CAMPBELL: It was our first big thing when it was built 40 years ago. Some estimate that there are now up to 150 big things across the nation, with a third of them in New South Wales. Russell Crowe is a regular patron of the Big Banana and I am told that Magda Szubanski visited in December for a travel show—I understand that there was a bit of a mix-up in the gift shop when she went to taste banana fudge that turned out to be banana soap. About 600,000 people visit the site every year. But like many tourism ventures the Big Banana has faced the challenges of changing market conditions. The current owners, Kevin and Marie Rubie, have been making gradual but significant changes to the Big Banana since they bought the 17-hectare site 11 years ago.

Mr SPEAKER: Order! I call the honourable member for Coffs Harbour to order for the second time.

Mr DAVID CAMPBELL: They developed the Holiday Coastal Lookout, which offers a great vantage point from which to view the region. Last year the owners began working with an adviser from the New South Wales Government to put the Big Banana on a more secure footing. The Government has helped to fund a

business plan for the Big Banana's redevelopment because of its pivotal role in the tourism industry of the North Coast. I am sure the honourable member for Coffs Harbour knows it is important, as do most Coalition members who represent regional and country electorates. But it is pretty clear that the oafish little boy from the northern beaches of Sydney does not realise its importance.

It is a key part of marketing of the Coffs Harbour area, with tourism surveys showing the Big Banana has an extremely high level of awareness among Australians. Now there is a very comprehensive business strategy being put in place. The Big Banana currently employs 65 people in peak periods and 35 people in the off-season, and that is expected to increase in the future. One of the major elements of the business plan is the World of Bananas, which will focus on education, entertainment and interaction. Work on this project will start early next year. Visitors will learn about the history of bananas in Australia and the Coffs Harbour region, the varieties, production and processing of bananas, their health value, and the economic contribution of the banana industry. There will also be cooking demonstrations.

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

Mr DAVID CAMPBELL: This is another example of how the New South Wales Government Business Support Program supports local regional business in New South Wales. I certainly look forward to the redevelopment of the Big Banana and to it continuing to play a significant role in the economic health of Coffs Harbour and the North Coast region.

FORMER MINISTER FOR GAMING AND RACING DEPARTMENTAL ACCESS

Mr GEORGE SOURIS: My question is directed to the Minister for Gaming and Racing. What meetings, phone calls or other contact, and on what dates has the Minister, his office and his department had with corrupt former Labor Minister Richard Face?

Mr GRANT McBRIDE: It is a long time since I have had a question from the Opposition, and I appreciate the opportunity to reply. There has been only one contact with Richard Face involving myself as Minister. That was in the interregnum between when the first inquiry was held and the report against him was dismissed, and before the second one. That is the only time and it was an official meeting involving Newcastle surf lifesaving.

Mr GEORGE SOURIS: I ask a supplementary question. In view of the answer, has the Minister for Gaming and Racing instructed or will he now instruct his staff and department to have no contact with the corrupt former Labor Minister?

Mr SPEAKER: Order! That is not a supplementary question. I rule it out of order.

NSW POLICE INTERNAL WITNESS SUPPORT UNIT

Mr PAUL LYNCH: My question is addressed to the Minister for Police. What is the latest information relating to support for internal police witnesses?

Mr JOHN WATKINS: During the Wood royal commission a new group called the Internal Witness Support Unit [IWSU] was set up to protect, manage and counsel NSW Police staff who were witnesses to alleged criminal misbehaviour and misconduct by officers or civilians. The work of this unit was recently reviewed by researchers Urbis Keys Young. The review involved a survey of the health and wellbeing of the 113 NSW Police employees who reported corrupt or improper activities between 2000 and 2002. The report found police witnesses are being better protected within the force. Eighty-five per cent of complainants say they were satisfied with the support they received. Three-quarters of witnesses also said they would reported corrupt colleagues again if the situation arose.

The review also found: 95 per cent of witnesses believed the ISWU maintained their confidentiality during the investigation; 92 per cent of witnesses said if police were going to report the internal misconduct they should engage the services of the IWSU; and most witnesses, in fact 79 per cent, said they received support from other areas of NSW Police after coming forward. Personal or ethical beliefs were the main reasons witnesses came forward, with 86 per cent of officers saying that influenced their decision. Police also quoted their legal obligations, personal interests or involuntary exposure as reasons they named colleagues in corruption or criminal investigations.

Mr SPEAKER: Order! The Minister will be heard in silence.

Mr JOHN WATKINS: The Urbis Keys Young report also showed a number of ways we can continue to improve the management and support of internal witnesses, including reducing harassment or intimidation in the workplace, reducing discrimination against them in career opportunities, and the fact that internal witnesses also take twice as much sick leave as other police and are absent for twice as long. The Government and NSW Police will examine the formal recommendations of the report to determine whether further improvements could be made. I seek leave to table the report by Urbis Keys Young entitled "The Health and Well-Being of Internal Witnesses in NSW Police, 2000-2002", dated November 2003.

Leave granted.

Report tabled.

Questions without notice concluded.

SPECIAL ADJOURNMENT

Motion by Mr Carl Scully agreed to:

That the House at its rising this day do adjourn until Friday 25 June 2004 at 10.00 a.m.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Mr CARL SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [3.55 p.m.]: I move:

That standing and sessional orders be suspended to allow:

- (1) the taking of divisions and calling of quorums at the sitting of the House on Friday 25 June 2004; and
- (2) private members' statements at this sitting to be taken without quorums or divisions and, at their conclusion, the House to adjourn without a question being put.

For the benefit of honourable members who are concerned about when the House will sit, I indicate that at 5.00 p.m. today there will be a joint sitting in the upper House and the attendance of honourable members is expected. I propose that at the conclusion of private members' statements, as is normal on a sitting Thursday, we depart. Tomorrow we are not certain what the upper House will be doing with the legislation currently before it. There may be no amendments, few amendments or many amendments. I am not in a position to be able to inform the House until 10 a.m. tomorrow as to how long honourable members will be required. I understand some honourable members want to depart as usual to enable them to return to their electorates, but they will need to be here tomorrow morning so that we can deal with any amendments from the upper House. I commend the suspension to the House.

Mr ANDREW TINK (Epping) [3.56 p.m.]: I do not oppose the motion but I note that the only thing missing from it is question time on Friday. Everything else other than question time is back in on Friday.

Mr SPEAKER: Order! The honourable member for Swansea will come to order.

Mr ANDREW TINK: There is no accountability on the final day that Parliament sits before it adjourns for eight weeks! They hide! There is no question time! Why will the Government not allow question time and enable divisions and quorums? The Government should make itself accountable and should answer some questions for a change. Let members have a full day tomorrow.

Motion agreed to.

MINISTER FOR ENERGY AND UTILITIES INVESTMENT UNIT

Personal Explanation

Mr FRANK SARTOR, by leave: Earlier today a question was asked which was ruled out of order. I propose to place on the record a personal explanation in relation to that matter.

Mr Andrew Tink: Point of order: The question was ruled out of order. There is nothing on the record of the House to make a personal explanation about. There is no question.

Mr Carl Scully: To the point of order: An allegation was made against a member. Having a question ruled out of order because it is not part of the ministerial responsibility of a Minister is quite different. Any member of this House is entitled to make a personal explanation if an allegation is made against them: anyone, including this Minister.

Mr Barry O'Farrell: Further to the point of order: I am happy to give the Minister for Energy and Utilities the opportunity to explain the situation. But in response to the Leader of the House, *Hansard* may not show the complete question I asked during question time because the Leader of the House raised a point of order. If you want me to read the question now to see whether it contains allegations, to see what the substance is so that he can respond properly, I am more than happy to do so.

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

Mr FRANK SARTOR: The substance of the allegation was that I purchased a property from the HMAS development in Port Melbourne and then dealt with applications in the city of Sydney that related to the same firm of architects. Firstly, I make it quite clear that I bought the property at this price off the plan. Second, I then declared an interest when the matter came before the council. In a memorandum dated 12 October 2000 to all members of the Central Sydney Planning Committee I stated:

On 8 September 2000, in relation to Development Application D2000/00563 lodged by Meriton in respect of their World Square site, CSPC resolved to:

- 1 support the development, subject to clarification of floor space related issues; and
- 2 delegate authority to the Lord Mayor to determine the development application.

The Development Application has not been approved because of delays in carefully assessing floor space arrangements for the entire World Square site.

Since that time I have formed a view that I should make a disclosure to the CSPC relating to this application. The nature of the disclosure is that some time ago I exchanged contracts for the purchase of a property off the plan in a development still in progress at Port Melbourne. The development company from whom I am buying a unit has as a Director and shareholder (amongst others) Nonda Katsalidis. Nonda Katsalidis is also a partner in Nation Fender Katsalidis, architects, which is the firm that designed the Meriton building at World Square.

Mr Barry O'Farrell: \$100,000 under market value.

Mr SPEAKER: Order! The Minister will be heard in silence.

Mr FRANK SARTOR: List price.

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

Mr FRANK SARTOR: I continue:

I sought advice on this matter from the Director of Legal Services, and I am advised—

Mr Barry O'Farrell: Tell us how much you paid for it—\$100,000 under the market value.

Mr FRANK SARTOR: No. List price.

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

Mr FRANK SARTOR: I continue:

I sought advice on this matter from the Director of Legal Services, and I am advised that I do not have a Pecuniary Interest in this matter. Nevertheless, because of possible perceptions relating to this matter, I felt it important to disclose this interest to Members of the CSPC. Further, I propose not to deal with the matter under delegated authority but to refer it to the next CSPC meeting on Thursday 19 October 2000. I have been advised that I am able to participate and vote on the matter, and I intend to do so, although I will again declare this interest.

Submitted for your information and noting.

I declared the interest, the matter was dealt with, and I have nothing further to add.

OPPOSITION WEB SITE LINKS

Personal Explanation

Mr JOHN BROGDEN, by leave: Earlier today the Deputy Premier indicated that the web site currently active known as *nswcoalition.com* has links that he suggested were unsavoury. What I have been able to ascertain since that allegation was made is that previously the Liberal Party did own a web site *nswcoalition.com*. However, *AlternativeIdentity.com* took ownership of this site on 9 January 2004. *AlternativeIdentity.com* is a company registered in New Orleans, in the United States, and the entire purpose of this organisation is that it plans to focus on helping individuals conceal their identities on line.

Mr Alan Ashton: You haven't got any identity!

Mr JOHN BROGDEN: You haven't got a personality. That's why you wear ties like that.

Mr Alan Ashton: My tie has more personality than your body has.

Mr JOHN BROGDEN: I didn't know you cared!

Mr Carl Scully: Point of order: The Leader of the Opposition is entitled to a fair bit of leeway in putting to the House an explanation about such a serious matter. But, in using the conventions to make a personal explanation, I think the Leader of the Opposition has had that leeway, because the comment did not reflect on him as an individual member of Parliament. It reflected on the organisation of which he is a member, not on him as an individual member. I am happy for the Leader of the Opposition to have a little additional leeway, but I think he ought to be drawing his personal explanation to a conclusion.

Mr SPEAKER: Order! The rules of the House on this matter are specific. I have listened closely to what the Leader of the Opposition has said. I am willing to hear the Leader of the Opposition a little further on his personal explanation, but he should be aware that a personal explanation should relate to how he believes his reputation has been impugned.

Mr JOHN BROGDEN: The Government's imputation related to the Coalition, and as leader of the Coalition it is important that I set the record straight. The web site *AlternativeIdentity.com*, in a question and answer session, poses the question, "What additional services do you plan to offer?" and provides the answer, "We plan to focus on helping individuals conceal their identities on line." Whether or not the current site has links to unsavoury sites, the fact is that the site is not owned by the Coalition.

CONSIDERATION OF URGENT MOTIONS

Medical Work Force Shortages

Miss CHERIE BURTON (Kogarah—Parliamentary Secretary) [4.05 p.m.]: My motion is urgent because the special medical work force shortage is a real and potent threat to our public hospital system. I would like to draw the attention of the House in particular to the plight of country New South Wales. As Parliamentary Secretary Assisting the Minister for Health, and as part of the Government's response to the upper House inquiry into mental health services in New South Wales, I spent a lot of time in country New South Wales talking to mental health workers and specialists everywhere I went. Staffing was the main issue.

The current training statistics are very sobering. This motion is urgent because just 6 per cent of medical specialists are in training work in rural areas, and in New South Wales more than 50 per cent of all qualified specialists work within a 30-kilometre radius of the Sydney CBD. The matter is urgent because right across regional New South Wales hospitals are battling to recruit medical specialists. Given the shortage of doctors and specialists in rural areas, the Federal Government should allocate more places for doctors at rural universities. The recent cuts in Sydney university nursing places also is a disgrace. It is not just in Newcastle but in Bathurst, Wollongong, Armidale and Wagga Wagga universities that we need an increase in the allocation of provider numbers to allow doctors to practise medicine. The Premier's medical work force roundtable was convened in April to develop a blueprint for training more doctors and ensure we get them distributed equitably throughout the community.

The New South Wales blueprint was adopted at the recent Australian Health Ministers Conference as the basis for a national medical work force action plan. The plan includes getting more medical students into

university; developing new mechanisms to get trainees into areas where there are shortages of specialists; developing systems for selecting medical students and trainees who specifically wish to work in areas of need; and providing more support for trainees who want to go into areas of work force shortage. But the Commonwealth has not taken any action on these vital issues. The New South Wales Government would also like the Federal Government to urgently consider the introduction of a system to allocate provider numbers so that specialists in particular begin to work in regions where they are needed. If they train in the region, they stay in the region. And if there are career development opportunities in the region, doctors and specialists are more likely to stay in the region.

This matter is urgent because, in addition to clinical practice, many specialists also engage in teaching and research activities as a significant component of their professional practice. For those medical specialists, access to a university, particularly one with a medical faculty, is vital. That is why the Federal Government needs to expand medical faculties at rural and regional universities. There is an increasing mal-distribution across specialties, which the Commonwealth must act to address. For example, there are increasing numbers of cardiologists and gastroenterologists, but few public psychiatrists or geriatricians, despite our ageing population.

The motion is urgent because the medical specialists work force, like the rest of the population, is ageing. This is a particular problem in the case of rural specialists. Location of ongoing vocational training has been shown to be important in the decision by many specialists to choose where to work. Many specialists continue their association with the institutions at which they did their training. Although many vocational and specialist training courses offer rural terms, giving specialists the opportunity to observe rural life, most return to the city where they are based. This is another reason that the Federal Government needs to expand medical faculties at our rural and regional universities.

The Commonwealth Government has not announced any strategies to support sustainability of the medical work force. It is not moving to ensure equitable delivery of service. This is just another blatant cost-shifting exercise—placing more stress on current workloads of trained specialists. Vacancies cannot be filled because people are not being trained. The Federal Government is doing nothing to address this problem. Once again the pressure comes back onto the State system while the Federal Government shirks its responsibility. Everywhere I went in country New South Wales and spoke to medical staff it was apparent that the Federal Government's lack of support for medical specialists is devastating country areas, and making it more difficult for us to retain current staffing levels. The flow-on effect will devastate the work force. [*Time expired.*]

Camden District Hospital Maternity Unit

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [4.10 p.m.]: My motion is urgent because it calls Craig Knowles to account for his failure as Minister for Health. In a report released today General Purpose Standing Committee No. 2, which is chaired by an Independent member of the Legislative Council, Reverend the Hon. Dr Gordon Moyes, readily identified that the claims made by the Premier, Bob Carr, and the former Minister for Health, Craig Knowles, that they opened the Camden maternity unit when appropriate staff were made available were simply a lie. The motion is urgent because Vera and David Lalic want some justice for the death of daughter, Natalia. They want to know who is responsible and they want someone to be accountable. The Government is not beyond reproach: it should understand that it is responsible for the death of a child, for political reasons. When will the former Minister for Health, Craig Knowles, take some responsibility for that?

Mr Steve Whan: Point of order—

Mr SPEAKER: Order! The honourable member for Upper Hunter will come to order.

Mr Steve Whan: I believe it is disorderly under the rules to reflect on a Minister or the Premier in the way the Leader of the Opposition has just done. He has accused them of being responsible for the death of a child. A motion for urgent consideration is not a substantive motion of censure against a Minister.

Mr SPEAKER: Order! I have heard enough of the point of order. The Leader of the Opposition should indicate why his motion should have priority, and he is clearly doing that at the moment. However, he should take cognisance of the fact that he is dealing with a motion for urgent consideration, not a substantive motion in relation to the Minister. If he does not, he will be called to order.

Mr JOHN BROGDEN: I appreciate that the Labor Party is seeking to waste my time, but I will not let that deter me from urging the House to give its attention to this urgent motion. The Government can send in the

honourable member for Monaro to play politics, but the fact of the matter is that the Labor Party played politics with the Camden maternity unit in 2002 when it was opened without adequate staff to provide safe coverage, as the Legislative Council committee report conclusively finds. That scandal lies at the feet of Craig Knowles, the former Minister for Health, and the Premier, Bob Carr. They are responsible for the death of a child. They are responsible for allowing Camden maternity unit to open without adequate staffing, for political purposes. That led directly to the death of Natalia Lalic. When will they take responsibility for that? Craig Knowles is responsible for 23 unnecessary deaths on his watch at Camden and Campbelltown hospitals when he was Minister for Health. He is responsible for—

Mr Steve Whan: Point of order—

[*Interruption*]

It is a pity they cannot keep their cool. Referring to your previous ruling, Mr Speaker, it is a direct reflection on the Minister to claim that he is responsible for 23 deaths when there is no evidence of that—and this is not a substantive motion. The Leader of the Opposition should get out of the gutter and stop trying to turn people's tragedies into political gain.

Mr SPEAKER: Order! I remind the Leader of the Opposition of my earlier ruling.

Mr JOHN BROGDEN: Mr Speaker, I hope you will also take into account the fact that the Labor Party, through the honourable member for Monaro, continues to play politics in relation to this matter. We need Craig Knowles to take responsibility for his failure when he was Minister for Health. That is when this child died. The only people in the gutter are members of the Labor Party. They ought to pull themselves out and take some responsibility. This Minister bullied whistleblower nurses. His behaviour has been appalling from beginning to end.

Mr Steve Whan: That is unsubstantiated.

Mr JOHN BROGDEN: It is completely substantiated. It was substantiated by the whistleblower nurses, who have been vindicated by the Government.

Mr SPEAKER: Order! The honourable member for Monaro will come to order.

Mr JOHN BROGDEN: This motion is urgent because it goes to the heart of whether Craig Knowles, the former Minister for Health, deserves to continue as a Minister. He ought to resign. He ought to take responsibility. This matter ought to burn in his heart, and he should demonstrate that to the people of New South Wales. He is immoral and no longer deserves to be a Minister.

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

The House divided.

Ayes, 53

Mr Amery	Ms Hay	Mr Orkopoulos
Ms Andrews	Mr Hickey	Mrs Paluzzano
Mr Barr	Mr Hunter	Mr Pearce
Mr Bartlett	Mr Iemma	Mrs Perry
Ms Beamer	Ms Judge	Mr Price
Mr Brown	Ms Keneally	Dr Refshauge
Ms Burney	Mr Knowles	Mr Sartor
Miss Burton	Mr Lynch	Mr Scully
Mr Campbell	Mr McBride	Mr Shearan
Mr Collier	Mr McGrane	Mr Torbay
Mr Corrigan	Mr McLeay	Mr Tripodi
Mr Crittenden	Ms Meagher	Mr Watkins
Ms D'Amore	Ms Megarrity	Mr West
Mr Debus	Mr Mills	Mr Whan
Mr Draper	Ms Moore	Mr Yeadon
Ms Gadiel	Mr Morris	<i>Tellers,</i>
Mr Gibson	Mr Newell	Mr Ashton
Mr Greene	Ms Nori	Mr Martin

Noes, 29

Mr Armstrong	Mr Humpherson	Mrs Skinner
Ms Berejikian	Mr Kerr	Mr Slack-Smith
Mr Brogden	Mr Merton	Mr Souris
Mr Constance	Mr O'Farrell	Mr Stoner
Mr Debnam	Mr Page	Mr Tink
Mr Fraser	Mr Piccoli	Mr J. H. Turner
Mrs Hancock	Mr Pringle	Mr R.W. Turner
Mr Hazzard	Mr Richardson	<i>Tellers,</i>
Ms Hodgkinson	Mr Roberts	Mr George
Mrs Hopwood	Ms Seaton	Mr Maguire

Pair

Mr Gaudry	Mr Aplin
Ms Saliba	Mr Cansdell

Question resolved in the affirmative.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS**TRIBUTE TO MR ERIC JAMES BUTT**

Mr JEFF HUNTER (Lake Macquarie) [4.24 p.m.]: Tonight I pay tribute to a good friend and a great Australian, Mr Eric Butt, who passed away peacefully on 7 June 2004 at the age of 76 years. His funeral was held at the Chapel of Lake Macquarie Memorial Park, Ryhope, on Friday 11 June at 1.00 p.m. I was saddened by Eric's passing and even more saddened that I was unable to attend his funeral because I was out of the State. However, my electorate officer, Helen Bristow, and my father, mother and brother, who are all close friends of the Butt family, were in attendance. The Butt family asked Helen to say a few words at the funeral, and later I will quote what she had to say.

Eric James Butt was born in Marrickville on 27 August 1927. His parents were Harold and Alice and he was one of three brothers. Eric first met his wife, Barbara, in Speers Point Park, which is just a short distance from what was to be their family home, when she was 16 years old and he was 21. They were married for 50 years and lived at Speers Point all their married life. They have four daughters—Robyn, Margo, Glenda and Coleen—nine grandchildren and three great-grandchildren. Eric started work with his family milk run that operated from the dairy on the property which is now the family home in Barford Street. He then worked with R. Hall and Sons at Cardiff as a delivery man. In 1968 he commenced work with the Lake Macquarie City Council until ill health forced his early retirement in 1986 after 18 years of driving garbage trucks. With his keen sense of humour, he referred to himself as a garbologist and later as an environmental technician. He said that his motto was "100% satisfaction guaranteed, or double your garbage back". He continued to work voluntarily with the Speers Point Veterans Association for which he was the Treasurer for many years. My electorate officer, Helen, said at the funeral:

When Barbara asked me to speak here today my first thoughts were that it would be very difficult as I was so fond of Eric. In fact we share a common birthday but he always told me he was the better looking of the two.

But then I realised that it was my fondness of Eric that would make it easier and would give me the opportunity to say what many of his friends would like to say and I am proud to do so!

Eric was a salt of the earth, no-frills good bloke. His loves were his family as you've already heard, his Labor Party and life!

He was also keen to help others and for many years was the Treasurer of Speers Point Veterans Association where along with Barb he worked tirelessly for the members.

When Eric lost his sight in 1998 this slowed him down considerably but he still enjoyed a good laugh and some of his jokes even made me blush!

Eric was a member of the Labor Party for 38 years and his commitment never faltered. I see many of his ALP friends here today. He enjoyed the camaraderie of his ALP friends particularly the gatherings at Bruce and Robyn's, the Premier's Seniors Concerts, the election working bees where he was always ready to get in and work and any other opportunity he had to support the ALP.

It was only when his health deteriorated to such an extent that he was unable to help that he was not involved.

Helen went on to say:

Unfortunately Jeff Hunter could not be with us today but he has asked me to also say these words on his behalf.

Helen quoted me and stated:

Eric was a real stalwart of the Labor Party, his dedication to the Party and its principles was second to none.

Eric was also a great supporter of the Hunter family.

Over the years he (and Barbara) gave their wholehearted support, first to my father Merv during his time in Parliament, then to my own election to State Parliament and also to my brother Alan's election to Lake Macquarie City Council.

Whether it was a federal, state or council election, Eric, along with Barbara and their family, would always be there to hand out how to votes at the Speers Point polling booth.

The good results that the ALP has consistently achieved at Speers Point was helped by having Eric and the Butt family there, on our side, and that's because of the support and goodwill they have in their local community.

I certainly would not be a Member of Parliament today if not for the support of Eric and Barbara and their family.

For the past few years Eric's health has not been good and we have missed his contribution to debate on important community issues.

We have also simply missed his presence, his friendly, humorous and sometimes mischievous nature and we all felt sad to see him suffer. However he is at peace now.

We will remember Eric fondly and the great contribution he gave to his community and I will remember the great support he has given me personally. Barbara knows that my thoughts are with her and the family.

Vale Eric.

Helen went on to say:

I'm sure all Eric's ALP friends share Jeff's sentiments.

For the past 3 years Eric was in Calvary Aged Care where he was well cared for by the staff for which Barbara is very grateful. I understand the staff regarded Eric with great affection.

It was not easy for him and especially not easy for his family but they were there for him right to the end.

It is said 'Grief is a passage, not a place to stay'—so to Barb and all of Eric's family I say on behalf of your friends—

During this passage and onwards you have our love and support.

Eric Butt—He loved well, and is well loved!

I agree with all that Helen had to say. I regard Barbara Butt as my second mum, so that meant Eric was my second dad. The Hunter and Butt families have been very close for many years. Eric looked after us, and we will miss him. Vale, Eric Butt.

PITTWATER ELECTORATE AGED CARE FACILITIES

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [4.29 p.m.]: A number of people in the Pittwater community have drawn to my attention their concerns about an aged care facility and one of its residents. I do not intend to name the facility or the resident because the people concerned have expressly asked me not to do so. The Attorney General is aware of this matter and has been involved in correspondence. I raise this matter publicly in the House to put additional pressure upon the Attorney General to look again at this matter and provide a better level of response to the complainants. In July 2002 a woman whose affairs had been under the financial management of the Public Trustee since 2002 was admitted as a resident of the facility. In August 2002 the Public Trustee at Dee Why arranged for a companion, a woman whom I will not name, to

visit the resident weekly. The visits were to consist of the companion playing cards or Scrabble with the resident, reading her articles or letters, and taking her on small outings, such as to feed ducks.

In May 2003 the facility discovered that the companion had not visited the resident weekly, but had charged the resident, through the Public Trustee, for the alleged visits. The facility undertook an internal audit that showed that of the 45 alleged visits for which the Public Trustee had been invoiced by the companion, only seven visits were accounted for. The facility confirmed those visits by checking its visitors book, the resident's progress notes, and through staff observation. The alleged visits were invoiced at between two to three hours at \$30 per hour. At all times the facility was aware of the location of the resident and, therefore, was able to indicate clearly that those alleged visits had not taken place.

Between June and November 2003 the facility liaised with the Public Trustee at all appropriate levels and expressed to me its complete and total dissatisfaction with the responses from the Public Trustee. The facility contacted me by writing in December 2003. On behalf of the facility I made representations to the Hon. Bob Debus, the Attorney General, and his reply indicated that there had been no interview at all with the staff of the facility before the Attorney General concluded the investigation and replied to me. The Attorney General's letter included untrue statements regarding the facility and its systems. The letter stated:

It was not possible to establish whether or not all of the visits eventuated, as the reception area at the facility was not always attended by staff members, nor was the visitors book always available.

Visiting professionals will substantiate that the facility systems operate according to aged care legislation. Recently that facility was re-accredited at an extremely high level and commended by auditors. I am encouraged and heartened by the fact that the facility approached me with the complaints. The staff of the facility believe they have a duty of care, and are clearly compassionate about the interests and wellbeing of their residents. The staff want this matter resolved, they want the resident to have visits because it is important for her to have interaction through playing cards or having letters read to her.

Indeed, as its name would suggest, the Public Trustee would want to ensure that what is done on the resident's behalf is done properly and proficiently. The concern is that there has not been a full and open investigation into this matter. How is it possible for the Attorney General to conclude that the companion is carrying out her functions correctly, when none of the staff at the facility were interviewed prior to the Attorney General coming to his conclusion and writing to me? As the local member of Parliament I am absolutely committed to ensuring that aged residents in my community are well looked after. As the local member of Parliament I am passionate about ensuring that when aged residents interact with the Government, in particular with the Public Trustee, they get excellent quality and adequate service. That has not been the case in this instance. I ask the Attorney General to ensure that this matter is completely and openly reinvestigated, that the staff at the facility are interviewed, and that justice is done for this woman. [*Time expired.*]

PUBLIC SERVICE ASSOCIATION

Mr PAUL McLEAY (Heathcote) [4.34 p.m.]: Last month at the annual conference of the Public Service Association of New South Wales I was bestowed a great honour: I was awarded honorary life membership. The first attempt to form the Public Service Association of New South Wales [PSA] was in April 1886 by Arthur Josling and P. H. Somerville. Their actions may have been prompted by similar moves in Victoria and by growing concerns of political patronage within the service. The provisional committee set up to establish the organisation stated that the association would not have a political character, nor would it be a trade union. However, 13 years passed before the union was established in 1899. Now, 100 years later, the goals and aspirations of New South Wales public servants are still hauntingly similar.

In the executive boardroom on level 12 of Public Service Association House, one can see the original cheesecloth that those men signed more than 100 years ago. On it they wrote that they wanted to fight for job security, an independent public service, professional recognition and an appropriate career structure and salary justice. Does that sound familiar? The struggle continues. I joined the New South Wales public service as a client service officer Grade 2 in the Department of Housing. I soon became involved on the union's central council and then was elected as the Assistant General Secretary. What an honour to represent one's fellow workers and colleagues at such a senior level and at such a young age! I was 24 when I ran for election as Assistant General Secretary of what was then, and I think still is, the second largest union in the State.

I was Assistant General Secretary for nearly seven years and there were many memorable events during that time. I had the honour and privilege of working with some fine trade unionists and I learned an enormous

amount from them. I will treasure the guidance and leadership shown by Maurie O'Sullivan and Janet Good. The support given to me by Fran van Dartell, with whom I still work, and Cheryl Maguire was second to none. Working with strong strategic thinkers like John Cahill and John Scullion can be exhausting, and I thank them for the experience. The presence of Sue Walsh, George Dennett, Ian Jordan, Suzie Grady and Linda Murray meant that I was always working with a great team—and that is truly what it was: a team. I also pay particular tribute to Dr Brian Jardine. Brian was my predecessor as Assistant General Secretary. He had been an official with the PSA for more years than I had lived. His patience, courteousness and guidance were true assets, and I thank him for them.

The PSA and the public sector labour movement owe him a debt. Brian went on to become the National Secretary of the State Public Service Federation and the Community and Public Sector Union. He then successfully handed over the reins to the very competent David Carey, who is still doing a sterling job in the battle against the evil Federal Workplace Relations Act. Shane O'Brien, who replaced me as Assistant General Secretary, is doing and will continue to do a marvellous job. I wish him all the best. The PSA is an amazing institution and I know its members are in good hands: the delegates are all worth their collective weight in gold. I was given the opportunity to continue to serve and organise at the front line whilst enjoying the responsibilities of the executive. That meant that I was forced to remain relevant and responsive to membership needs.

The amazing thing about the PSA is the extremely strong delegate structure and accountability it creates. If the members do not like what the union is doing or not doing they will let the union know. That is the democracy, accountability and strength of the union. That is what gets every delegate up every morning and every person to its front table. The PSA has a strong and bright future. The challenges continue to evolve. When one painful restructure is finished, another starts. One organising opportunity is completed and another one blows up around the corner. The future of the New South Wales public service and the public sector continues to change and the representative actions of the association must and will continue to be right there with them. I thank the PSA for giving me the honour of honorary life membership, something I hold truly dear. More significantly, I thank the union for letting me be a part of the wonderful PSA family that I joined 10 years ago.

KU-RING-GAI ELECTORATE ROAD SAFETY

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [4.38 p.m.]: I again raise road safety issues, which I last raised in the House in 2002 but have raised repeatedly in correspondence with the Minister and the Roads and Traffic Authority [RTA] over the past four years. Last week I received a copy of a letter written by Jo-Anne Smith to the RTA, which stated:

This afternoon a collision between a Northbound car trying to beat a red/amber light and a Southbound car trying to make a right turn into MacLaurin Parade, skidded into my stationary car waiting to turn left onto the Pacific Highway.

All three cars were undrivable and the Police were investigating who was to blame. That's easy; The RTA should accept all of the blame, the fines, the double demerits and the insurance excesses. You have been aware and unaffected by the many accidents and the difficulty of locals to just get around.

There is NO safe way the many residents and people who work in or use the Roseville Shopping strip, can turn right from the North. There are around 100 residential addresses in the island of streets off MacLaurin who have no other way to get home except from turning right in the turning bay into MacLaurin Pde.

Particularly between 3pm and 7pm, there is no break in the traffic, so we have to turn on the amber or red light. Unfortunately, many people accelerate through amber or early red traffic signals, so collisions at this intersection are inevitable.

The only answer is a green arrow allowing Southbound cars to turn into MacLaurin. I and many others have pleaded for this over the years, but have been told that you don't want to "reduce the amount of green time available to the northbound movement of this intersection". This shows you have absolutely no regard for locals and others that use this area: But you don't need to "reduce your green time" for the precious north bounders; all I'm asking for, is any opportunity to make a safe turn across the traffic.

You can phase the traffic lights to allow even longer northbound flow, allow a short amount of time for MacLaurin traffic to get out and just enough time for say, three cars to turn right into MacLaurin.

Again, I'm not asking for special treatment, just some chance of making a safe turn.

That letter was addressed to the Roads and Traffic Authority. This week Ms Smith also forwarded a photograph of her damaged car. On viewing that photograph one can only be grateful that greater personal injury did not occur. To explain, I should note that the intersection in question is the only signalised access point for residents in that part of Roseville bounded by Corona Avenue in the south and MacLaurin Parade in the north, and for people using the Roseville shopping centre and the local RSL club. Many residents in the area have young children, including students at the nearby Lindfield Public School, and their safety is at risk. I place on the record my view that it is only a matter of time before someone is seriously injured or killed at this location.

The cause of current and past incidents and, I fear, other incidents, is simply the absence of a signalised turn arrow and the thwarting of existing arrangements by northbound vehicles on the Pacific Highway running amber and, increasingly, red lights at that location. As someone who regularly uses a similar intersection on the Pacific Highway, I can attest, through experience and near misses, to the increasing incidence of cars and trucks running red lights on the highway. After I alerted the Minister for Roads to the fact that I would raise this matter this week, the Minister arranged for the Roads and Traffic Authority [RTA] to contact me to discuss the matter. I again argued for a signalised arrow to give residents safe access to their suburbs. The RTA officer explained that existing phases in the traffic lights allowed traffic turning from the southbound lane into the Pacific Highway a longer green light when sensors detected a break in traffic heading north on the highway.

That arrangement is being thwarted by cars and trucks speeding up when the signals change from green to amber and, as I have noted, running amber and red lights. The actions of these vehicles are thwarting whatever benefits existing phasing arrangements are providing for residents wanting to access their homes, or shoppers or employees accessing the Roseville shops or cinema. The RTA must act urgently to provide safe passage for people trying to access MacLaurin Parade from the Pacific Highway. That need has been made even greater by the decision of the Assistant Minister for Planning to impose intensive medium-density developments on this part of my electorate. In other words, in addition to the hundreds of existing residents, the State Government's development plans will result in an additional 300 to 400 units in the area, and the owners of those units will also use the MacLaurin Parade and Pacific Highway intersection to access their residences.

It is clear to me that until I recently wrote to the Minister for Roads about this additional reason for improvements to the signals, the RTA had no idea that this development was occurring. Besides being further evidence of the lack of proper co-ordination on planning issues by the Carr Government it further underlines the State Government's refusal to match infrastructure and services to the new population densities that it is foisting upon Ku-ring-gai. I take this opportunity to again ask the Minister for Roads to take action on this matter before someone is killed at that intersection. The current arrangements clearly are neither working nor safe. The State Government's own planning decisions will exacerbate the problem. Continuing to do nothing is no longer an option.

I look forward to a positive announcement that will provide comfort to local residents, shoppers and business people. I add that over the past four years the standard response to my pleas on this matter has been signed responses either from the Parliamentary Secretary for Roads, or various RTA officials acknowledging that "some difficulties may be experienced when turning right into MacLaurin Parade, particularly during afternoon peak". One letter that I received states:

However, on-site observations have shown that provided care and caution are exercised, the right turn at this location can be negotiated safely as borne out by safety records.

Ms Smith has had a second accident at this site. She wrote to the RTA about her last accident and sent me a copy of that letter. The accident was not her fault. This is a serious matter, as is the fact that the Minister for Energy and Utilities bought a cheap unit on the quiet when he was approving planning developments.

Mr ACTING-SPEAKER (Mr John Mills): Order! The honourable member's comments are out of order.

HINTON BRIDGE UPGRADE

Mr JOHN PRICE (Maitland) [4.43 p.m.]: On Monday I was involved in a public display of the proposed reconstruction of the historic Hinton Bridge. The bridge is located in the shire of Port Stephens and the shire of Maitland, and it crosses the Patterson River on the boundary of the two municipalities. Hinton Bridge was completed in 1901 and is therefore more than 100 years old. Three years ago a celebration was held to mark its centenary. I was pleased to be present at those celebrations and to officiate for part of the ceremony. There are many historic bridges in the Maitland electorate. Six of them are either on the State or the national register, or both. The historic Morpeth Bridge is well over 100 years old. Located also in the Maitland electorate are the Dunmore Bridge, the bridge at Luskintyre, and two bridges in Dungog shire.

For some years Hinton Bridge has been in a terrible state of repair. When I first became the member for Maitland, Hinton Bridge was partly obstructed by a bailey bridge for a period of 15 months. There are now two bailey bridges. Fortunately, \$3.1 million was allocated in last year's budget to upgrade that bridge. There are several reasons why that bridge upgrade has been delayed. Council was unable to obtain timber 15 inches to 18 inches square and 35 feet long. Courtesy of our forefathers, most of that timber had been cut, so we were not

able to restore the bridge in the way in which it was originally constructed, which was a Heritage Council requirement. Negotiations were held between the Roads and Traffic Authority and council to determine whether timber and other modern materials could be used.

Council has been given approval to reconstruct the entire bridge but, wherever possible, to use natural timber in the sizes that can be obtained. In other areas laminated timber decking, concrete decking, and steel will be used to support the timber. The steel will be painted in such a way that it does not detract from the timber structure. Hinton Bridge is one of only six lifting span bridges in the State. I assume that the lifting span mechanism, which will be completely replaced, will be rendered operable. The lifting span has what are called Allen design trusses. Hinton Bridge is one of only seven bridges in Australia that has those trusses, so it is important to maintain that bridge for a number of reasons. It will be nice to have this two-lane bridge restored after all these years. It links local roads in two rural centres—Morpeth and Hinton—and it links roads to Nelson's Plain and Wallalong.

The bridge has been the subject of some criticism. People who have recently moved into the Wallalong area think it should be pulled down and replaced. Under current laws, council is not allowed to do that, but it can restore the bridge to its full working capacity. The bridge, which is located on a two-lane road network, will be restored to its two-lane capacity. The designs have been completed and approved. On Monday council was working on some of the steel pylons that will be used to support the approaches to the bridge, and the new approach is being prepared. Concrete pylons and steelwork are already on the site. The local community is quite enthusiastic about the whole project. Council has sought the involvement of the public at this stage because of the extent of repairs to the bridge.

Over the next two years the bridge will have to be closed for several periods. That means that it will be taken out of service for a week, a couple of weekends, on single days, or whatever. Members of the community will then have an opportunity to voice their opinion, to examine the proposed detours, and to make positive suggestions to the RTA, which is quite happy to co-operate. This is a good move by the Government. Maitland will be retaining its historic heritage. Council is maintaining a bridge that is rare by world standards. Council is required to restore the bridge to its full use. Because of the way in which the bridge is being restored there will be a tremendous reduction in the amount of money that will be required for maintenance in the future.

NORTH COAST INSTITUTE OF TAFE BUSINESS COURSE

Mr JOHN TURNER (Myall Lakes) [4.48 p.m.]: Tonight I refer to the Taree campus of the North Coast Institute of TAFE and to the certificate III business course—a course that is conducted in a virtual office environment. I recently attended the Biggest Morning Tea at that college and was shown around the impressive and extensive college grounds by the college principal, Linda Mulchrone, and the publicity officer, Glenn McMurrich. The purpose of the tour was to meet the team of students currently undertaking the certificate III course. As I said earlier, they are learning the skills and competencies that are required to complete their course in a virtual office environment.

The group, which is called Green Thumbs Indoor Plant Hire Practice Firm, is partnered by Taree Plant Sellers Nursery. When I visited the Taree campus I met the following enthusiastic students: Mairead Beard, Julie Boucher, Skye Camejo, Julie Clarke, Christeen Croker, Brooke Dillon, Amy Finnegan, Nadine Holder, Breelan Hanley, Cheryl Lane, Rebecca McLean, Rebecca Mainey and Erin Procter. I also met teachers Debi Kelly and Marie Power. They took me through the practice firm and said that participation in the firm gives the students real business insights and an awareness of business sensitivities.

Students develop skills in decision making, problem solving and working with clients. Students learn to work in a team and to prioritise their work. They learn about accountability and daily work routines. As employees of the practice firm, students undertake market research and advertise, buy and sell goods. They work out their pay rates and receive a virtual salary. The directors also receive a virtual bonus if the business is successful. Although there is no actual transfer of goods or money, all the usual business transactions take place: orders are sent, invoices are issued, financial records are maintained and a business plan and marketing strategy is developed and monitored.

I was very impressed by the students who are currently learning in this innovative environment. Student Julie Clarke is a young mum who wishes to return to the work force. She was most impressive in her role, which focused on the financial management of the business. Another student, Skye, was well versed in product knowledge and new product development. During the visit I was able to congratulate personally the

students and staff on their outstanding success at this year's Australian Network of Practice Firm's Australian Capital Trade Fair. Green Thumbs Indoor Plant Hire won the Award of Excellence at the trade fair—a well-deserved achievement for a committed group of students. The national competition was tough, and teachers Debi Kelly and Marie Power, who both do that little bit extra in their teaching roles, said:

... the criteria used by the judges was rigorous covering such areas as product knowledge, customer service, marketing skills and business strategies and management.

The panel judged 35 entries, including some from international education facilities. I am sure that the students who graduate from this TAFE course will be assets to their future employers. I congratulate the students on their well-deserved win. While at the campus I also met Cliff Trood, the Head Teacher, Engineering Services, who explained that TAFE had recently received a commission from Wesley Uniting Employment, which is recruiting staff on behalf of United Goninans, which operates in the Taree area. United Goninans recently won a contract and needs to hire boilermakers, metal fabricators and welders. In conjunction with TAFE, the firm has taken on a group of long-term unemployed people who have little or no welding experience and is giving them the skills they need to work in a highly skilled environment. Mr Trood informed me that training is now in its fourth and final week, and teachers are impressed by the commitment, focus and rapid skills development of each individual in the group. He said:

While there are still a few hurdles to their full employment at Goninans we expect the majority will achieve this goal.

Students who do not secure employment with that company will help to alleviate the national skills shortage in the metal-working area. I congratulate the TAFE students and teachers on their involvement in these courses. They are doing a great service. I also met Ross Hatton, the automotive teacher, on campus. The TAFE has an extensive automotive shop, with many cars to work on, and a great deal of attention is paid to computer work. It was most interesting to spend time with Mr Hatton and his students during my visit.

QUEENS SCOUTS AND QUEENS GUIDES AWARDS

COMMANDER BEN FESZCZUK AUSTRALIAN POLICE MEDAL AWARD

Mrs KARYN PALUZZANO (Penrith) [4.53 p.m.]: "As you pass through this world, wittingly or unwittingly, whoever you may be you leave a trail behind you. Others will notice and may follow it. It may be one that leads them to good or it may be one that leads them astray. That depends on you." They are the words of Baden-Powell. In the past few weeks I have had the great pleasure of attending the Western Sydney Region Inaugural Junior Baden Powell Certificate presentation and the 1st Emu Plains Venturer Unit Queen's Scout awards. Guiding in New South Wales offers women and girls a challenging, community-based youth activity in a safe and caring environment. It is dedicated to helping girls and women achieve their maximum potential, and offers a program that embraces a wide range of leisure activities and interests.

As a Queen's Guide, I guarantee that guiding in New South Wales is a wonderful activity. I had a great time attending the Junior Baden Powell presentation at the South Penrith Guide Hall on 22 May. Award recipients were Lisa Sheppard of South Penrith, Bianca Bullman of Erskine Park, Tamara Nobbs of Cambridge Park, Laura Andison of Erskine Park and Kayla Goddard of Cambridge Park. The guides worked on their Junior BP for three or four years. The many challenges they faced included promise and law, which is about values, service, outdoors, leadership, patrol system, and world guiding and traditions. All the guides were aged between 11 and 13 years.

The guides were involved in many service projects—Clean Up Australia Day was particularly popular. Some were sponsored to sleep at the zoo to raise funds for Mission Australia and some made gifts for nursing homes and visited nursing homes to sing Christmas carols. Many outdoor activities were tried for the first time, including rock climbing, abseiling, camping in tents and bushwalking. The guides worked in small groups called patrols and encouraged others in their units to participate in international activities, including learning about other cultures and countries. They also learned about guiding traditions, such as campfires, camping and other outdoor activities. The guides were given leadership opportunities and developed life skills and the confidence to think and act for themselves. It was wonderful to attend the presentation evening.

On 8 May I attended a Queen's Scout presentation at which Queen's Scout awards were given to Joshua Green and Gavin Douglas. The Queen's Scout badge is the highest award that a youth member can achieve in the venturer scout section of the scouting movement. It is worn with great pride, as is the Queen's Guide badge. It is a five-sided badge that represents the five qualities of a Queen's Scout: motivation, initiative, integrity,

leadership and achievement. It was interesting to hear Joshua and Gavin tell stories about how they achieved their badges through canoeing pursuits, information technology interests and leadership roles in the 1st Emu Plains Venturer Unit. The youth of Penrith are not the only locals receiving honours. Our local area commander, Ben Feszczuk, was awarded the Australian Police Medal in the recent Queen's Birthday honours list. Commander Feszczuk has been a police officer for 36 years yet his passion for police work has not waned. In a recent newspaper article he stated:

It's an extremely satisfying job ... One, to prevent crimes from happening, and two, if the crime does occur, to apprehend the perpetrator.

Commander Feszczuk said that he joined the Police Force for adventure and to serve the community. He also said:

One certainty of this job is the constant uncertainty ... You never know what the next shift will bring so there is a constant challenge.

As he had progressed through his career Commander Feszczuk's role had changed, but he said that his belief in the job was still strong. He should be supported in his work. I commend Commander Ben Feszczuk for receiving the Australian Police Medal and I recognise the achievements of Joshua and Gavin. [*Time expired.*]

[*Private members' statements interrupted.*]

LEGISLATIVE COUNCIL VACANCY

Joint Sitting

At 4.58 p.m. the House proceeded to the Legislative Council to attend a joint sitting to elect a member to fill a seat in the Legislative Council vacated by the Hon. Anthony Stephen Burke, resigned.

The House reassembled at 5.12 p.m.

Mr ACTING-SPEAKER (Mr John Mills): I report that the House met with the Legislative Council in the Legislative Council Chamber to elect a member to fill the seat in the Legislative Council vacated by the Hon. Anthony Stephen Burke, and that Eric Michael Roozendaal was duly elected. I table the minutes of proceedings of the joint sitting.

Ordered to be printed.

PRIVATE MEMBERS' STATEMENTS

[*Private members' statements resumed.*]

SOUTHERN HIGHLANDS RAIL SERVICE

Ms PETA SEATON (Southern Highlands) [5.12 p.m.]: If the Carr Government thinks it has defeated the rail users of the Southern Highlands it is wrong. I have never seen such anger sustained in my community as I have during the past 18 months about the Carr Government's proposed, and now implemented, rail cuts. The people in my community want to send the Government a very loud and clear message that we will not stop fighting against the cuts that we believe are still to be announced by the Carr Government, particularly to country rail services, and further cuts to CityRail.

On Saturday 3 July at 11.00 a.m. at Mittagong station the Southern Highlands Rail Action Group has convened another rail rally. Hundreds of people will be at the Mittagong station protesting against the cuts made by the Carr Government and the appalling and arrogant treatment of rail users in my community in recent weeks and months by the Carr Government. They will firmly draw a line in the sand and say that this is a point beyond which the Government may not cross. People are fed up with paying record taxes to this Government. New South Wales is the highest taxed State in Australia yet we receive less and less value for money, particularly in our rail services. The people are most concerned about the so-called adjustments—which is a very kind way to say cuts—announced on 27 May 2004 by Vince Graham of Rail Corp, who said:

In line with sectorisation, on the **Southern Highlands Line** the introduction of new, 8-car fast electric train services between Campbelltown and Central, replacing the week day 4-car 5.08am Goulburn to Central service and 4-car 5.32pm Central to Goulburn service which currently carry around 300 passengers each. A shuttle service will run between Goulburn and Campbelltown to enable Southern Highland commuters to interchange at Campbelltown or Macarthur. There will also be an additional Campbelltown to Picton return shuttle. These changes will increase capacity each way by approximately 500 passengers on the East Hills Line and increase reliability on the Illawarra Line.

It continues:

The reduction in frequency of weekend services across most lines [will occur] to provide additional crew to meet Monday to Friday peak hour services and reduce overtime demands on drivers.

People in my community are asking why they have to pay the price for the Carr Government's managerial incompetence of the past nine years. It is not fair and it is driving more and more rail users from the system. I have received letters from people who are very angry about that, including people who until now have been staunch supporters of the Australian Labor Party in my community and now wonder why on earth they bother to back a government that is doing dreadful things to workers. A constituent wrote:

... workers everywhere, but especially those who use the Southern Highlands Line, were gutted to hear a Labor Minister acting in Parliament like a school-ground bully and collectively describing worker commuters who use the [Southern Highlands] S.H.Line as "stockbroker mates of the Opposition who live in Bowral, to get them to and from their million-dollar weekend retreats."

What is worse is that when I gave the Premier the opportunity to set the record straight, get the debate back to the straight and narrow, and ask the Minister for Transport Services to withdraw those disgraceful comments that labelled people in my community as millionaire stockbrokers, the Premier answered with one word only: He simply said, "No." He would not call his Minister into line. That response made people very angry because not only the Minister for Transport Services but also the Premier sought to denigrate and humiliate people who do nothing more than work or study in Sydney and want to travel there on a safe, reliable, and clean service. We do not want Rolls-Royces or fancy rail lines, just something that is reliable and reasonably frequent.

There are further disappointments in the budget to the people of Kiama, who are also very angry about the rail cuts. I am aware that the Shoalhaven Business and Industry Group has also lodged its concerns and is worried that the replacement of rail services between Kiama and Bomaderry with buses will reduce rail usage on the line and give the Government yet another excuse to say that is a reason to cut rail services even further, if it comes to a self-fulfilling prophecy. The honourable member for Kiama should be here speaking up on behalf of rail users in his electorate, but we are yet to hear him speak out. It is a disgraceful situation and I urge everybody to attend the rally and have their voices heard.

PADSTOW PARK PUBLIC SCHOOL SECURITY FENCING

Mr ALAN ASHTON (East Hills) [5.20 p.m.]: I bring to the attention of the House, and in particular the Minister for Education and Training, a continuing problem with security at the Padstow Park Public School, in Segers Avenue, Padstow. I refer to correspondence from the school principal and the president of the parents and citizens association received by my office today:

Dear Alan,

Thank you for making representations on our behalf to the Minister and the DET with regard to the provision of a security fence around Padstow Park Public School. As a result we have had a security audit and a review of current risks and problems. In addition we have had visits from officers from DET Security, Department of Commerce, Insurance Loss Adjusters, PMS Maintenance and NSW Police.

The DET Security Unit has informed the school that, while criminal activity has increased, the level of incidents and their value do not place the school in the most vulnerable category that makes fencing a necessity.

Regrettably and most unfortunately for the school and its community we have now suffered another recent, serious break and enter resulting in further loss of computers and extensive damage and disruption in the main school office.

More significantly, last week, another fire was deliberately lit in our K-2 block causing more than \$25,000 damage and requiring all the K-2 classes to relocate to temporary classroom accommodation while repairs and cleaning are undertaken. All classes will not return to normal function until at least the end of this week.

This now means that more than \$75,000 worth of damage, repairs and replacements have had to be incurred in less than twelve months. This is totally unsatisfactory and excessively disruptive to the children, staff and parents as we try to go about our daily tasks. We have been informed by DET officers that the cost of the fence would be recouped within four years given the current rate of costing the damage in recent incidents. Funds allocated and spent efficiently now would save the school, DET and government many thousands of dollars in addition to letting the school function effectively on a daily basis, as it rightly should.

The level of concern, frustration and anger within the school community has risen dramatically following these recent incidents and the news that provision of a fence is not in the DET's current priorities.

The Padstow Park Parents and Citizens Association has invited me to attend a meeting at the school in August. I will happily go along to that meeting. Only today I raised this matter again with the Minister for Education and Training. I will continue to take up this matter with the Minister. The Government, in its wisdom and to its credit, introduced a security fencing program, and many schools now have security fencing. Honourable members of this House might recall that East Hills Boys High School was provided with security fencing that looked like it was straight from the Woomera detention site. I had that replaced with you-beaut green Diplomat fencing. I had said, "Over my dead body is that going to stay," and they took the unsightly fence away. All schools would have a good and just reason to have this type of security; we no longer live in a world where people come to schools to hit golf balls or walk the dog. I continue further with the letter:

We request that you again lobby the Minister on our behalf, reminding him that the image and reputation of Padstow Park Public School as an outstanding provider of public education suffers significantly each time an incident occurs. This situation is in direct contrast to the very public recent television appearances by the Minister and his Director of Security, extolling the benefits and success of the Security Fencing Program in reducing costs. Alan, this is not obvious in this section of your East Hills electorate. The Minister's reply to your lobbying on our behalf simply states what we already know with regard to our situation ...

They summarise by saying that, while funding is available, security fencing for Padstow Park Public School is not considered a priority. I know the Parliamentary Secretary is well aware of the situation at the school and takes a keen interest in it, because we share electorate boundaries. The school has a very good case for security fencing. One problem is—and all schools could say this—that when a school has fires and break-ins and loses computers, and the cost nears \$100,000, it is time to look at the priorities and consider whether it is not better to have prevention than cure.

I have written to the Minister in the past and I spoke with him today as soon as I received this letter. I will take the matter up again with the Minister. Hopefully, as a result of my speech in the Chamber tonight and other comments I will make about it, the Minister will have another look at this matter and see what can be done. I could call for the police to go out there and have another look, but I know they also might say, "You have got to lock up certain things," and we might be able to put a security door here and there and so on. That may be a good bandaid solution, but in the end I think proper security fencing will be required. Unfortunately, like many of our older schools—Padstow Park Public School just celebrated its 75th anniversary—these are very big sites and security fencing would cost a lot of money. But I hope the Minister takes on board what I have had to say.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [5.25 p.m.]: I thank the honourable member for bringing the concerns of Padstow Park Public School to the attention of the House. Honourable members may be aware that part of the suburb of Padstow is within the Menai electorate. Although the majority of constituents in the area would send their children to Padstow Heights Public School, some of my constituents do send their children to the Padstow Park Public School. The school is located within the boundaries of the East Hills electorate.

It is a fact that whenever an issue is of concern to his constituents, particularly issues involving a local school, the honourable member leaves no stone unturned in making representations on their behalf. He made me aware of the Padstow Park Public School security concerns as soon as the matter came to his attention. I can testify that he has made the Minister well and truly aware of this matter, and will continue to make representations about security fencing. I think it appropriate that he has taken the opportunity today to highlight once again the concerns of what is a fine school. It certainly should not have to be worried about these sorts of security issues. I am sure the honourable member and the Minister, assisted by me, will do everything they can to alleviate these problems.

LISMORE AND CASINO BUSINESS ENTERPRISE CENTRES

Mr THOMAS GEORGE (Lismore) [5.27 p.m.]: This afternoon I add my voice to those of other honourable members in expressing concern and disappointment at the abolition of business enterprise centres, in this instance at Lismore and Casino. I received a letter from John Page, Chairman of the Board, Tony Zillig Manager of the Lismore Business Enterprise Centre, and from Shirley McNaughton, Manager of the Casino Business Enterprise Centre, expressing their disappointment that the Government has seen fit to reward the hard work of both of those organisations and the dedication of their staff and board members by effectively abolishing the Lismore and Casino business enterprise centres.

The Government has in effect placed mobile units at Coffs Harbour and Tweed Heads. Both units will be about two hours by car from Lismore and Casino, making it hard for anyone to make inquiries about establishing a business. I know that the Lismore and Casino centres have handled more than 50,000 inquiries in the 15 years that they have been operating. This Labor Government is wiping out services that have been operating in those places for many years, and instead is establishing super centres at Murwillumbah and Coffs Harbour. The Lismore and Casino business enterprise centres have asked me to make representations to the Government with a view to retaining the present format of those centres, and to impress upon the Minister the logicity and centrality of locating a business enterprise centre in both Lismore and Casino. The services that those centres have provided over the years have helped government and business and assisted those who make inquiries about businesses.

The core activities of the business enterprise centres have three elements: self-help tools and resources, enabling small business owners who are established or starting up to undertake self-help business research and analysis, such as fact sheets on a range of small business management and regulatory topics, start-up kits and information on business planning, and so on; business guidance, through counselling, networking and referrals; and business skills training. These are services very much needed by small businesses in country and regional areas. At Casino, through the support of the late Bill Rixon, the former member for Lismore, and both the State and Federal governments, BECs have provided a rural counselling service that has been vital to the region. The counselling service operates as far south as Kempsey and as far north as the Queensland border. During the drought—it is unnecessary for me to reiterate that it is the worst drought for 100 years—the rural counselling service was extremely important to producers and farmers alike who were down and out and who would come into my office in tears.

The impact of the shutdown of the BECs will mean that no business advisory service will be available locally. The 60 per cent of small businesses in my area that are home based are unlikely to travel to Tweed Heads. Approximately 1,000 clients or businesses per year will miss out on face-to-face counselling for business start-up procedures, business expansion programs or businesses at risk; fewer people starting up a business will have assistance in the development of business, which will lead to fewer people obtaining employment; and one full-time manager and one part-time administrator in Lismore and Casino will lose their employment. The BECs have established a warm, cordial relationship. I call on the Government to reinstate them.

TRIBUTE TO MRS SHIRLEY YARDLEY

Mr BARRY COLLIER (Miranda) [5.32 p.m.]: It is with deep sorrow that I inform the House of the sudden passing of a legend from my community. On 12 June Shirley Yardley of Miranda died suddenly, aged 75 years. Shirley was an icon among the junior soccer fraternity of the Sutherland shire. She was not just admired and well respected by a few, she was genuinely loved by everyone in junior soccer, from association officials, committee members and referees to coaches, managers, parents, supporters and players, regardless of club, team or age. Anyone who knew Shirley knew of her dedicated hard work and of her deep, abiding commitment to the kids of the shire. Anyone who knew these things could not help but admire, respect and love Shirley Yardley. Until her passing Shirley had been continuously involved in junior soccer for more than 35 years. Like many parents, her abiding commitment to the game began when her son, David, joined the under-6 Miranda Magpies team. Shirley soon became team manager and, later, secretary of Miranda Magpies, a position she held for 25 years.

Shirley was a life member of the Magpies, the club for which I played and of which I am proud to be patron. For almost 16 years Shirley served on the committee of the Sutherland Shire Junior Soccer Association. She became a life member of the association and was an active member of the committee until her sudden passing. Shirley's dedication and her knowledge of local junior soccer were simply second to none. Anyone with a question about the rules, or any coach or manager wanting advice, went to Shirl. Chris Chrisafulli from Miranda Magpies said, "Shirley was a walking rule book." Her husband, Ray, tells the story of Shirley making a rare mistake way back in 1970 with the starting time of a game. The opposing coach rudely threw the rule book at her feet and said, "Lady, you'd better learn the rules." That is exactly what our determined Shirley did, to the great benefit of every soccer administrator throughout the shire. When it came to statistics Shirley's mind was a steel trap. Perhaps it was her love of history, but she could tell me and anyone else the name of every team we played in all ages back in 1976, who was in each team, the result and who scored the goals. Shirley knew the coaches, the clubs, the players and their families.

Underlying all of Shirley's dedication to Miranda Magpies and to her work as a soccer administrator was her deep and abiding commitment to the youth of the Sutherland shire. As Steve Mercer, a Magpies player,

said in delivering his eloquent eulogy for Shirley, "She did it for the kids." The name Shirley Yardley was synonymous with soccer administration throughout the shire. She was committed to the game, dedicated to her club and passionate about the welfare of the children and their families. Shirley gave of herself, never seeking praise or recognition. Association president Jack Bird, said, "Shirley was a tireless worker for the youth of the shire and through that work she created an unbelievably large extended family." I had the honour of knowing Shirley for more than 30 years: as a player with Miranda Magpies, as a teacher of her son at high school and as the patron of both Miranda Magpies and the Sutherland Shire Junior Soccer Association. The love and esteem in which she was held and the warmth she radiated were apparent among the many mourners who attended the funeral.

Shirley has left us, but her commitment lives on in the hearts and minds of the thousands of kids, many of whom are now adults, who played with Miranda Magpies. It lives on in the hearts and minds of every club official, every administrator and every referee in the Sutherland shire, but it also lives on in the hearts and minds of all those who give of themselves so freely to their community. Shirley, it was a privilege for us to have known you. We thank you for your unswerving and unselfish commitment to the children of the shire through soccer. We thank you for your hard work, your dedication and your mighty contribution to the administration of the world game in our community. We thank you, Shirley, just for being you. Your generosity of spirit, your loyalty, and your strength of character and purpose provide inspiration to each and every one of us. You were, and you remain, a fine Australian. On behalf of the people of my electorate of Miranda and the shire I thank you for enriching each of our lives. We extend our deepest sympathy to Shirley's husband of 53 years, Ray, and to Shirley's sons John and David, her daughter-in-law, Margaret, and her granddaughter, Emma, and their families.

DEPARTMENT OF COMMUNITY SERVICES HELPLINE

Ms GLADYS BEREJKLIAN (Willoughby) [5.37 p.m.]: I draw to the attention of honourable members a serious set of circumstances brought to my attention by a Willoughby constituent, which highlights the absolutely pathetic state of the Department of Community Services [DOCS]. I do not raise this matter lightly, but what can be of greater priority for any government than to safeguard the rights and safety of children? On 13 April this year I met with my constituent, who is divorced and has weekend custody of his children. On a visit in early April this year his three-year-old son told him that his ex-wife's live-in partner hits him in the head and gets very angry with him. This led my constituent to suspect that his ex-wife's new de facto might be abusing his son. He contacted the police, who advised him to contact DOCS. As advised, my constituent contacted the DOCS helpline and reported these concerns about the welfare of his son. He was informed by DOCS that they would not get around to following his request for investigation in the near future as the matter was only of medium priority.

During the next weekend visit my constituent noticed that his son had bruising around the head. My constituent once again called the DOCS helpline and was again told that the priority was only medium and that they may not follow up on his phone call. My constituent took photos of the bruising and spoke to the police, again to alert them to the seriousness of the situation. He also took his son to the child's doctor, who said that he could not rule out that the injury was caused by an assault. Upon learning of these circumstances and of the inaction of DOCS I wrote to the Minister for Community Services on 15 April and spoke to an adviser in her office outlining my concerns about the case, and requesting that they look into the matter and advise as to how DOCS may assist. I was advised that they would get back to me as soon as they received my correspondence. After not hearing anything for more than a month I again contacted the Minister's office on 17 May.

This followed a phone call to my office from my constituent, who advised that on the most recent weekend visit his son yet again displayed additional bruising around his head. In the interim, given that DOCS had refused refusing to provide any assistance, my constituent raise these concerns directly with his ex-wife and her de facto. His raising this issue with the man suspected of abusing his son resulted in my constituent having to take out an apprehended violence order against his ex-wife's de facto, following alleged crude and threatening phone calls and a written threat. It has since been revealed that the suspected abuser has a criminal record. On 21 May my constituent finally received a written response from DOCS, which can only be described as extremely disappointing and inadequate. The body of a letter from DOCS states verbatim, and I stress "verbatim" due to the inconsistency of content and poor sentence construction:

I understand that you hold concerns for the safety of your child currently, however at this time, the Dept of Community Services is unable to respond to these concerns at this point in time. As already mentioned, if you are concerned about the welfare of your children then you may approach Family Law Court and file an application for residence of the children. I am aware that your solicitor has advised you that there is not sufficient confirmed information that would allow such an order to be made however, as mentioned this Department is unable to respond to the matter at present. As already advised, you are able to subpoena Department of Community Services documents in Family Law Court proceedings which may provide you with further assistance should you choose to pursue this avenue.

The letter is co-signed by the child protection caseworker and the acting manager caseworker of the Penrith office of DOCS. The response by DOCS to my constituent is severely inconsistent. DOCS acknowledges that my constituent currently has insufficient evidence to proceed to court, yet advocates that, owing to lack of resources, court action is the only option. Legally, as I understand it, unless there is concrete evidence, the police and DOCS are the only relevant authorities that are able to intervene. In this instance, since the accused in question already has a criminal record for assault, police have warranted the situation serious enough to justify serving an interim apprehended violence order [AVO] on the suspected abuser in relation to my constituent. A judge has since upheld the AVO for a 12-month period, yet in relation to a three-year-old boy who resides in the same house as the suspected abuser, who also happens to have a criminal record, DOCS remains on the sidelines because of a lack of resources.

When there is a strong suspicion that a young child is being physically abused, why cannot DOCS take half an hour to knock on the door of the child's home and put his carers on notice that there is concern about the child's welfare? Why cannot DOCS take the time to determine whether my constituent's concerns are justified and then provide the impetus for my constituent to take matters further—through the courts system, if need be. This is a tragic case involving the physical and emotional wellbeing of an innocent little boy. If DOCS regards this case as medium priority and therefore not sufficiently important to dedicate resources to, then I shudder to think what it regards as a high priority. This unfortunate case has highlighted for me the extent to which children in this community remain vulnerable. DOCS is in dire straits and the State Government seems to have simply turned its back on those most in need. The State Government must address the crisis with the DOCS helpline as soon as possible.

ORGAN DONATION

Mrs BARBARA PERRY (Auburn) [5.42 p.m.]: Today I draw to the attention of the House my recent attendance at the 2004 Transplant Australia's New South Wales branch Miracle Dinner. I had occasion to be at last year's function as well, and have been particularly keen to help to raise community awareness of the importance of organ donation ever since. As expected, this year's dinner proved every bit as moving as last year's affair. For the benefit of those who may not yet have participated in such an event, I have to admit that I am hard pressed to describe how it feels to witness the tremendous warmth and special bond that is so apparent between donor families and organ recipients. It is remarkable, indeed miraculous, to think that donor families are able to feel that though their loved ones have passed away they continue to give life to those who are still present. I am particularly moved by the following testimonial, which so poetically and profoundly illustrates this miracle:

In our greatest moment of grief, having just lost our only son, we realised that we held the ultimate power of saving several strangers' lives by offering our son's organs for donation. We had the ability to save other families the immense grief we were experiencing. Donating our son's organs added a further dimension to his short life and greatly assisted us to move through the dark abyss that surrounds us.

Through this attestation and many others just like it, we see that from the depths of agony is born the power and privilege to give new life and, in return, experience the love, friendship and meaning that springs from such a sacred act. These days when I see the odd bumper sticker on a car with the slogan "Don't take your organs to heaven, heaven knows we need them here", or something to that effect, I am challenged like never before to seriously consider and respond to its prompting.

At a cursory glance, statistics paint a picture which bears little resemblance to reality. The statistics show that there are approximately 800,000 Australian diabetics, of whom on average 2,440 per year will suffer total renal failure, and that 7,500 diabetics are currently receiving dialysis. There are currently 3,700 names on the immediate organ waiting list and many of the people whose names appear on the list will pass away before an opportunity for an organ transplant presents itself. If corneal transplants are included, the transplant waiting list exceeds many thousands. The Health Insurance Commission web site informs us that 4,770,000 Australians have registered as potential organ donors. The Roads and Traffic Authority [RTA] web site states that 46 per cent of drivers have indicated "Yes" on their drivers licence. Bearing in mind the current yearly figure of 128,000 Australians who pass away each year, honourable members will understand my surprise when I learned that in 2003 there were only 178 deceased donors, despite the need for organ donation being so great. The information I have just stated and the fact that the donor rate is a national figure, not a State figure, clearly show that the need and availability issues related to organ donation should be addressed.

During recent months organ donation has been given a much greater profile as a result of the late David Hookes having expressed his wish to be an organ donor upon his death. Publicity from his generous act as well

as the involvement of Kerry Packer, who received a kidney donation, and Sam Chisholm, who underwent a double lung transplant, have raised community awareness of the issue but not necessarily the need for organ donations, and that is a big factor in the non-availability of organs for transplant. My association with Transplant Australia through its annual functions has brought to my attention that the organisation is now focusing on increasing the awareness of the need for organ donations. Last week I had lunch with the chairman of Transplant Australia, Marvin Weinman, and was most impressed by his enthusiasm and heart, as I have been by the president of the New South Wales branch, Dr Antony Harding, and the Miracle Dinner co-ordinator, the wonderful Graham Harrison. This fantastically devoted and compassionate team is in need of our support. I commend the team for its good work.

I take this opportunity to also warmly commend Dooley's Lidcombe Catholic Club. I welcome to the Public Gallery of this House members of the club, Greg Kearins, who is the general manager, and the newest member of the board, Keith Gomez. I commend the organisation for its work in assisting this wonderful cause. Over the past two years, Dooley's Lidcombe Catholic Club has made a financial contribution in support of Transplant Australia's annual function which is held at the club each year. The club's association and commitment to Transplant Australia is wonderful, and I thank the club members for it. It is clear that Dooley's Lidcombe Catholic Club holds Transplant Australia's New South Wales branch close to its heart. I hope that the club's association with Transplant Australia will continue over many years. I would be pleased if greater opportunities for exposure of the work of Transplant Australia's New South Wales branch could be given in this House. I ask honourable members to assist in that regard.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [5.47 p.m.]: I thank the honourable member for Auburn for raising an extremely important issue in our community, albeit not one that people often like to think about or talk about. However, it is an issue that people should be talking about and making decisions on. After all, organ donation enriches not only the lives of the organ recipients but also the lives of the family of the donor. I am sure that people whose family members are recipients of organ donations would warmly endorse what has been said by the honourable member for Auburn.

I also thank representatives of Dooley's Lidcombe Catholic Club. As I drive around Sydney, I notice the club's banners, and the club's generosity is well placed. I thank the club for its support of this worthy cause. I join with the honourable member for Auburn in expressing the hope that the club is able to provide ongoing support. I think honourable members should take every possible opportunity to bring organ donation to the attention of the public. I am sure that the honourable member for Auburn will include a mention of the club's generosity and the campaign by Transplant Australia's New South Wales branch in one of her newsletters. I believe that all honourable members should promote the campaign so that lives can be saved instead of lost. I thank the honourable member for raising this matter today.

HORNSBY ELECTORATE SCHOOLS SECURITY

Mrs JUDY HOPWOOD (Hornsby) [5.49 p.m.]: Before dealing with the main subject of my speech, I express my concurrence with the sentiments expressed by the honourable member for Auburn and reiterate her call for increased organ donations. Organ donation really is one of the best gifts that one human being can give to another because it sustains life. However, the main topic of my speech is security in schools. I note that the honourable member for East Hills previously addressed this issue in relation to the Padstow Park Public School in his electorate, and I share his concerns relating to school security because a number of the schools in my electorate have been subjected to burglaries which, on a number of occasions over a very short period, have involved the theft of valuable computer equipment. I wrote to the Minister for Education and Training and received a lengthy response which truly did not answer my concerns. The letter states:

I refer to your representations dated 1 April 2004, regarding the incidence of theft at Brooklyn Public School, Berowra Public School and Hornsby North Public School. I note that you also wrote to the Treasurer on this matter.

The Department of Education and Training's Schools Security Unit regularly monitors the frequency and magnitude of security breaches that are reported by schools and provides onsite risk assessments where it is deemed necessary. Schools are also provided with advice on strategies to reduce the risk of security incidents.

Depending upon the level of risk that is assessed, the school may be recommended for the provision of a variety of physical security measures which could include a security fence, an alarm system or a closed circuit video surveillance system.

The Brooklyn Public School is situated in a completely isolated area of Brooklyn Road and is certainly in need of more attention than it is currently receiving. The school costed a private security system of its own volition. It was prepared to supply the equipment, estimated at approximately \$2,500, after a site inspection was

conducted. Substantial time elapsed before that assessment was undertaken. However, the school had to pay for the installation. The department obtained three quotes from installers. Those quotes were \$9,980 plus GST, \$9,641 and \$13,524.50, which the school could not possibly afford. The Minister's letter was totally unrealistic: it was supposed to contain good news, but in reality it suggested the installation of a \$2,500 security system and expected the school to pay the installation costs.

Brooklyn Public School decided to go with a radio system provided by Watch24 at Castle Hill. The company uses a keypad system, with all members of staff nominating a four-digit number. The cost for a three-year service is \$4,166.24, including supply and installation. Watch24 tests the system each month and provides 24-hour monitoring with a back-to-base alarm. I do not understand why the Department of Education and Training could not supply a security system at a much more comparable cost, including installation. The department's security policy gave the school two security signs for fences and two dummy video cameras, which it wanted installed as soon as possible. Obviously, the school complied with that request, although it was not happy with that arrangement.

Teachers in the school system are truly under stress, and that situation is not helped when they arrive at a school to find that classrooms have been burgled and valuable equipment has been removed. In the last financial year New South Wales teachers claimed up to \$24 million in stress payments, accounting for nearly half of all stress claims made by government employees across all departments. No wonder! Recently the shadow Minister referred to a school security CD, which she labelled as a stunt. She said that the community expects schools to be safe, teachers to be respected and the Government to be spending its time and money on things that matter, not on CD security stunts.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [5.53 p.m.]: It is certainly a sad fact of modern life that our schools, which should be full of joy and learning, are subject to terrible invasions, burglaries, et cetera. In my electorate school fences have been installed under the Government's Significant School Fencing Program, and that has decreased many opportunistic thefts. Previously people could walk through a school, see something through a window, and help themselves. I regret that the honourable member for Hornsby has not received what she regards as an adequate response from the Minister, but I will make him aware of her response to his reply.

THE LAKES SURF LIFE SAVING CLUB FIFTIETH ANNIVERSARY

Mr PAUL CRITTENDEN (Wyang) [5.54 p.m.]: I am sure many honourable members of this Chamber would agree that when working in their electorates they get to see the best of humanity and to meet many challenges. Tonight it is my pleasant duty to draw the attention of the House to the fiftieth anniversary of The Lakes Surf Life Saving Club in my electorate. I might be dating myself when I say that I well recall attending the fortieth birthday celebrations. The fiftieth anniversary celebrations were equally impressive. It is important to acknowledge that the club got off to a good start through the foresight of a lot of people, many of whom were present on this occasion to talk about that history. They told us how they chose the site for the clubhouse and how they set up a community service in what was then a remote part of the world. Today that is not the case on that part of the Central Coast.

I attended the celebration with my wife, Jenny, who is in the gallery tonight. It was great to catch up with people who made such a contribution to the local community. Greg Boulton has been the club president for many years and is a life member of the club. Another life member, Dennis Grant, travelled from Port Macquarie to attend the function. Greg and Dennis were instrumental in putting the club's competitors on a professional footing at various surf life-saving competitions at regional, State and national levels. With initiative and drive people can succeed, no matter where they come from. The Lakes Surf Life Saving Club decided it would produce champions, and that is precisely what it has done. Many of the champions spoke on the night. I will not name them because it is dangerous to name champions at a surf club of the calibre of The Lakes.

I acknowledge those who made a contribution behind the scenes in a tangible way. They do the important organisational work: drive cars, organise accommodation and make sure everything flows smoothly. Greg Boulton and Dennis Grant certainly played a big part in that, and their respective partners, Valerie Boulton and Meryl Grant, also played an important role in the club. The chief examiner for The Lakes Surf Life Saving Club, Ralph Peters, and his wife, Michelle, attended the celebration. Ralph is generous in giving up his time not only to those at the elite level but also to those who belong to the club, including some who are interested in developing their skills in the water or on boards. In the past my children have been the beneficiary of Ralph's expertise.

The treasurer, Richard Collins, and his wife, Des, the assistant treasurer in a de facto sense, were also present. The secretary, Judy Squires, was present, as were Wayne and Denise Castro, who have made important contributions by providing a scholarship each year for a member of the club to train at their pool at Wyee. That valuable contribution is highly regarded. Other members who have trained young people include Col and Marg Kitto. I attend many functions in my electorate, including schools at Wadalba and Wyong, the surf club, and the Toukley swimming club. I often see one lady who seems to be recognised by everyone, and that is Robyn Higgins. Robyn has three sons who participate at The Lakes club. Robyn was formerly a physical education teacher. She certainly makes a great contribution to sport across a wide range of areas in the Wyong electorate. I extend my gratitude to Robyn and all those involved for the voluntary work they do.

DEPARTMENT OF PRIMARY INDUSTRIES DENILIQUN STAFF CUTS

Mr ADRIAN PICCOLI (Murrumbidgee) [5.59 p.m.]: I raise a matter that is not good news for the electorate of Murrumbidgee. Yesterday a leaked document from a meeting between the new director-general and the Minister for Primary Industries indicated significant job cuts across the Department of Primary Industries in country New South Wales. The most significant cuts will be in Deniliquin, which is in the south of my electorate. It appears that Deniliquin will lose up to 16 jobs from the Department of Agriculture and the research station. The community is very upset about this; it is very angry about the lack of consultation. I find it absolutely disgusting that the Minister had a secret meeting yesterday with the union, the director-general and other bureaucrats but at no stage did he consult with the community or any of the employees who will be directly affected. That is at the heart of what is now becoming an extremely morally corrupt government that is more concerned about placating unions than about doing the right thing by the people of New South Wales.

The Deniliquin community has every right to be angry and disappointed about that decision. Since the election of the Carr Labor Government hundreds of jobs in Deniliquin have been axed from the Roads and Traffic Authority and the former Department of Land and Water Conservation. Most of those jobs have been relocated to Albury. A week or so ago the Government announced that the business enterprise centre in Deniliquin would no longer be funded, which will mean the loss of one job and \$75,000 or \$80,000 to the local economy, not to mention the support that the centre gives to small businesses. In addition to the jobs that have already been lost, the Department of Infrastructure, Planning and Natural Resources has foreshadowed several job losses. The Deniliquin community has every right to be upset about that.

This morning I wrote to the Minister for Primary Industries, the Hon. Ian Macdonald, and asked him to reconsider his decision to close the Deniliquin office. I also asked him to take into consideration the impact that that closure will have on the Deniliquin community and on farmers who rely on advice and services from NSW Agriculture. In the nine dark years that Labor has been in office in New South Wales the Hon. Kim Yeadon, former Minister for Land and Water Conservation, ensured that the Murray Irrigation Area lost 20 per cent of its access to water, which equates to 20 per cent of production in that area. Honourable members would be aware of the importance of irrigation in that southern region along the Murray River. The loss of these additional 16 jobs will have a significant impact on the economy.

Last Thursday people attending a public meeting protested about the new water pricing changes being forced on them by the Minister for Energy and Utilities. Water prices in Deniliquin will increase, which will make it difficult for council to manage its finances. The Government is doing nothing for country New South Wales. Tonight one of Labor's apparatchiks was elected to the upper House. If Labor were fair dinkum about representing country people it would follow the proper preselection process and get somebody from country New South Wales, for example, from Tamworth. I am sure there are good Labor members in Tamworth who would make a valuable contribution to this Parliament. Labor should have elected someone from country New South Wales to the upper House rather than some apparatchik. That will mean more of the same from this corrupt Labor Government.

NEW ENGLAND AREA HEALTH SERVICE AND HUNTER AREA HEALTH SERVICE AMALGAMATION PROPOSAL

Mr PETER DRAPER (Tamworth) [6.03. p.m.]: Earlier today the honourable member for Northern Tablelands asked the Minister for Health a question about the proposed merger of the New England Area Health Service and the Hunter Area Health Service. In recent weeks in my electorate the merger proposal has overshadowed everything else. My opposition to the proposal has been well documented. Earlier this week a rally of over 1,000 people in Tamworth highlighted the community's anger at yet another proposed amalgamation by stealth. On Tuesday the honourable member for Northern Tablelands and I met with the

Minister for Health. I am still opposed to this proposal but, as was pointed out to the Minister, whether or not the Government intends to progress these boundary changes, a list of standards must be agreed to by the Minister to secure the future of health outcomes in our area. Job protection and service delivery must be central to any plan for area health services.

The honourable member for Northern Tablelands and I asked the Minister to guarantee that services in our smaller communities be maintained or increased, that the Government increase the range and number of visiting specialist medical and allied health clinicians from Newcastle to Tamworth and Armidale, and that it upgrade the cardiac catheter laboratory in Tamworth to clinical intervention status. Improved access to tertiary-level inpatient mental health services and a 24-hour 1800 telephone helpline should also be introduced to improve local access to these services. The service plans developed by the New England Area Health Service must be honoured and adhered to, as those plans were developed in close consultation with local communities. Manilla needs a multipurpose service [MPS] that includes the current aged care bed licences held by Manilla council for Manillae Lodge. Werris Creek requires an MPS similar to the MPS in Tingha. The Government must provide funding guarantees for both projects as well as guarantee completion dates for MPSs at Walcha, Tingha, Guyra, Warialda and Bingara.

It is also critical for the health department to honour the 10-year \$186 million facilities redevelopment strategy, as proposed by the New England Area Health Service, and to guarantee funding for the complete redevelopment of Tamworth Base Hospital. If a merged service is the outcome, Tamworth must retain a local office structure with local management to oversee and co-ordinate the day-to-day running of the service. I note that the Minister indicated that intention in his response earlier today. If the Minister agrees to these demands, the concerns expressed by communities in my electorate regarding the delivery of health services, equity of access to health services and the retention of health service jobs will be alleviated.

An outstanding issue throughout this process has been the fact that the communities affected by this proposal have been deprived of any opportunity to comment on or contribute to the proposal. Last Thursday a headline in the *Namoi Valley Independent* summed up the uncertainty and lack of facts. The headline read, "What's going on? Health Service Merger—Does Anyone Know What's Happening?" Editor Ron McLean commenced the article by asking the question, "Would somebody please tell us what's happening with the proposed merger of the New England and Hunter Area Health services?" There has been no detailed analysis of the impact of this merger on the community involved, on the number of jobs at stake, or on the standard of access and equity to health services for country people. The Government's recent record on rail services, local government boundaries, business enterprise centres and area health services being amalgamated or centralised demonstrates little or no regard for rural communities.

The New England Area Health Service already covers an area 1½ times the size of Tasmania, with 32 sites serving 175,000 people. It is currently one of the most efficient and financially viable services in the State and it is the only service that is running on target to meet the Government's stipulations. Put plainly, the New England Area Health Service stands as a major employment provider and holds a position of trust with our local communities. The Minister said that the merger hinges on a plan to link Tamworth Base Hospital with John Hunter teaching hospital, but retaining jobs and services is the community's main concern. The New England Area Health Service services the largest number of Aboriginal people in the State, and it has no community of interest with the Hunter. The models of care in a true rural area health service are distinctly different from a metropolitan-based outreach service.

The reasons against amalgamation are many and varied, but the Minister again stated that a decision had not yet been made. He said that he was listening to the communities and to the input of the honourable member for Northern Tablelands and me, and that he would consider those contributions prior to making a decision. The essential characteristics of the New England Area Health Service are its local community connections, its strong sense of ownership with the many communities it covers, reasonable geographic distances, a decentralised model of management of programs and care delivery, widely located local jobs and a strong sense of identity as a local area health service. From my perspective it is critical that all these characteristics that are so important to the New England Area Health Service are retained in the future.

NEW ENGLAND AREA HEALTH SERVICE AND HUNTER AREA HEALTH SERVICE AMALGAMATION PROPOSAL

Mr RICHARD TORBAY (Northern Tablelands) [6.08 p.m.]: I am pleased to follow the private member's statement of the honourable member for Tamworth about the New England and Hunter area health

services. He made a strong case that I intend to support in my contribution. The Government's strategies regarding restructures and amalgamations in country areas are extremely flawed. They appear to be designed specifically to create unrest and instability. They are short on detail and long on putting the community offside. Since the election in March last year our communities in the Northern Tablelands have faced major restructures in local government, education and health, as well as the threat of losing the Armidale to Tamworth passenger rail link, as the honourable member for Tamworth pointed out.

One local person mentioned to me recently that we always seem to be fighting these days. He meant fighting the Government and its policies, which almost invariably come to our attention with a negative tag, signalling the loss of jobs and services for country people. In my view, Ministers are poor salespersons. That was evident today during question time. When it comes to changes such as these we receive no details and no criteria by which to measure their impact. That makes it difficult for communities to assess whether changes should occur. People always fear the worst, and that is what the Government should expect when it does not provide the details.

Our current battle is against the amalgamation of the New England and Hunter area health services. I picked up a whisper of this in the corridors around the time of the mini-budget but it was not formally announced; it was merely confirmed when the community began hearing rumours. There is little community interest between the Hunter and New England north-west regions. There are about 12 per cent of health referrals, virtually no public transport and very little interaction between the two communities. Until the honourable member for Tamworth and I met with the Minister for Health recently and yesterday there was no detail on the table regarding this proposed merger for our communities to discuss. On the very day of our meeting there were rallies across the north and north-west, with around 800 people gathering in Tamworth's Bicentennial Park to protest against an amalgamation.

In our talks with the Minister for Health we heard for the first time since this merger process was revealed that he had some genuine concerns about the future of the New England Area Health Service. These concerns include the fact that our area lacks a tertiary referral hospital and has a declining resource base. He argued that changes are necessary to enable our region to continue to recruit and retain staff and compete against larger, wealthier regions. Our argument to him yesterday was that the same outcomes could be achieved through strategic alliances and co-operative agreements between the two health services without the disruption of a full amalgamation.

There is a relevant precedent in the local government area. The Armidale, Dumaresq, Walcha, Guyra and Uralla councils all faced forced amalgamations in the current round of local government reforms. However, the Minister for Local Government listened to a delegation from those councils and granted a trial period for a strategic alliance which allows the councils to retain local autonomy so long as they can create the efficiencies, cost savings and improvements to services that the Government requires. The process has achieved unprecedented co-operation and goodwill amongst the councils and they expect to exceed the target set by the Minister for the trial period. They think they will make more savings than the Minister expected them to.

The honourable member for Tamworth and I believe a similar alliance between the New England and Hunter area health services could deliver the outcomes the Minister for Health is seeking. We also outlined to him the safeguards necessary to protect the communities currently served by the New England Area Health Service, regardless of whether the merger proceeds. These include new hospitals for Armidale, Glen Innes, Moree, Narrabri and Tenterfield and a total redevelopment of the Tamworth Base Hospital; a new multipurpose service [MPS] for Werris Creek and guaranteed completion dates for multipurpose services at Walcha, Guyra, Tingha, Warrialda and Bingara; retaining payroll activities and staff numbers at Inverell; guaranteed funding to enable Kolora Low Care Hostel to become part of the Guyra MPS and funding for a new MPS at Manilla, incorporating aged care beds at Manellae Lodge; upgrading the university department of rural health to a clinical school in equal partnership with the University of New England and Newcastle university and upgrading the cardiac catheterisation laboratory in Tamworth to clinical status; retaining a local office structure with local management in Tamworth to oversee and co-ordinate the day-to-day running of the service; maintaining and extending local and visiting health services in small communities and increasing the range and number of visiting specialist medical and allied health clinicians across the region.

The honourable member for Tamworth and I believe increasing access to tertiary mental health acute and long-stay in-patient services is achievable. We also propose the establishment of a 24-hour 1800 telephone helpline to improve access to services. We believe this is a realistic list of demands for proper investment in health services for the New England north-west region that can be delivered through strategic alliances and co-operative agreements with Newcastle and Sydney rather than through amalgamation.

Private members' statements noted.

BILLS RETURNED

The following bills were returned from the Legislative Council with amendments:

Courts Legislation Amendment Bill
State Water Corporation Bill

Consideration of amendments deferred.

The following bills were returned from the Legislative Council without amendment:

Crimes Legislation Amendment (Terrorism) Bill
Sydney Opera House Trust Amendment Bill
Legal Profession Amendment Bill
Crimes (Administration of Sentences) Amendment Bill

The House adjourned at 6.14 p.m. until Friday 25 June 2004 at 10.00 a.m.
