

# LEGISLATIVE ASSEMBLY

Wednesday 5 December 2007

---

**Mr Speaker (The Hon. George Richard Torbay)** took the chair at 10.00 a.m.

**Mr Speaker** offered the Prayer and acknowledgement of country.

## **MOTOR ACCIDENTS COMPENSATION AMENDMENT (CLAIMS AND DISPUTE RESOLUTION) BILL 2007**

Message received from the Legislative Council returning the bill without amendment.

### **CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL 2007**

Bill received from the Legislative Council and introduced.

Agreement in principle set down as an order of the day for a later hour.

### **LAW ENFORCEMENT AND OTHER LEGISLATION AMENDMENT BILL 2007**

Bill received from the Legislative Council and introduced.

Agreement in principle set down as an order of the day for a later hour.

## **ROAD TRANSPORT (GENERAL) AMENDMENT (HEAVY VEHICLE USER CHARGES) BILL 2007**

### **ROAD TRANSPORT LEGISLATION (BREATH TESTING AND ANALYSIS) BILL 2007**

Bills received from the Legislative Council and introduced.

Agreement in principle set down as an order of the day for a later hour.

## **AUDIT OFFICE**

### **Report**

**The Speaker** tabled, pursuant to section 38E of the Public Finance and Audit Act 1983, the performance audit report of the Auditor-General entitled "Police Rostering—New South Wales Police Force", dated December 2007.

**Ordered to be printed.**

## **NSW OMBUDSMAN**

### **Report**

**The Speaker** announced the receipt, pursuant to section 23 of the Law Enforcement (Controlled Operations) Act 1997, of the report entitled "Law Enforcement (Controlled Operations) Act Annual Report 2006-2007", dated December 2007.

**Ordered to be printed.**

## **GENE TECHNOLOGY (GM CROP MORATORIUM) AMENDMENT BILL**

### **Agreement in Principle**

**Debate resumed from 4 December 2007.**

**Mr ANDREW FRASER** (Coffs Harbour—Deputy Leader of The Nationals) [10.05 a.m.]: I lead for the Coalition in the debate on the Gene Technology (GM Crop Moratorium) Amendment Bill. At the outset I indicate that the Coalition will not oppose this legislation. Although concerns were raised in the other place about some aspects of GM crops, I indicate clearly to this House that this legislation is far superior to what Victoria will have thrust upon it; that is, a lifting of the moratorium on 4 March without any regulation. During all the years I have been in this place, I do not think I have been lobbied as consistently and comprehensively as I have on this legislation. I have been approached by the pro-GM lobby, concerned farmers and people with health concerns.

I will make some comments this morning, but there is no way that I can cover all the concerns that have been raised with me or counter all the arguments. The Coalition has been successful as a result of discussions with the Minister's office in improving this legislation not only with our amendment regarding the spread of GM crops to neighbouring crops but also by having the Minister give assurances about the composition of the expert committee as defined in the legislation. The Minister has also foreshadowed an amendment. He has acknowledged in correspondence with me the amendment, which deals with making reasons publicly available if he follows, or fails to follow, recommendations from his expert committee. The Government has considered the Coalition's input on that issue and I thank the Minister and, in particular, Adam Badenoch from the Minister's office, for taking calls on weekends and late in the night to ensure that we have workable legislation.

If the House does not pass this legislation, on 4 March GM crops will be planted in New South Wales without regulation or oversight. The expert committee will monitor the production and ongoing use of GM crops in New South Wales. That will give the Minister an opportunity to deal not only with the pro-GM lobby but also with the Australian Grain Harvesters Association, the New South Wales Farmers Association and consumer representatives, because the expert committee can address its concerns and report back to the Minister. However, the real regulation of GM technology rests not with the State Minister or this Parliament but with the Office of the Gene Technology Regulator in Canberra. That office must make the decision that it is happy with the development of a GM crop of any sort.

Historically, agricultural genetic modification has been going on for donkey's years. Manual methods have been used and the process has taken many years. I often tell people that rust-free wheat is the result of farmers using genetic modification techniques for 40 or more years. That rust-free wheat, which ensures us a crop year and year out, is not natural; it is genetically modified grain developed over a long period. While there are real concerns about how gene technology will go forward—transferring genes from animal to plant or vice versa—I think that is futuristic stuff that will not occur in reality under this legislation. The Office of the Gene Technology Regulator will address the concerns of industry, consumers and everyone else.

New South Wales farmers may wish to increase production by growing genetically modified crops—and there are arguments for and against that. They may consider that increased production will result in an increased yield. At the same time, because of the types of canola available at present, it will mean that chemicals such as atrazene and trizene—those chemicals are currently banned, or are in the process of being banned, in Europe and America—will not be used. Farmers in New South Wales will have an opportunity to be more environmentally friendly by using genetically modified canola. Once again, there are arguments for and against that. The Johnny Kahlbetzers and others have said, "Don't bring it into Australia". But we must consider the benefits of GM. More than 30 years ago I lived in the Moree area when cotton was coming in; the rivers in the area were dead because of the DDT that had drifted from the cotton crops.

Gene technology now uses less water and fewer chemicals. Indeed, it is environmentally friendly. Johnny Kahlbetzer has admitted that. He also admitted that he has huge crops of genetically modified canola in South America, but he does not want gene technology introduced here. However, we must offer to growers who cannot afford to go offshore the opportunity to grow genetically modified canola because of increased production and decreased production costs—increased production by way of yields but decreased costs by way of reduced chemical use. Through research and development of gene technology in New South Wales, we will have an opportunity to study drought-resistant varieties of canola or other crops.

In times of drought—I suggest that we are now experiencing the worst drought in living memory—anything we can do to reduce water use on agricultural crops will not only mean increased farm productivity but at the end of the day it will reserve water for country towns. One of the greatest arguments across regional New South Wales at the moment relates to water entitlements. Should farmers or towns get water? If farmers do not get the water, do the towns survive? Although the farmers have drinking water, there is no income from the farms to go back into the towns. As I have mentioned previously, recently I was in Finley, where a group of

concerned citizens told me that parents had stopped bringing their children into town because they were scared they may have to spend their change on something for their children and they did not have that sort of money.

If we can develop drought-tolerant and drought-resistant crops under this legislation, with the research and development attached to it, it will be a huge bonus for regional New South Wales. Many people who do not want to eat genetically modified products have raised concerns. I suggest that they have been eating genetically modified products directly, or downstream, via the soya bean meal that for many years has been imported and fed to chickens that lay the eggs we eat. Gene technology already has been, and is continuing to be, used in the production process. I point out to the doomsayers that people who buy fish and chips—the fried fish and chips that are a favourite meal for many families, especially on Friday nights—are eating fish and chips cooked in cottonseed oil produced by gene technology.

It has been argued that there is no DNA in this and no protein in that, et cetera, but we must err on the side of caution. Genetically modified products have been used in Europe for more than 11 years, and the growers have said that there have been no adverse effects, apart from the "maybes". I have read the book entitled *Genetic Roulette: The Documented Health Risks of Genetically Engineered Foods*, and I have not seen any real proof of adverse effects. Like others, I say that we should look at it in a cautionary manner, but should consider the experience in Europe over the past 11 years and the amount of canola grown and used in Europe for biofuel production. We should take into account the greenhouse arguments and the amount of carbon that is released into the atmosphere. At the same time, we should consider that this legislation provides an opportunity to introduce a biofuel industry in Australia, which I believe will assist in reducing the amount of carbon and other toxins entering the atmosphere.

Many people have pushed the argument that the market will not accept genetically modified crops and so on. In the past week Coles came out and said that it will not stock genetically modified foods. Also, Goodman Fielder said that it will not use genetically modified products in its particular field of industry. If that is the case, I suggest that farmers are smart enough to know that if two major retailers or processors downstream will not accept genetically modified crops they will not utilise genetically modified crops or put those crops on the Australian market. This is purely about giving choice. If growers see a market effect, that is, genetically modified canola will reduce their income—it may increase production but reduce overall income—they will opt to go non-GM.

If growers want to produce genetically modified canola this legislation gives them the opportunity to do so under the oversight of an expert panel and the Minister. It is as simple as that. Market forces will determine that. As far as I am concerned, farmers have always listened, and will continue to listen, to market forces. Farmers do not grow sheep if the sheep price is lousy, they do not grow wool if the wool price is lousy, and they switch to something else if the price of beef is going down. These second, third and fourth generation farmers are smart enough to realise what the market is doing, mostly 12 months in advance, to ensure that they maximise their farm incomes.

Concern was raised about the segregation of grain in harvesters at handling facilities. I am sympathetic to the concerns of the Grain Harvesters Association. To that end, I have asked the Minister for an assurance that the association will be given representation on the expert committee, and the Minister has given that assurance. The reality is that if harvesters have a choice of harvesting a genetically modified crop or a non-genetically modified crop they will go where the dollars are. It is another case of market-driven prices and market-driven decisions. Growers will consider whether their livelihood will be in harvesting genetically modified canola or non-genetically modified canola. This legislation will provide harvesters with an opportunity to move along those lines.

I have heard that harvesters move from one end of the State to the other like a swarm of locusts. I am sure they will be selective enough to ensure that their harvesting techniques do not create contamination issues. I have been told that the problem—this was mentioned by some of my colleagues in another place last night—is that it takes 48 hours to clean a harvester. I am sure harvesters will factor that into their costs and their harvesting program. If harvesters go from GM to non-GM, they will set their diary and factor in the costs to growers. Harvesters could say, "I'm prepared to harvest but it will take me 48 hours so, rather than starting on Monday, I will start on Wednesday. We will clean the machine and make sure contamination won't happen."

We must recognise that only 0.9 per cent of non-genetically modified canola crops in international markets, including Japan, are contaminated. The figure of 1 per cent has been quoted regularly in this debate, so for the sake of ease I will say 1 per cent. Even those contaminated crops will be accepted in international

markets, including the European Union and Japan. I know we had a delegation—unfortunately, I did not meet them—of concerned Japanese people representing 2.9 million consumers in Japan. I remember talking to a macadamia nut grower on the North Coast many years ago who was trying to crack into one of the biggest markets in Japan and he could not get a foothold in that market. He went to a regional market. I suggest that 2.9 million people in Japan's market would not represent a large market. I do not know the population of Japan but it would be in the hundreds of millions. While I hear their concerns and the concerns of others, the world market is bigger these days so we can ensure that markets do not suffer unduly because of GM. Adding this expert oversight committee as delineated in this legislation is an opportunity to ensure that happens.

In relation to cross-contamination—I am not going to read the amendment—we put forward an amendment to the legislation. Once again I thank the Minister's office staff for their cooperation, especially Adam Badenoch, because this went back and forwards a number of times. Basically it is about protection from liability for the spread of GM food plants from the major seed companies, a la the Monsantos, et cetera, and that has been a fear within the industry after the Canadian example. Whether it was right, wrong or indifferent we probably will never know but we do not want to see farmers tied up in courts for inordinate lengths of time with the only people making money being the lawyers in Macquarie Street in Sydney. Common sense must prevail. I think this amendment gives us the opportunity to ensure—and I thank the Government for accepting the amendment—that farmers have at least some protection from the spread of canola. The protection offered is protection for the farming community who want to remain GM free.

Common law will cover other aspects of those concerns of farmers but we cannot legislate for or against the common law. It is there, and that is why we see so many lawyers driving around in a Mercedes-Benz and so on. I do not want to appear to be criticising the legal fraternity, but the reality is that lawyers make laws for lawyers. I note the presence of the member for Myall Lakes in the House. He was one of the good guys. When one considers the content of the debate about contamination, I think that can be covered.

Many people showed great concern about whether canola seed could be separated in the grain handling facilities. The Nationals organised two forums—a pro-GM and an anti-GM forum. We held them on separate nights because we did not want an adversarial forum. We circulated information from both forums to all members of this Parliament so they could make informed decisions. We did not want to see an adversarial situation develop—he said, I said—where no-one would get the real message coming from each group. Cargill Australia, in the forum it attended, gave us an absolute assurance that it could successfully separate non-GM and GM canola in its handling facilities. We have to trust it on that.

It would have been nice to have a clause in the legislation saying there will be an on-ground test for GM presence in canola seed, the same as we have a pH test for wheat at the silo. I would think that some time in the future, as soon as this legislation is passed—in a couple of years, because these crops are not going to appear overnight—someone will develop that test so that as soon as you get to the silo you can identify it straight away. Therefore, the risk of contamination will decrease. As I said, it would have been nice to have the test included in the legislation but we cannot legislate for something we do not have: however, I suggest it will come.

I also point out to those who continually say we do not have GM crops in Australia that in the Wagga Wagga region a company has been producing GM seed for the overseas market for quite a while now. We have not seen a proliferation of GM canola over the neighbour's fence. We have not seen a proliferation of GM canola along the roadside. I note the argument used last night that if a truck can hold water it could hold canola, and the claim that with the amount of canola coming off trucks, we can see that beautiful yellow flower along the side of the roads.

**Mr Daryl Maguire:** You are thinking of St John's Wort.

**Mr ANDREW FRASER:** No, I am not. I do not think you will see that there. There is a responsibility on GM growers to ensure that the risk of escape in any way, shape or form, be it from pollen transfer or what have you, is minimised, but none of us in this place can legislate for an act of God. If you have a full crop of canola in your field and you get one hell of a storm, you are not going to stop that pollen spreading, or the seed for that matter. I have seen them in the Moree and Boomi shires many years ago when haystacks were picked up and delivered to a neighbour three or four kilometres down the road. Whether that will germinate and grow, who knows, and I doubt it would be in concentrations high enough to contaminate a non-GM crop. But these are genuine concerns and as long as we can strive to keep any cross-contamination, if there is cross-contamination, to a minimum and if you talk to your neighbour, as most farmers do over the years, with cooperation you end up finding them separated and the risk of cross-contamination would be minimal. It is a matter of ensuring that

happens. We can do that by way of the oversight committee and by the Minister looking at all new crop. As I said at the start of this debate, this is about having some structure for GM crop production in New South Wales rather than the Victorian example.

I thank Ian Gilfillan, a former member of Parliament in South Australia, who has kept me well and truly informed on a number of issues. I understand that Ian farms on King Island, and South Australia is looking to keep King Island GM free. He was concerned about liability. I looked at legislation he put forward and to a large extent I think the legislation he put forward in relation to liability—which I do not think was accepted in South Australia—was unworkable. It would be nice to cover all things in life but, at times, we cannot. I think that protecting the farmer from the actions of a GM company is just as important as trying to stop the spread of GM.

South Australia has not passed its legislation yet and I am unsure whether it will follow the New South Wales lead and have some oversight of GM production in that State or whether it will take the Victorian line of a totally unregulated market. As I said, many of my own colleagues have concerns based on caution and health. We are seeing a constant monitoring of all GM crops. Once again, I say—not in a flippant way—that if we knew what we were eating in relation to GM, we would get a bit of a shock. I wrote to the Minister about labelling, because the New South Wales Act applies provisions in the Commonwealth Act to certain aspects of labelling.

If Coles takes the lead with its home-grown products and will not stock GM products in its stores, people can shop at Coles with the confidence of knowing that their products are not GM. However, do we know what products Coles imports? Do we know if the butter or oils or any derivatives from oil crops that it imports and puts into Australian products are GM free? I suggest that eggs probably have a GM content from the soybean meal fed to chickens. I suggest that some dairy products would contain GM because of the seed that has been imported.

A couple of years ago we know that 35,000 tonnes of GM soy was imported and put into the food chain at the agricultural level. If one follows the premise of the doomsayers, one would find that soy is definitely in our food chain. I go back to the European and Canadian experiences, which are technically 11 years ahead of us: they have had no nasty experiences as a result of using GM products. I hope I do not have to eat my words in years to come. We have heard the thalidomide excuse, but, with progressive technology, GM companies will not develop a product that creates legal liability problems further downstream. Bernie Banton's funeral will be held today. In the early days when asbestos was mined, it was the new product; it was fantastic. Then we learnt of the dangers of asbestos.

**Mr Thomas George:** And tobacco.

**Mr ANDREW FRASER:** Right, and tobacco. All industry takes a lead from those examples and makes sure that what is marketed will not lead to the dangers posed by thalidomide and asbestos. There is a corporate consciousness. Industry is not all profit driven, although profits must be made for future generations and for shareholders. At the end of the day if a liability is created for shareholders, the corporation will be held accountable at its next or future annual general meetings. The shareholders will suffer in the long term. I listen to, and I empathise and I sympathise with those who are genuinely concerned. However, the oversight provision in the bill will give us something that is acceptable in the future. I turn now to the claims of \$50 and \$60 a tonne premium for non-GM canola. Yes, there is an old adage in politics and economics: there are lies, damn lies and statistics. I am not suggesting there have been lies in this debate, but we should consider mitigating circumstances. The \$50 and \$60 difference that is often quoted does not take into account the drought, reduced supply and therefore greater demand. Our GM crops have attracted a premium, for a number of reasons, not just one reason. For the past few years I have regularly watched *Landline* on Sundays.

**Mr Thomas George:** How do you find the time?

**Mr ANDREW FRASER:** I come in for lunch, after doing a bit of fencing or mowing lawns or slashing paddocks. At the end of *Landline* is a market report. Earlier this year the market report showed on a weekly basis that Canadian GM canola was \$26 a kilo above the Australian price. I am not saying that is because it is GM or non-GM; it was market driven and prices in all agricultural commodities are market driven. It is supply and demand, an unfortunate consequence of farming worldwide. Farmers are normally price takers, not price makers. The proliferation of any one product at any given time and the steps taken to produce that product, in drought or good times, will be directly reflected in the price that the market offers for that product.

Price is something that farmers will take into account when they choose to be GM or non-GM growers. They will look at the return to their bank manager and what is on their balance sheet at 30 June each year. Farmers will take into account the amount of fertiliser and diesel used—

**Mr Phillip Costa:** And water.

**Mr ANDREW FRASER:** —and water, as the member for Wollondilly said. Farmers will look at all the factors that will give a net return at the end of production. I acknowledge the work of the New South Wales Farmers Association and the National Farmers Federation on this matter. They have been very open, despite claims and counterclaims about the handling of the issue by the New South Wales Farmers Association. I have spoken to Jock Laurie and other members of the executive. At the end of the day, 50 per cent plus 1 per cent is an absolute majority. The New South Wales Farmers Association had an overwhelming majority at its last conference that they go GM, despite counterclaims.

The New South Wales Farmers Association is looking to the future of its industry, and it has every right to do so, as do all industries. It has put the matter to its members on balance, because they are the ones whose hip pocket will be affected. The association and the federation have supported GM. Australia-wide most political parties have supported GM. I note that the problems Premier Brumby had in Victoria had nothing to do with being pro- or anti-GM; it was all to do with whether Premier Brumby and his Minister would take it to caucus. At the end of the day that was a political argument within the party, not an argument about whether to go GM. Tasmania is to remain GM free; Queensland does not grow canola, so it is not a problem there.

I commend the bill to the House. I thank the Government for accepting the Opposition's amendments, which strengthen the bill and give assurances to almost everyone within the farming community. I hope that this bill will lead to an increase in production for farmers who wish to go GM. I hope that the drought will break and give farmers the opportunity, maybe not next season but the one after, to plant their crops, to get on with the job and to bring some prosperity to our farming communities. They are facing a fairly bleak Christmas. Members of Parliament must do whatever they can in a legislative sense, a parliamentary sense or an individual sense to assist our farmers on the land who put food on our tables. This bill is yet another small move in the right direction for our regional and rural communities.

**Mr RICHARD AMERY** (Mount Druitt) [10.37 a.m.]: The stated intentions of the Gene Technology (GM Crop Moratorium) Amendment Bill 2007 are to amend the Gene Technology (GM Crop Moratorium) Act 2003, to make further provision with respect to the cultivation in New South Wales of licensed GM food plants and to extend the operation of that Act, and to amend the Gene Technology (New South Wales) Act 2003 with respect to the application of Commonwealth gene technology laws in this State. The 2003 bill was the result of the Government, under former Premier Bob Carr, announcing a moratorium in the lead-up to the 2003 election.

I believe that one of the reasons the announcement was made in a preschool in the electorate of the member for Coogee was very much the management of not only GM technology but also the politics surrounding this contentious debate. At the time the then National Party beat us to the airwaves and said that it would hold a moratorium on the plantings of genetically modified crops in New South Wales at that time. The point I make is that around Australia and the world this debate is about not only the management of genetically modified crops and various issues surrounding that but also the political management of GM. The bill is a difficult one to manage, mainly because the extremists, be they green groups or people who are passionate about anything to do with scientific alteration to agricultural production, will get on the airwaves and claim all sorts of dire consequences in moving into a certain practice.

The use of pesticides in agricultural production, antibiotics and various intensive farming practices to produce our food seems to generate very passionate views. The bill will ensure the practical management of our farming communities. I am not aware of evidence from anywhere in the world nor have I read any reports in the last few years that show that the consumption of genetically modified food in any form has caused any health risk to any human being. There is certainly no scientific evidence to support the view that the consumption of food produced in this way has a health risk.

Genetically modified food is a trade issue, not only for crops but also for traditional agricultural practices. The organic farming industry, which is a growing component of agricultural production and is opening up world markets, is threatened by the production of genetically modified crops. Japan, for example, is a large consumer of organic products. Organic farmers, who are eager to protect the authenticity of their products, would be very concerned about a GM product that is grown or produced on a nearby farm. It is

important that appropriate protocols be put in place to ensure that cross-contamination from GM products does not affect nearby organic farms.

The Minister and the Government should be congratulated on acknowledging that cross-contamination is a real concern in the farming community and that it must be dealt with before approval can be given by the expert panel. It is not mission impossible. Various industries under the expert panel umbrella groups have worked with the Government to formulate protocols to prevent cross-contamination in agricultural production, which has a high dependency on pesticides, in a region or a catchment used for organic farming. Those protocols are already in place and with an international trade agreement on an acceptable level of contamination—I think the bill states 0.9 per cent or 1 per cent—farming communities will be able to deal with those sensitive cross-contamination issues.

The bill cannot be faulted, especially with the amendments having been passed in the upper House. Legislators and the community should not be caught up in the emotional debate by extremists, who use ideology to push their argument. *Genetic Roulette* by Geoffrey Smith, a book that has been circulated to all members of Parliament, has more qualifications than a lawyer. It uses terms such as "may", "possibility" or "could do" as to what could occur as a result of growing and using GM crops. Although a lot of work has gone into the book, it is based more on fear and ideology than on fact. We should encourage continual scientific progress in the production of our food, whether or not genetically modified.

The challenge for all agricultural producing countries is to recognise that up until 1960 mankind produced a population of about three billion people, yet since 1960, a mere 47 years, our population has doubled. The world's population has increased from three billion to six billion—members should not hold me to the last few million—and we must produce enough food to feed an ever-growing population. The scientific world has made great advances. We can now grow wheat, rice and a whole range of horticultural products in areas where that would have been impossible in generations gone by. The scientific community—both government and private agencies—has done great work in changing the way food is produced in laboratories not only in Australia but also around the world. Genetic modification of agricultural crops is merely an extension of that and it should be encouraged, but with caution.

The legislation recognises the reality of GM production and it provides safeguards to ensure that experts in the field are part of a panel that, after consultation with the farming group and dealing with the possible impact of cross-contamination on trade, has to tick off any approval. On balance, the bill should be supported. Debates that are based on ideology should be resisted. The Government should be commended for drafting cautious and practical legislation.

**Mr DARYL MAGUIRE** (Wagga Wagga) [10.46 a.m.]: At the heart of the GM debate has always been the farmer's right to farm, unimpeded from the activities of another. This means that farmers should have a choice as to what crops they grow, how they grow them, and what methods and technologies they apply in the production and sale of their crops once harvest has come and gone. The contribution of the member for Mount Druitt was very measured and learned. I found myself agreeing with many of his comments. This debate has always been about the politics. Sometimes communities are afraid of new technologies and what they may bring. Traditionalists may want to maintain their long-established farming practices.

I extend to the shadow Minister, the member for Coffs Harbour, who led for the Opposition, my appreciation for the way in which he has handled this challenging issue for all of New South Wales, indeed Australia. GM, like it or not, is here. Although we have been modifying plants and products for many years, GM technology has introduced a new dimension. I thank the shadow Minister, on behalf of all members of the Coalition, for lobbying hard and introducing amendments into the other place, with the consent of the Minister, that will enhance the legislation and ensure that safeguards are in place.

I have lengthy correspondence from the Minister for Primary Industries with respect to the amendments and suggestions made by the shadow Minister. I lay it on the table for the edification of members. It is important to acknowledge that Opposition members can have an impact and change what may be an inadequate clause in legislation or make an addition that will enhance, for the benefit of all, the laws that we are about to implement. As I said earlier, an enormous amount of debate has occurred on this topic. Wagga Wagga often has been at the centre of that debate because that is where many of the trials have been conducted. I express appreciation for the work of the former Minister for Agriculture and member for Mount Druitt, the Hon. Richard Amery, who was instrumental in upgrading the Department of Agriculture and the science and technology institutes that carry out this important task. However, the canola trials that are being conducted in Wagga Wagga have put us in the spotlight.

After I was elected as a member of this Parliament I attended a number of public meetings at which members from both sides of the Chamber, speakers from Canada and green groups contributed to the debate. At the first public meeting I attended I was quite alarmed when gene technology issues were raised and reference was made to how Canada had been affected, how markets had plummeted and how farmers had been taken to court. I rang the then shadow Minister, Ian Armstrong, and said, "What is this all about? This is all new to me." He said, "What do you think?" I said, "I think we should proceed with caution. We cannot turn our backs on technology but we also cannot proceed at such a pace that it impinges on a farmer's right to farm."

As I said earlier, farmers' choice is the core issue for me. Ian Armstrong agreed with me that that was the right position to take. I think the debate has matured as we have learned more about it and as the science has improved. I, like the shadow Minister, have been lobbied long and hard on this issue. When it was debated at a recent country conference I urged caution until Ian Armstrong's report had been made available, we had had time to read the report, and we had ascertained the best way forward. I am glad that we followed that course. Lobbyists for GM technology will suggest that there are increased production levels and a reduction in the number and types of sprays to be used. It is important to remove from our environment sprays such as atrazine and triazine—sprays that are banned in other countries.

Other improvements can also be made. With Australia now embracing biofuels we need to increase production. When this terrible drought breaks, rural communities will benefit from those initiatives and from ongoing research and development, which this legislation promotes. It has been suggested in debate that health issues must be researched and reported on regularly, which is one of the reasons for establishing an expert committee. I encourage scientists to keep researching these issues. Many farmers in my electorate have conducted experiments but to date there have been no reports of cross-contamination of crops. However, that issue has been raised. When crops are harvested, headers that are contaminated have to be cleaned—an additional cost that has to be factored into a farmer's production costs.

Broadacre farmers harvest many thousands of tonnes of canola every year. It has been suggested that a header might retain about 10 kilograms of seed—or 0.01 per cent in every 1,000 kilograms—that have to be cleaned out. If we equate that with the thousands of tonnes that are harvested in broadacre farming every year we find that the contamination is minuscule. When those crops are transported for export or secondary production the segregation issue becomes important. I would have thought the committee that has been appointed to investigate GM crops would have been authorised to do more work on segregation. Industry says that it can segregate crops. I would have thought that segregation would have formed part of the report, or that more focus would have been given to it before this legislation was introduced.

Liability issues must also be addressed—one of the causes for litigation overseas. No-one has raised this issue of contamination with me. I am not suggesting that that will not occur, but when it does it should be dealt with quickly and productively. When legislation is introduced legislators try to micromanage every issue in our communities. However, members would be aware that there is such a thing as a free market. It has been suggested that that has resulted in a \$60 a tonne reduction in the price of some crops, but growers have that choice. This legislation will enable them to make informed decisions about their businesses, establish what they want to do, embrace GM technology, or enter into contractual arrangements with companies such as Monsanto and others who own the technology.

I would not want to enter into a contractual arrangement because I would hate to think that I was not able to choose which chemicals or products I wanted to use. However, I respect the fact that growers want to have that choice. They want to be able to choose whether or not to sell their products in the markets, when they plough their fields, when they spray their crops and when they harvest them. Too often legislators in this State try to micromanage our communities. As long as the broad parameters are in place, industry will address those issues and farmers will continue to do what they do best. I pay tribute to our farmers who, over the years, have developed and embraced technology. Our farmers have led the way; they have shown that they are efficient, and that they rise to environmental challenges and the challenges of world markets. Australian farmers are the best in the world.

Members from both sides of this Chamber have made passionate contributions to debate on this issue but in the end farmers will assess available information and make informed decisions. This legislation is a reasonable response to a challenging issue. However, we still have a long way to go to ensure that this technology is safe, that it produces the results that are being talked about, and that we all benefit from it. Ultimately, farmers should be able to go about their business and grow their crops in the manner that they see fit, that suits their business plan, and that delivers the income and the benefits that they desire or want to pursue.



The legislation moves the GM food products debate forward. Further debate may ensue in the coming years, and I understand that reviews of the legislation will take place. That is important. I look forward to reading further reports on the development of this issue, because I suspect that other products will be involved. Growers embraced GM cotton some years ago, and the reduction in chemical usage and the effects on the environment have been terrific, and to the credit of the industry.

I think there is a little bit of green in all of us. You do not have to belong to a green party to show that you are environmentally conscious or that you have a responsibility towards the environment. Rice growers have reduced water usage and the broadacre farmers have embraced Landcare. Farmers have been working to preserve the environment and doing what they can to reduce greenhouse gas emissions and so on. The bill will assist with that. I look forward to the regular reviews that will be conducted and also to future amendments, if necessary, to ensure that we have the best legislation to allow farmers to get on with what they do best—that is, farm for this great country, and produce food for export and for this great nation.

**Mr DONALD PAGE** (Ballina) [11.01 a.m.]: My contribution on the Gene Technology (GM Crop Moratorium) Amendment Bill 2007 will be brief. At the outset I make it very plain that I am opposed to lifting the moratorium on GM food products. I believe that the reasons behind the moratorium being put in place in 2003 still apply. The trials that were supposed to have taken place for GM canola in New South Wales following the 2003 legislation have not taken place. Furthermore, there are no long-term health studies that show that the consumption of GM foods is perfectly safe and that there are no downstream consequences. Indeed, some of the studies indicate that whilst rats, for example, that consume GM product are not adversely affected, the progeny of those rats are adversely affected with early deaths and deformities and so on.

So there are some issues that I believe are not yet resolved with regard to the long-term consequences of GM food products. The precautionary principle is something we often talk about: in fact, it is embedded in legislation in this place. We need to distinguish between GM food products and GM fibre products. Cotton is a fibre product: people do not eat it. Food is a different ball game. A higher level of care is needed in relation to possible consequences of the legislation. Given a choice, 90 per cent of people will avoid eating GM food. That has been confirmed by the Coles survey. If people do not want to eat GM foods, and we have primary industries that have switched over to GM foods, there has to be a question about whether this is the right way to go purely from a marketing perspective, quite apart from any long-term health concerns.

This is difficult legislation in that if something is not put in place before March 2008 when the moratorium expires there will be no controls whatsoever on the introduction of GM crops in New South Wales. However, whilst what is being put in place is better than nothing, and for that reason is not able to be opposed, it is inadequate—notwithstanding some good amendments initiated by the shadow Minister for Primary Industries, the member for Coffs Harbour, and passed in the Legislative Council last night. So if the bill is not passed there will be no regulatory regime in place. If the bill is passed a pretty ordinary regulatory regime will be put in place that will end the moratorium on GM canola and let the GM genie out of the bottle, with unknown and potentially disastrous consequences for Australian agriculture and consumers down the track. As labelling laws are tightened, in Australia and overseas consumers will become more aware of the dangers of eating GM food and will shy away from it even more.

Australia has a clean, green image and we should try to keep it. The experience in Canada and elsewhere is that it is impossible to segregate GM product from non-GM product, especially canola, the seeds of which are so fine as to be like water to handle. Contamination is inevitable, and farmers who want to produce GM-free product will not be able to give the zero content of GM product in GM-free markets that is required. Currently \$60 per tonne more is being paid for GM-free canola over GM canola. So this segregation issue is important from a marketing and equity perspective, but I believe it is also important from a liability perspective. Why should a grower of GM-free food be held liable for contamination that occurs from a neighbour when the contamination occurred without their concurrence? I refer members to the excellent speech made by the Hon. Rick Colless on this bill, and on the subject of segregation in particular, in the Legislative Council last night.

In summary, whilst we have no option but to allow this legislation through so that at least we have some regulatory regime in place, with some checks in relation to GM canola and other products being grown in New South Wales down the track, I am still concerned about going down the GM track—for health and toxicology reasons, for marketing reasons, for contamination reasons, and for economic reasons. I point out that only 25 per cent of farmers are in favour of the release of GM food products.

I have heard both sides of the GM debate, and I like to think of myself as a fairly rational person, but I am not persuaded that the moratorium should be lifted. As I said at the outset, in my view the reasons that

underpinned the legislation in 2003 have not changed. Having said that, I congratulate the shadow Minister for Primary Industries, the member for Coffs Harbour, on the considerable work he has done on this legislation and on the amendments he has negotiated with the Government to put in place a stricter and fairer regulatory regime for the release and control of GM products.

**Mr JOHN WILLIAMS** (Murray-Darling) [11.07 a.m.]: I will speak briefly to the Gene Technology (GM Crop Moratorium) Amendment Bill 2007. I have had the opportunity to hear both sides of the debate. I have listened to people within the industry who want to promote GM crops in Australia and I have listened to people who oppose it. As a seed manufacturer I believe that the GM seed producers have done a poor job of defending some of the claims that have been made. If there is any substance in those claims the producers need to address them. I think this is what has created most of the hysteria in the GM debate.

I am guided by people in my electorate as to the way they feel about GM products. At this stage I have had no positive feedback either way. However, I have some questions to ask with regard to the GM industry. Canada has been growing GM canola for 10 years, and obviously that product has gone into the marketplace. I have not seen or heard of any recorded ill effects of that product's introduction into the marketplace. There has certainly been buyer resistance to it, with people looking for the organic product. I question the organic product: a fair bit of chemical is applied to it. Technically the product is not really organic. There is no real protection for consumers in relation to organic products: they may have been sprayed for insects or weeds.

Recently the Rice Growers Association of Australia asked me to provide a letter of support regarding the rice industry's proposed introduction into Australia of Liberty Link 62 and its product derivatives. Food Standards Australia New Zealand has opposed the introduction of the product and its derivatives as a real concern. When an organisation such as the Rice Growers Association of Australia asks a parliamentarian to provide a letter of support to ban the introduction into Australia of a GM product, particularly Liberty Link 62, it sets off alarm bells. They know the consequences and they do not want it introduced.

It is unfortunate that we are considering lifting the moratorium on genetically modified products that has been in place since 2003. Not enough research has been undertaken on the impact of GM products and the concerns of growers have not been met. Obviously, supporters of genetically modified products believe production opportunities will improve and less spraying will be required with Roundup Ready canola. The concerns of the general public and other farmers regarding crop contamination must ultimately be dealt with. We are making a rash decision to lift this moratorium: it is early days and we have a long way to go with proper research on the effects of GM products. Manufacturers of genetically modified grain varieties should meet the concerns of farmers and the public. The rice industry is resisting the introduction of a particular GM product. If the industry has concerns, we all should have concerns.

**Mr RUSSELL TURNER** (Orange) [11.10 a.m.]: I speak briefly on the lifting of the moratorium on genetically modified foods, particularly genetically modified canola. Debate on this issue has been lengthy. Different organisations and individuals have forwarded emails pleading to keep the moratorium in place. One email asked that the moratorium remain until 2013; another email asked that the bans be kept in place until more research is undertaken and guarantees are in place. Many people would never be satisfied with any bans or a lifting of the moratorium; yet others believe they have the right to grow genetically modified crops providing safeguards are in place. Some people believe they will miss out on opportunities for increased production and less spraying of crops; yet others say the bans must remain as otherwise we will lose valuable export markets.

Genetically modified cotton has existed for a number of years. Some people believe that GM cotton is acceptable because we do not eat cotton. However, in effect many people consume cottonseed oil when they buy fish and chips from shops and restaurants that cook food in cottonseed oil. People inadvertently are consuming genetically modified oil without knowing it. As a poultry farmer I used to import soya bean meal from the United States. I was not aware at the time but have since found out that the meal contained genetically modified soya beans. The soya bean meal went into the poultry ration mix and I then sold the eggs on the open market through supermarkets, corner stores and everywhere else. My customers were not aware of the presence of genetically modified soya beans in the eggs from my chickens.

In 2003 when the moratorium was put in place the Coalition was lobbied strongly by chemical companies. I attended a number of meetings and seminars in Orange, particularly a large meeting at Cudal, just outside Orange. I remember talking to Monsanto representatives here at Parliament House and to members from both sides. There was much confusion and misinformation about GM products in 2003 and that same confusion and misinformation remains. At that time we were told that roughly 50 per cent of Canadian farmers grew

genetically modified canola and 50 per cent grew conventional canola. We were told that most of those canola products were blended together and then distributed locally or exported. I am told now that up to 70 per cent of Canadian canola is genetically modified. I do not know whether that is accurate, but Canadian farmers certainly have the choice to grow genetically modified canola or the traditional crop.

New South Wales farmers should have the opportunity to decide whether to grow genetically modified crops. We have all benefited from genetically modified plants. For example, nurseries now sell roses, petunias or whatever with twice as many flowers. They are available at double their original size and in miniature form. We are all happy to plant them in our garden, but we do not eat them. Woolworths, Coles and other supermarket chains have said they will not purchase genetically modified food products because their customers do not wish to purchase them. I believe those supermarkets inadvertently are selling genetically modified food through other products imported to Australia that may have been cooked in genetically modified cooking oil. People are consuming genetically modified food inadvertently. If the general public perception and mood changed, Coles, Woolworths and other supermarkets probably would modify their approach to GM products.

We have heard what can and cannot happen with cross-pollination and how far the wind can carry pollen. GM supporters say the pollen can travel only a few metres; the anti-GM lobby says the pollen can be carried for kilometres. We have heard also how far bees may or may not be able to carry pollen from genetically modified crops. We are told also that food can still be classified as GM free provided contamination is less than 1 per cent. Those who are pro-GM say that it is acceptable for GM and non-GM products to grow alongside each other in paddocks with the specified number of metres between the crops.

Organic growers have threatened to commence a class action against those growing genetically modified food or the company selling the seed if the moratorium is lifted. We do not know whether that action will eventuate. The potential impact of GM products on the biofuel industry has been aired. Once the moratorium is lifted and people become more aware of the benefits of extracting the biofuel content from sugarcane, canola and other products, research into those products will be specifically targeted for the biofuel industry. The ability to extract the biofuel content from products will double once confidence is improved and growers can see a market. The growers are there to make a profit and if they can see an opportunity to enhance their profits I am sure they will go down that path.

The House also heard about the contamination of headers and how it is going to take 48 hours to clean a header. I do not think that is the case in most instances. In certain areas you will have contractors that will advertise to harvest only GM-free canola and others will say they are in the business of harvesting genetically modified canola or whatever the product may be. The farmers and the contractors will make that decision. Members must remember that a lot—and I suspect the majority—of farmers have their own harvesters so they can decide for themselves as to which way they go. The bill will give farmers the opportunity to make a business decision as to whether they grow genetically modified crops or not.

We are told of the huge increase in the world's population and how we must produce more food. This is one way that we can produce more food and enhance export opportunities. There is no real evidence that at this time we are getting a premium for our GM-free canola. Owing to the disastrous drought over the past few years we have had so little GM-free canola produced that we have probably used the vast majority of it within Australia and have even looked at importing some. That potential has yet to eventuate and we do not know whether that is a real issue or not. We have enormous potential here in Australia to increase our production through better seed and plants and better knowledge of how to grow more drought-resistant crops.

I believe better safeguards can be put in place but it is up to the industry how to support the safeguards and protect their businesses. I note that the farmers of New South Wales have had a change of heart and are now supporting a lifting of the moratorium. We do not believe everything that the Bayers and the Monsantos of the world tell us. Bayer and Monsanto are in the commercial market and seek to make a profit by increasing the percentage of the market served by them. We also have to be very careful to remember that everything the anti-GM lobby says is not correct either.

I believe the lifting of the moratorium here in New South Wales will bring New South Wales into line with the other States. It will give the farmers a choice. The debate is a long way from being over but we are going in the right direction at this stage. We must put safeguards in place to ensure that the restrictions and bans that may go with this moratorium are enforced as much as possible, but it is usually the farmers that go out of their way to work around the bans. Farmers are in business and are there to survive. I am sure the New South Wales farmers will keep an eye on things and organisations against genetically modified produce, such as the Organic Growers, will maintain their campaign.

I am hopeful that eventually we will see some sensibility come into the whole issue. I am confident that overall farmers will benefit from their ability to use products such as Roundup-free canola. Once a market is established you will find other companies will invest in the production of better quality seed to help our farmers to compete with overseas competitors and enhance their export opportunities, as well as protecting the home market. If our farmers are not competitive and cannot compete with imports, they will go out of business or go into something else. I believe the lifting of the ban in New South Wales will be to the overall future benefit of our farmers.

**Mr GERARD MARTIN** (Bathurst) [11.24 a.m.]: Whilst my contribution to this debate will not be a long one, I place on record a number of things that concern me about GM technology. I believe the approach being taken in New South Wales is reasonable and sensible. I disagree with the member for Orange in saying we are falling into line with other States. It is my understanding that we are not heading down the same path as Victoria and Queensland, which basically haven an open slather policy, but we are still waiting for South Australia to make up its mind. It is important to get the message across that there is a difference in what New South Wales is doing in relation to the moratorium and the setting up of an expert panel.

The Office of the Gene Technology Regulator is the guardian of human health and the environment. As the member for Ballina said earlier, a lot of people are very cautious about the long-term health impacts of genetically modified product. History is littered with cases of certain products, not necessarily food products, that are seen to be good without any scientific backup, and generations later dreadful catastrophes have resulted. It is significant that we are discussing this issue on the day of Bernie Banton's funeral. It was not so long ago that asbestos was not seen to be a problem. We have a much more rigorous and scientific approach to health today but you cannot blame people for being confused. We have been bombarded with all sorts of information on the issue. It is an issue that people seem to polarise on very early.

I have read as much as I can on the issue and I have tried to be subjective about it. I note that the book entitled *Genetic Roulette* by Jeffrey Smith, which we all received a copy of, is very much against genetic modification. A lot of what is said in the book is qualified by "maybe" and "could be", which makes it difficult for lay people to decide how serious the issue is. Patrick Gerin, a retired highly qualified agricultural scientist from Ireland who now lives in my electorate, is passionately against genetically modified food. Patrick goes into fairly long and involved discussions and reasons. It is difficult as a layman to get your head around all he says.

The New South Wales Minister has adopted a studied and cautious approach. This is an issue on which you are damned if you do and damned if you do not. I appreciate that amendments have been moved, which I would support, particularly in relation to contamination of surrounding farms. This will open up a whole new area of litigation for a new breed of lawyers in the future. That certainly is a minefield but what do you do in that case? Even though the New South Wales farmers have come on board in accepting genetic modification, particularly in the case of canola, there are many farmers that for their own reasons do not want to do it. The farming community is still pretty much divided on this issue and there will still be disputes in some areas. There was talk about having certain regions declared available for genetically modified crops but it is difficult to decide on the boundaries and there would be arguments about people being inside or outside the boundaries.

Given all the information that is available, we must concentrate on the science associated with the issue and the impact of genetically modified food on human health. Certainly the Monsantos of this world are not the people to be driving and leading the debate. Restrictions on commercial activities must be maintained because organisations such as Monsanto and chemical companies are motivated by profit. Strict regulation must be applied to the activities of such companies. I hope that will be the effect of legislation passed in New South Wales. Having placed my comments on the record of this House, I will be watching the developments associated with this legislation with great caution. It is obvious that we must move forward. I think we have adopted a sensible approach.

**Mrs JUDY HOPWOOD** (Hornsby) [11.30 a.m.]: My contribution to the debate on the Gene Technology (GM Crop Moratorium) Amendment Bill 2007 will be brief. This is a bill for an Act to amend the Gene Technology (GM Crop Moratorium) Act 2003 to make further provision with respect to cultivation in New South Wales of licensed GM food plants and to extend the operation of that Act, as well as to amend the Gene Technology (New South Wales) Act 2003 with respect to the application of Commonwealth gene technology laws in this State. The bill aims to postpone the expiry of the principal Act from 3 March 2008 to 1 July 2011, restate the objects of the principal Act, and replace provisions of the principal Act relating to the making of moratorium orders to prohibit the cultivation of GM food plants with a blanket moratorium on the commercial cultivation of genetically modified food plants, except as permitted under the principal Act.

The bill also aims to establish a scheme for approving a GM food plant or class of GM food plant for commercial cultivation in New South Wales, but only if a genetically modified organism licence is enforced under the Commonwealth Act which authorises dealings of the kind necessary for the commercial cultivation of the GM food plant, or GM food plants of that class, and the industry or sector of the industry that deals with the GM food plant or class of GM food plants meets defined criteria. The bill also aims to establish an expert committee to provide advice on whether industries or sectors of the industry are meeting defined criteria. It also makes various transitional and other provisions. The contribution I wish to make to the debate centres around the ethics of growing GM crops. Pros and cons have been discussed over a number of years relating to the use of GM crops.

I note that a number of issues have been raised and I will not deal with those in great detail. However, I will address some ethical considerations. The main issues in the debate have been the cross-contamination of crops, liability for contamination by a GM crop of a non-GM crop, marketing advantage, and the safety and toxicology aspects of genetically modified food. In 1997 I completed a masters degree in bioethics. To qualify for the degree I examined many bioethical decisions relating to new medications that were to be released onto the market and decisions made from an ethical perspective. My dissertation centred on the use of diethylstilbestrol—a synthetic oestrogen created in 1939. Even though diethylstilbestrol is a medication, the basic ethical principles associated with the use of diethylstilbestrol relate to this debate because we really need to consider the impact of decisions being made now on future generations in the context of unintended consequences.

Pharmaceutical companies produced diethylstilbestrol in great quantities after World War II. Initially it was prescribed for women who had miscarriages or who had threatened miscarriages, but its use soon extended to pregnant women to make their normal pregnancies more normal. It was produced by approximately 15 different drug companies and in hundreds of different preparations, combining vitamins, et cetera. Women who had diethylstilbestrol prescribed by their doctors may or may not have realised that they were being prescribed oestrogen during their pregnancy. The unintended consequences of administering oestrogen are quite wide ranging and long term. One might say that women already have oestrogen in their bodies, but this was synthetic oestrogen that was administered in high doses.

Effects on unborn children were dramatic and still are very dramatic. Many men and women in childbearing years still are affected by the diethylstilbestrol prescribed for and ingested by their mothers, either with or without their knowledge, during pregnancy. The effect of diethylstilbestrol cannot be seen, unlike the effects of thalidomide, and relate largely to its effect on reproductive organs. In little girls, uteruses developed a T-shape, the cervix could become incompetent and there were numerous cases of endometriosis and other abnormalities. In addition, a rare form of vaginal and cervical cancer was identified in premenopausal women, although not previously identified, and is known as clear cell carcinoma. The effect of synthetic oestrogen having transferred across the placenta into the baby were not known for many years—until the daughters of the women who had had diethylstilbestrol prescribed came to childbearing age and discovered they had all sorts of difficulties maintaining a pregnancy of their own.

The effect on male children included undescended testes, infertility and incorrectly placed urethras along the shaft of the penis instead of at the tip of the penis. I recall that during my nursing career in the mid 1970s many little boys had to undergo a three or four stage operation to correct that condition. Looking back, I assumed that it was perhaps because, on advice, their mothers could have inadvertently taken high doses of oestrogen during their pregnancy and probably with all the right intentions on the part of the medical staff. My message about the adoption of genetically altered crops is to approach the changes with caution. Rachel Carson's book, *Silent Spring*, and a subsequent book, *Our Stolen Future*, point out that all legislators should bear in mind unintended consequences associated with decisions to alter nature.

I also note that not only were the daughters and sons of women who were administered diethylstilbestrol experiencing problems, but their children in turn also have had problems. Although it is still not proved that high doses of oestrogen alter genetic structure, it is suspected that it has caused third generation problems. While I appreciate the pros and cons that have been discussed during debate and I accept that we must move forward—I am not a doomsayer—we should also bear in mind that consequences may be suffered as a result of altering nature. For example, after eradication of the use of DDT, we might be putting insecticides into food crops, thereby ingesting pesticides. I hold grave fears about any unintended consequences arising from that.

**Ms KATRINA HODGKINSON** (Burrinjuck) [11.38 a.m.]: Following the successful passing of the Gene Technology (GM Crop Moratorium) Amendment Bill 2007 through the Legislative Council, I will not

oppose it. The Minister for Agriculture, Ian Macdonald, MLC, endorsed the amendments drafted by the shadow Minister for Agriculture, Mr Andrew Fraser. The purpose of the bill is to amend the Gene Technology (GM Crop Moratorium) Act 2003 with respect to cultivation in New South Wales of licensed genetically modified food plants and to amend the Gene Technology (New South Wales) Act 2003 with respect to the application of Commonwealth gene technology laws in this State and for other purposes.

Genetically modified crops have been available since 1995, and we have seen the proliferation of these crops following their adoption in North America and South America. The four major GM crops are corn, cotton, canola and soya bean. Australia is a major grower of cotton and canola. Canola is grown in my electorate of Burrinjuck and in the central west and southern part of New South Wales. To date, only five licences for the commercial release of GM plants have been granted in Australia. As the shadow Minister for Primary Industries said earlier, these licences have been for two varieties of cotton and two varieties of carnations and in July 2003 one variety of canola. In 2001 33 per cent of Australia's cotton crop was genetically modified. That represents the maximum amount permitted by the regulations.

I have consulted widely on this matter within my local community in Burrinjuck because it greatly affects farmers at the coalface. They are the ones who are growing the crops that are feeding the nation. They need stability and reliability to be able to grow the crops. As members know, over the past six to seven years we have had the most terrible drought, which has resulted in massive financial losses for our farming community. It has resulted in fire sales of farms and all sorts of social implications, on top of the financial implications that would be expected during a downturn in production. Many arguments have been put for the introduction of genetically modified crops. I also recognise that many arguments have been put against.

I have tried to weigh up both sides, as have been reflected to me by people in my electorate through surveys I have conducted, a general call for submissions by me through my local media and a personal approach to several interest groups within my electorate. The response has been interesting, with views for and against being on a level par. There are as many people in my electorate for GM crops as there are against. People in the north and west of my electorate tend to be pro-GM. Those areas contain more broadscale cropping and the farmers produce the crops that will be impacted by this bill. Further to the east, where acreages are generally smaller, people are more anti-GM. The people who are not involved in the production of this crop tend to be more hesitant about embracing GM technology. I imagine that would be a typical scenario in many rural electorates.

As I have said, there are arguments for and against. Genetically modified food in Australia must be labelled as genetically modified where novel DNA and/or novel protein is present in the final food. Up to 1 per cent of GM material may be allowed in the final food before it has to be labelled as GM modified. There are several international agreements and barriers affecting the trade of GM foods. There are no distinct international standards for genetically modified organisms. Countries are assessing their risks on an individual basis and applying a variety of measures. Rules that require labelling of GM products are being put in place in an ever-increasing number of countries. Most of the important grain-importing markets now have mandatory labelling regimes, including the European Union, China, the Republic of Korea and Japan. The nature of those labelling regimes differs significantly between countries.

As to the aims of the bill, the bill postpones the expiry of the principal Act from 3 March 2008 to 21 July 2011; replaces the provisions of the principal Act relating to the making of moratorium orders to prohibit the cultivation of GM food plants with a blanket moratorium on the commercial cultivation of genetically modified food plants, except as permitted under the principal Act; establishes a scheme for approving a GM food plant or class of GM food plant for commercial cultivation in New South Wales but only if a genetically modified organism licence is in force under the Commonwealth Act which authorises dealings of the kind necessary for the commercial cultivation of the GM food plant or GM food plants of that class, and the industry or sector of the industry that deals with the GM food plant or class of GM food plants meets the defined criteria; establishes an expert committee to provide advice on whether industries or sectors of industry are meeting defined criteria; and makes various transitional provisions.

The amendments that were moved in the Legislative Council last night relate to the liability of the adventitious spread of GM crops. The Government has given assurances that the expert committee will include representatives from the Network of Concerned Farmers, the Grain Harvesters Association and a consumer advocate group. The addition of these representatives will enhance the expert committee. One of the key arguments for the introduction of this legislation, which I believe is on the mind of every member on this side of the House, is that if the moratorium lapses and this legislation is not in force GM technology will be

unsupervised. Many people from both the pro- and anti-GM sides believe this legislation is important for that reason alone. The legislation allows for supervision by an expert advisory committee.

As I said, GM technology will be unsupervised if the legislation is not passed and the moratorium lapses. That is a very good argument for this piece of legislation. Further, the introduction of GM canola will result in increased production levels and will be environmentally friendly, as it removes atrazine and triazone. Both those chemicals are banned or due to be banned in Europe and America. It will also enable the development of drought-resistant crops. As I said before, the electorate of Burrinjuck has been severely impacted by the drought. There will be a decrease in production costs due to less chemical use and less water use. So we will have more reliable cropping.

On the anti-GM side, there is concern about cross-contamination of neighbours' crops and a fear of GM crops becoming weeds. That is a real fear. It has also been said that a decrease in market access worldwide for Australian GM-free crops will occur due to concerns as to whether our crops are truly GM free. Several interest groups have put that argument to me. Further, harvesters are unable to remove canola from machines, therefore increasing the opportunity for contamination. The Hon. Rick Colless spoke eloquently in the upper House on this issue. There are also issues of liability from neighbouring farmers and the inability of non-GM farmers to claim that GM-free crops are contaminated. That argument is also a matter of great concern. I recognise all the arguments for and against GM crops. The Minister for Primary Industries in a letter to the member for Coffs Harbour states:

Finally, I make the point that if the Bill is defeated the Gene Technology (GM Crop Moratorium) Act 2003 will expire on 3 March 2008 and the current moratorium orders on GM canola will lapse. That is, if the Bill is defeated, from 4 March 2008 GM canola varieties that have been approved for commercial cultivation by the Commonwealth Office of the Gene Technology Regulator will be able to be planted in New South Wales.

That statement highlights the point I raised earlier about the importance of passing this legislation today. I have consulted widely within my electorate about this legislation since its introduction last Thursday. I have been amazed at the amount of responses that have come to my office. I will refer to a few of them so that members understand the broad-ranging concerns. Tracie Matthews from "Gobbadah", Jerrybing Lane, Young, states:

I write to you in response to the lifting of the GM moratorium in NSW. I was delighted to hear this great news. I am a canola grower and have been for 26 years. I am constantly annoyed by previous bans on GM. Australia has been left behind by the world in agriculture. Even developing countries have seen 55% increases in farm income due to GM crops. I have been involved in many executive positions in local committees, the Ag Bureau Grenfell, CWA Evening Branch Grenfell, Henry Lawson High School P & C, NSW Farmers District Council, conference delegate for many years. (Our motion passed at Annual Conference in favour of GM crops.)

I am astounded by the talk of Climate Change, greenhouse emissions, etc. etc. But in 2005 globally due to GM crops pesticide usage was reduced by 224 million kgs and carbon emissions reduced by 9 billion kgs CO<sub>2</sub> release—equivalent to 4 million cars being taken off the road. This is a serious reduction in greenhouse gases. The talk of EU being anti-GM is false. Insect resistant maize is grown in France, Spain, Portugal, Germany, Cz, Slov, Romania—65,000 hectares 2006, 100,000 hectares 2007. Only 15% of soy consumed in EU is non-GM. Globally 1996-2005 overseas farmers received an extra \$27 billion in farm income due to Gm. Australian farmers have missed out.

I have been to many meetings of grower groups and Agriculture Body groups discussing this and have found that the majority of farmers and consumers when they have had the scientific information placed before them agree that we should have access to GM and are amazed that the minority of anti GM spokespersons have been merely scaremongering, and 'political' and not truthful and scientific.

As I said, there are strong views on both sides of the argument. I am simply quoting from one of the strongly pro-GM letters that I have received. Ms Matthews recommends that I do further research in support of GM. She continues:

We have been farming to lessen the environmental impact for many years and the introduction of GM crops would enhance our options of rotation of crops and chemicals with flexibility and convenience, facilitation of no till practices, cleaner crops, less chemicals, herbicides, pesticides, less damage in follow up crops.

I can't emphasise the importance this has in agriculture today and the future so the sooner GM crops are made available the better. The scientific research has been done, the Regulatory Body has ticked it okay, overseas has been large-scale for 10 or more years. So we need it now.

Thanks for your interest  
Best of luck with it.

*[Extension of time agreed to.]*

She then adds, "Don't forget farmers are consumers as well." I received a response from Tony Morrison who is involved with New South Wales Farmers at Breadalbane. He said:

I agree with the idea of genetically modified canola for insect resistance but not for herbicide resistance.

I received a response from Bruce Wilkinson, who is the former Chairman of the Young Branch of New South Wales Farmers. He contacted the current chairman, Nick Cobcroft, who is away at present, to gauge his views also. Mr Wilkinson commented:

... while we agree with the sentiments of the bill, and agree that there are some benefits in the release of GM crops, in relation to increased production, health benefits, environmental advantages and other possible benefits, we still are concerned that release at this stage is premature. Our major concerns include the fact that canola is not terribly fussy who it pollinates with, which could lead to certain weed populations that may become unkillable, and increased reliance on single selective herbicides then increases that herbicide's susceptibility to resistance, and could also lead to exploitation by manufacturers, or licensees, in regard to pricing of that product. We have also been told that seed cost will increase dramatically.

From the above you could deduce that we are currently not in favour of the Bill.

I received a letter from Andrew Nixon, who is the Chair of Crookwell District Council New South Wales Farmers. He wrote:

50/50 split among few members spoken to. As we don't do a lot of cropping, difficult to evaluate. I guess proceed with caution.

I received a response from Philip Shoemark, the Chairman of the Braidwood Branch of New South Wales Farmers, who agrees with the bill. He asks, "Why argue with 70% of the market?" I received a letter from Mrs B. Martin of Yass, who writes that she is opposed to the GM bill. She says:

I am very concerned about the planned ending of the 4 yr moratorium on genetically modified canola crops in Australia. Like most people I'm not in a position to research let alone understand all that's involved in this. I feel sorry for the farmers in their plight of trying to maintain integrity and survive against the multi national push, helped along by the scientific and Govt agencies who, from where I sit, don't seem to be looking at the long term effects for all concerned.

She also refers me to additional reading and further information, particularly that compiled by Elaine Hollingsworth. She continues:

I am an Indigenous Australian, mother of 4 people. I would like for them to have a better quality of life than what GE crops will allow them to experience.

I also received correspondence from David Booth of Buronga Organics. Many members will have received the same letter. He writes:

GM is the product of technology and the profit will be controlled by a commercial company.

Science and History has proven that we are what we eat. Genetic mutations in plants and animals can be terminated, how will we deal with the implication in the human gene pool in future generations?

Consumers demand a choice and regulation and food labelling must be adhered to.

Mr Booth also makes some comments about companies, including Goodman Fielder, that support GM-free products. He goes on to express his concern about the integrity of GM produce, and writes:

An international report just at hand estimates that by 2010 Australia will have 5% of the world organic export market worth \$1.2 Billion, with a move from domestic supply to a focus on the export demand.

"GM technology will not be part of this."

He concludes by saying:

Long term we want to remain at Cootamundra but would not rule out re-locating our family and enterprise to a GM free state should this technology get out of control.

We feel the silent majority support a GM free food supply.

Thank you  
Yours sincerely  
David Booth

I also received many other letters. Maree McKay made a quite extensive response to the bill. She writes:

The canola industry wants access to GM canola varieties. Realistically, we do not expect that there will be any other GM crops ready for commercial release in the next three years ...



We believe that GM canola would become available for trials and commercial crops (although seed is limited) to farmers in 2008 if the "Gene Technology (GM Crop Moratorium) Amendment Bill 2007" was passed. Any amendment to the bill to change the liability for adventitious presence of GM canola will remove any chance that farmers in NSW have access to GM canola.

I received correspondence from Scott Kinnear of the Biological Farmers of Australia Co-op Limited. I also thank Sean Flanery from the New South Wales Farmers Association for his extensive submission to me detailing why the association supports the legislation. We will all have to form a view about this significant issue. This is just the beginning of the debate about genetically modified cropping. While this bill is clearly in the best interests of the people of New South Wales, I recognise that future bills will impact more on consumers. We will need to consider the views of those who will have to consume GM products, and discuss issues such as allergies and so on. But that is not relevant to the debate on this bill. I will curtail my comments, and thank the House for its attention. The Nationals will not oppose the bill.

**Mr KEVIN HUMPHRIES** (Barwon) [11.57 a.m.]: I congratulate all those who were involved in drafting the Gene Technology (GM Crop Moratorium) Amendment Bill, including the members on this side of the House who suggested amendments. I support the bill for a number of reasons. The first is because we need to back evidence-based science in decision making. We must gather strong evidence and rely on good science. I believe the scientific approach adopted in this bill is healthy. There has been wide consultation, which will benefit not only farmers but the wider community. I believe very much in the precautionary principle when developing new technology. New South Wales is heading in the right direction. I do not support open slather on genetic modification in agriculture. An expert panel has considered the issues surrounding genetically modified products, and I believe it is correct in lifting the moratorium on two varieties of GM canola, which will be grown commercially in New South Wales.

The regulatory system gives an overarching role to the Office of the Gene Technology Regulator. While the Federal Government is responsible for gene technology and for overseeing its correct implementation and testing to ensure that it satisfies not only growers but also consumers—which is extremely important—the State plays an important regulatory role in implementing the technology. The fact that that expert committee has been broadened out is a healthy sign. To not have those regulatory support mechanisms in place the way the other States have done, particularly Queensland and Victoria, and possibly South Australia, is a mistake. Ultimately, growers and consumers of these products need choice. Growers need confidence that governments will back what they are putting out in the marketplace.

I liken this debate to other discussions in this place about several issues, including stem cell research and its extension, embryonic stem cell research, which the House overwhelmingly supported. Another example of similar discussion would be a comparison of leaded fuel to unleaded fuel. We know that one fuel is a better than the other, we are gradually moving towards that use, and we know there will be benefits for all people in exploring that technology. I believe that if there are better and more productive ways of doing things that benefit the common good, and the common good and the rewards are shared, then we should go that way.

I believe that taking on board the amendments and introducing two varieties of commercially grown canola will prove beneficial and will reinforce what has already occurred in agriculture. Barwon electorate has large areas of agricultural production; currently it has the largest area of genetically grown product in the form of Bt cotton and that has been highly successful. Going back eight years, the yield per hectare of cotton was roughly between five and six bales and it would take five or six megalitres of water to grow that crop—a megalitre being about an Olympic swimming pool of water. Today, with the introduction of genetically modified cotton crops, growers produce more than double that with roughly the same amount of water. The use of pesticides has also changed. I remember being in a paddock that had been sprayed at least 14 times during the season. Today those paddocks are lucky to be sprayed three or four times.

It is not only a more efficient way of doing things and achieving a greater yield, it is a far more ecologically sustainable way of farming. If we can do things a better way—and the member for Burrinjuck alluded to the whole carbon footprint and the saving in greenhouse gas emissions, which all farmers take seriously today, both from an environmental perspective and a cost perspective—and if we can produce more product with less input, that is a far better and more responsible way to go.

In my experience of canola marketing, the seed was crushed. There is still a crushing plant in Moree, but due to the drought that plant has closed down. Hopefully it will be reinvigorated after the current rain when the impending season starts to take shape. Certainly, the demand for canola will only increase. Demand is very much driven by the global market, and the area I represent supplies probably as much to the global market as it does to the domestic market, if not more. The demand for canola will increase significantly, as has happened in

places like Canada, which had up to 30 per cent increases in yield after taking on board genetically modified canola. Countries like Canada are feeding an insatiable biofuel market, particularly in Europe, and that demand is only going to grow.

The global increase in demand is having an impact on our growers because considerable areas of wheat in Canada and the United States are being replanted with genetically modified corn and also canola in Canada. That market is predicted to grow. One of the ways that we can be more sustainable economically and environmentally is to grow more product on equivalent or less acreage, so that our footprint is contained. To say that Europe is free from genetically modified agricultural product is simply not true. The European and Asian markets and, indeed, the world market are flooded with genetically modified product.

One advantage enjoyed by Europe and the more distinct markets is their very strong emphasis on labelling and supply chain management, including storage and separation. Agriculture will continue to evolve that way in this country, and we are very bullish about its prospects. I think there are significant opportunities in agriculture. Genetically modified crops such as canola will enable growers to meet the needs of the global market, assisted by supply chain management, labelling and product integrity, and the tracing of products from paddock to plate. Those factors are very important because at the end of the day, whether you support genetically modified crops and foods or not, it will all come down to choice. Choice will be based on traceability, reliability and confidence in the system.

I support the amendment because it identifies and acknowledged all those issues. The premiums from agriculture and markets emerge from supply chain management, product identification and labelling, and vertical integration from farm gate to where the product ends up at the end of the day, whether in a fuel tank or on a plate. People want choice. I accept the fact that in my electorate, whilst there was overwhelming support for the amendment, people still have concerns, and I respect that. But I believe that the integrity of Australia's growing and maturing supply chain management system should alleviate those concerns.

Another issue is cross-contamination on the farm. I believe that some areas will specialise in genetically modified canola growing and other areas will be available for farmers who choose not to grow genetically modified crops. I think the contamination issue will tend to work itself out, as most farmers have found in the past. I believe the real debate about gene technology and genetically modified food will emerge in the next 12 months to two years, as commercial opportunities for wheat, a staple in our food chain, come online. In the meantime, I believe the market will work itself out. There is an enormous opportunity for farmers in this State to meet the needs of the world market, driven by demand. I believe that if we keep in place the regulatory regimes that this bill intends to put in place we will be heading in the right direction.

The member for Burrinjuck said that if we do not approve this amendment we would be supporting a potential lifting of all restrictions in this State on the commercialisation of genetically modified crops. In terms of the precautionary principle I think that is too big a step. I will read again a paragraph in the letter from the Minister for Primary Industries to the shadow Minister. The Minister stated:

Finally, I make the point that if the Bill is defeated the Gene Technology (GM Crops Moratorium) Act 2003 will expire on 3 March 2008 and the current moratorium orders on GM canola will lapse. That is, if the Bill is defeated, from 4 March 2008 GM canola varieties that have been approved for commercial cultivation by the Commonwealth Office of the Gene Technology Regulator will be able to be planted in New South Wales.

That development should be monitored because it is a step towards growing more genetically modified crops that will end up in the food chain, and it is not correct to say that has not happened already. The blending of genetically modified crops has been occurring quite extensively around the world. [*Extension of time agreed to.*]

The Government is putting in place a regulatory regime, in consultation with industry and stakeholders, which needs to be supported and monitored very closely. The philosophy versus science debate has been assisted by the scientific background to the bill and its integral regulation, and will be resolved when this House passes the bill.

**Mr PETER DRAPER** (Tamworth) [12.10 p.m.]: GM technology in foods is relatively new, and I believe that a great deal of precaution can be justified. We have heard much about how good it will be for our farmers, yet in America we have also heard that 94 per cent of the financial benefits that flowed from genetically modified canola went to GM seed and chemical companies, not to farmers, for the first five years. The days of trust and uncritical belief in science delivering unqualified good to the community are long gone. I have not come to this debate as a recent contributor. I have spoken on the issue of GM food crops since my

election to this place in 2003, and I have constantly and strongly supported the technology in non-food crops such as cotton. The benefits of reduced chemical application and pesticides are clear but the big difference is simple—we do not eat cotton.

I have received a great deal of support for my stance in opposing this bill from the local community and have fielded many telephone calls from constituents as recently as this morning. Whilst people are not irrational about this debate, they are rightfully sceptical about GM food technology, and there is a credible body of evidence to justify their scepticism. Some of the evidence I have read indicates that GM may have the unintended consequence of producing allergic effects and spreading on the wind and with the assistance of insects including bees. Ian Armstrong, the former Leader of the National Party, spoke in this place on GM technology in June 2003. Mr Armstrong stated:

I have intimate knowledge of this problem. I have grown canola for 18 of the past 20 years. Indeed, I lease one cottage on my property to a family with a 12-year-old son. He was 10 the last time we grew canola, two years ago. He has an allergy to a number of plants, particularly in the spring and summer time. He was well over a kilometre away from our last two crops, yet he was in a very bad way and had to be treated medically. He had to be kept inside and was the subject of all sorts of precautions for about a fortnight when those crops reached their peak in the last two seasons. He was a kilometre, or 1,000 metres, away, not five metres away. It is nonsense to talk about pollen drifting for only five metres. Has any member actually seen a light canola crop on a hot, windy day? One need only look at the fence posts: if there is a wind blowing from the west one will soon see how far the canola pollen will blow. When growing canola it is desirable to have bee hives because cross-pollination is a most advantageous way of improving yield. Bees and pollen are part of the process. The pollen from canola can travel up to 1,000 metres. I will vouch for that, as will the doctor who treats the boy who lives on my property. Let us get some of those myths out of the way. Those of us who grow crops do a couple of things with them. First, the crops must be harvested ...

The New South Wales Harvesters Association and the National Harvesters Association are vehemently and totally opposed to genetically modified crops. Why? Because they say they cannot guarantee the cleanliness of their machines after harvesting normal non-GM crops unless they effectively dismantle the machines. Honourable members might not believe that, but I guess they do not have to; they probably think that the harvesters are all telling porkies. Let us have a look at what happened three, four, five or six years ago when we started to import quite a lot of second-hand canola machinery fronts from Canada ...

Those second-hand canola fronts had to be banned because they could not get the grease out of the bearings on the machines and they could not get them clean enough to guarantee that they were not bringing in [GM] impurities. If those imported canola fronts were banned because they could not be properly cleaned, how will they be cleaned if they are being moved from neighbour to neighbour, with one neighbour growing non-GM product and the other neighbour growing GM product? How will the products be kept separate? We cannot do it.

I totally agree with that point. There is quite stark evidence from overseas—in Canada and America—that justifies the stance of the former honourable member for Lachlan. That contrasts rather starkly with the views of the member for Coffs Harbour who said earlier today that contract harvesters would be able to choose between operating in GM canola exclusively or non-GM canola. Our market is quite limited, and our distances are substantial, and I do not think that operators will have the luxury of being able to do that. The member for Orange also made similar remarks on the same issue. In 2003 the member for Wagga Wagga contributed to the previous debate when he said:

I have very serious concern about the management of GM products and GM crops. I am concerned that a farmer growing GM products next door to a farmer who grows crops without the use of fertilisers, sprays, et cetera, or crops that are sold to a particular market, may impinge on that farmer's right to do so. In other words, the GM-free crop is infected by the GM crop.

I think some companies were not open and up-front with the information they have. I also challenge the scientists who have conducted and regulated the trials to present the relevant results.

However, I remain unconvinced that the companies have complete control of germination, and fears persist that adjoining crops might be contaminated. I reiterate that while I do not oppose advancing and developing the crops we grow at present, I am concerned that we do not have complete control of this new GM technology.

Having listened to the debate this morning it seems that the member for Wagga Wagga has had a dramatic reversal in thinking, which is most certainly the right of all members of Parliament when they are presented with new information. Like most people, I have read widely on this topic prior to contributing to the debate. But I have to question the reliability and validity of this new information upon which many people are basing their stances. Glenn Inglis, former general manager of Parry Shire Council, who is now general manager of Tamworth Regional Council, was quite vocal in his opposition to GM crops. He described the guidelines for the approval of GM food crops in Australia as a joke, and I tend to agree with that sentiment. He said:

The Commonwealth Gene Technology Regulator was only required to take into account the health impact on humans and other species and the impact on the environment. This means social and economic risks do not come into the decision. Even if you can show that the release of a GM crop will destroy the markets of other food crops or adjoining farming operations will be devastated by it, it makes no difference. It's a fundamental flaw in the assessment process.

Australia risks its clean green image and its marketing advantage. Once again Ian Armstrong got it right in my opinion when he stated:

Let us suppose we have the canola, we have a curtilage frontier, the pollen has not drifted, and we have brought in a harvester who is happy to harvest the crop. We have spent a lot of money; we have spent probably between \$100 to \$160 an acre on producing canola. To get that money back we must sell the canola to someone. Who will we sell it to? Will we sell it to Sanitarium? No. Will we sell it to ICM? No. Will we sell it to any of the Japanese companies involved with feed lots? No. ... I am not prepared to stand by and sacrifice existing markets until someone with a cheque book, but preferably cash, can produce for me a letter which states that they will buy the canola. One of the first axioms in any marketing exercise is to look after one's customers. One does not divorce oneself from one's customers because other customers may be over the hill, in the next town or the next country. That is absolute marketing madness.

Australia has two things going for it. The first is its geographical isolation, we are keeping ourselves out of the disease belt very effectively, and the other is that we are extremely reliable historically in looking after markets and guaranteeing our product.

If we cannot guarantee the quality of our product, and if we abandon some of our major purchasers, we are most certainly jeopardising the future of our farming industry. The introduction of GM crop technology in Australia has the potential to open a Pandora's box of litigation, and as legislators we have a responsibility to ensure the protection of all players. It appears that the push to lift the ban on GM crops is mainly coming from those with a commercial interest in the use of the technology. Multinational companies are prepared to invest whatever it takes to have their products accepted. At the same time, both Federal and State governments have large amounts at stake with public funding invested in research and development. Obviously these authorities would like to pull back from funding these organisations and encourage commercial operators to fill the rolls. We must remember that these operators have vested interests and the investment is made with certain outcomes in mind.

It is of concern that the federally controlled CSIRO has in place strategic partnerships with big players, Monsanto and Beyer. State governments also have plant-breeding programs in place with financial ramifications through patents, not to mention obligations under national competition policy. Combine this with the concerted efforts by the United States government to lift trade barriers surrounding GM crops and it is not hard to see powerful interests at work with desired outcomes that may not necessarily be in the best interests of the nation. More worrying is that, considering these forces at work, despite the recent State moratorium on the commercial use of GM crop foods, there still have not been any independent trials that have shown agronomic benefits, and countries like the United States and Canada that continue to face GM contamination are losing export revenue and seeing increased litigation. A recent *Land* poll showed that 26 per cent of farmers wanted GM crops compared to 20 per cent undecided and over 50 per cent against.

We have heard varying reports claiming unproven benefits, including increased yield and drought tolerance, yet the message is not getting through as clearly that there are additional costs in seed prices and chemicals, and of course the fact that many markets are completely rejecting GM crops. One report indicates that Australia exports on average 1.3 million tonnes of canola seed per annum. We are at the moment receiving a price bonus of around \$60 a tonne over the Canadian technology. In this scenario, doing the maths, you can see that we could expect to reduce our income by about \$80 million per year based on current figures.

Most worrying about that is that the penalty would cost GM farmers about \$16 million while non-GM farmers would bear the brunt of the remaining \$65 million reduction. There are wider ramifications, including contamination of other grain crops, like wheat, barley and stock feed, which could cause other market contractions. We already have a situation where farmers sign declarations guaranteeing their stock have not consumed GM material, their grain is not genetically modified, and in the honey industry the yield has not been obtained within five kilometres of a GM crop. General GM usage will make it very difficult for these people to survive in the current markets.

We need to seriously consider the arguments put forward by organisations like the Organic Federation of Australia, the Network of Concerned Farmers and the Australian Grain Harvesters Association. Even the National Farmers' Federation stated that one of the greatest uncertainties surrounding commercial uptake of new GM varieties relates to the distribution of liability through the supply chain and the willingness of insurance companies to provide coverage for modified crops or enterprises growing such varieties.

Many overseas governments are examining the need for special legislation to deal with legal liability risks through the introduction or use of GM crops. It only makes sense to extend our current moratorium for a further five years so that we can examine the legal perspectives more fully, but also to allow for more information on economic impacts to markets, environmental and health impacts, and, very importantly, to protect our clean green image on world markets. We need to do it before the horse bolts. As stated in a parliamentary library briefing paper on genetically modified crops in New South Wales, there is not enough

conclusive proof that gene technology is safe and there is no guarantee that scientists will not discover problems at a later stage with genetically modified food currently deemed to be safe.

Back in 2005 I came across some research that reported standard canola crops in New South Wales had become contaminated with GM material. In September 2005 it was widely reported that, despite the moratorium in place at the time, GM canola crops have been growing in New South Wales. Varieties contaminated with GM genes were identified and they were destroyed at nine canola trial sites run by the Department of Primary Industries. I questioned at the time how that occurred when a moratorium was in place and I asked the Minister to consider taking action against the breaches. Nothing came through. The contamination was cited as possibly originating from seeds being wrongly labelled or mixed, or from cross-pollination. Further contamination of canola trials with GM material was detected in crops right across the nation, with the Grains Research and Development Corporation confirming contamination of two lines of conventional canola at some 33 trial sites. This appears to be a very promiscuous crop and there are very serious concerns about the possibility of cross-contamination with weeds in the future.

On Monday this week I had a former CSIRO scientist knock on the door of my electorate office and introduce himself. He had been invited to publish papers on genetically modified crops from the 1980s and the 1990s. He has spoken across the world on this issue, and he came to tell me that I was on exactly the right track, I was right to express concerns. He is a former acting director of the Department of Primary Industries I believe and he referred to a veil of secrecy being put forward by the major chemical companies that will benefit from this technology. Every single time I have spoken on this issue previously I have been absolutely inundated with phone calls and emails, I have boxes of literature that have arrived in my office unsolicited from chemical companies, and yet there has been no clear justification for their stance.

I heard earlier the member for Barwon say that the real debate about food technology may go on for 12 months. I have a feeling that this debate will go on for decades, and unless we act very cautiously the long-term ramifications of genetically modified crops may be something that concerns future generations of Australians for a long time to come.

**Mr ANDREW CONSTANCE** (Bega) [12.25 p.m.]: I have to be honest and say that I am not as learned as some members in relation to this issue, but I do share some serious concerns about genetically modified crops. A lot of that concern stems from constituents in the electorate of Bega, particularly some dairy farmers who have expressed concern about this issue and a number of other people who have written to me about it. Like some members in this place, I do remain opposed to the situation at this stage until we see trials commence, but I do not see that as reason to oppose the legislation because of the regulatory framework that the legislation puts in place. I think that it would be somewhat irresponsible to allow the principal Act to lapse as at 3 March 2008 and to not have regulatory framework in place.

Basically the Gene Technology (GM Crop Moratorium) Amendment Bill postpones the expiry of the principal Act from 3 March 2008 to 1 July 2011. It restates the objects of the principal Act and replaces the provisions of the principal Act relating to the making of moratorium orders to prohibit the cultivation of GM food plants with a blanket moratorium on the commercial cultivation of genetically modified food plants except as permitted under the principal Act. It establishes a scheme for approving a GM food plant or a class of GM food plant for commercial cultivation in New South Wales, but only if the genetically modified organism licence is in force under the Commonwealth Act, which authorises dealings of the kind necessary for commercial cultivation of a GM food plant or class of GM food plant, and the industry or sector of the industry that deals with the GM food plant or class of GM food plant meets defined criteria. It establishes an expert committee to provide advice on whether industries or sectors of industry are meeting the defined criteria and makes various transitional and consequential provisions that are relevant.

During debate many arguments have been put forward and many arguments against. I remain concerned. I still remain very uncomfortable in relation to this issue. Economics should not drive this process and certainly some of the correspondence that I have had from people within the electorate of Bega have indicated that. Liz Shelley wrote to the Premier and said in her correspondence that economics alone is no reason to open up the GM shop in this country. In fact it could have a disastrous effect on our economy. She cites her experience in Europe, having lived there for a number of years, and the demand of consumers in relation to the availability of GM-free and organic produce. That said, I am not unlike anybody else in this place who has eaten fish and chips cooked in cottonseed oil in the past 12 months, which is not to say that we do not have that form of genetic modification already in place.

I think that there are a number of issues that stem from this debate and it is important that the moratorium continue; hence my support of the legislation. There are several reasons, but I think the first and most important reason for the moratorium to continue is that for which it was first put in place: so that New South Wales could trial proper segregation of genetically modified crops to provide a protocol for harvesters; to find out whether genetically modified crops could be grown safely and what the market situation would be for them.

These trials did not occur and obviously the drought had an impact. More work needs to be done and this legislation is designed to put a framework in place. The Liberal-Nationals Coalition has indicated its position on this legislation, but that does not preclude me as an individual member and the member for Bega from having strong views about GM crops. One can never say never; we live in a changing environment. Advances in biotechnology will ensure ongoing debate about these issues and the introduction of GM wheat will trigger further discussion. I have presented some of the concerns raised by dairy farmers in the Bega Valley. The industry has indicated more broadly that it supports this legislation, but farmers are appropriately raising issues of concern about trials and the like. It is important to support this legislation and to maintain the regulatory framework and moratorium while recognising the ongoing concerns expressed by the wider community, particularly consumers and some members of our farming community.

**Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [12.32 p.m.], in reply: I thank the members for Coffs Harbour, Mount Druitt, Wagga Wagga, Ballina, Murray-Darling, Orange, Bathurst, Hornsby, Burrinjuck, Barwon, Tamworth and Bega for contributing to the debate. The Gene Technology (GM Crop Moratorium) Amendment Bill extends the operation of the gene technology GM crop moratorium until 1 July 2011, and makes a number of other significant amendments. Many members have highlighted the fact that without this bill the moratorium would expire and that that would leave New South Wales without a legislative program in the same way that Victoria has decided to remove its moratorium. I welcome the fact that most of the members who have spoken have agreed that this bill is a better approach to this issue than that taken by the Victorians.

This bill repeals the moratorium order process and replaces it with a blanket moratorium and a scheme for approving the cultivation of GM food crops in New South Wales. GM food crops will be able to be grown in New South Wales only if the Commonwealth has granted a licence for commercial cultivation and the GM crop is approved for commercial cultivation under the amended New South Wales Act. To obtain approval, the relevant industry or industry sector must establish that it meets certain criteria that address market requirements. The bill provides for the establishment of an independent expert committee that will operate at arm's length from government. The committee will comprise experts from industry and the scientific community. The Minister will also have the power to appoint other people to the committee who have appropriate expertise, qualifications or experience. Several members mentioned negotiations to ensure that harvesters are represented on the committee. I understand that the Australian Grain Harvesters Association will be represented.

I thank the member for Coffs Harbour and Opposition spokesman for his thoughtful consideration of this Bill and the way he has worked with the Minister and his officers. He indicated that the Coalition would not oppose the legislation and said that it is far superior to the Victorian approach of allowing its legislation to lapse. He welcomed the Government's amendment dealing with the reasons for decisions being made publicly available. I commend him on his negotiations with the Minister's officers in the drafting of an amendment about advantageous spread of GM crops and protecting neighbouring farmers from any resulting legal liability. The member for Coffs Harbour was very generous in his thanks to the Minister's officers and the work they have done on this legislation. I join him in congratulating the Minister's staff for the work they have done. The member for Coffs Harbour also mentioned segregation and working to ensure that harvesters are represented on the expert committee. A number of other members mentioned that issue and the importance of ensuring segregation of the product.

The member for Mount Druitt provided the history of the original moratorium implemented in 2003 and political management of this issue. He pointed out the need to use the available science to improve production of food to help to feed the world's population, which has grown so rapidly in the past 40 or so years. That is a relevant point in this debate. The member for Wagga Wagga talked about his involvement with his community on this issue. He, like many other members and as members have acknowledged, has had representations from both sides of the argument. We have all experienced that. The member also pointed out that many of the trials have occurred in the Wagga Wagga region, which has put his electorate in the spotlight. He said that ongoing research and development is important. I was interested to note that he also said that his office has not received any reports of cross-contamination from farmers in the trial areas. That is an important point. The member also mentioned segregation of the product after harvest.

The member for Ballina stated his views in opposition to GM food crops. We all respect the right of those who have an opposing position to hold that position. The member for Murray-Darling talked about an issue raised by rice producers in his region. That should be dealt with by the Office of the Gene Technology Regulator, which will decide whether a GM product is safe for human consumption in Australia. The member for Orange talked about the need for farmers to have choices about the products they grow. Of course, that is what this legislation is all about.

I welcome the contributions of the member for Bathurst and the member for Hornsby. The member for Burrinjuck highlighted the contributions of her constituents and the fact canola is an important crop in the area. The member for Barwon talked about the need for evidence-based science in decision making. That is obviously very important, particularly with regard to the expert committee and the reason for its establishment. The member for Tamworth reiterated his opposition to GM technology. He mentioned a few issues that I suspect could be argued, but I will not deal with them all today. He talked about how consumers and markets do not want to buy food that contains genetically modified material.

A number of members made the point that consumers and markets have that choice. As the member for Coffs Harbour said, if Coles decides it is not going to buy anything containing genetically modified material, farmers will not grow it because they will not be able to sell it; they will grow other products. That should be noted. The member for Bega mentioned issues raised by dairy farmers in the Bega Valley. Some of those people have spoken to me about this issue over the years. Interestingly, genetically modified clover may be developed. That might be of benefit to the dairy industry and dairy farmers may welcome it, but it is some way off.

Strong views on both sides of the argument have been raised with me in my role as the member for Monaro. I am sure that all members have experienced that. Issues such as this generate strong views on both sides of the argument. The Government has taken a cautious approach to this issue by extending the moratorium and ensuring that the Federal process guarantees safety and that the expert committee monitors the implementation of proper precautions against the spread of genetically modified plants or unforeseen circumstances. The New South Wales Farmers Association also supports this legislation. After significant debate about the bill, the association concluded that this legislation would be good for agriculture in New South Wales. The association's farmers have thought carefully about that position; they have taken both sides of the argument.

The bill will provide certainty for investors in the research and development of new genetically modified products. Importantly, it will maintain a mechanism to protect Australia's non-genetically modified export grain markets—a number of people have raised concern about that. The benefits to the New South Wales grains industry and the New South Wales economy are potentially significant. The bill needs to be supported, and I commend it to the House.

**Question—That this bill be now agreed to in principle—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**

#### **Passing of the Bill**

**Bill declared passed and returned to the Legislative Council without amendment.**

### **CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL 2007**

#### **Agreement in Principle**

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [12.41 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now agreed to in principle.

The bill was introduced in the other place on 28 November 2007 and the second reading speech appears at pages 44 and 45 of the *Hansard* proof for that day. The bill is in the same form as introduced in the other place, and I commend the bill to the House.

**Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a later hour.**

## **CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL 2007**

### **Agreement in Principle**

**Debate resumed from an earlier hour.**

**Mr GREG SMITH** (Epping) [12.42 p.m.]: I am privileged to represent the Opposition in debate on the Crimes (Administration of Sentences) Amendment Bill 2007. The Opposition does not oppose the bill, which amends the Crimes (Administration of Sentences) Act 1999 to clarify the provisions relating to the appointment and functions of compliance and monitoring officers; to enable the commissioner to authorise persons who are not correctional officers to exercise specified correctional officer functions; to provide that an offender who is taken into custody while on release on parole, otherwise than following revocation of parole, does not become eligible for further parole until 12 months after he or she is taken into custody; to make further provision with respect of money that is held on behalf of offenders held in full-time imprisonment; to make provision of a minor, consequential or ancillary nature; to make further provision of a savings or transitional nature; to amend the Crimes (Administration of Sentences) Regulation to enable an exempt person, such as a member of Parliament, or an exempt body to ask the commissioner not to forward to them any mail from specified offenders; to enable an offender under a community service order to be tested for drugs and alcohol while in attendance to perform community service work; and to make provision of a minor, consequential or ancillary nature. It also makes a consequential amendment to the Crimes (Serious Sex Offenders) Act 2006.

The bill makes certain changes with respect to inmates in correctional centres and the management of such centres. At present, money held by the Department of Corrective Services on a prisoner's behalf is pooled and the interest accrued from that pool is used by the department for what are claimed by the Minister to be items for the benefit of visitors and inmates. The Government is making changes to ensure that this relationship is not to be interpreted as one of trust and preclude ordinary trust obligations with respect to the Department of Corrective Services holding money on behalf of inmates, and thereby limit any breach of trust action. I will return to that aspect a little later. The Government is also making changes to parole eligibility dates so that, if an offender is arrested and admitted into custody while on parole, any time served until the parole order is formally revoked is counted towards the 12-month wait before parole can be reconsidered.

The bill also allows offenders on community service orders to be tested for alcohol and drug use by probation and parole officers in order to enforce the conditions of their order. Under this bill, the powers of compliance and monitoring officers will be broadened. At present these officers are confined to full-time inmates on external leave, periodic detainees, home detainees and offenders under community service orders. This bill will enable these officers to monitor parolees, offenders subject to an extended supervision order or an interim extended supervision order, and offenders subject to good behaviour bonds. They will also be able to use as much force as is reasonably necessary in their function.

Another provision of the bill allows parliamentarians and other exempted persons and bodies to request from the commissioner that mail from a particular offender not be sent to them. The bill will also allow the commissioner to authorise any person to exercise the functions, duties and responsibilities of a correctional officer. I have received correspondence from Lara Daley, the coordinator of the Justice Action Group, concerning this bill. In her email dated 4 December 2007 she said:

This Bill is of great concern to Justice Action on a number of issues, however I would like to draw your attention to the following.

Firstly the new provision 76A regarding inmate's money attacks fundamental rights of ownership, trust, and encouragement to prepare for release and to become financially responsible for self and family.

To not be able to accumulate interest on personal wages and money is detrimental to prisoner rehabilitation. Although corrective services currently has financial control over inmate's funds this does not legitimate the department doing with it whatever they please with it. Not allowing interest to go to prisoners directly encourages prisoners to either spend their money or send it out to family or friends where they may lose control of their savings. Prisoners earn very little, however they should be encouraged to save, be aware of their savings and learn about the proper management of funds and the stability it can bring. A small income of \$20/week over 50 weeks becomes \$1000 and earning interest can be a good incentive to save. This will go much further to ensure successful reintegration of prisoners into the community upon release and to lower levels of recidivism.

Another point of concern is that of the amendment of the principal Regulation so as to "enable an exempt person (such as a member of Parliament) or exempt body (such as the Ombudsman, the Judicial Commission or the Anti-Discrimination Board) to



ask the Commissioner not to forward them any mail from specified offenders". This amendment is appalling. It is already an offence for any inmate to send threatening or offensive material from a correctional centre. To prevent communication between prisoners and the very bodies and persons whose role it is to hold corrective services to account is a curtailment of prisoner rights.

I would also like to draw your attention to the provision "to enable the Commissioner to authorise persons who are not correctional officers to exercise specified official functions". Correctional officers perform functions, which require specialised training. To allow any person nominated by the Commissioner to perform such functions is both irresponsible and quite frankly incomprehensible.

She then sought my support. Having examined the debate in the upper House, I note Greens member Ms Sylvia Hale moved several amendments which were unsuccessful. One of those dealt with the interest on money held on behalf of prisoners. In response to that the Attorney General said:

The first thing that needs to be acknowledged is that money that comes into inmates' accounts comes from multiple sources. It comes not only from earnings; it can come from money that is given to inmates by visitors, money transferred from other bank accounts, welfare payments, and so on. There is approximately \$2.4 million in inmates' accounts in total. The reality is that if that money were to be separately invested on behalf of each individual inmate it would attract virtually no interest whatsoever. The only reason the money attracts interest is that it is part of a bulk sum.

I do not know that that fully answers the complaint but maybe relatives and family members could hold money on behalf of prisoners if the family wants to give them gifts or they legitimately come into money that they wish to save on behalf of the prisoner. It seems anomalous that they do not get any interest for their money. I wonder whether the Government would consider some other proposal. Even if the money is pooled, it does not mean that the prisoners themselves should not get some benefit from it. We are always interested in rehabilitating prisoners and giving them incentives to work, and in my opinion it seems the Justice Action people have a reasonable point in suggesting it might take away the incentive to work if they are not getting some interest out of it. Nevertheless, the amounts the prisoners are paid are very small. In a sense, they are getting on-the-job training in areas where they often have not had training before and that often gives a prisoner a much wider scope of employment once he or she is released. It also takes away the boredom of just sitting in jail and the offensiveness that Rodney Adler referred to yesterday. I suppose it was a bigger drop for him than most.

With respect to the arguments in favour of the bill, it appears that the changes are in line with community expectations that any monetary benefit that prisoners may have are contained and that they should not profit from such holdings. We have heard of former Ministers of the governing party making French clocks or some sort of antique clocks at Berrima. It was alleged he was returning \$100 each clock and charging \$200. I do not know whether that is right, but I remember reading it. Other prisoners in our institutions have invested in the stock exchange and others have invested in drug importation and they have been brought to book for that after they have been discovered. I think the community is right to be sceptical, that prisoners should not profit from their holdings, that they are there not only to be rehabilitated but also to be punished and as a deterrent for other people tempted to commit crime.

The changes with respect to monitoring of offenders and extending the monitoring powers for those on community service orders are beneficial for enforcing orders and providing safety for the community. Changes to allow any person to be vested with the powers of a correctional service officer arguably will provide greater flexibility in the workplace, as will changes to section 235G (1). The restriction on communication by inmates where requested by exempted bodies and persons appear to be beneficial in stopping threatening and abusive communication.

There are some arguments against the bill that perhaps I should put on the record. Changes to allow correctional officer functions to be carried out by persons other than correctional officers could allow the Government to further outsource corrective services functions. Such moves are concerning when considering the recent allegations against the commissioner in respect of the appointment of people within the department. That investigation does not yet seem to have been concluded and, surprisingly, the commissioner has not been asked to step aside, unlike the Minister for Climate Change, Environment and Water.

Changes to the functions of departmental compliance and monitoring officers under section 235G (1) are also of concern as the commissioner may now appoint "any member of staff of the Department ... as a compliance and monitoring officer". Whether a tea lady, a typist, or a cleaner or some person in a clerical-type position is suitable to be appointed as a compliance and monitoring officer is open to doubt. Such changes may mean that people without the proper training for the job are appointed and that people may be forced to take on more responsibilities than are reasonably necessary. As to restrictions with respect to the communication by prisoners, while stating that it may be that communication has been threatening in the past, there is no requirement for this to be the case.

Such restrictions could be exploited and abused, leading to inmates being denied the right to communicate with respect to their treatment in prison to the appropriate bodies and people. I do not think that is a terribly convincing argument but the argument has been mentioned during discussion. Some prisoners harass members of Parliament and other people, and threaten them and their lawyers, particularly if they have had some reasonable disagreement. They often face an enormous barrage of abuse. Nevertheless, prisoners who behave normally are entitled to communicate with members of Parliament and those other exempt bodies mentioned and with their lawyers, provided they show the respect that is shown to them. The Opposition does not oppose this legislation.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [12.57 p.m.], in reply: I thank the member for Epping for his considered response to this bill. The bill is introduced to improve the administration of sentences and the management of correctional centres. It includes amendments relating to inmates' money; the date upon which an inmate becomes eligible for parole; drug and alcohol testing of offenders under a community service order; the appointment and functions of compliance and monitoring officers; stop orders on forwarding mail to exempt persons and exempt bodies; the powers of the commissioner; and minor, consequential and ancillary matters. The bill is about providing greater monitoring of offenders in our community. It will allow better supervision of offenders and their adherence to the necessary behavioural changes that will reduce the risk of their reoffending. It will mean a safer community for all of us.

The provisions within the bill, for example, enable probation and parole officers to test offenders under community service orders for drugs and alcohol. In addition, the bill will ensure the protection of exempt persons or bodies from continually abusive or threatening correspondence. The provisions relating to parole are logical steps to an even fairer system. The bill also provides for the continuing use of the interest derived from pooled inmates' money for the improvement of amenities for visitors to correctional centres. It is principally aimed at improving the safety and security of the people of New South Wales.

In relation to some of the matters raised by the member for Epping, it is significant that the bill allows probation and parole staff to drug test community service offenders. For example, in 2006-07, a total of 5,568 offenders were subject to community service orders. The monthly average of community service orders supervised by the Department of Corrective Services was 4,318. In 2006-07 80 per cent of community service orders were successfully completed and that resulted in millions of dollars worth of work for the community by offenders for the more than 1,000 non-profit organisations that provide work opportunities. People serving community service orders undertake a range of work from cleaning waterways and beaches to working with the elderly and people with disabilities. Whilst the Department of Corrective Services compliance and monitoring officers are authorised to conduct random and targeted alcohol and drug testing of offenders serving community service orders, allowing probation and parole officers to also perform that function would further strengthen an already robust scheme.

In relation to making money, it is important to realise how the Department of Corrective Services currently manages inmates' money. With the exception of the Junee Correctional Centre, which is privately operated, all correctional centres manage inmates' money with a trust account and payroll system. Since that system was implemented in 2003 the Department of Corrective Services has had a policy of placing an upper limit of \$100 on all deposits. The system allows the department to track who has deposited money into an inmate's account, and the amount. Inmates receive money from a variety of sources, including money in their possession when they first entered custody, earnings from work conducted within the correctional centre, earnings from day leave employment, money given to inmates from visitors, money transferred from an inmate's bank accounts and other welfare payments that are payable upon release, such as rental assistance from Centrelink.

It is important to acknowledge the concerns of Justice Action, as raised by the member for Epping. There is no change to the existing practice of managing inmates' money. If the money was not pooled, obviously there would be far less interest. The two best examples of the use of that interest are the provision of equipment for children and for amenities, such as an air conditioner in visitor areas. Often those children are the children of inmates. The process of using interest from pooled inmates' money is a bidding process. Once a year the needs of correctional centres are considered. The commissioner makes decisions on those bids based on recommendations from the deputy commissioner of offender management and operations. Other examples of items purchased in that way are shade cloth and support posts for inmate yards, and material to build seats and benches in visitor areas.

It is quite clear that the interest, once pooled from the inmates' funds, is used to benefit the prisoners. It is also used to benefit and make more comfortable the amenities of visitors, particularly children. Of course,

children visiting a correctional centre can be difficult. Providing them with suitable facilities such as air-conditioning and equipment on which to play is obviously in their best interests when visiting their parents or other inmates. The bill seeks to improve the safety and security of the people of New South Wales. It provides for greater monitoring of offenders in our community and it leads to a better and fairer system for inmates. I commend the bill to the House.

**Question—That this bill be now agreed to in principle—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**

### **Passing of the Bill**

**Bill returned to the Legislative Council without amendment.**

## **WORLD YOUTH DAY AMENDMENT BILL 2007**

### **Agreement in Principle**

**Debate resumed from 28 November 2007.**

**Mr MIKE BAIRD** (Manly) [1.03 p.m.]: I represent the Opposition on the World Youth Day Amendment Bill 2007. I am very pleased that Sydney is hosting World Youth Day 2008, unlike the many grumps in the community who were not pleased about the Asia Pacific Economic Co-operation conference. It is fantastic to have Sydney at the heart of big, world-class events, and by any stretch of the imagination World Youth Day is one of the biggest, most influential events held in the world, and it is certainly for the youth of today. It is a fantastic addition to the Sydney landscape. Members of the Opposition look forward to it very much. World Youth Day is organised by the Catholic Church. It is not just an event; it also unites young people from around the world. I look forward to young people from diverse countries, cultures and backgrounds coming to Sydney next July. I know that the member for Epping will have a few words to say about the experience of his sons in similar events in other cultures.

As shadow Minister for Youth Affairs I am very proud of this event. The Opposition will work very closely with the Government to ensure that the event succeeds for the betterment of youth not only in Sydney and New South Wales but, indeed, global youth as they transcend to Sydney. Hosting 500,000 young people is an enormous task, and the Opposition certainly understands the need to ensure that measures are in place to ensure the smooth running of the event. However, I will point out a couple of concerns. I am a little uncomfortable with the weight of power prescribed to the Government in the bill. I am particularly concerned with the impact on private bus operators, who have voiced their concerns to me quite strongly.

The bill expands the powers of the World Youth Day Co-ordination Authority, which was established in January 2007 under the World Youth Day Act 2006. The authority was formed with an initial focus on transport and traffic coordination. The bill seeks to do three things. The first is extending the powers of the World Youth Day Co-ordination Authority to direct other government agencies in the running of the event, such as the State Emergency Service in assisting with crowd control. The service is very happy to be involved and we should pay tribute to it not only for the work it does in times of emergency, but also for its willingness to give time to events for the betterment of Sydney.

Second, the bill suggests similar restrictions to control advertising near the site and air spaces as were successfully put in place for the Sydney Olympic Games. Third, the bill provides for the use of Randwick racecourse for the event and for authorised people and organisations to access the site. I will refer later to a couple of concerns of the racing industry. Overall, the intent of the bill seems reasonable. Some powers and resources need to be allocated to ensure that an event of this magnitude is brought to fruition. That is a complicated task. I know that many people within the Government are working hard and long to make sure that World Youth Day is successful.

I turn now to the concerns of the bus industry. The elements of the bill relating to bus services are heavy handed. The bus industry has earned huge respect, it is integral to Sydney on a daily basis and its concerns need to be listened to. The bill proposes that the Director General of the Ministry for Transport be

given the authority to direct private bus operators as he deems necessary in relation to this event. That is the premise that we are dealing with. The director general has been given the authority to determine the price for such services. It is a twofold authority.

The Bus and Coach Association has been in regular dialogue with the Ministry of Transport and World Youth Day officials to arrange additional transport services for World Youth Day. The association was very confident that negotiations were progressing well and that the planning and delivery of additional services, in accordance with the requirements specified, would be efficient and would provide value for money. Yet the Bus and Coach Association was not aware that the bill had been introduced into the House until we consulted it. I find that surprising. The Government had been working very closely with an organisation that is integral to the event, and I would have thought it a logical step to consult with the key stakeholders. The association was shocked not only to learn that the bill had been introduced but also of its contents. Although there had been dialogue between the association and the Government, that is the message that it provided to me.

At the outset I should say that the Bus and Coach Association is strongly supportive of World Youth Day and is keen to promote the benefits of public transport. However, it is uncomfortable with the weight of authority given to the Government in coordinating bus services. The Executor Director of the Bus and Coach Association, Darryl Mellish, stated:

The World Youth Day and Amendment Bill gives the Director-General unfettered power to override existing contracts and require provision of services at the DG's direction at rates determined by the DG. There is no balance of acting reasonably or on normal commercial terms.

The concept should be that the rates must be reasonable and on normal commercial terms. I am sure that commonsense will prevail, but it is hard not to feel the angst of the Bus and Coach Association when it negotiates in good faith and a bill is introduced that provides that whatever happens in the negotiations, the Government will adopt whatever terms it wishes. The association has raised a fair point. Darryl Mellish further stated:

The Association considers that the best way to achieve the most effective transport results for World Youth Day is to work in partnership with the transport providers and not to dictate what they will do and what they'll be paid.

That point has been covered. The association believes that bus operators should be paid hourly rather than on a per kilometre basis. Mr Mellish said:

This event does not lend itself to a kilometre rate as time delays are expected.

As a number of people will be jammed into the city and as a large number of people will travel, on that key day in particular, time delays are a logical expectation. Indeed, no person could expect anything else. Therefore, payment on an hourly rate is a reasonable request. It is a shame that the Minister for Transport, who is responsible for World Youth Day and seems to be much happier about it than the Asia Pacific Economic Co-operation conference, found it necessary to introduce legislation rather than taking a commercial position. Peter V'Landys, the Chief Executive of Racing New South Wales, is broadly supportive of the bill. However, he, too, has found that the outcome of his negotiations with the Government do not align with the content of the bill. He is pleased with the outcome of a meeting on 14 November, but he wants the tenets of that meeting to be reflected in the bill rather than the reserve powers.

From discussions with the Minister's office I understand that these are reserve powers. If, in rare and exceptional circumstances, action must be taken to execute an event of this magnitude one needs to move quickly, almost without reference. It is a significant responsibility and should not be undertaken without the engagement and understanding of key stakeholders. To do otherwise sends the wrong message about working with government. We must work in partnership if we are to gain the trust of the private sector and the community. The standing principle of government should be to negotiate, not to dictate. The bill sends a message to the Bus and Coach Association and to Racing New South Wales that the Government is happy to negotiate but ultimately it will dictate if the negotiations do not go its way.

During the Asia Pacific Economic Co-operation conference a number of people visited my electorate office concerned about police powers. Heightened security was necessary during that event to ensure the safety of world leaders and participants. However, government should not try to bestow unfettered powers and access across the realms of any event. Government must consult with key stakeholders and produce outcomes in line with community expectations. I pay tribute to the local organising community. World Youth Day is a huge event and people are working 24 hours a day to make it successful. The Opposition wishes well all church

representatives, State and Federal members of Parliament, including the Leader of the Opposition, who is on the committee, business people, and youth and community representatives in their preparations over the next eight months.

Finally, I call on the Government to work in genuine partnership with all stakeholders. Despite the fact that we do not oppose the bill, we have some strong reservations about it and would like commonsense to prevail. We ask the Government to work with the Bus and Coach Association to achieve an outcome that secures the event, takes on board the association's concerns and acknowledges its significance role and contribution towards making this event a success. The racing industry has also played a key role and its concern should be acknowledged. I call for the tenets of the 14 November meeting to be reflected in the commercial arrangements that are negotiated. The bill contains significant powers and we want those to be reserve powers of the highest order. The challenge is for the event to take place without the need to use those reserve powers.

**Ms VIRGINIA JUDGE** (Strathfield—Parliamentary Secretary) [1.15 p.m.]: I support the World Youth Day Amendment Bill 2007. So far much of the attention concerning World Youth Day has been around the overnight vigil at Randwick and the Final Mass to be conducted by the Holy Father, and rightly so. It will be an enormous event, one of the single largest gatherings in Australia's history, with over 500,000 expected to attend both Randwick racecourse and Centennial Parklands. The bill will facilitate the use of Randwick racecourse for World Youth Day events. The bill makes it clear that the Australian Jockey Club, its chairman and committee are authorised to use, or permit the use of, Randwick racecourse for World Youth Day and to enter into agreements with the State of New South Wales for the use of Randwick racecourse.

The bill will allow the Minister to give the authority, and persons authorised by the authority, the right to enter Randwick racecourse and to carry out works there for the purposes of World Youth Day. Regulations will help the Government set up a Randwick Racecourse Project Steering Committee to assist the authority in its planning and management role for the use of Randwick racecourse. The committee may include representatives of various stakeholders. However, there is much more to the event than happenings at Randwick, and there are many more facets to this amendment to the World Youth Day Act.

For each event—and there will be many across Sydney during the week—there will be careful planning in transport, health and logistics. Much of this planning will be done by the World Youth Day Co-ordination Authority, the agency set up by the New South Wales Government to manage arrangements for World Youth Day. They are working closely with the company set up by the Sydney Archdiocese, WYD 08, for the purposes of this event to pull these large and logistically challenging exercises together. We need to have contingencies in place to manage the health of people attending the events if there is inclement weather. There will need to be an enormous number of volunteers coordinated to assist in directing people to get around the city—remembering, of course, that many of the expected 120,000 international visitors will be non-English speakers.

This amendment will allow State Emergency Service and Rural Fire Service volunteers to be used in the same way as they have been used during other major events in relation to helping direct people, managing crowds and generally assisting visitors to find their way around the city during the week. We need to ensure that we have sufficient transport capacity to move people to and from the places they need to go during this very important week. That is a massive task in itself. Aside from all of that, the security operation for the week is also an important task.

While very different to the APEC-style arrangements we saw last year, this is also an important event in terms of security. The New South Wales Police Force is taking the matter extremely seriously, with the formation of the World Youth Day Security Command, which will work alongside the World Youth Day Co-ordination Authority. These measures will facilitate the co-ordination of World Youth Day and ensure that tight benchmarks are met in preparing for the event, and in the clean-up and restoration of the site afterwards. The bill will also improve the Government's ability to plan, manage and coordinate government services to support World Youth Day.

I refer now to the concerns that were raised earlier by the member for Manly. One of his concerns related to bus operators, so what I have to say might help to alleviate that concern. On each day of the World Youth Day program it is anticipated that visitors will travel from their accommodation to one of several locations for morning teaching sessions that will conclude around the middle of the day, travel to new locations following the conclusion of the morning sessions in the Sydney central business district to participate in set activities, travel to new locations at the conclusion of afternoon activities for evening activities and travel from the location of the evening activities to their places of accommodation.

Given the amount of travel expected to various activities, some supplementary transport services will be needed and a significant portion of those services will be required to be provided by bus. It is preferred that such services be provided as an adjunct to existing timetabled services. The provisions of the relevant bus service contracts do not vest in the Director General of the Ministry of Transport a contractual power to require a bus operator to provide additional services that are, by their nature, supplementary to regular passenger services, but are intended to operate for the duration of one week only to support World Youth Day activities. It is hoped that it will not be necessary for the director general to compel bus operators to provide the services and that agreement will be reached. This power is necessary to ensure that the Government is able to meet its commitment in relation to public transport for this important and significant event.

The member for Manly referred also to the access agreement for Randwick racecourse. I am advised that the New South Wales Government has reached heads of agreement with the Australian Jockey Club on the use of Randwick racecourse and it is anticipated that detailed access agreements will be finalised shortly. The vigil and papal mass, events to which the Government is committed, will go ahead at Randwick racecourse as it is the most suitable venue for the hundreds of thousands of people who are likely to attend. In the meantime, planning and preparations for the use of Randwick racecourse will proceed. If it becomes necessary, the bill will enable the Minister to authorise persons to enter the site and carry out works to prepare it for the World Youth Day events, to attend the event and to restore Randwick racecourse afterwards in time for the 2008 spring racing carnival. I hope that that addresses the concerns raised by the member for Manly. I commend the bill to the House.

**Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a later hour.**

*[Assistant-Speaker (Ms Alison Megarrity) left the chair at 1.23 p.m. The House resumed at 2.15 p.m.]*

#### **DISTINGUISHED VISITORS**

**The SPEAKER:** I acknowledge the presence in the public gallery of Mr Brynle Williams, AM, member of the National Assembly for Wales. I have just had a brief opportunity to meet him. I welcome him to the New South Wales Parliament.

#### **BUSINESS OF THE HOUSE**

##### **Notices of Motions**

**General Business Notice of Motion (General Notice), to be the subject of a motion to reorder, given.**

#### **QUESTION TIME**

---

#### **DEPARTMENT OF COMMUNITY SERVICES CHILD PROTECTION**

**Mr BARRY O'FARRELL:** My question is directed to the Minister for Community Services. With another baby dead, confirmation of the family's contact with two State agencies, and repeated criticism from the Ombudsman about problems with interagency cooperation, will the Minister now agree to establish a royal commission into the Department of Community Services, or do more children have to die?

**Mr KEVIN GREENE:** I share the community's concern about the safety and wellbeing of our children, and I agree that we must do more to protect them. That is why I have initiated the special commission of inquiry into child protection. Commissioner James Wood asked for the legal powers of a special commission. He will have the power to call witnesses, call for submissions, and hold public hearings. They are matters for him to decide. Mr Wood's work is underway. I understand he has pulled together a team to assist him in his work. I am advised he has sought detailed briefings from my department to get an understanding of the child protection system from its perspective. Mr Wood is the man who got to the bottom of police corruption in New South Wales.

**The SPEAKER:** Order! The Leader of the Opposition and the member for Bathurst will cease interjecting. The Minister has the call.

**Mr KEVIN GREENE:** We have asked Mr Wood to determine what changes should be made to the child protection system to cope with the growing demand. I have every confidence that he is the best man for the job. In fact, the Leader of the Opposition agrees. He told Leon Delaney on radio 2SM last week, "I think that Justice Wood is the right person."

**The SPEAKER:** Order! The question has been asked and the Minister is answering it.

**Mr KEVIN GREENE:** This is not a witch-hunt. It is not about apportioning blame for past failures. It is not about judging the decisions of people working in the system. It is about strengthening our child protection system. It is about making sure that the system supports caseworkers in their incredibly difficult job. It is also about offering the best protection we can to the children of this State. Two of the peak groups representing child welfare agencies, the Association of Children's Welfare Agencies and the New South Wales Council of Social Services, recently wrote a joint letter to me on this issue, which said, in part:

The Association of Children's Welfare Agencies [ACWA] and the New South Wales Council of Social Services [NCOSS] welcome the ministerial commission into child protection if it can be made transparent, meaningful and not unduly divert energy and resources from the business of protecting and caring for children. We are not calling for a royal commission as we think it would add considerably to the cost without significant benefit.

**The SPEAKER:** The Leader of the Opposition will stop interjecting.

**Mr KEVIN GREENE:** The Opposition Leader has no plans for child protection beyond his call for a royal commission. When asked last week about his plans for the Department of Community Services if he became Premier, he repeated his call for a royal commission and then changed the subject. The Opposition Leader has no other plans for child protection, community services, early intervention, or family support. He cannot even explain why a royal commission will do anything more than the independent special commission of inquiry will do. The special commission is independent and headed by an eminent expert. Justice Wood's report will be made public and will guide the future direction of the New South Wales child protection system.

### KYOTO PROTOCOL

**Mr DAVID HARRIS:** My question without notice is to the Premier. What is the State Government's response to the Prime Minister's decision to ratify the Kyoto Protocol?

**Mr MORRIS IEMMA:** One could hear the collective cheer, "Hear! Hear!" internationally, on this side of the House and on the other side of the House from the member for Vacluse. The telling intervention in the last week of the Federal election campaign and the advice he proffered to the Prime Minister and, indeed, advice that Mr Turnbull gave to him that he did not wish to take up—

*[Interruption]*

**The SPEAKER:** Order! Members of the Opposition will cease interjecting.

**Mr MORRIS IEMMA:** —was to talk climate change with Chinese power companies that are customers of our coal, in case the member did not notice.

**Mr Andrew Stoner:** That is good for Kyoto!

**Mr MORRIS IEMMA:** Indeed. Do members know that China has a renewable energy program very similar to the New South Wales program? It is good to receive that kind of endorsement from one of the biggest coal purchasers in the world and a country that has one of the largest programs in the world for building coal-fired power stations.

**The SPEAKER:** Order! I call the Leader of The Nationals to order.

**Mr MORRIS IEMMA:** Imagine, China with a renewable energy program and diversifying from coal. Perhaps the member might want to get over there and learn something from our Chinese friends and, indeed, learn something from the new Rudd Labor Government on ratifying Kyoto. Again, the resounding cheer of "Hear! Hear!"

**Ms Tanya Gadiel:** Still will not say sorry!

**Mr MORRIS IEMMA:** Well, they are sorry now, are they not? They are sorry now for a long list of things. Coalition members were very quick to apologise for WorkChoices and not signing Kyoto but, as they say, they have a new leader in Canberra, a former member of the Labor Party and a trade unionist.

**The SPEAKER:** Order! I call the member for Murray-Darling to order.

**Mr MORRIS IEMMA:** Coalition members are sorry for lots of things, and the sorry they will not utter, they will utter soon. They will recognise they were wrong in that regard, as they have recognised they were on climate change and 11 years of inaction. Our new Prime Minister Kevin Rudd received resounding endorsement for signing the Kyoto Protocol. It was a significant event for Australia. Let us hope that the words of Al Gore come true: now that Australia has signed Kyoto, the United States will follow. Australia's not signing Kyoto gave more strength to George Bush refusing to sign and stay out of it. Now that Australia has signed, we will see what happens.

*[Interruption]*

**Mr MORRIS IEMMA:** There will be a by-election soon in Lyne.

**Mr Andrew Stoner:** I think there might be one at Lakemba.

**Mr MORRIS IEMMA:** Or perhaps in Cowper. Members might have noticed that when Kempsey was drawn into a Federal electorate, the vote for The Nationals plummeted. The poor Federal member suffered from all the work of the State member. Once Kempsey was drawn into the Federal electorate, down went The Nationals vote to within 1 per cent of losing the seat. I am pleased to endorse the ratification of the Kyoto Protocol by the Rudd Government. The New South Wales Government takes this issue—the biggest issue confronting the world—seriously. Today I announce the establishment of two new programs to tackle climate change, which add to New South Wales leadership on this issue—without any support from the Opposition, I might add. That was a welcome intervention the other week on the part of the member for Vacluse.

**The SPEAKER:** Order! I call the Leader of The Nationals to order for the second time.

**Mr MORRIS IEMMA:** The first initiative, totalling \$70 million, will create the Renewable Energy Development Program and the second initiative will create the Public Facilities Fund. With these funds we will make large annual savings on water and electricity consumption. We will save 90,000 megawatt hours of electricity, which is enough power for 11,500 homes; we will save 2 billion litres of water, which is enough for 9,000 households; and we will reduce greenhouse gas emissions by almost 100,000 tonnes, which is the equivalent of taking more than 20,000 cars off the road. Community groups will be able to apply to the Public Facilities Fund for funding for initiatives to reduce their water and energy use. Libraries, community centres, town halls, sporting clubs and universities will be able to install new technology to drive down their greenhouse gas footprint.

I also announce funding of \$8 million for local councils to deal with the risk of flood. As members know, climate change will cause weather patterns to become much more unpredictable in New South Wales. The floods that occurred in the Hunter and on the Central Coast earlier this year are an example of that. These grants are the type of practical steps we are taking to help the community tackle climate change. It is real practical environmentalism. These measures are additional to the \$310 million Climate Change Fund. We were the first State jurisdiction to establish a State trading scheme—the model for the National Emissions Trading Scheme—which will result in greenhouse gas reductions of 41 million tonnes. We are one of the first jurisdictions in the world to establish such a scheme. This is the type of leadership New South Wales has been showing for a very long time and the type of initiatives that we will continue to roll out into the future.

#### DEPARTMENT OF COMMUNITY SERVICES CHILD PROTECTION

**Mr ANDREW STONER:** My question is directed to the Minister for Community Services. In view of overnight revelations about the lack of interagency cooperation by the Department of Community Services, and given that a survey of school principals revealed approximately 70 per cent report a breakdown in the relationship between schools and local Department of Community Services offices and only 11 per cent of notifications lead to departmental action, will the Minister now support their call for a royal commission into the State's child protection system?

**Mr KEVIN GREENE:** I answered that question when I answered the first question asked by the Leader of the Opposition. In relation to interagency cooperation, it is important that I make a couple of points. Numerous agencies play a role in child protection in New South Wales. A range of mechanisms help agencies to exchange relevant information, from laws to policies and guidelines, and other less formal arrangements. I am



advised that at the local and regional level the Department of Community Services has established protocols for working collaboratively with clients. These operate between the department's regions and offices and schools, health facilities and disability services. These arrangements help bring together information and resources from a range of agencies to assist clients. Do these systems always work perfectly? No. In organisations the size and complexity we are talking about, on occasions gaps will occur in communication. We are always trying to address this problem. We have been guided in recent years by the Ombudsman's reports in this regard. For example, we have worked with Health on the introduction of prenatal reporting.

**The SPEAKER:** Order! I remind the Leader of The Nationals that he is on two calls to order.

**Mr KEVIN GREENE:** The Government has revised joint investigation response team criteria with Police and Health and introduced new interagency guidelines for child protection. The special commission of inquiry into the child protection system will look at the role of all agencies. If Commissioner Wood identifies ways that we can improve the sharing of information that will strengthen child protection, I will welcome his ideas.

### **PASHA BULKER GROUNDING**

**Ms JODI McKAY:** My question is addressed to the Minister for Ports and Waterways. Can the Minister update the House on the grounding of the *Pasha Bulker* in Newcastle in June this year?

**Mr JOSEPH TRIPODI:** I am pleased to inform the House of the findings of the New South Wales Maritime's investigation into the circumstances surrounding the grounding of the *Pasha Bulker*. As members would be aware, the Panamax class coal carrier *Pasha Bulker* ran aground on Nobbys Beach in Newcastle on 8 June 2007. New South Wales Maritime conducted its investigation in accordance with the Marine Safety Act 1998. The investigators identified two marine accidents as defined under the Act: the grounding of the *Pasha Bulker* and the difficulties encountered by the *Sea Confidence*. Even though the Act does not capture the events surrounding the *Betis*, the investigation also covered the difficulties encountered by the *Betis*, in the interest of preventing future incidents.

**The SPEAKER:** Order! I ask the member for Upper Hunter, the member for Coffs Harbour and the Leader of The Nationals to not have a conversation while the Minister is giving his answer.

[Interruption]

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

**Mr JOSEPH TRIPODI:** These three vessels encountered trouble during the severe storms that struck the Hunter Valley and the Central Coast on 7 and 8 June this year. These storms caused severe damage to homes in the region, tragically taking the lives of 9 people, and caused an estimated \$1.35 billion in damage to the Hunter and the Central Coast. Off the coast, the crews onboard the ships were experiencing wind speeds of 80 kilometres per hour, wind gusts of up to 90 kilometres per hour and waves almost 7 metres high. The conditions were classed as a strong gale or a force 9 under the Beaufort scale. The investigation noted:

The gale created dangerous and untenable conditions off Newcastle, particularly for lightly ballasted large bulk ships with limited manoeuvrability.

All the ships in the area received forecasts of such conditions approaching the area, with at least 16 separate warnings issued, together with routine coastal weather forecasts via VHF radio communication. The first forecasts giving notice of the gale were issued as early as 3 June. Weather information was received by all three vessels from the Inmarsat C ECG system, a system that provides weather faxes and emails from the weather agency in relation to the vessel's current location. This equipment is a requirement of the International Maritime Organisation. A publication called *Admiralty Sailing Directions* covers all navigable waters worldwide and provides information on anchorages and weather conditions to masters. An edition is produced for Australian waters called the *Australian Pilot*. A copy of the *Australian Pilot* was aboard all three ships investigated by New South Wales Maritime. The *Australian Pilot* edition of the *Admiralty Sailing Directions* publication cautions about the extreme weather conditions that pass through the area and recommends remaining alert and prepared to go to sea. The *Australian Pilot* edition states:

During southerly weather, sea and swell conditions can become confused and if so, it is recommended that vessels weigh anchor and proceed to sea until weather moderates.

By 7.00 a.m. on 8 June, 47 of the ships off the coast of Newcastle had headed to sea in response to the forecast south-easterly gale, while nine ships remained at anchor, including the *Pasha Bulker*, the *Sea Confidence* and the *Betis*. The investigation has found that the grounding of the *Pasha Bulker* was caused by a series of judgments and decisions made by the master, including most significantly a failure by the master to realise the potential impact on the *Pasha Bulker* of the weather forecast for 7 and 8 June, the master's initial decision to ride out the gale at anchor, and the master's decision not to ballast the ship for heavy weather.

During the investigation, the master stated he was aware of the gale warning as early as 3 June. In fact, he reviewed the forecast on 7 June and assessed the centre of the gale incorrectly as being "very far away". Whilst the master eventually made efforts to head to sea just after 7.00 a.m., he left the bridge at a crucial time to have breakfast at 8.00 a.m. Upon his return, the master noted the *Pasha Bulker* was drifting to the north and ordered an alteration of the ship's course. The master's failure to take on heavy weather ballast is identified as a significant factor because it meant the vessel was not able to set the ship's engine to full ahead and caused the propeller to break out of the water and the engine to over-speed.

After straying off-course and close to the coastline, the master attempted to anchor the ship 0.6 nautical miles off the coast of Newcastle, but at this point it was too late and the crew was unable to proceed forward to deploy the anchor due to the dangers posed by the rolling of the ship and waves breaking over the deck. The weather is attributed as a major factor in the report, which recognises that from the time the *Pasha Bulker* was swung towards the coast by the wind and sea the actions of the crew had little effect. While the report finds the standard of seamanship displayed by the master was poor, the investigators also concluded that it would be difficult to prove negligence beyond reasonable doubt, as required to achieve a conviction for the offence of negligent navigation. For this reason, the authority has decided not to prosecute the master of the *Pasha Bulker*.

The investigation recommends that the New South Wales Maritime Authority forward the report to the Australian Maritime Safety Authority and for concerns over the master's performance to be forwarded to the Flag State Administration that issued the master's qualifications seeking a review of his qualifications. New South Wales Maritime also investigated the role played by Newcastle Port Corporation. Newcastle Port Corporation has responsibility for port safety functions in accordance with the Port Safety Operating Licence issued to the Port Corporation. This includes responsibilities for responding to emergencies and operating communication systems to provide information such as marine warnings. An external auditor audits the port safety operating licence each year.

**The SPEAKER:** Order! The member for Cronulla will cease interjecting.

**Mr JOSEPH TRIPODI:** The report notes Newcastle Port Corporation was audited for compliance by Lloyds Register Quality Assurance Limited on 7 June—the day before the grounding of the *Pasha Bulker*—who found that all port safety functions under the safety licence were satisfactorily implemented. The investigation found that Newcastle Port Corporation had met the requirements of an emergency response required by clause 9 of the port safety operating licence. The report also praises Newcastle Port Corporation for responding to the emergency in a very competent manner, exercising appropriate control and integrating with the other emergency services involved.

The investigation identified that the recording equipment used to record communications at the Newcastle Vessel Traffic Information Centre was not functioning. The investigation found it was not clear whether recording equipment is part of the communications system required to comply with the port safety operating licence and the report recommends this issue be clarified at the next review of the port safety operating licence. In response to this finding the report recommends the introduction of a procedure where all communications recording equipment is checked as serviceable at the commencement of each shift. I am advised this practice has already been implemented by Newcastle Port Corporation.

**Mr Adrian Piccoli:** Point of order: You have ruled before on the length of answers Ministers are permitted to give. It was quicker to get the *Pasha Bulker* off Nobbys Beach than to hear this explanation.

**The SPEAKER:** Order! The member for Murrumbidgee will resume his seat.

**Mr JOSEPH TRIPODI:** In light of the number of people who put their lives at risk to move the *Pasha Bulka*, it is quite surprising the Opposition does not have an interest in this. New South Wales Maritime also investigated the difficulties experienced by the *Betis* and the *Sea Confidence*.

**The SPEAKER:** Order! I call the member for Cronulla to order. The House will come to order.

**Mr JOSEPH TRIPODI:** A respite in the weather conditions occurred just after midday on 8 June, which allowed tugs to proceed to sea to render assistance. The *Betis* requested assistance at 12.30 from Newcastle Port Corporation and by 14.00 the wind force had dropped. This lull in the storm allowed the master to better manage the *Betis*, leading to a cancellation of the call for assistance. It proceeded to sea without further incident. With the *Sea Confidence* stranded 0.7 nautical miles off the coast, the State Marine Pollution Controller issued a direction to the *Sea Confidence* to accept assistance from a tug. The *Sea Confidence* co-operated with this direction and the tug *Watagan* was sent to assist the *Sea Confidence*.

The investigation found that a combination of engineering difficulties with the *Watagan's* engine, the demanding weather conditions, a lack of communication between the *Watagan* and the *Sea Confidence* and the lack of a standard procedure for passing a tow line all played a role in hindering a successful tug connection. Two crewmen on the *Watagan* were injured and, as a result, the master made the decision to return to harbour. The report acknowledges the salvage company Svitzer prepared a tug appropriately in anticipation of the need to provide assistance to vessels in distress; ensured the tug crews were given a comprehensive safety briefing; and emphasised to the master of each tug that the safety of their crews was paramount when providing assistance to the ships.

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

**Mr JOSEPH TRIPODI:** The report notes the tug vessels used are designed for harbour duties and are not well suited for emergency rescue work in the conditions that prevailed.

**The SPEAKER:** Order! The member for Wakehurst will cease interjecting.

**Mr JOSEPH TRIPODI:** The report recommends Svitzer should review its risk assessment procedures for emergency towing operations in adverse weather conditions and that New South Wales Maritime investigate the need to develop standard operating procedures for towing vessels in adverse weather conditions. The report has also made additional recommendations to deter and prevent such incidents in future. These recommendations are: a review be carried out of the requirements of the port safety operating licence by New South Wales Maritime to ensure performance standards are adequately defined in relation to clause 12 of the licence—

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

**Mr JOSEPH TRIPODI:** That the Marine Safety Act be amended to toughen penalties for negligent navigation offences involving seagoing vessels; and further that New South Wales Maritime, together with the Port Corporations, review port limits and the requirements of the port safety operating licence to manage anchorages off New South Wales ports. The Government will accept all the recommendations put forward in the report by the investigation team. We will now move forward with these recommendations to refine our maritime safety procedures and legislation in New South Wales.

I thank New South Wales Maritime and the investigation team for conducting the report dutifully in the face of political grandstanding by the Opposition. The New South Wales Government also looks forward to receiving the findings of the Australian Transport Safety Bureau report. The response to the *Pasha Bulker* grounding was conducted professionally with no loss of life, no grievous injuries and no damage to the marine environment. Once again, I thank all those who were involved in responding to this incident for their hard work and dedication in what were extremely challenging circumstances.

### ELECTRICITY GENERATORS HEDGING LOSSES

**Mr MIKE BAIRD:** My question is directed to the Minister for Finance. With New South Wales' electricity generators reporting \$3.7 billion in hedging losses as at June and the Auditor-General saying there is now significant doubt on the \$424 million taxation assessment used to prop up his budget, will the Auditor-General explain the decisions that led to the hedging losses and confirm New South Wales finances are under increasing pressure?

**Mr JOHN WATKINS:** I refer the member to the appropriate Minister.

**Mr Mike Baird:** Point of order: There are two Ministers that—

**The SPEAKER:** What is your point of order?

**Mr Mike Baird:** The relevance of the question under Standing Order 129. Two Ministers—the Treasurer and the Minister for Finance—sign off on the accounts where those losses are recorded.

**The SPEAKER:** Order! There is no point of order. The Minister has concluded his answer. The House will come to order.

*[Interruption]*

**The SPEAKER:** Order! The member for Epping will calm down.

### **POLICE ROSTERING: AUDITOR-GENERAL'S REPORT**

**Mr GERARD MARTIN:** My question is directed to the Minister for Police. Will the Minister update the House on the Auditor-General's report into police rostering?

**Mr DAVID CAMPBELL:** I thank the member for Bathurst for his interest in policing matters. I think on Monday of last week he was at the local area command with the Parliamentary Secretary for Police listening to what police had to say in Bathurst, so I appreciate the question. I can advise the House that the Government welcomes the Auditor-General's report into rostering for New South Wales police officers. With 15,206 police officers being the authorised strength of our police force, making sure that they are targeted and that they are used to best effect to fight crime is an important management responsibility for local area commanders and, of course, the commissioner. Making sure that those police officers are rostered to meet the peaks in criminal activity is extremely important. That is why the commissioner and other senior officers will use the information in the Auditor-General's report as they move forward to change rosters.

I make it clear that the Government supports flexible rostering in New South Wales, but flexible rostering does not translate to block rostering in every circumstance. There are circumstances where block rostering is important and circumstances where block rostering is appropriate, but the flexibility of the rostering system is what is important. That is why the commissioner has allocated a number of teams of officers to support local area commanders and roster clerks in their work to ensure that staff are rostered appropriately. It is why there will be an audit twice a year of roster practices so that the best practices that we see in local area commands, such as Brisbane Water, can be shared with other local area commands as a means of improving the management performance of New South Wales police.

Three things are important in rostering. As I have said, one is to ensure that police are rostered on when appropriate and necessary. Another important component of rostering is ensuring that police are rostered in a responsible way in terms of their own occupational health and safety. A third very important component of rostering is ensuring that they are able to support victims of crime, and that they give customer service to the victims of crime. There are 15,206 sworn officer positions as the authorised strength—

*[Interruption]*

**The SPEAKER:** Order! The member for Coffs Harbour is constantly interjecting. I place him on three calls to order.

**Mr DAVID CAMPBELL:** As we heard the deputy commissioner, field operations, say on radio this morning, he believes there are enough resources, enough police officers, to get on with the job. And the police are doing that, as I have demonstrated here time and time again. We welcome the Auditor-General's report and information and we will use that as we move forward.

**The SPEAKER:** Order! I ask the Deputy Serjeant-at-Arms to remove the member for Coffs Harbour. It is not appropriate to continually interject for the majority of question time.

*[The member for Coffs Harbour left the Chamber, accompanied by the Deputy Serjeant-at-Arms.]*

**Mr DAVID CAMPBELL:** We welcome the Auditor-General's report because it gives us information with which to move forward in the sense of continuous improvement, just as we continuously improve the

authorities and the powers that we give to police. The Government backs our police time and again, unlike the Opposition. I am astonished that the Opposition in another place has moved amendments to legislation which backs-in the police's ability to respond in emergencies.

**Mr Greg Smith:** Point of order: My point of order relates to Standing Order 129 relating to relevance. The Minister is referring to a bill to come to the Parliament; he is not answering the question. He never misses an opportunity to stick in a fluke, the old walrus.

**The SPEAKER:** Order! I remind the Minister to stay within the leave of the question, but at this stage I have not heard him transgress.

**Mr DAVID CAMPBELL:** The walrus is fine, but a bit less of the "old" stuff, if you don't mind. An absolute bullseye! Out he comes, straight out of the blocks, because he knows he has to defend his continued opposition to the police, his continued undermining of the police, which was started by the member for Vacluse, backed up now by the member for Epping, who was the star candidate of the member for Vacluse to knock off the member for Goulburn—

**Mr Malcolm Kerr:** Point of order: The Minister was clearly outside the leave of the question then.

**The SPEAKER:** Order! I ask the Minister to stay within the leave of the question. He may continue.

**Mr DAVID CAMPBELL:** The Auditor-General made it very clear in his report that police have to be available in those front-line emergency situations, and they are now at risk with the Opposition having moved an amendment to a bill in the other place and because of the lack of leadership by the Leader of the Opposition. He will not stand up to applaud the police, just as his predecessor would not, just as the shadow Minister for Police will not, just as the member for Epping will not. But the Government will stand up for the police and will back them every time as they go about meeting the State Plan targets to drive down crime and implementing improvements to the rostering system, many of which were suggested in the Auditor-General's report.

#### TCARD CONTRACT

**Ms GLADYS BEREJIKLIAN:** My question is directed to the Minister for Transport. Given that he has known of problems with Tcard since he became Minister for Transport, given that he put ERG on notice in April about the future of the Tcard contract, and last month he demanded a response from ERG by Monday of this week, why is he refusing to make a decision on this critical issue and what else is he hiding?

**Mr JOHN WATKINS:** I am not refusing to make a decision on this critical issue and I am hiding nothing.

#### TCARD CONTRACT

**Ms TANYA GADIEL:** My question without notice is addressed to the Minister for Transport.

**The SPEAKER:** Order! I call the member for Port Stephens to order. I ask the House to remain silent so we can hear the question.

**Ms TANYA GADIEL:** Can the Minister update the House on the Tcard project?

**The SPEAKER:** Order! This answer might be a little longer than the last one. The member for Hawkesbury will remain silent.

**Mr JOHN WATKINS:** On 5 November the Government agreed that it was appropriate to issue notices of intention to terminate the Tcard contract. The notices gave the contractor until 3 December to meet the contract milestones they have missed or work diligently to pursue a remedy and come up with a satisfactory remedial program. I can confirm that the Public Transport Ticketing Corporation has received a response to the notices from the contractor and that these plans are now receiving the appropriate consideration. We are being extremely careful not to expose the taxpayers of New South Wales to any unnecessary commercial or legal risk. That is why a decision in relation to this very sensitive step in the contract process will not be rushed. In fact, it is unlikely that the Government will come to a decision prior to Christmas.

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

**Mr JOHN WATKINS:** We need the appropriate technical, commercial and legal advice on what has been presented to the Government before we make any decision, and I am not going to pre-empt what that decision will be, nor will I speculate about any possible future actions of the other party to the contract. I reiterate that the Government is committed to providing an integrated ticketing system for Sydney. While I cannot go into detail on any decisions the Government may make in relation to the current contract, I can inform the House of some of the history of the Tcard project. Under the contract signed by the Government and Integrated Ticketing Solutions Limited in 2003, the project was initially due for completion in November 2006. In signing the contract, Integrated Ticketing Solutions Limited committed to delivering on the scope and within the terms set out in the contract at the time. As with any large project, there have been amendments and variations. This is not uncommon.

Under the Tcard contract, these adjustments can be made a number of ways, for example, variation orders, amending agreements or by exercising options. The first significant option taken up by the Government in 2003, with a value of about \$1 million, was to allow the contractor to reverse engineer and document existing RailCorp gates, ticket vending machines and ticket office terminals. The contractor has not been paid the \$1 million and would be paid only if certain milestones are met. They have not been met. This was prudent risk management by the Government because it enabled Integrated Ticketing Solutions Limited to satisfy itself that it had sufficient information to allow for modification of the existing equipment for Tcard and to establish which ticketing equipment could be reused for the project. The take up of this option had no time impact on the project.

Another significant option that was worth about \$14.5 million was the option to "tag on" and "tag off" on buses. This option was exercised in April 2004. Not only did this option fit with the distance-based fare structure that we have on our public transport, but it also provides better transport data for effective transport planning. Under this option, \$217,000 has been paid for the installation of equipment and wiring on 116 buses. Otherwise, payment for this option is only upon the achievement of certain milestones under the contract. These milestones have not been met. Again, there was no time impact associated with this option.

A variation under the contract is the School Tcard, which involved work worth about \$14.8 million. A three-month extension was granted in connection with this variation, which moved the expected delivery date of the entire Tcard project to January 2007. In addition, \$3.8 million of the \$14.8 million is the cost of the Public Transport Ticketing Corporation managing the School Tcard Scheme since 2004. The remaining \$11 million represents payments to Integrated Ticketing Solutions Limited for equipment and operating the School Tcard system. More than 300,000 students on private buses in Sydney currently use the School Tcard.

As I informed the estimates committee, and contrary to the claims of the member for Willoughby, these are not milestone payments under the Tcard project. I say again: I can confirm that no contract milestones have been reached that trigger payment to the contractor. Both parties signed off on all these variations as being deliverable. However, delays by the contractor led the Government and Integrated Ticketing Solutions Limited to negotiate amendments to the contract on two occasions, which resulted in the contractor being given more time. Variation Agreement One was signed on 18 May 2005 in response to notification by Integrated Ticketing Solutions Limited that it was in delay. The Government and Integrated Ticketing Solutions Limited agreed to amend the contract to allow a six-month extension on the development, design, testing and field trial phase of the contract.

Following further advice that Integrated Ticketing Solutions Limited was experiencing difficulties meeting the contract milestones, on 27 June 2006 the Government, again acting reasonably, signed Amending Agreement Two with the contractor committing to a recovery schedule showing complete delivery of the project to March 2008. These extensions have always been negotiated in the interests of the taxpayers of New South Wales, and appropriate commercial concessions and releases were achieved for the Government in these negotiations.

Despite the recent notices to Integrated Ticketing Solutions Limited, the Government has continued to honour its obligations under the contract and, as such, a public bus commuter field trial commenced four weeks ago. I am advised that the feedback from the public to date has been very detailed and that they have indicated that they are experiencing some technical problems. As the contract remains on foot, we are working with the contractor to remedy these problems. Any decision to expand the public field trial beyond the current

106 volunteers will depend on the successful resolution of those problems. The Government will not inconvenience the travelling public of Sydney.

**The SPEAKER:** Order! Members will stop calling out.

**Mr JOHN WATKINS:** It would be difficult to argue that the Government has been anything other than reasonable with the contractor. However it is not satisfied with the level of delays, uncertainty and problems with this project.

**The SPEAKER:** Order! The member for Epping will cease interjecting.

**Mr JOHN WATKINS:** After receiving advice from the contractor in August 2007 of even further delay, on 24 September 2007 the Public Transport Ticketing Corporation issued notices requiring the contractor to complete the missed milestones within 20 business days. That period ended on 22 October 2007. Integrated Ticketing Solutions Limited failed to meet the missed milestones, and has not done so since. After due consideration and advice from Queen's Counsel, the Public Transport Ticketing Corporation Board advised the Government of its decision to issue the notices of intention to terminate the contract. The Government accepted that advice. I understand that the current recovery schedule submitted by the contractor stipulates complete delivery of the project by February 2010. Clearly, the contract is at a very sensitive stage. That is why it is surprising that the Opposition would move a motion in the upper House under Standing Order 52, as it did just last week, which could seriously prejudice the Government's legal and commercial position.

**The SPEAKER:** Order! The member for Willoughby will cease interjecting.

**Mr JOHN WATKINS:** It would appear that the Opposition would prefer to take a cheap political shot without any consideration of the best interests of the taxpayers of New South Wales or the commuters of Sydney.

**The SPEAKER:** Order! I call the member for Willoughby to order for the second time.

**Mr JOHN WATKINS:** The Government agreed to the motion to release documents as amended by Reverend the Hon. Fred Nile. Unlike members opposite, this Government is absolutely committed to ensuring that the taxpayers are protected as much as possible. In the meantime, while the Government considers the contractor's response to the notices issued on 5 November, I trust that the Opposition will do the right thing by the taxpayers of New South Wales and refrain from any irresponsible comment. I look forward to updating the House on further developments in relation to this important project in the new year.

#### **BARRABA HEAVY VEHICLE INSPECTION FACILITIES**

**Mr PETER DRAPER:** I direct my question to the Premier. I have had serious concerns raised with me by bus and truck operators at Barraba that the Roads and Traffic Authority is planning to withdraw its six-day-a-year heavy vehicle inspection service. Will the Premier advise the House whether these concerns are reasonable?

**Mr MORRIS IEMMA:** I thank the member for his obvious interest in this issue.

**The SPEAKER:** Order! The member for Terrigal will stop interjecting.

**Mr MORRIS IEMMA:** I recall that the Minister informed the member in approximately July last year that the Barraba site was not suitable for continuing inspections. I recollect that he was also advised that the Barraba service would continue until alternative options were pursued. As the member is aware, road safety is an absolute Government priority. We must ensure that facilities, equipment and inspectors are available to maintain very high standards for heavy vehicles and buses. For example, the inspectors do an important job in checking brakes, suspension and under-body systems. These inspectors carry out that work at about 300 sites across the State. The Roads and Traffic Authority own many sites; other sites are leased from the private sector, and others are provided by fleet companies.

In addition to the important job they do, inspectors require appropriate facilities to ensure that stringent safety standards are met. To the best of my recollection, in July last year the member was given an assurance by the Minister that the Barraba site would remain operational until alternative, sustainable options were found to

meet the legitimate concerns that the member has raised on behalf of his community and the operators involved. The Minister advises me that inspection bookings have been made for 18 January and 25 March next year at the Barraba site. As part of the Roads and Traffic Authority's ongoing program of reviewing its inspection sites and its inspectors—

*[Interruption]*

**Mr George Souris:** I can pick a beautiful performance.

**Mr MORRIS IEMMA:** Wasn't that a great performance by Beckham the other night? He bent one like Beckham—and George said he was well past it.

**Mr George Souris:** I could have kicked that one; it was a sitter.

**Mr MORRIS IEMMA:** Yes, good one, George. The Minister has been working with the Roads and Traffic Authority to progress the Barraba alternatives. I assure the member for Tamworth that the Government remains committed to ensuring that a sustainable alternative to the Barraba site will be identified so that the legitimate concerns he has raised on behalf of operators will continue to be met, along with the stringent safety standards of heavy vehicles.

### VOLUNTEER OF THE YEAR AWARDS

**Dr ANDREW McDONALD:** My question is to the Minister for Volunteering. How is the Government—

*[Interruption]*

**The SPEAKER:** Order! The Leader of The Nationals need not assist the process. The member for Macquarie Fields will ask his question again.

*[Interruption]*

**The SPEAKER:** Order! The member for Murrumbidgee will remain silent.

**Dr ANDREW McDONALD:** How is the Government celebrating the contribution of New South Wales volunteers on International Volunteer Day?

**The SPEAKER:** Order! The member for Murray-Darling has been given a fair go today. He will cease interjecting, as will the member for Wakehurst.

**Ms LINDA BURNEY:** Today is International Volunteer Day. This was adopted in 1985 by the United Nations.

**The SPEAKER:** Order! The member for Clarence will cease interjecting.

**Ms LINDA BURNEY:** Each year on 5 December more than 80 countries from Angola to Bosnia, Cambodia to Turkey and, of course, Australia, celebrate this special day. Some of these very special people are with us in the gallery. In New South Wales the Centre for Volunteering, the peak body, representing 330,000 not-for-profit organisations, leads the way. Today the centre announced the winners of the inaugural New South Wales Volunteer of the Year Awards. I am proud to be patron of these awards. This morning I had the immense privilege—it was most touching—of hosting the award presentation here in the House of the people, Parliament House. It was moving and humbling. It was moving to see the excitement of the winners and the pride of their families; humbling because of the extraordinary work these people do to serve their communities. I recognise Lynne Dalton, chief executive officer of the Centre for Volunteering, and her staff for this wonderful initiative. The Volunteer of the Year Awards attracted 170 nominations, with finalists chosen from 16 regions. The success of the awards in their first year owes much to the members in this Chamber who offered support through promotion in their local media, newsletters and nominations.

I would like to give the House just a few examples of the regional winners. Their stories highlight the breadth of work undertaken by volunteers across this great State. The Hunter region Volunteer of the Year is



Bert Reay of Charlestown. Bert is president of Belmont Sailability 16 and he pioneered the use of bells on sails to enable vision-impaired people to sail solo. He takes disabled sailors out four days a week, 46 weeks of the year, which means he has given 10,000 hours of volunteering over 10 years. What an effort! Krystle Marsh of Blockbutt is the Illawarra region Youth Volunteer of the Year. Krystle has been an enthusiastic fundraiser for the Warilla High School Partnership Program, leading successful efforts to support St Vincent de Paul Society, Australian Red Cross, Legacy and World Vision.

The Senior Volunteer of the Year from the Sydney Greater West region is Sabine Erika of Blackheath. Sabine is a volunteer with the Alternatives to Violence Project. Working in prisons and with people on parole, she has trained more than 70 inmates as workshop facilitators. Les Pearson of Denistone East is the Sydney North region Volunteer of the Year. Les is a retired Uniting Church Minister with carpentry skills. He helps provide affordable housing through Partner Housing Australasia and he has built six houses for needy families in Western Sydney. Bert, Krystle, Sabine and Les are just four of the 36 regional winners of the Volunteer of the Year Awards.

From these finalists, three very special people have been honoured as overall winners. They are Amanda Grant of Cronulla, Laurie Smith of Port Macquarie and Mary Mamour of Blacktown. Mary and Amanda are with us today. Amanda Grant has been awarded not only Youth Volunteer of the Year but also Corporate Volunteer of the Year. She captured the hearts and minds of local tradies by instigating and founding the Tradies Community Service Volunteer Program. Through her efforts, tradespeople in the Sutherland shire now actively fundraise for organisations such as the Salvation Army and the Heart Foundation. The overall Senior Volunteer of the Year is Laurie Smith from Port Macquarie. Laurie has mentored disadvantaged children for more than 12 years through his work for Aunties and Uncles, an organisation that provides an extended family to children who are socially and emotionally at risk. He is enthusiastic and absolutely committed, and his greatest pleasure is watching the young men and women grow.

Finally, the extraordinary woman who has been awarded the inaugural New South Wales Volunteer of the Year is Mary Mamour from Blacktown. In 2004 Blacktown police contacted the South Sudan Community Organisation regarding recently arrived young African migrants experiencing settlement difficulties. Many of these young people had come straight from refugee camps and their stories are astounding. Mary volunteered to become a liaison officer and was instrumental in forming the Sudanese Action Group. She became a shining light for new refugees, particularly those without parents or leaders. She finds them work, advocates for their needs, links them to services and breaks down barriers with authorities. To do this, Mary has had to overcome many difficulties—resentment from some of her own people and the community in general, awful racial comments regarding her country of origin, and stark differences in her own cultural background to that of her new home, Australia.

I know members will join with me today in warmly congratulating and honouring Amanda, Laurie and Mary and in celebrating and recognising not just the 36 regional New South Wales finalists but also the 170 volunteers nominated for these awards as we acknowledge the 1.7 million volunteers in New South Wales. We know this is a 365-day-a-year task. The State Plan has aims around volunteering—an extra 10 per cent of volunteers by 2016, and a more diversified volunteer base. Volunteering is part of the Australian psyche. We see it every summer during the bushfires, as my ministerial colleague the Minister for Emergency Services spoke about yesterday. We see it during storms and floods. We see it every day in the suburbs and towns, among the people who care for the elderly, manage the bushcare programs, run the school canteen, the P&C and the local soccer club. We see it especially in the volunteers who care for the disabled.

Our support of the New South Wales Volunteer of the Year Awards is just one small way for the Iemma Government and the people in this Chamber to say thank you so very much for making a difference in the Australian way of life and contributing to Australian culture. I acknowledge the volunteers who have been recognised through these awards. I recognise the thousands of volunteers who do their work without fanfare or recognition. Your contribution is understood and it is greatly appreciated by all of us.

**Question time concluded.**

## **PETITIONS**

### **CountryLink Pensioner Booking Fee**

Petition requesting the removal of booking fees charged to pensioners on CountryLink services, received from **Mr Greg Aplin**.

**Hawkesbury River Railway Station Access**

Petition requesting improved access to Hawkesbury River railway station, received from **Mrs Judy Hopwood**.

**Public Library Funding**

Petitions requesting increased funding for public libraries, received from **Mr Thomas George** and **Mr John Williams**.

**Tumut Renal Dialysis Service**

Petition praying that the House support the establishment of a satellite renal dialysis service in Tumut, received from **Mr Daryl Maguire**.

**Breast Screening Funding**

Petition requesting funding for breast screening to allow access for women aged 40 to 79 years, received from **Mrs Judy Hopwood**.

**Hornsby Palliative Care Beds**

Petition requesting funding for Hornsby's palliative care beds, received from **Mrs Judy Hopwood**.

**Lismore Base Hospital**

Petitions requesting funding for stage 2 of the Lismore Base Hospital redevelopment, received from **Mr Thomas George** and **Mr Donald Page**.

**Rescue Helicopter Services**

Petition praying that the Government halt the contract for helicopter medical retrieval services given to a Canadian company and reinstate NRMA CareFlight and Westpac Rescue Helicopter Service as the providers of those services, received from **Mr Andrew Fraser**.

**Coffs Harbour Community Caseload Midwifery Pregnancy Care Program**

Petition requesting funding for a community caseload midwifery pregnancy care program at Coffs Harbour, received from **Mr Andrew Fraser**.

**Licence Laws for Older Drivers**

Petitions asking for an inquiry into licence laws for older drivers and the implementation of a suitable licensing system for senior citizens, received from **Mr Greg Aplin**, **Mr Craig Baumann**, **Mr Andrew Stoner** and **Mr John Turner**.

**Pet Shops**

Petition opposing the sale of animals in pet shops, received from **Ms Clover Moore**.

**BUSINESS OF THE HOUSE****Reordering of General Business**

**Mrs JILLIAN SKINNER** (North Shore—Deputy Leader of the Opposition) [3.21 p.m.]: I move:

That the General Business Notice of Motion (General Notice) of which I gave notice today [New South Wales Ambulance Service] have precedence on Thursday 6 December 2007.

This is a very serious matter. Many paramedics and their families have contacted me over recent months very concerned about the low morale of members of the Ambulance Service. They believe that the Minister for

Health and management are not supporting them. In fact, they are leaving faster than they can be recruited. Documents obtained under freedom of information show that since 2002 475 people have quit the New South Wales Ambulance Service and 327 people have been recruited—I am citing the Minister's own figures. That is causing tremendous stress on ambulance officers, who are working much longer shifts than they should.

Many officers complain about having to work when they are tired, exhausted and not able to give of their best. They fear that their lives and welfare are in jeopardy, let alone the patients that they must look after. They worry enormously about being stuck outside hospital emergency departments because they are blocked. The officers bear the brunt of community anger when they are not able to respond as quickly as they should. In particular, I refer to an email I received just yesterday from a Central Coast person called "Friendly Ambo". I know that this person has written to the Minister also. I am sorry that she is not present in the Chamber to debate this matter. This person refers to an ambulance officer who died two weeks ago, leaving a widow and four children.

**The SPEAKER:** Order! The member for East Hills will cease interjecting.

**Mrs JILLIAN SKINNER:** This ambulance officer, as were his colleague and friends, was led to believe that he was eligible under the much-held-up Death and Disability Scheme, which the Minister for Health said she would sign off on months ago. The email stated:

Now, however, we find out that the family has been left in the dark, and no-one knows how (or even if) the Scheme will cover them. It seems incredibly cruel to expect the family, during their time of grieving, to have to jump through hoops just to find out how to get their deserved benefits.

I raise matters of bullying and harassment in the Ambulance Service and refer to the case of Patrick Harris, in particular. Patrick Harris has been an employee of the Ambulance Service since 23 March 2003. In August 2005 he began work at Cowra ambulance station as replacement for Christine Hodder, who had committed suicide after making a series of complaints about bullying and harassment in the workplace. Within a few months of commencing at Cowra, Mr Harris also made allegations about bullying but he believes those allegations were not taken seriously. He left work on 26 August 2006 due to mental stress from bullying and harassment. He is due to return to work very soon and he seeks a guarantee from the Government, this Parliament and the Minister that these issues will be dealt with and that he will be able to return to a workplace free from bullying.

I refer also to the case of Phil Roxburgh, an ambulance officer since 1977. In 2004 Mr Roxburgh was appointed station officer at Cowra. When he became the station officer he said there was a culture of bullying and harassment at the ambulance station that led to a number of complaints and an investigation, which officers had complained was botched. In late 2004 he was removed from Cowra ambulance station for what he perceived as punishment for trying to protect Christine Hodder. These are very serious matters. I am very disappointed that the Minister for Health has not seen fit to be in the Chamber to even consider these matters.

**The SPEAKER:** Order! Government members will remain silent.

**Mrs JILLIAN SKINNER:** I understand that she does not want to face up to paramedics and the Ambulance Service. They have been writing to her, as they have been writing to me—and I am sure they have been writing to many of my colleagues and members of the crossbench—expressing concern about what they perceive as lack of support, too few officers, rookies having to cover shifts, their lives being endangered and not being able to do the right thing by their patients. This motion should have precedence and be debated tomorrow. [*Time expired.*]

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [3.26 p.m.]: The Government acknowledges that this is a serious motion. When the Deputy Leader of the Opposition outlined the motion, I recalled that some time ago the Minister for Health made some announcements concerning this matter. Therefore, I sought some advice—and it seems that my recollection is correct. I am advised that in September of this year the Minister for Health announced a comprehensive review of the New South Wales Ambulance Service. That is now a matter of public record, and the Deputy Leader of the Opposition would be aware of that. The Minister also advised that Mr Graeme Head, former Chief Executive of the Sydney Catchment Authority, is conducting the review.

**Mrs Jillian Skinner:** Point of order: This is way outside the leave of my motion, which is about bullying and harassment. This review is not about bullying and harassment or the matters that I referred to directly in my speech.

**The SPEAKER:** Order! The point is well made. The Leader of the House is responding to the motion.

**Mr JOHN AQUILINA:** To the point of order: The motion specifically states, "for failing to deal with bullying and harassment in the New South Wales Ambulance Service". The Minister has announced a comprehensive review of the New South Wales Ambulance. The issue of the review being undertaken is precisely within the leave of what is being debated here.

**The SPEAKER:** Order! The Leader of the House is in order.

**Mr JOHN AQUILINA:** The Deputy Leader of the Opposition may pretend otherwise but that is not what her motion states and that is not what she is saying here.

**The SPEAKER:** Order! The Deputy Leader of the Opposition will resume her seat. Has the Leader of the House concluded?

**Mr JOHN AQUILINA:** No, I have not.

**The SPEAKER:** The Leader of the House is in order. He may continue.

**Mr JOHN AQUILINA:** I sought further advice from the Minister, who advised me that if any ambulance officer—and the Deputy Leader of the Opposition has mentioned a number of persons—has concerns associated with the management of bullying these, too, can be referred to Mr Head and his review. Again, the Minister has acted on these matters and is undertaking a comprehensive review. The Government is acting on it. Perhaps the Deputy Leader of the Opposition is not aware of the fact and does not know what is going on in this State. She is the shadow Minister, but maybe she does not know that a review is taking place. If she did know, she should have referred those people to the review.

**Mrs Jillian Skinner:** Point of order: The Leader of the House says that I am not aware of the review. I am aware of it. I am aware of the unions' and the officers' rejection of this review, which they described as a review by bureaucrats for bureaucrats.

**The SPEAKER:** Order! The Deputy Leader of the Opposition will resume her seat. I ask her not to take frivolous points of order. The Leader of the House has the call.

**Mr JOHN AQUILINA:** The Deputy Leader of the Opposition says that she is aware of the review. She has raised a number of issues in the House today. If she were really fair dinkum about this matter, she would have advised those people to refer their concerns to the review, rather than grandstanding in the House and making a political issue out of what the Government acknowledges are very serious matters. I am advised that the Minister has strongly encouraged all ambulance officers who are concerned about any aspect of the management of the Ambulance Service to participate in the consultation process or to make a submission to Mr Head.

The review will examine operational and management systems, including clinical focus, current work and management practices—the very things the Deputy Leader of the Opposition has been speaking about—and career path options for ambulance officers. I am advised that the review is also looking at options to reduce avoidable hospital admissions and improve service delivery, which are key State health plan targets. The demand for ambulance services continues to increase—everyone knows that. Over the last two years there has been a lot of reporting about the fact that the demand for ambulance services has increased by more than 11 per cent. In 2006-07 the Ambulance Service provided more than one million responses—a call for assistance every 30 seconds. That is another reason why the Minister has acted and the Government has established this review.

In relation to funding I am advised that in 2003 the Government announced additional funding of \$41 million for an extra 240 staff and 65 vehicles in rural and regional New South Wales over four years—the biggest growth in ambulance staff in the history of New South Wales. Again, it is as if nothing has happened, according to the Deputy Leader of the Opposition. Clearly, the action of the Government and the Minister in calling upon this comprehensive review, and in dealing with all the matters the Deputy Leader of the Opposition has raised, is commendable. The Government's commitment to ambulance officers is absolutely clear. The matter should not be afforded precedence.

**Question—That the motion be agreed to—put.**

**The House divided.****Ayes, 38**

Mr Aplin	Ms Hodgkinson	Mr Roberts
Mr Baird	Mrs Hopwood	Mrs Skinner
Mr Baumann	Mr Humphries	Mr Smith
Ms Berejiklian	Mr Kerr	Mr Souris
Mr Cansdell	Mr Merton	Mr Stokes
Mr Constance	Ms Moore	Mr Stoner
Mr Debnam	Mr O'Dea	Mr J. H. Turner
Mr Draper	Mr O'Farrell	Mr R. W. Turner
Mrs Fardell	Mr Page	Mr J. D. Williams
Ms Goward	Mr Piccoli	Mr R. C. Williams
Mrs Hancock	Mr Piper	<i>Tellers,</i>
Mr Hartcher	Mr Provest	Mr George
Mr Hazzard	Mr Richardson	Mr Maguire

**Noes, 49**

Mr Amery	Mr Gibson	Mr Morris
Ms Andrews	Mr Greene	Mrs Paluzzano
Mr Aquilina	Mr Harris	Mr Pearce
Ms Beamer	Ms Hay	Mrs Perry
Mr Borger	Mr Hickey	Mr Rees
Mr Brown	Ms Hornery	Mr Sartor
Ms Burney	Ms Judge	Mr Shearan
Ms Burton	Ms Keneally	Mr Stewart
Mr Campbell	Mr Khoshaba	Ms Tebbutt
Mr Collier	Mr Lynch	Mr Terenzini
Mr Coombs	Mr McBride	Mr Watkins
Mr Corrigan	Dr McDonald	Mr West
Mr Costa	Ms McKay	Mr Whan
Mr Daley	Mr McLeay	<i>Tellers,</i>
Ms D'Amore	Ms McMahan	Mr Ashton
Ms Firth	Ms Meagher	Mr Martin
Ms Gadiel	Ms Megarritty	

**Question resolved in the negative.**

**Motion negatived.**

**BUSINESS OF THE HOUSE****Suspension of Standing Orders: Routine of Business**

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [3.40 p.m.]: I move:

That standing orders be suspended at this sitting to postpone the matter of public importance, the giving of General Business Notices of Motions (General Notices) and the taking of private members' statements until 7.30 p.m., unless called on earlier.

I have moved this motion because members would be aware that the upper House sat until 3.41 a.m. dealing with a number of items of legislation. The upper House is once again sitting today dealing with matters we have sent to it. To make the process of Parliament as efficient as possible, we need to continue to debate legislation and then send it to the upper House so it can have a timely debate on that legislation. I am also conscious of the fact that we need to allow members of this House the opportunity to debate the various items of legislation that appear as orders of the day on today's *Business Paper*.

The suspension motion I have moved in no way deprives members of their rights. The same amount of time will still be available for discussion of the matter of public importance and the taking of the same number of private members' statements as is usually the case. Members will also have the opportunity to give of notices

of motions. I stress that this is a way of ensuring that the Parliament works as efficiently as possible, without the need for delay into the late hours of this evening or possibly even the early hours of tomorrow morning.

The new standing orders are working well, particularly because they allow for a degree of flexibility. Suspending standing orders in this way enables us to get through the business of the Parliament, which we are doing a lot more quickly than was the case in the past. Gone are the days when we used to sit in this Chamber until four o'clock or five o'clock in the morning. Gone are the days when we used to wait around until the ringing of one long bell, trying to fill in time until such time as the upper House reported back to this Chamber. We are now able to deal with the business of the House in a more efficient way. This motion represents a very small alteration to today's program. It in no way takes away any of the rights of any member, either Government or Opposition, but will enable us to deal with the business before the House in a far more efficient way and get the legislation to the upper House in a far more timely fashion.

**Mr ADRIAN PICCOLI** (Murrumbidgee) [3.42 p.m.]: I apologise to the House for having to listen to an explanation every time there is a suspension of standing orders.

**Mr Barry O'Farrell:** Sensitive!

**Mr ADRIAN PICCOLI:** It is sensitive, sensitive, sensitive! The reason we oppose the suspension of standing orders is because of the way the House is run. For many of the very few sitting days this year we have got up at 7.30 p.m. or 8.00 p.m.—very family-friendly hours—because they could not get themselves organised. If the Leader of the House wants to give members an opportunity to have their say and debate legislation, why not sit next week? Next week the Opposition and the Government would each get 24 private members' statements, and three sets of question time. The Opposition would love the extra question time because today's question time raised more issues to which we would like to seek answers from members of the front bench on the other side, such as John Watkins.

For example, Mr Watkins, what are your portfolios? Today we saw that the Deputy Premier did not even know what his portfolios are. He is signing documents and annual reports willy-nilly and has no idea what he has signed. When the Deputy Premier was asked a question about what he had signed, somehow he was no longer the Minister for Finance, but it looks like his signature on the back of the report. What confidence can we have in the Government's ability to run the House when the Deputy Premier does not even know his portfolios? He is in charge of the trading rules and the trading regime in the New South Wales electricity industry. As the Minister for Finance he does not even know what is going on there.

**Mr Gerard Martin:** Point of order: My point of order goes to relevance. I would remind the shadow Leader of the House that he should speak to the question before the House, which is the suspension of standing orders. What he is rabbiting on about, as he lines up for the clown of the year award once again, has nothing to do with the question before the House.

**The SPEAKER:** Order! I allow a degree of flexibility in these matters. I ask the member for Murrumbidgee to continue.

**Mr ADRIAN PICCOLI:** I will concede that at least the Deputy Premier has got a few brains. The member for Bathurst cannot claim the same. That guy is so dumb he thought Moby Dick was a venereal disease! The question is the credibility of the Government to run the House. We have sat until 5.00 p.m. and 7.00 p.m. on all of those other days and now suddenly, in the last few days, the Government wants to sit until 3.00 a.m. and 4.00 a.m. If the Leader of the House ran the House properly he would not have to keep suspending standing orders like this. We have seen the standard set by the Government. There was a recent article in the *Sun-Herald* written by a journalist who, I admit, was formerly a Liberal staffer. The article was about the standards upon which the Government decides who is on its front bench and who is to be promoted. The high standard is: Who can answer a question without using notes?

**Mr Alan Ashton:** Point of order: My point of order is to relevance. What has an article appearing in the *Sun-Herald* got to do with this motion? Under Standing Order 129 the debate is supposed to be relevant to the suspension of standing orders, which is what the Government intends to do tonight. Standing Order 76 is also relevant.

**The SPEAKER:** Order! I ask the member for Murrumbidgee to stay within the leave of the question before the Chair.

**Mr ADRIAN PICCOLI:** The Government has to suspend standing orders because it cannot organise the House properly. The point I am endeavouring to make is that it cannot run its own multibillion-dollar government departments, it cannot run the House properly and it cannot get organised. I quote from the *Sun-Herald* article:

Star ministerial performer, destined to be promoted in any shake-up, is Kristina Keneally. Ms Keneally delivered a long answer to a question in Parliament without once referring to notes.

Kristina Keneally is a lovely lady and we appreciate her performance in the House but if that is the standard that the Government sets as to who sits on the front bench, what confidence can we have in the running of the Parliament? [*Time expired.*]

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [3.47 p.m.], in reply: When the member for Murrumbidgee commenced his five-minute speech he said that the Leader of the House needs to give an explanation every time he moves a suspension of standing orders. Standing orders provide for a five-minute speech to explain to the House precisely why the motion has been moved. I have no hesitation, nor any embarrassment, about doing that because the reason for the suspension of standing orders is purely to assist the efficiency of the House. It is not done for political reasons and in no way denies the political rights of any member of Parliament. I have explained the reasons for the suspension because it is important and appropriate that I do so. I have explained why we are making the change—to enable us to more effectively and efficiently deal with the business before the House—unlike the five minutes of explanation given by the manager of Opposition business, who insists on making five-minute speeches time and time again which are becoming increasingly irrelevant.

[*Interruption*]

**The SPEAKER:** Order! The member for Bathurst will cease interjecting. The member for Hawkesbury will cease interjecting.

**Mr JOHN AQUILINA:** Quite frankly he is reducing debates on the suspension of standing orders to a farce.

**The SPEAKER:** Order! The member for Terrigal will cease interjecting.

**Mr JOHN AQUILINA:** The member for Murrumbidgee ought to go back and read some of the silly speeches he has made in these debates from time to time. He would be embarrassed if he did so. It certainly has not helped him as the manager of Opposition business. His speeches certainly belittle him in the eyes of his own colleagues and in the eyes of the House generally.

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 51**

Mr Amery	Mr Greene	Mr Pearce
Ms Andrews	Mr Harris	Mrs Perry
Mr Aquilina	Ms Hay	Mr Piper
Ms Beamer	Mr Hickey	Mr Rees
Mr Borger	Ms Hornery	Mr Sartor
Mr Brown	Ms Judge	Mr Shearan
Ms Burney	Ms Keneally	Mr Stewart
Ms Burton	Mr Khoshaba	Ms Tebbutt
Mr Campbell	Mr Lynch	Mr Terenzini
Mr Collier	Mr McBride	Mr Tripodi
Mr Coombs	Dr McDonald	Mr Watkins
Mr Corrigan	Ms McKay	Mr West
Mr Costa	Mr McLeay	Mr Whan
Mr Daley	Ms McMahan	
Ms D'Amore	Ms Meagher	
Ms Firth	Ms Megarrity	<i>Tellers,</i>
Ms Gadiel	Mr Morris	Mr Ashton
Mr Gibson	Mrs Paluzzano	Mr Martin

**Noes, 36**

Mr Aplin	Ms Hodgkinson	Mrs Skinner
Mr Baird	Mrs Hopwood	Mr Smith
Mr Baumann	Mr Humphries	Mr Stokes
Ms Berejiklian	Mr Kerr	Mr Stoner
Mr Cansdell	Mr Merton	Mr J. H. Turner
Mr Constance	Ms Moore	Mr R. W. Turner
Mr Debnam	Mr O'Dea	Mr J. D. Williams
Mr Draper	Mr O'Farrell	Mr R. C. Williams
Mrs Fardell	Mr Page	
Ms Goward	Mr Piccoli	
Mrs Hancock	Mr Provest	<i>Tellers,</i>
Mr Hartcher	Mr Richardson	Mr George
Mr Hazzard	Mr Roberts	Mr Maguire

**Question resolved in the affirmative.**

**Motion agreed to.**

**CHILD PROTECTION (OFFENDERS REGISTRATION) AMENDMENT BILL 2007**

**COURTS AND OTHER LEGISLATION AMENDMENT BILL 2007**

**LOCAL COURT BILL 2007**

**MISCELLANEOUS ACTS (LOCAL COURT) AMENDMENT BILL 2007**

**Messages received from the Legislative Council returning the bills without amendment.**

**CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

**Road Toll**

**Mr MICHAEL DALEY** (Maroubra—Parliamentary Secretary) [3.55 p.m.]: My motion should be accorded priority because, despite the efforts of the Government, traffic accidents are one of the major contributors to death and injury in our community. Sadly, more often than not these accidents involve young people. The House should note, however, that the road toll over the life of this Government has been reducing, it continues to reduce and it is now at its lowest since 1945. That is why the Iemma Labor Government has made reducing the road toll a key priority. One of the reasons this motion should be accorded priority is because of the approach of the summer holiday season. During this season speeding accounts for almost 20 per cent more deaths than at other times of the year. Over the coming summer season the Government will launch a major offensive against speeding on New South Wales roads. It is important that the House notes this initiative and other measures that are being undertaken by the Government. It is also important that we send a message to the community, particularly young people, to slow down and stay alive.

**Parliamentary Labor Party Leadership**

**Mr ADRIAN PICCOLI** (Murrumbidgee) [3.57 p.m.]: My motion should be accorded priority because John Watkins may be the Premier of New South Wales by the end of this year, if not next year, and it is important that the House and the general public know the possible consequences of that. As we have seen in recent weeks, the Labor Government in this place is leaking like a sieve. This morning I came to Parliament with my umbrella and wearing a raincoat, but that was not enough to protect me from the leaks coming from the other side of the House. I even had to put on my poncho. Both the right and left wings are leaking. The Right leaked to me the Watkins achievement file. I opened it up, had a good look and guess what I found? Nothing!

**Mr Steve Whan:** Point of order: The member for Murrumbidgee is making an impressive bid for The Nationals leadership, so far unsuccessfully. I draw to the attention of the House that the use of props is not allowed under standing orders.



**ACTING-SPEAKER (Ms Diane Beamer):** Order! The use of props is prohibited.

**Mr ADRIAN PICCOLI:** It is a file. I do not want the Left to feel left out.

**Mr Steve Whan:** Point of order: Although it is an entertaining spiel for The Nationals leadership, the member for Murrumbidgee is canvassing your ruling by saying it is not a prop. It is clearly a prop. It is a fictitious device he has dreamed up in his office with this staff. He is great with the black texta.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! I ask the member for Murrumbidgee to not use props in the House.

**Mr ADRIAN PICCOLI:** They have given me the Minister's resumé and it makes very interesting reading. His failure to deliver the Tcard—it has been going on for 10 years; it was delayed three times, and he gave another pathetic excuse today. It has exposed taxpayers to \$65 million in liabilities and potentially another \$80 million in liabilities.

**Mr Gerard Martin:** Point of order: The member for Murrumbidgee is talking about a ledger. I have a document here that is his document—

**ACTING-SPEAKER (Ms Diane Beamer):** Order! There is no point of order. The member for Bathurst will resume his seat.

**Mr ADRIAN PICCOLI:** An article in the *Sydney Morning Herald* on 23 November stated:

The State Government has backed away from 10 big rail projects it promised to deliver in its pre-election State Plan, the Transport Minister, John Watkins, said yesterday.

These are projects that the Government may commit to in the future.

These are the projects this man, who could be Premier in a few weeks' time, has failed to deliver. Another heading in his resumé is "Failure to Manage RailCorp Corruption". The Minister for Transport issued a statement of business ethics, a brochure for RailCorp, and we have seen in the news what happened with corruption in RailCorp. The Minister has not been able to deal with that. CityRail unions and stationmasters have paid for advertising to criticise the Minister's performance. In relation to worker safety, an article in the *Australian* on 4 December stated:

NSW's rail operator has failed two of its three major workplace safety checks since 2005, and is now in danger of having to pay more than \$30 million extra a year in workers' compensation insurance.

**Mr Alan Ashton:** Point of order: The manager of Opposition business is reading a prepared speech and I draw the attention of the House to the long-established standing order relating to the reading of speeches.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! There is no point of order.

**Mr ADRIAN PICCOLI:** Let us talk about the Minister's failures. There were train breakdowns on the Sydney Harbour Bridge in March and May, and what did we get? Mr Sorry—sorry this, sorry that—and fewer trains running slower. He has cut 416 trains and 1,500 bus services and the bus drivers in his own electorate went on strike. This is a person who could be Premier. God help us all! In relation to cover-ups, here is another heading given in the resumé the Left gave to me: What did the Minister know about Milton Orkopoulos? We have never got to the bottom of that. The rail union bosses have even accused him of covering up over workplace safety. The Minister for Transport is a complete failure and he will be a complete failure if he becomes Premier. [*Time expired.*]

**Question—That the motion of the member for Maroubra be accorded priority—put and resolved in the affirmative.**

## ROAD TOLL

### Motion Accorded Priority

**Mr MICHAEL DALEY** (Maroubra—Parliamentary Secretary) [4.02 p.m.]: I move:

That this House:

- (1) notes that every year more than 500 people are killed on New South Wales roads and more than 25,000 are injured;

- (2) notes that the Government has made a reduction in the road toll a key priority of the State Plan; and
- (3) supports the efforts by the Government to further drive down the road toll.

I note there is strong competition for clown of the House but at this time the member for Murrumbidgee is lengths ahead. Sadly, it remains the case that road accidents are one of the major contributors to death and injury in our community, particularly among young people. Every year more than 500 people are killed on our roads and more than 25,000 are injured, many of them left with a lifelong disability. Based on preliminary data there were 496 fatalities on New South Wales roads in 2006, a 2 per cent reduction on the 508 fatalities suffered in 2005. This is the lowest annual road toll since 1945, when the population of New South Wales was less than half what it was in 2006 and the number of vehicles was less than a tenth of the current number of vehicles on New South Wales roads.

When we talk about saving the lives of our citizens, particularly our young ones, there is always more to be done. That is why the Iemma Labor Government has made reducing the road toll a key priority of the State Plan, with a target of reducing road fatalities by 2016 to 0.7 per 100 million vehicle kilometres travelled. I ask this House to support the Government's efforts and related initiatives to achieve that target and make our roads safer. There is no better time for such a motion accorded priority to be debated in this House than at the start of the summer season because the fact is that speeding kills 18 per cent more people in summer than it does in winter. There were 1,931 speed-related crashes on New South Wales roads last summer, resulting in the tragic loss of 38 lives. But the numbers are being reduced. By comparison, in the summer of 1986-87, 20 years ago, 79 lives were lost. It is important the House notes the reduction in the number from 79 down to 38. Strong enforcement and awareness campaigns were behind that reduction. These campaigns continue and will help keep the summer road toll down.

Last weekend the New South Wales Centre for Road Safety and the New South Wales Police Force launched a major offensive against speeding on New South Wales roads over the coming summer. On the first day of summer the Iemma Government unveiled a graphic new reminder of the dangers of speeding as New South Wales families embark upon their summer holidays. A graphic roadshow designed by the New South Wales Centre for Road Safety will travel New South Wales and highlight how speeding can cost a life in the blink of an eye. The Government is working hard to reinforce in the community's mindset that speeding is the biggest killer on New South Wales roads. Of all the problems on the roads relating to drink driving and people driving whilst under the influence of drugs—and we have implemented measures to deal with that—speeding is the number one killer. But there is always more work to do to slow people down, especially at this time of year.

This summer police will be involved in a number of operations targeting speeding motorists who risk their lives and the lives of others. New South Wales police will target all main routes out of major city centres, as well as popular holiday destinations. A number of speeding operations will be conducted across the State during the summer months, including Operation Safe Arrival. Every highway patrol unit and all 450 highway patrol vehicles will be on the road over Christmas and will be relentless in targeting people who insist on speeding.

Operation Safe Arrival is a major school holiday road safety operation targeting drivers travelling across the State, with all available police targeting illegal behaviour on New South Wales roads. Up to 250,000 breath tests will be conducted over the 10-day period of Operation Safe Arrival. The New South Wales Centre for Road Safety's roadshow will travel to regional centres in New South Wales this summer. It uses three identical cars, two of which were used in speeding tests at the centre's state-of-the-art CrashLab facility. One car was subjected to a crash at 60 kilometres an hour and the other at 100 kilometres an hour. The difference is horrific and it shows the grim reality of how easily a life can be lost in a car crash.

The Minister for Roads established the New South Wales Centre for Road Safety on 28 May this year. The centre will be a world-class road safety centre for policy management, high-level research, advice and delivery of behaviour change strategies. The centre will oversee the mainstreaming of road safety into all Roads and Traffic Authority programs and develop plans to continue to address the road toll. The centre consists of four specialist areas: vehicles, technology, behaviour and roads. Put simply, if people's behaviour on the road and their attitudes can be changed, and couple that with enforcement, lives can be saved. One need only have regard to the success of seatbelt and random breath testing campaigns over the years to confirm that.

The Government is serious about changing community attitudes. That is why the New South Wales Centre for Road Safety has relaunched over summer the "Speeding. No one thinks big of you" commercial, also known as the pinkie commercial. The Roads and Traffic Authority has a history of producing cutting-edge

advertisements that have helped increase road safety awareness and made a contribution to reducing the road toll. The commercial shows a series of young men speeding and the disapproving reaction of the community to their behaviour.

The pinkie campaign is about delivering the broader message that speeding is a community issue that concerns people of all ages. It is not only dangerous—it is unacceptable. A number of new campaigns targeting speeding and safe driving have been launched this year, with a particular emphasis on targeting young drivers who continue to be at great risk of being involved in crashes involving excessive speed. Towards the end of 2006 a number of high-profile crashes involving novice drivers prompted the development of campaigns to combat the problem. There was the pinkie campaign, which I have mentioned, and the "Please Slow Down" P-plate enforcement campaign, which was launched in January, to increase awareness of the New South Wales Police Force enforcement operation to target young speeding drivers.

The "Please Slow Down" campaign comprises two 15-second television commercials supported by outdoor advertising. The first commercial shows a police officer booking a P-plate driver for speeding. The second shows the same police officer attending a fatal crash involving a P-plate driver. The overall object of the New South Wales Police Force operation and the campaign is to contribute to a reduction in the road toll. In our efforts to lower the road toll, it is important that this House be seen to support those efforts and initiatives, and that is why it was important to debate this motion today.

I mentioned that there was a particular emphasis on young drivers. But let us look at the facts behind those high-profile stories. Young drivers aged 17 to 25 years represent 13 per cent of all licensed drivers, yet in 2006 they accounted for 25 per cent of all drivers involved in crashes. They are way overrepresented. That is why the Government established the Young Drivers Advisory Panel in November 2006 to develop plans to reduce the death of and injury to young people on New South Wales roads. A range of new initiatives was developed for novice drivers that have been embraced by the community, including automatic three-month licence suspensions, a ban on all mobile phone use, peer passenger restrictions, change in display of L and P plate conditions—they must now appear on the outside of the vehicle—and an increase in the number of driving hours required by learner drivers.

Any fatality on our roads is a tragedy and my heart—and those of all members of Government and I am sure members of the Opposition as well—goes out to the family and friends of those who have died on our roads. But we should keep in mind that the New South Wales road toll per capita is half of what it is in the United States and three-quarters of that in New Zealand. At 7.3 fatalities per 100,000 of the population in 2006, the New South Wales road toll compared favourably to 14.7 in the United States of America, 9.3 in New Zealand, 9.3 in Italy and 8.8 in France. Fatalities in relation to distance travelled have fallen from 3.4 fatalities per 100 million vehicle kilometres travelled in 1979 to less than one fatality per 100 million kilometres travelled. But we must do better. That is why we are spending \$120 million on road safety programs and road safety campaigns during the next financial year. That is why the Iemma Government's State Plan has set a target of 0.7 per 100 million vehicle kilometres travelled.

**Mr ANDREW CONSTANCE** (Bega) [4.12 p.m.]: Although such a motion as this is worthy of debate in this place, it is not good enough that the member for Maroubra has made comparisons between New South Wales and the United States, and other places. How can he do that when members such as the member for South Coast, the member for Myall Lakes and the like, and I have to confront the families of those who have lost loved ones on our roads? The best example I can give is that of Les Peterson, who earlier this year lost his son, Darren, on a stretch of the Princes Highway, and six months later his wife.

**Mr Daryl Maguire:** As reluctant as I am to raise a point of order, there is no Minister in the chair.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! I am sure the Parliamentary Secretary will return at any second. He should be in the chair.

**Mr ANDREW CONSTANCE:** This is a joke.

**Mr Daryl Maguire:** Can we stop the time? This is taking up valuable speaking time.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! The member for Bega can now proceed.

**Mr ANDREW CONSTANCE:** Could I please have my time reinstated? If those opposite cannot run the House and have a Minister sitting in the chair, and take up time—

**ACTING-SPEAKER (Ms Diane Beamer):** Order! The member for Bega is losing valuable speaking time.

**Mr ANDREW CONSTANCE:** I will seek an extension of time. The member for Maroubra made international comparisons, yet he does not have to confront families who have lost loved ones. I made reference to Les Peterson who, this year, lost his son on a stretch of the Princes Highway and six months later lost his wife on the same stretch of the Princes Highway when she went to visit the gravesite of her son. The member for Maroubra makes international comparisons and gloats about bringing the road toll down when we know full well that the State Government is failing on a number of fronts in road safety. Highway patrol numbers this year were 970, compared with 980 in 1984. Some 23 years ago highway patrol numbers were higher than they are today. There is drug use amongst the motoring public, yet how many drug testing units are on the highways across the State? The member for Maroubra might want to enlighten the House in relation to that figure, because I am advised that there are not too many units at all in relation to that. I have repeatedly asked questions in this place about random breath testing, but again the Government is not willing to provide those statistics, particularly at local area command level.

We also know 60 per cent of New South Wales road fatalities occur in country New South Wales. That is where this Government continues to neglect State highways, such as the Pacific Highway, the Princes Highway and the Great Western Highway. It continues to ignore its responsibilities in this regard. I again highlight the number of times that Labor members of this House, such as the member for Kiama—and it is Labor party policy—have said that highways such as the Princes Highway should be a road of national importance. There are no more excuses. Kevin Rudd is in power, Labor holds State and Federal governments, and now the question is: When will that highway be a road of national importance? When will it start to attract the second round of AusLink funding that it deserves and ensure that we see a reduction in the number of deaths on that highway? Sure, there are a number of factors, including the way in which motorists drive and conditions, but it is unacceptable that in this State we have highways, such as the Princes Highway, built to 1950s standards with no plan from the State Government to get them up to speed.

The member for the South Coast is in the Chamber. She has been lobbying very hard over a long period of time for a number of road projects up and down the stretch of the Princes Highway in her electorate. Again I highlight the fact that this Government has refused to provide the necessary funding. The roads program budget in this State is in the order of about \$3.3 billion. The State Government is spending \$380 million over a 12-year period on the Princes Highway, which amounts to nothing in terms of an annual spend relative to the total State roads program budget. Add to that the fact that, of that \$380 million, \$317 million is being spent north of Kiama when accidents are occurring south of Kiama. Pork-barrelling is costing lives.

The buck-passing has stopped because Labor controls both State and Federal governments. Its challenge—and it has been issued very strongly—is to ensure that we have a comprehensive highway plan funded by Federal and State money to ensure that lives are saved. Two years ago I wrote to the State Coroner seeking an inquest into deaths on the Princes Highway. It was granted. When the Coroner started the investigation it was determined that six fatalities would be reviewed. Today that figure stands at 21 and when the State coronial inquest commences in April next year the Roads and Traffic Authority will have a lot of explaining to do. There is no doubt in the world that the state of the roads is contributing to fatalities.

I have a map of the Pacific Highway south of the Bermagui turn-off detailing land purchased in 1984 from a local farmer by the Roads and Traffic Authority for realignment work. Nothing has been done. That is the section of the highway that claimed Darren and Vicki Petersen. It is the same section of highway that has seen fatality after fatality because the road is not up to scratch. It is not good enough that the State Government offered excuse after excuse and blamed the former Commonwealth government. What will the Government do now that Labor is in power at both the State and Federal levels? How will it play the blame game? It has run out of excuses; it is time to act.

In 2004 there were 27 deaths over six months on the Princes Highway on the section of highway south of the Bermagui turn-off, which is one-third of the length of the Pacific Highway. During that year the road toll on the Princes Highway was higher than the toll on the Pacific Highway. It is very easy to say that people are not driving to conditions and so on, but the road infrastructure of this State is contributing to road deaths, and it is happening in country New South Wales more often than in metropolitan New South Wales.

The Roads and Traffic Authority should do more effective planning, particularly for major State highways. I do not understand why the State Government cannot produce a 10-year highway strategy setting out

road projects. The new Federal member for Eden-Monaro, Mike Kelly, made a commitment during the Federal election campaign that the Bega bypass would be built during the new Federal Government's first term in office. He put \$15 million on the table, but it is a \$45-million project. The Hon. Eric Roozendaal has been asked whether he will make a contribution and he has refused.

Therein lies a major problem for the new Federal member: He has raised expectations about when the bypass will be built but, lo and behold, the State Government will not contribute any funding. The member has confronted a major political problem in his first week in office. If the Hon. Eric Roozendaal is fair dinkum about reducing the State's road toll he might start by responding to correspondence that local members send him about black spots and highway intersections that must be improved. He has received hundreds of letters from local members, but he has not responded. Lives will be lost on the State's highways because the Minister has failed to deal with this issue.

**Mr GEOFF CORRIGAN** (Camden) [4.22 p.m.]: I support the motion to endorse the Government's initiatives on road safety. Road safety is a key priority for any government and it is being taken very seriously by the New South Wales Government, and in a coordinated fashion. As an earlier speaker mentioned, community awareness is one way of achieving safer behaviour, and regulation enforcement is another. The safety components of vehicles and the design and development of safe infrastructure are also important in producing a safer roads outcome.

The Roads and Traffic Authority Crashlab, as part of the New South Wales Centre for Roads Safety, provides specialist-testing services to both government and industry-based clients. The facility enables all testing operations to be conducted on site. It is the only government-owned road safety facility of its kind in Australia. The facility has comprehensive research capabilities and does a lot of vehicle safety testing looking at cutting-edge technology and equipment designed to enhance road safety. The Staysafe committee visited the centre on 26 October and was very impressed. We saw a vehicle crash and it was an eye-opening experience. The facility also undertakes counter-terrorism testing on vehicles designed to protect buildings and public places from attacks.

Another instance of technology that the Government has developed to improve road safety is the speed management speed zoning database, which tracks the location of all speed limit signage and will prove to be the working platform for any future integration of technology, such as intelligent speed adaptation. This is very interesting technology. It is an in-car speed-warning device that has the capacity to advise drivers of the speed limit and to physically limit the vehicle's travelling speed. Obviously one practical way of applying this might be to curb recidivist speeding. I understand trials of this type of technology are underway in Europe. The Staysafe committee tested a car fitted with this technology in Macquarie Street. I pushed the accelerator flat to the floor and could not make the car travel any faster than 60 kilometres and hour. It certainly works very well.

**Mr Daryl Maguire:** Give it to Kerry—he'll make it work.

**Mr GEOFF CORRIGAN:** I thank the member for that interjection. When talking about road safety, we must not overlook an extremely important group, that is, pedestrians. Pedestrian safety is a serious issue and one that we need to approach with a commonsense attitude. The New South Wales Government takes the issue of pedestrian road safety very seriously. Sydney is a city of almost five million people, so it is a basic fact of life that pedestrians share the streets with cars, trucks and cyclists. In fact, that is true of the entire State. It is commonsense to cross the road at lights or at a pedestrian crossing, because that is the safest place to do so. The Roads and Traffic Authority is conducting a study of pedestrian and driver behaviour at a range of different pedestrian facilities. This study will provide sound new data on how pedestrians and drivers behave at pedestrian facilities such as traffic lights, crossings and pedestrian refuges.

The study will inform public policy and provide a blueprint for improving pedestrian safety around crossings. The Roads and Traffic Authority is committed to improving safety around pedestrian crossings, but motorists must drive safely and responsibly, and pay close attention to their surroundings. Motorists should drive carefully and look out for pedestrians, especially at peak times and in areas with high pedestrian activity such as in CBDs, outside schools and near shopping centres. For their part, pedestrians should always cross at pedestrian facilities and be alert to vehicle movements. The Government is implementing a \$17-million, three-year program to upgrade all 59 pedestrian crossings without traffic lights on State roads with four or more lanes to enhance road safety for pedestrians.

Like the member for Bega, all members are affected by road deaths in their communities. Three Sundays ago I attended the World Day of Remembrance for Road Traffic Victims ceremony organised by

Wollondilly Shire Council. I was able to put a message in a balloon and release it in memory of a young friend of my son who was a road accident victim. It was a wonderful and moving event for parents and friends who have lost loved ones in road accidents. Like the member for Maroubra, all members are moved by road accidents and anything we can do to improve road and pedestrian safety is a step in the right direction.

**Mr JOHN TURNER** (Myall Lakes) [4.27 p.m.]: I endorse the member for Camden's comments. I lost both of my parents in a road accident in the year I left school, so I know the difficulties associated with such an event. My brother, who was involved in the accident, has also suffered ancillary problems. Having said that, I must offer some constructive criticism of the Government. Road safety has been a passion of mine. In fact, I was the first shadow Minister for Road Safety and I took that position very seriously.

I refer to a couple of matters that I think will help with road safety. The first relates to the Pacific Highway. Obviously that is an area of interest to me, not only because it goes through my electorate but also because that is where my parents were killed. The problem is the lack of management of the highway construction. About four years ago, when I was shadow Minister for Roads, according to the Roads and Traffic Authority's own figures the cost of the road blew out by \$923 million. If the highway had been properly managed that \$923 million could have been applied to other parts of the Pacific Highway, or even to the Princes Highway that was referred to by the member for Bega. I ask the Government to look at the management of those projects so as to maximise the dollars, get value for money and achieve the maximum number of upgrades.

Clearly, the work that has been done to provide a divided carriageway on the Pacific Highway has made the road safer, except in areas where there are major intersections such as the Tea Gardens turn-off. I do not have time to canvass that at the moment but it is an accident waiting to happen. Deaths will occur there and, regrettably, consecutive Ministers for Roads have refused to provide the money to construct a flyover. The irony is that all the work is done except for the bit of concrete across the top. The member for Port Stephens is now canvassing that. Speed is not the only factor; road conditions also play a part. While money is being spent on the Pacific Highway, the maintenance of regional roads is poor, and problems with road alignments contribute to accidents. The Government should consider increasing funding for this aspect of regional roads and for the Timber Bridge Replacement Program, the funding for which has been slashed.

Other areas of concern relate to enforcement. The House heard from the member for Bega about the present number of highway patrols. In 1984 there were 980 highway patrol officers. In 2007 there are 970 highway patrol officers. We know from public utterances that Superintendent Hartley, who is in charge of the highway patrol, wants another 400 officers. As late as today the Minister for Police says only 50 extra officers will be assigned to the highway patrol. Clearly, that is not enough. Because of the crisis in the police force—highlighted in the Auditor-General's report today—highway patrol officers are being required more and more to do general duties work. We have heard only recently that they are now doing escort duty for juvenile offenders. That is not the role of the highway patrol. Other people can do that. While our highway patrol officers are being diverted into general duties and escort duties, they are not out on our roads hammering the speed freaks.

The member for Coffs Harbour informs me that there were no highway patrol cars at all for a week in the Coffs Harbour-Clarence highway patrol area, an area in which there were 38 deaths in the past 12 months. Clearly, the Government is not using highway patrol officers for enforcement of the driving laws, and it must accept that. The Minister for Police seems to be in denial. He is almost parrot like in his statements to the House about how he will give us an extra 50 highway patrol police. His own superintendent, the man in charge of road safety in New South Wales, says he wants 400 officers, and clearly we need those 400 officers. On a more positive note, I commend the various organisations that are teaching road safety in our schools. An organisation called the Power of Choice is operating out of Port Macquarie. I have participated in that scheme. Of course, the Rotary Club has a successful scheme, and the Lions Club in my area operates a scheme to teach young drivers about road safety. I commend those initiatives. If the Government could coordinate those various organisations, particularly in regional and rural New South Wales, it would enhance road safety and benefit our young people immensely.

**Ms ALISON MEGARRITY** (Menai) [4.32 p.m.]: I also support the motion before the House and believe that every member should support it, particularly as the member for Maroubra sought priority to debate it. The Government's initiatives in regulation and enforcement will make our roads safer. The Roads and Traffic Authority has, for many years, worked closely with the New South Wales Police Force to improve road safety in New South Wales. In the past financial year the Roads and Traffic Authority contributed almost \$10 million to fund operations targeting speeding, drink-driving, fatigue and seatbelt use. The Government has also introduced double demerit points and increased funding for coordinated public education and enforcement. The reduction in

the number of fatalities and injuries during holiday periods may be attributed to these efforts. That is why it is so important that this House recognises those efforts and the need for them to be supported in a bipartisan fashion. They should continue, and similar operational initiatives should be developed further.

Due to the overrepresentation of heavy vehicles involved in fatal car crashes, the Government has implemented a number of heavy vehicle initiatives. For example, speed limiter deeming legislation prosecutes operators who allow their heavy vehicles to travel more than 115 kilometres per hour due to faulty or non-functioning speed limiters. The New South Wales Government played a pivotal role in the development of a heavy vehicle driver fatigue reform package, which was approved by Ministers from all States and Territories in February this year, following good work from the National Transport Commission. This reform, which is underpinned by world-leading fatigue research, is the result of extensive consultation with the industry, unions and government. The reform will apply to trucks with a gross vehicle mass of more than 12 tonnes. The reforms will be implemented in September next year following approval from the Australian Transport Council.

Under the new chain of responsibility laws everyone in the transport chain must take reasonable steps to prevent driver fatigue. This approach is consistent with occupational health and safety legislation, and the penalties escalate sharply for offences that pose serious road safety risks, including court-imposed fines and demerit points. These reforms will result in safer working practices and stronger powers to prosecute companies that push heavy vehicle drivers to illegal schedules. With the road freight task in Australia expected to double by 2020, it is important to note that these new penalties and enforcement powers have now been successfully implemented and investigations and prosecutions are taking place.

Initial operations have involved hundreds of statutory directions being served, tens of thousands of records being obtained, and future potential enforcement activities being identified. The Roads and Traffic Authority will continue to utilise regulation and enforcement to manage road-user behaviour. The authority will continue to work in partnership with the New South Wales Police Force in this important area to implement the new safety regulations for school zones, for novice drivers and for drug testing. The Roads and Traffic Authority is getting on with the next step to install more flashing lights in school zones for term one in 2008. This is part of a \$46.5 million rollout of this new state-of-the-art technology. The association is currently in consultation with schools that were recently selected to be operational for the start of the 2008 school year. The New South Wales Centre for Road Safety selects school zones using criteria including traffic volumes, vehicle speeds, pedestrian activity and crash history. Last week the latest 16 schools were announced and contacted by the Roads and Traffic Authority. Further schools will be selected and will have the technology installed throughout 2008.

Flashing lights are just one component in improving road safety around schools. Other measures to improve school zone safety include pedestrian overbridges, marked foot crossings, wombat crossings, pedestrian refuges, traffic-controlled pedestrian signals or fencing that separates children from traffic and guides children towards a safer crossing facility. In relation to random roadside testing, as members would be aware, laws allowing the New South Wales Police Force to conduct tests came into effect in December last year. Police began random roadside drug tests in January this year to detect speed, ice, cannabis and ecstasy. Highway patrol officers are able to tell within minutes if a driver has taken any detectable substances. When and where this test will take place is an operational decision and it is a matter for the New South Wales Police Force. It is important that all these initiatives continue to be supported by this House.

**Mr MICHAEL DALEY** (Maroubra—Parliamentary Secretary) [4.37 p.m.], in reply: I thank the members for Bega, Myall Lakes, Camden and Menai for their contributions to this debate. I know that it is said from time to time that being in Opposition can be a tough gig and one does not get adequate notice of what might be debated in motions to be accorded priority. However, as a matter of necessity, they are always limited to a number of portfolio areas. Yet day after day in this place the Opposition has no policy regardless of the topic and portfolio area of the motion to be accorded priority—whether it be road safety, like today, infrastructure, energy, water, health, transport or climate change. The Coalition went to the March 2007 election with vacuous holes in its portfolio proffering, and it has not improved in eight months.

The Opposition simply comes into the House and criticises. All we hear are criticisms and hypocrisy, particularly from the member for Bega. For 11 years the Howard Government starved New South Wales of funding across a multitude of portfolio areas. One example is road funding of the Pacific Highway. During the election campaign Prime Minister John Howard announced a policy on the Pacific Highway. He promised to spend billions of dollars extra in upgrading the Pacific Highway but—and there was a significant caveat—only if the New South Wales Government matched that funding dollar for dollar. If one compares the relative

budgetary positions of the State and the Commonwealth, one can see that that statement was extremely cynical. In an era where unprecedented surpluses were being amassed by the Federal Government—\$17 billion worth of surpluses in the last financial year compared to a total budgetary position for New South Wales of \$46 billion—how could it justify that the State Government would have to contribute on a dollar-for-dollar basis towards a road it claimed to hold dear?

The member for Bega said, "What on earth will the Government do about reducing the road toll?" We will continue to work towards reducing the road toll in the same way that we have done over the past 10 years. I mentioned some successful campaigns earlier, such as the pinky campaign and other educational campaigns, and enforcement of drivers who refuse to slow down. We send a message to people going away on holidays that they must be responsible for their own safety and their own vehicles. They need to slow down. We will keep reiterating that message. Our job, through education and enforcement, is to target those drivers who will not do that. On behalf of the Government I say firmly to the people of New South Wales that over the holiday period in particular we intend to do just that. I commend the motion to the House.

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

**Motion agreed to.**

### **WORLD YOUTH DAY AMENDMENT BILL 2007**

#### **Agreement in Principle**

**Debate resumed from an earlier hour.**

**Mr GREG SMITH** (Epping) [4.43 p.m.]: I speak on the World Youth Day Amendment Bill 2007. It is a great relief to all the citizens of this State, and probably this country, that the impasse that seemed to be developing over the venue for the World Youth Day mass by the Pope has been settled. I was involved at an earlier stage in discussion with State Government officials and the Catholic Church about use of the Homebush Stadium, which the church originally thought was where the main activities would be held. It was the Government's decision to move the venue to Randwick racecourse because the Government considered the facilities were more suitable for such a large crowd. The object of the bill is for World Youth Day events to be held at Randwick racecourse. I am privileged to have five children involved, one way or another, in World Youth Day activities, either here or elsewhere.

World Youth Day has a lot to offer young people in this country because they do not have many idols to follow who can show them good examples of how to live peacefully in a community. Unfortunately, young people are often fooled into following rock stars and others, who end up on drugs, go through multiple marriages and relationships, and the children of those unions are often very messed up. The aim of World Youth Day is to unite young people of all religions, indeed people generally, in something that is good and decent. My eldest son, Ben, a married man with two beautiful daughters, has been to three World Youth Days. He went to World Youth Day in Manila, where there was the largest crowd ever assembled at a mass—five million people. He also went to World Youth Day in Rome and Toronto. In Rome he was a keynote speaker at a forum organised by a large Irish youth group. The Smiths have strong connections with Ireland, which is where our ancestors come from. On 17 March we celebrate that connection—indeed we celebrate every day.

About 12 years ago Ben established a human rights youth group, and that group continues today. He has a special gift of faith. He graduated with first-class honours, with a bachelor of technology in optoelectronics, with physics and science prizes from Macquarie University. He worked for a high tech company. He had a 15-month stint at the Seminary of the Good Shepherd, where he was studying to be a priest before deciding his true vocation was in the married state. He now works at Macquarie University, liaising with industry to attract research moneys and scientists to work on joint projects with university researchers. He continues his apostolate in spreading the good news of Christ among his colleagues, family and many friends. He is an outstanding citizen and by going to three World Youth Days his faith and his goodness have been renewed.

Dominica, who has been to many World Youth Day functions in Sydney but never to a World Youth Day, is in child care and is heavily involved in World Youth Day events. She has often worked with handicapped people and projects great warmth, which earns her the love and respect of those less fortunate. For years she coordinated an over-21 group called Catch Up, which was loosely based at St Patricks Church Hill, where Johnno Johnson makes a squillion selling Father Mac's heavenly puddings around this time of the year.



Our second son, Nathaniel, who is reasonably well known in the political community and runs his own plumbing business, has been to two World Youth Days, in Toronto and Cologne. His experience at these, and the catechise he has been exposed to, have helped him grow in faith. He was one of two delegates chosen by Cardinal George Pell, from the Archdiocese of Sydney, who attended the handover of the World Youth Day cross in Rome earlier this year. As well as working with the Catholic youth service and other groups, he is a dedicated worker for the Liberal Party. I am sure members would be happy to know that there are people dedicated to the political process who work hard during the elections. He is a feared character around the Ryde, Epping and Bennelong areas because he is rather a large chap, built like the front-row forward that he was.

**Mr Kerry Hickey:** So is Maxine McKew!

**Mr GREG SMITH:** Maxine is a little smaller. He was a tireless worker for former Prime Minister, John Howard, and is heavily involved in World Youth Day activities. Jerome, who is also well known in the Bennelong area, recently graduated as an enrolled nurse, having been a licensed real estate agent. A lot of his work involves dealing with patients who are mentally or physically challenged. He attended World Youth Day in Cologne, and has grown in faith and wisdom since then, and in recent months has attended numerous formation evenings for World Youth Day 2008. He has now stepped into the shoes of his older brothers and is one of the main organisers of human rights activities. Jerome is heavily committed to World Youth Day. He is a great example of a Christian young person who helps his friends. Some of his friends have problems—as all of us have had over the years—and Jerome is like a brother to them and gets them out of trouble regularly.

Our baby, Philomena, who is 21, another born leader, has been a delegate to the Sydney Archdiocese World Youth Day organising committee and is a third-year Bachelor of Arts Diploma of Education student at Macquarie University. In 2006 she was selected as student representative on the Academic Council. She has attended a series of talks organised by the World Youth Day Committee and other groups. She is also actively involved in the activities of Macquarie University's Catholic Chaplaincy, and she is heavily committed to World Youth Day Sydney 2008.

I suppose it is not unusual for a parent to brag about their children, but my wife and I have observed the improvement that has occurred in our children's commitment to other people, to their faith and to the community because of their attendance at World Youth Day activities. Friends of theirs who have attended World Youth Day activities in various other countries have really benefited from the experience. It does a great deal also for people who allow their homes to be used for billeting young people visiting from other countries. My children had the experience of staying with people—they certainly were not all Catholic; they were Christian people—and they have kept up contact with those people. World Youth Day helps build good relationships between Australians and people from other countries, specifically Canada, Cologne and Italy.

It is a great relief that World Youth Day will continue, that it will bring great blessings to this country as well as much money in the form of tourism dollars, and that it will expose this country to many thousands of people who would otherwise not have come here. They will see the benefits of living in a free world, and particularly the benefits of living in Australia, hopefully in New South Wales. I commend the bill to the House.

**Mr BRAD HAZZARD** (Wakehurst) [4.52 p.m.]: As has been indicated by the shadow Minister and member for Epping, the Opposition does not oppose the World Youth Day Amendment Bill 2007. I want to speak to the bill because there is a sense of excitement on the Opposition benches, as there is I am sure on the Government benches, about the opportunity for us to celebrate World Youth Day here in Sydney. The opportunity for so many young people to come to Sydney to share their faith, their joy and their youth is something that everyone in New South Wales should delight in.

I well recollect the Billy Graham crusades when I was a young man. The crusades were not designed specifically for the Catholic faith; they provided opportunities for people of all faiths to come together and witness their belief in Jesus Christ. Certainly I was one of those people who was out there knocking on doors and attending the Billy Graham crusades. I have to say that it was a joint sharing of faith, a joint sharing of the joy of life and of God, that was one of the main factors in my growing up years. Wherever you go later in life, to have had the opportunity to celebrate in that way is something which is an advantage—as the member for Epping said, a great advantage—to not only the young people but also the community from which those young people come.

Recently I heard on the radio discussions about the funds that were being put into World Youth Day. There was some negativity. As a member of Parliament, and as a representative of my community, I totally

support the funds that are going into World Youth Day. It is, as I said, an opportunity that will not only put Sydney in the spotlight but also bring so much to so many young people—not just the attendees but others who know of this wonderful opportunity to share faith. I am a little disappointed that, due to perhaps a little failure in organisation on the part of the State Labor Government, there have been some issues about the site at which the main events will be held. I recollect that initially Homebush was the preferred site for the celebrations. The decision to hold the events at Randwick, as I understand it, came out of a government committee set up by the State Labor Government and chaired by Col Gellatley. The decision was made, like so many other decisions the Government makes, without appropriate consultation.

In October 2006 the Government got around to telling us that it had decided to hold the celebrations at Randwick. Obviously the consultation was lacking, and later on we saw the major dramas and the degree of negativity that this marvellous, wonderful and exciting event did not need to have. The Government has the Opposition's support for the bill, and it has the Opposition's wholehearted energies to make sure that World Youth Day is successful. However, as a shadow Minister who has been a member of this place for some time and has seen some of the errors that governments can make when they do not consult, I would encourage the Government to more adequately consult.

The issue has now finally been resolved; I believe that occurred only on 14 November 2007. Literally three weeks ago the Australian Jockey Club finally reached heads of agreement with the New South Wales Government. It simply demonstrates how slow the Government can be. Presumably John Watkins would compare the success of this to the fact that trains can run five minutes late and he still gets to his destination on time. The fact that this ran almost two years later than it should have is probably John Watkins idea of success. The rest of the community would say that Minister Watkins, as Deputy Premier and one of the senior members of the Government, should have made sure that the consultation took place earlier and that there was no sense of negativity to any part of this wonderful occasion.

I wish to address another aspect of the bill that I find a little objectionable. The bill contains some extremely high-handed provisions that basically tell bus operators they have to do certain things and they have to do them at a certain price, and that if they do not do those things the Government will tell them they have to do them. The goodwill that surrounds this great event will not be helped by the Government's petty, anti-bureaucratic heavy handedness to any group. The contracted bus operators have already been through the wars with the Government when it negotiated the last contracts and it thrust on them at the last second clauses and requirements that they did not find satisfactory, and which to this day are still a negative legacy of the Government's contracting with the bus operators.

The Government needs to exercise a great degree of caution about how it approaches this. If I had been aware all those years ago that people had been heavy-handed in the provision of services to get me back and forth to the venue at which the last Billy Graham crusades were held, I would have been very disappointed. People who attend these events do so in the spirit of Christian goodwill. They do not want heavy-handed State Labor governments to basically ride roughshod over bus operators who are simply trying to carry out their daily activities. I say to Minister Watkins: Do not use the heavy-handed provision that gives the director general of transport the right to behave in a heavy-handed fashion. Sit down and do the talking, and do it fast because we are not far away from this wonderful event.

On the brighter side, an event like this is big on the world scale. It will offer magnificent opportunities for Christians across the world to focus on the next generation of Christians—the wonderful youths who are going to pursue their Catholic faith. I hope that these youths will be renewed and inspired about their faith. It does not just extend to the world stage. Almost 18 months ago I talked to the local Catholic community in my area and there was much excitement about this event. I well recollect a casual conversation I had with one of the nicest and most decent people I know, Father Tony Banks. Father Banks introduced me to a young man who was just getting involved in the early stages of the organisation of this wonderful day. It was clear to me from both that conversation and other conversations I have had with members of the Catholic faith on the northern beaches that the level of excitement was there almost from the moment we heard from His Holiness Pope Benedict XVI that Sydney was to be the venue for this wonderful celebration of the Catholic faith.

We should all reflect on the joy that this sort of function brings. For those people who do, perhaps, express a little bit of negativity about any aspect of this, I ask you to think about what is being done for our community through the Catholic faith. They are doing great things. They are ensuring the perpetuation of their faith via the young people of the Catholic Church. They are also doing great things for the community. These young people will be the leaders and role models of tomorrow. They will make our community an even greater place in which to live.

**Ms GLADYS BEREJIKLIAN** (Willoughby) [5.01 p.m.]: I support the comments of all members who have made a contribution to the World Youth Day Amendment Bill 2007. This is a major event not only for Sydney, New South Wales and Australia but also for the world. I am pleased that so many people are looking forward to this momentous occasion. It reminds all of us, Catholics and non-Catholics, of the importance of respecting people's right to worship and the importance of people coming together to celebrate what they believe in so strongly and passionately. I commend all those involved in the organisation of the event and I look forward to its success.

As the shadow Minister for Transport, I raise concern about the lack of consultation the Minister for Transport had with the private bus operators in relation to the bill. I understand that the Bus and Coach Association had been in regular dialogue with the Ministry of Transport in relation to the issue and had had long consultations about transport arrangements. However, the association was quite taken aback when the Coalition advised it that the bill was being presented to the House. The association was not informed of the large schedule in the bill that relates to private operators; nor was it told that the bill was being debated. I know that the Bus and Coach Association has been working closely with the Government to ensure it provided every bit of transport for the occasion, but it is of extreme concern that the Minister for Transport—the Minister in charge of this important event on behalf of the Government—did not think it appropriate to speak to the association and its industry representatives prior to the introduction of the bill to the Chamber, or advise it about the schedule in the bill.

The World Youth Day Amendment Bill 2007 gives the director general unfettered powers to override existing contracts and requires provision of services at the director general's discretion at a rate as determined by the director general. This is of concern because there is no balance of acting reasonably or on normal commercial terms. In fact, the Bus and Coach Association feels that contrary to this, the provisions in the bill prescribe the payment to operators be based on a kilometre rate. The association believes there are a number of other services that do not lend themselves to kilometre rates. For example, when there are time delays that are reasonably expected a kilometre rate will not cover the cost of providing the service. These are the charter-type services of a temporary nature that are often needed for special events such as a World Youth Day.

The association has also said that it was at an advanced stage of negotiating rates of kilometres and patronage and hours for augmentation of existing timetables and additional special needs, but felt an hourly rate was appropriate for the work that involved reasonable waiting periods. Events of this magnitude do have long periods associated with waiting. Sometimes unexpected delays occur and it is not fair to impose contrary restrictions on bus operators when it was their understanding that they would be fairly remunerated for the important service they are to provide on this occasion.

The Bus and Coach Association considers that the best way to achieve the most effective transport results for World Youth Day is to work in partnership with the transport providers. The implication of that statement is that they feel they have been dealt with in a heavy-handed approach, by not being advised that the bill was being presented to Parliament or advised of the specific schedules which directly impact on the association and its operators. The association is also concerned that the bill raises questions on the reliance of government contracts. They are unsure as to what that means and what trust they can have in the future as to the delivery of contracts. For example, metropolitan bus contracts provided that the Government would deliver an integrated ticketing system by mid-last year and that did not happen. That has obviously raised concern about contractual obligations and contractual arrangements moving forward.

I place on record my support for the private bus industry. I know it has already worked hard with the Ministry of Transport to endeavour to do its best to provide an important service for this important event. I regret that the Minister for Transport has not considered the views of the Bus and Coach Association or consulted with it. I draw the attention of the House specifically to proposed section 46E, which appears in item [14] of schedule 1 to the bill and relates to bus services to World Youth Day events. Subsection (1) of proposed section 46E says:

**(1) Implication of terms into regular bus service contracts**

A service contract for a regular bus service entered into under the *Passenger Transport Act 1990* (whether entered into or renewed before or after the commencement of this section) is taken to include terms to the effect of subsections (2)-(9).

Subsections (2) to (9) are very specific arrangements in relation to the bus operators. What is contained in this bill is contrary to what the private bus operators understood to be their obligations and their remuneration

arrangements for World Youth Day. It is now incumbent upon the Minister for Transport to immediately engage with the industry to ensure that it is properly and fairly remunerated for the services it will provide for this important occasion. Regrettably we have witnessed Minister Watkins taking his eye off the ball in relation to previous major events. We all know how important and critical it is to have effective transport arrangements when there are major events. The State Government has had a long time to plan for this important event.

It is therefore ironic, because the Bus and Coach Association said that it thought it was working well with the Minister for Transport. The association had been in long negotiations, it had been identifying service needs and it had been dealing with those issues. The association was satisfied with the way things were going. The bill has been presented to Parliament without the association being given the courtesy of being advised of the provisions in the bill that impact on its industry, or the courtesy of negotiating some of the arrangements within the bill. The association indicated that in relation to previous major events it has most satisfactorily engaged with the Government to provide services without the need for such heavy-handed regulation to its industry.

I reiterate that I hope for an extremely successful World Youth Day next year. It is a wonderful event to look forward to for both Sydney and Australia. I certainly hope that the Minister for Transport will take seriously the issues that have been raised by one of his key stakeholders. I am quite alarmed that he has not engaged with the association already, given that a large chunk of the bill relates to the services it will provide to ensure the safe and reliable transportation of tens of thousands of young people involved in that important event.

**Mr JONATHAN O'DEA** (Davidson) [5.09 p.m.]: I am pleased to speak on the World Youth Day Amendment Bill 2007. In July 2008 World Youth Day will be celebrated in Sydney. The word "day" is something of a misnomer, as many public elements of this event commenced last July and the main celebrations will be held over a week from 14 July to 20 July 2008. The main celebrations will be attended by approximately half a million young people aged between 16 and 35 who will come from around Australia and many overseas countries. This will, hopefully, be a great opportunity to set a new path for the younger generation to follow in the years ahead and to address social justice issues, including those relating to poverty, war and the environment. Over time various religious leaders have spoken against material excesses and the need for people to understand their neighbours and the land we all live in. We look forward to the visit of the spiritual leader His Holiness Pope Benedict XVI. World Youth Day will facilitate a path of awareness for the enrichment of faith and understanding between youth of different races, cultures and economic circumstances.

As the member for Manly highlighted earlier, it is crucial that the Government works effectively with all stakeholders, including the Bus and Coach Association and the racing industry. In light of the recent Asia Pacific Economic Cooperation [APEC] experience, I particularly urge the Government to consider better ways of dealing with the ABC *Chaser* team. The boys are quick and imaginative in their endeavours to amuse television audiences. Asking them to sign a post-APEC good behaviour bond would only set their minds in overdrive. I therefore suggest that the New South Wales Government provide funding to get them out of Australia for the week. How about sending them to the Kalahari Desert to investigate humour in 45 degrees heat or to Russia for lessons on how to behave solemnly? Perhaps they could be sent to China and India, as Premier Iemma was before the recent Federal election to save Kevin Rudd from further embarrassment.

Overall, there has been close and admirable cooperation between the New South Wales Government, the Catholic Church and the organising committee in planning for World Youth Day. Together with the World Youth Day Act 2006, this amendment bill will enable the State Government to plan and control the infrastructure and environment around Randwick for the orderly conduct of the event at Randwick racecourse. I commend the Catholic Church in Sydney, assisted by the State and Federal governments, for the wonderful initiative that is World Youth Day. Hopefully, it will substantially enrich the life of youth in Australia and the world and guide them on a more sustainable and better path for the future.

**Ms KATRINA HODGKINSON** (Burrinjuck) [5.12 p.m.]: The World Youth Day Amendment Bill 2007 amends the World Youth Day Act 2006 to enable the use of Randwick racecourse for this amazing event, to set up a committee to plan and manage the event at the site, to expand the functions of the Government's World Youth Day Coordination Authority, and to implement advertising and aerial restrictions similar to those that were in place for the Olympic Games. This enormous and exciting event will attract up to half a million people from around the world, who will attend a mass presided by Pope Benedict XVI on 20 July. Many of my constituents in the electorate of Burrinjuck who are tied to the Catholic faith are enormously excited about the Pope's impending visit and the prospect of seeing His Holiness for the first time.

I take this opportunity to congratulate the Catholic community in the Burrinjuck electorate. Thousands of people in my electorate are of the Catholic faith. I commend them for all they do for the electorate, particularly in education. The Catholic education system in Burrinjuck is widely utilised and serves the area well. Without it, we would be much the poorer. The State Government introduced the World Youth Day Act 2006, which enabled the establishment of the World Youth Day Coordination Authority. The powers of that authority relate predominantly to traffic and transport coordination. The shadow Minister for Transport aired valid grievances about the lack of consultation with private bus operators. I believe they were not even consulted on this bill.

I am concerned about that, but given the performance of the Minister for Transport over the past few weeks his mind is obviously somewhere else. It is certainly not on his portfolio, as was demonstrated during question time today. As I said, the shadow Minister indicated her concerns on that issue. I do not oppose the bill. I totally support World Youth Day. It will be a very exciting time in this State. As I said, many people in my electorate are enormously excited at the prospect of seeing His Holiness Pope Benedict XVI in person. The attendance by half a million people at this event makes it one of the biggest events this State has ever held. I hope that the State Government gets the transport right. The Opposition does not oppose the bill and we very much look forward to the event.

**Mr MICHAEL DALEY** (Maroubra—Parliamentary Secretary) [5.15 p.m.], in reply: It is a privilege to address the House in reply on behalf of the Deputy Premier, and Minister for Transport, who is responsible for bringing World Youth Day together. The Deputy Premier apologises for not being able to reply to the debate on the bill, but today he attended the funeral of Bernie Banton and that has led to some rescheduling of arrangements. I thank the honourable members representing the electorates of Strathfield, Manly, Epping, Wakehurst, Willoughby, Davidson and Burrinjuck for their contributions to this debate.

The bill will facilitate the use of Randwick racecourse for World Youth Day 2008, including the papal mass and vigil. The Government believes that the bill will allow the necessary planning for the event at Randwick racecourse and for other World Youth Day events to proceed. The Government acknowledges the heads of agreement that was reached with the Australian Jockey Club and intends to honour that agreement and the subsequent detailed access agreement. The powers in this amendment bill are not intended to overturn those agreements. The Government is of the firm view that those agreements embody the goodwill of all parties, which will be needed to deliver this event.

Members should note that the powers established in the bill will be used only in exceptional circumstances. They are to be implemented by way of regulation for prescribed persons or parties, that is, anyone who is or could be attempting to disrupt or frustrate the Government's objective of delivering a successful event and returning Randwick racecourse to the Australian Jockey Club for training and racing. This is an explicit acknowledgement of the importance of both World Youth Day and the racing industry to the State of New South Wales.

The Government acknowledges that the Ministry of Transport and the Bus and Coach Association have a good working relationship and that they are currently in negotiation for the provision of bus services for World Youth Day. Again, negotiated outcomes between the ministry and bus operators will be honoured by the Government. These measures are intended to provide certainty to the event and not to circumvent the appropriate negotiation process. We must make sure that enough buses are available to get people around the city during the week. The public transport system is central to the success of this event.

I turn to concerns raised by members during the debate, particularly the location of the World Youth Day mass at Randwick racecourse and the spurious notions that were advanced in this House by the member for Wakehurst, who called into question the decision to use Randwick at all. I remind the member of these facts. Sydney Olympic Park is not capable of meeting all the necessary requirements to hold this event, particularly in relation to the line of sight capacity and transport capacity. Sydney Olympic Park also has a lower average temperature than Randwick, which is an important factor in relation to the overnight stay during winter and the evening vigil. Transport facilities to Sydney Olympic Park can carry only approximately 45,000 people an hour, whereas transport facilities at Central can exceed 90,000 people an hour.

Randwick racecourse is more suitable than Sydney Olympic Park and can more easily accommodate the expected 220,000 people who will camp overnight for the vigil. They are the logistics, but what of the decision? It might surprise the member for Wakehurst to know that in September 2006 the Federal member for Wentworth, Malcolm Turnbull, as a member of the local organising committee seconded the motion for the

event to go to Randwick racecourse and that the current Leader of the Opposition in New South Wales was present at the meeting and supported the decision.

The member for Manly and the member for Willoughby made some contentious comments in relation to negotiations. The member for Manly said that the standard principle should be negotiating, not dictating. We are not dictating to anyone. We are negotiating, and we have done that successfully with the Australian Jockey Club. There were many hurdles to overcome in relation to holding this event at Randwick, but we successfully overcame them. We sat down, negotiated in good faith and we struck an agreement with the Australian Jockey Club, which we will honour. Currently, negotiations are being conducted, again in good faith, with the Bus and Coach Association, and the Government will take on board the concerns of that association. Those negotiations are progressing well and we are extremely confident they will bear fruit.

The member for Willoughby contended that the reserve powers will apply only to private bus companies. That is not the case: the reserve powers apply to both private and public bus operators. It is important to keep in mind that they are reserve powers and they will be used only in exceptional circumstances and if negotiations do not succeed. The member for Willoughby also made a number of assertions in relation to the rates and method of calculation for remuneration to the buses. The fact is that the rates are yet to be negotiated. Contrary to the assertions of the member for Willoughby, the final decision on the method of calculation, whether by time or on a per kilometre basis, has not yet been negotiated, but it will be negotiated in good faith with the Bus and Coach Association.

Some great things have been said about this great event. I am amused by members of the Opposition who, on the one hand, purport to enthusiastically support this tremendous event but who, on the other hand, cannot help putting the slipper into the Government. They are the same members of the Opposition who are doubters and who criticised the Government over its ability, along with the unions, to deliver the best Olympic Games we ever had. They will do the same thing with World Youth Day. We will stage the event in a way that is efficient, safe and in the same spirit of peace and harmony that the people of this State, this nation and the visitors to this country will bring to the event. It is an event of unprecedented proportions, but we intend to make sure it is delivered in the manner it should be. I commend the bill to the House.

**Question—That this bill be now agreed to in principle—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**

#### **Passing of the Bill**

**Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.**

#### **LAW ENFORCEMENT AND OTHER LEGISLATION AMENDMENT BILL 2007**

##### **Agreement in Principle**

**Mr DAVID CAMPBELL** (Keira—Minister for Police, and Minister for the Illawarra) [5.23 p.m.]:  
I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce the Law Enforcement and Other Legislation Amendment Bill 2007. The bill deals with amendments arising out of the Ombudsman's review of the Cronulla riots emergency powers, implementing the Government's election commitment to introduce move-on powers targeted specifically towards groups of intoxicated people, various amendments to clarify the operation of the Crimes (Serious Sex Offenders) Act 2006, and amendments to the Terrorism (Police Powers) Act 2002 arising out of a legislative review.

I refer to schedule 1, part 6A, Cronulla riot powers. Part 6A was enacted following the Cronulla riots in December 2005, the scale and severity of which was unprecedented in New South Wales. These powers are emergency powers, designed to allow police to prevent and control large-scale public disorder of the type

witnessed in 2005, when existing general policing powers were not sufficient. With these powers police can act swiftly and decisively to deal with an emergency situation in extraordinary circumstances. At the time these powers were created the Iemma Government provided for a two-year Ombudsman review. The Ombudsman has provided his review and has found, as would be expected, that these powers have been used rarely and judiciously. In his conclusion the Ombudsman observed:

Police appear to have been responsible and appropriately measured in their use of the Part 6A emergency powers to date. The available evidence indicates that authorisations to use the powers were only granted in circumstances where senior police were genuinely of the view that other, less intrusive policing measures would be insufficient to restore order or prevent further attacks.

Significantly, there were a number of public order incidents, or threats to public order, where senior commanders considered whether to authorise the use of the Part 6A powers, but opted not to as other effective and appropriate options were available to police.

On the rare occasions that use of the Part 6A powers was authorised, such authorisations generally appear to have been well founded, and in accordance with the legislative requirements and the intention of Parliament.

In summary, the Ombudsman's review found that the authorisation process was an important safeguard, the use of cordons and roadblocks had been effective, and the emergency use of powers without authorisation happened only once and with good effect. The review noted that the powers had not been tested fully as they had not been used that often. There have been occasions when police have considered using the powers but were able to deal with the situation with general police powers. Based on the experience of the New South Wales Police Force, and in particular the Public Order and Riot Squad, these powers are a useful set of back-up powers to have in policing extreme examples of public disorder.

The Cronulla riots shocked the public. There is support within the community for police to have a greater range of measures to control or quell such disturbances. Police are conscious of the gravity of these powers and respect the confidence the Government has in its Police Force. The Commissioner of Police and his senior officers are acutely aware of the importance of considered and appropriate authorisation of such powers in urgent and extreme situations as permanent powers, ongoing oversight and accountability will be ensured via detailed police reviews each time the powers are used.

A report of these reviews will be provided to the Ombudsman, who will have continuing powers to review and report on the use of the powers. This bill provides for further safeguards in relation to the authorisation and use of the powers. An amendment to section 87D provides that the nature and extent of the authorisation should be appropriate to the type of emergency that occurs. This will ensure that the powers, when used, should be tightly focused. For example, if there is a large-scale public disorder occurring in one suburb in Sydney, the size of the target area should be fashioned to deal with that situation. The entire city should not be made a target area. Recommendation 2 of the Ombudsman's review proposed that Parliament consider whether further safeguards are required to provide an assurance of the right to peaceful assembly.

The Government is firmly of the view that these emergency powers are intended to be used only in the most extreme circumstances and cannot be used for assemblies that are peaceful. Currently under the Act an authorisation cannot be given unless there is, or there is threatened in the near future, a large-scale riot or other civil disturbance that gives rise to a serious risk to public safety and that the exercise of the special powers is reasonably necessary to prevent or control the public disorder. The Government is, therefore, of the view that no legislative requirement is required to guarantee the right of peaceful assembly. The Act is clear that authorisations are not for circumstances like peaceful assemblies.

However, in implementing recommendation 4 the Government will provide further safeguards in relation to the right of peaceful assembly by ensuring that part 6A, police procedures regarding the authorisation and review process, includes particular reference to peaceful assemblies. Senior police officers who make an authorisation will, therefore, be required to articulate the reasons for granting the authorisation. Clearly, an application for an area to be the target of an authorisation that relates only to a peaceful assembly should not be granted.

An amendment to section 87M will allow police officers to seize and detain any item that is likely to be used to contribute to or to inflame a public disorder, for example, clothing and iconography with inflammatory or derogatory messages when there is an authorisation in place. This would allow police to seize items such as the t-shirts and materials with racist messages that were seen in the Cronulla riots. A new section 87MB will enable police to deal with large groups of people who marshal outside a target area with the intent to travel to and participate in a riot. This was a phenomenon that we witnessed during the Cronulla riots.

Existing section 87N will be amended to make the test clearer and to add two additional safeguards. Section 87N allows the emergency use of the powers under the division in circumstances where an authorisation under section 87D has not yet been given. The first safeguard is that the emergency use of the powers must now be preapproved by a senior police officer. This preapproval can be given in writing or orally, and it can be given over the phone or police radio. Secondly, there will be a three-hour time limit on the use of these emergency powers before an authorisation under section 87D must be given.

The senior officer with whom the preapproval power should rest was the subject of much debate in the other place. The Government's reasoned approach to the issue is that the power should lie with an officer of or above the rank of inspector. However, due to the adoption of an amendment moved by the Opposition, the bill now states that only a superintendent or local area commander can exercise this function. As the Attorney General explained in the other place, this amendment will effectively make the legislation unworkable in a dramatic situation where urgent police action is required in response. It would leave the police in an untenable position in which an authorisation may not be able to be obtained at the time it needs to be obtained, leading to a volatile situation unfolding and the police being powerless to deal with it. That is why the Government will move an amendment in Committee to restore the bill to its original state and put the right balance back into the legislation to ensure that it is workable.

Continuing with the detail of the bill, a redrafted section 87O will ensure that the Ombudsman will continue to keep these powers under scrutiny. It is hoped that there will not be other occasions to use these powers. But if they are employed the Ombudsman will be free to report on the incidents in his annual report. These are emergency powers and in making them permanent the Government believes that the right balance has been struck between necessary safeguards and providing the New South Wales Police Force with the tools to proactively, swiftly and efficiently deal with an imminent or occurring large-scale public disorder.

Schedule 2 to the bill contains amendments to the Law Enforcement (Powers and Responsibilities) Act 2002 that relate to the dispersal of intoxicated persons. These amendments implement a commitment made by the Government at the March 2007 election. Item [2] enacts new section 198 to confer on police officers the power to give directions to a person in a group of three or more seriously intoxicated persons in a public place for any such person to leave the place and not return for a period that does not exceed six hours. The power is exercisable if the police officer believes on reasonable grounds that the person's behaviour is likely to cause injury to other persons, damage to property or otherwise give rise to a risk to public safety. The new powers, which will complement the existing "move-on" provisions in part 14 of the Act, are directed towards putting a stop to crime and antisocial behaviour before it occurs. These powers will allow police to take a proactive approach to the problem by defusing potentially volatile situations before they get out of hand.

Schedule 3 amends the Crimes (Serious Sex Offenders) Act 2006 and the Bail Act 1978 as part of the Government's ongoing commitment to ensure the protection of the community from serious recidivist sex offenders. Item [1] amends section 3 to make it clear that the primary object of the Act is to provide for the extended supervision and continuing detention of serious sex offenders so as to ensure the safety and protection of the community. Items [2], [6], [7] and [18] are administrative amendments that provide that applications are to be brought in the name of the State of New South Wales. Item [21] inserts proposed section 24A, which entitles the Attorney General to act on behalf of the State of New South Wales for the purposes of applications under that Act. Item [5] amends section 11 to enable a condition that a person resides at an address approved by the Commissioner of Corrective Services to be imposed on an extended supervision order or interim supervision order.

Item [9] inserts proposed section 14A into the Act, which enables an application to be made to the Supreme Court for a continuing detention order against a person who has been found guilty of the offence of failing to comply with the requirements of an extended supervision order or interim supervision order. Item [15] amends section 17 to require the Supreme Court to consider the nature of the breach before making a determination in relation to an application under proposed section 14A. Item [16] inserts proposed section 17A, which revokes an existing parole order if the person is made the subject of a continuing detention order under proposed section 14A. Item [20] amends section 22 to provide that if a matter the subject of an appeal is remitted by the Court of Appeal to the Supreme Court the order concerned continues in force. The Court of Appeal may make an interim order revoking or varying an extended supervision order or a continuing detention order if a matter is remitted to the Supreme Court. Item [19] amends section 20 to allow for the arrest of a person in respect of whom a warrant of commitment has been issued as a result of a continuing detention order, but who is currently not in custody.

Schedule 3.2 makes amendments to the Bail Act 1978 to provide for a presumption against bail for the summary offence of breaching an extended supervision order and to add an offence to the serious personal



violence offences listed for the purposes of the presumption against bail for repeat offenders. Item [1] inserts proposed section 8F into the Bail Act 1978. The proposed section creates a presumption against bail for a person who is accused of the offence of breaching an extended supervision order or interim supervision order. Item [2] amends section 9D of the Bail Act 1978 to add the offence of attempting or assaulting with intent to have sexual intercourse with a child between the ages of 10 and 16 years, under section 66D of the Crimes Act 1900, to the list of personal violence offences for which a repeat offender may only be granted bail in exceptional circumstances.

Item [3] amends section 32 of the Bail Act 1978 to make it clear that the section that contains the matters to be taken into account when considering a bail application applies to offences to which proposed section 8F applies, but does not prevent consideration of matters relevant to the question of whether bail should not be refused. Item [4] amends section 38 of the Bail Act 1978 to require an authorised officer or court to record the reasons for granting bail for an offence to which proposed section 8F applies.

Schedule 4 to the bill makes various amendments to the Terrorism (Police Powers) Act 2002 arising from a legislative review of that Act. Sections 18 and 22 are amendments to clarify the existing power to stop, enter and search vehicles, vessels and aircraft. Section 26U is amended to provide that when a preventative detention order is in force in relation to a person, the power to enter and search premises for the person includes the power to enter and search vehicles, vessels and aircraft for the person. Section 27A is amended to extend the covert search warrant provisions to the search of vehicles, vessels and aircraft. Section 23 deals with the identification and other details that a police officer is required to disclose when exercising a special police power. The amendment clarifies that the information may only be provided after the power is exercised if it is not reasonably practicable to provide the information before or at the time of exercising the power. This makes the provision consistent with similar provisions in the Law Enforcement (Powers and Responsibilities) Act 2002.

The Preventative Detention Scheme in part 2A of the Act does not permit orders to be made against children under the age of 16 years. Section 26E is amended to provide that if a child under the age of 16 years is inadvertently detained, the child should be released into the care of a parent or other appropriate person. This change takes up a submission made by the Department of Community Services. Section 26ZA is amended to make the provision more consistent with the Law Enforcement (Powers and Responsibilities) Act 2002. Section 27U of the Covert Search Warrant Scheme is amended to clarify that occupier notices are to be served on each person who was believed to be concerned in the terrorist act for which the warrant was executed and who were occupiers of the subject premises at the time of the search. Schedule 4.2 makes an amendment to the Terrorism (Police Powers) Regulation dealing with delegations. Currently, the regulation is drafted with reference to specific position titles, and those titles may change over time. The amendment refers to assistant commissioner positions with reference to the relevant area of responsibility, rather than by reference to the specific title position. I commend the bill to the House.

**Debate adjourned on motion by Mr Greg Smith and set down as an order of the day for a later hour.**

## **LAW ENFORCEMENT AND OTHER LEGISLATION AMENDMENT BILL 2007**

### **Agreement in Principle**

**Debate resumed from an earlier hour.**

**Mr GREG SMITH** (Epping) [5.40 p.m.]: I lead for the Opposition in this debate. The Opposition does not oppose the bill as amended, but I will say a few things about it. The Law Enforcement and Other Legislation Amendment Bill deals with a diverse range of topics, including the Cronulla riots emergency powers. It grants new move-on powers to police, makes various amendments regarding supervision and detention orders for sex offenders and alters various police powers when dealing with terrorists. The bill amends the Law Enforcement (Powers and Responsibilities) Act 2002, the Crimes (Serious Sex Offenders) Act 2006, the Bail Act 1978 and the Terrorism (Police Powers) Act 2002.

The bill lifts the sunset provision on the exercise of special police powers contained in section 6A of the Law Enforcement (Powers and Responsibilities) Act. I emphasise that this was temporary legislation that was cobbled together quickly and passed when Parliament was reconvened after it had adjourned for Christmas in 2005. The bill amends the police powers contained in section 6A of the Law Enforcement (Powers and

Responsibilities) Act by inserting that in giving an authorisation of special powers, the police officer is to be satisfied that the nature and extent of the powers are appropriate. It also extends the police power to seize and detain vehicles, mobile phones and other communication devices to the power to seize things of any kind. It enables a police officer to stop vehicles and exercise powers in relation to the vehicle and its occupants in an area that is not in the target area if the police officer suspects that the occupants may have participated or intend to participate in public disorder. That would be reasonable suspicion.

The bill also alters the procedure for a police officer to stop a vehicle and to exercise powers in relation to the vehicle and its occupants without a formal authorisation having been given if the police officer suspects that such a disorder is occurring or threatened in the near future, and occupants have participated or intend to participate in the disorder. The approval of a police officer of or above the rank of superintendent or an officer occupying the position of local area commander was inserted in the legislation in the upper House and limits the exercise of the power to a maximum of three hours after the approval is given. The bill also provides for reports to the Ombudsman by the Commissioner of Police within three months of the exercise rather than at the time of the exercise.

The bill also amends section 59A of the Crimes Act 1900 to remove the sunset clause dealing with increased penalties for assault during large-scale disorder. It amends section 8D of the Bail Act to remove the sunset clause that provided for a presumption against bail in certain circumstances. It also enacts a proposed new section in the Law Enforcement (Powers and Responsibilities) Act 2002 to confer on police officers the power to give directions to any intoxicated person in a group of three or more to leave the place and not return for a period of at least six hours—colloquially called the "move-along power"—if they believe the person is likely to cause injury or be a risk to public safety. A further provision states that the direction given must be reasonable for the purpose of reducing intimidation or fear or stopping the supply or procurement of prohibited drugs.

The bill also amends the Crimes (Serious Sex Offenders) Act 2006 in relation to serious sex offenders. In particular, it extends continuing detention orders to such offenders who breach extended supervision orders or interim supervision orders. Specifically, it slightly alters the objects of the Act. It will amend the Act so that the State of New South Wales instead of the Attorney General may make applications for extended supervision orders or continuing detention orders. That is a surprising provision. It enables a condition to be imposed in a supervision order that a person reside at an address approved by the commissioner. It enables the State to apply to the Supreme Court for a continuing detention order against a person who has been found guilty of the offence of failing to comply with the requirements of a supervision order. It bill also inserts a proposed new section to revoke a parole order if the person subject to the order is made the subject of a continuing detention order. It enables the arrest of persons in respect of whom a warrant of commitment is issued as a result of a continuing detention order.

The Bail Act 1978 is amended by creating a presumption against bail for a person who is accused of the offence of breaching an extended supervision order. It will add the offence of attempting, or assaulting with intent, to have sexual intercourse with a child aged between 10 and 16 to the list of serious personal violence offences for which bail may be granted to repeat offenders only in exceptional circumstances. The legislation requires an authorised officer or court to record the reasons for granting bail for an offence under this category. It also amends the Act to create a presumption against bail for an offence of breaching an extended supervision order or interim supervision order.

The bill also amends the Terrorism (Police Powers) Act 2002 to make a number of changes to the exercise of terrorism-related police powers. It provides that when power is authorised to stop and search vehicles, vessels and aircraft it includes the power to enter them. That is an important amendment. The bill extends the power to enter and search premises relating to a person on whom a preventative detention order is in force to include the power to enter and search vehicles, vessels and aircraft. It also extends the covert search warrant scheme to vehicles, vessels and aircraft. The bill amends the provisions that relate to the identification and other details that a police officer is required to disclose to clarify that the information may be provided only after the power is exercised if it is not practicable to provide the information before or during the exercise of the power.

The legislation also amends the provisions that preclude the making of preventative detention orders in relation to a child under 16 years, and that require the release from detention of any such child who is inadvertently detained to require the child to be released into the care of a parent or other appropriate person. It provides that a police officer detaining a person under a preventative detention order need not comply with the

requirement to arrange an interpreter if the officer believes the difficulty of doing so would make compliance impracticable. The bill amends the provisions relating to the execution of a covert search warrant to clarify that service on a person who was believed to be concerned in the terrorist act is required only if that person occupied the relevant premises when the warrant was executed. The legislation amends the Terrorism (Police Powers) Regulation 2005 so that positions of senior police officers are described by reference to the relevant area of responsibility, rather than by reference to the specific title.

Despite that massive number of amendments, the Opposition has sought to make only two amendments. However, the Minister for Police has accused us of moving a much broader amendment than we sought. I suggest that in future he check the amendments before he talks about them. In a press release issued today the Minister said that the Opposition has attempted to change the law to prevent police officers from stopping and searching people within a declared riot zone. That is nonsense; it is false. He also said that the Opposition is seeking to change the law by preventing officers from stopping and searching cars that they believe to be heading to a riot. Again, that is nonsense; we did not seek to do that.

All we sought to do was comply with the recommendation of the Ombudsman and the Legislation Review Committee, as supported by the Law Society of New South Wales—all very reputable people and organisations—in dealing with the extraordinary powers that the Government wants to give to the police time and again and which inhibit the activities of law-abiding citizens. As they pursue their normal business walking along the street they can now be searched without any reasonable suspicion whatsoever. Yet, if you want to ask their name you have to have a reasonable suspicion. As I suggested, the amendment was to be inserted at the end of section 87K (1) of the Law Enforcement (Powers and Responsibilities) Act, which says:

A police officer may, without a warrant, stop and search a person, and anything in the possession of or under the control of the person, if:

- (a) the person is in an area that is the target of an authorisation—

And that includes the 1.3 million people in the area of one of the operations that I will come back to. Anybody in that 1.3 million people could have been stopped and searched, whether the person was albino, whether the person was blind, whether the person had a guide dog, or whether the person was in a wheelchair and obviously had nothing to do with any threatened riot in that area.

**ACTING-SPEAKER (Mr Thomas George):** Order! The Minister for Police will have an opportunity to speak in reply.

**Mr GREG SMITH:** Subsection 87K (1) (b) says:

- (b) the person is in or on a vehicle on a road that is the target of an authorisation.

All we did was seek to add these words, but we were beaten by one vote in the upper House:

and the police officer reasonably suspects that the person has been involved or is likely to be involved in a public disorder.

Obviously, they are the only people the police would legitimately want to search but for some reason the Government was not willing to go along with what the Ombudsman said. This Minister claims to be adopting the recommendations of the Ombudsman, but he hides behind the parts he likes and ignores the parts he does not. In relation to sections 87K and 87L, stopping and searching vehicles and people, the Ombudsman said at page 56 of his report, "The ability to conduct searches of people and vehicles was a central tool for police and was widely used on the few occasions that the use of part 6A powers was authorised. The search powers do not require an officer to reasonably suspect a person of involvement or potential involvement in any wrongdoing. Mere presence in a target area or road is enough to establish a lawful basis for search. This is in contrast to standard police stop/search powers, which I fully support, as does the Opposition, the Law Society and the Ombudsman.

The Ombudsman went on to say, "The potential for these powers to be exercised arbitrarily in what by definition is a volatile situation has been raised as a concern in many of the submissions to this office. The concern is greater with respect to personal searches than vehicle searches." The Government has chosen to ignore the concerns raised with the Ombudsman. The Legislation Review Committee's analysis of the search powers is consistent with these concerns. The committee, analysing the legislation after it was in force, has referred to Parliament for consideration whether the absence of any reasonable suspicion requirement in the search powers constitutes an undue trespass on a person's right to privacy. These are important rights that every

citizen enjoys yet, because it does not want to be seen as agreeing with the Opposition on anything lest it be seen as a sign of weakness, and because it wants to attack individuals in the Opposition who have worked in policing, investigating and prosecuting—unlike senior Ministers of the Government—the Government will not accept a reasonable suggestion.

During the relevant times of Operation Ceta approximately 1.3 million residents in the Sydney, Newcastle, Wollongong and Central Coast areas were potentially subject to random police searches. Reasonable suspicion of some link to wrongdoing has traditionally been the method used to guide police discretion in this area and it is one that police are familiar with. They would have been acting in a way they may normally act when they are searching someone, such as in a drug matter, or an armed hold-up and they want to search someone who may have a weapon, and various other types of serious criminal offences. But if citizens are just walking along the street, as is their right, enjoying the day but they happen to live in an area where an operation is being undertaken in some part of that area—it may be miles away—and the police want to search them they do not have to have a reason. I think it is outrageous.

I am speaking on behalf of the community, but I am also protecting the police, because if they act in the way they normally act they are pretty safe. But, if they start trespassing outside the normal bounds, trouble can occur. People may resist this search. People may be arrested because they do not want to be touched by a police officer because they have not done anything wrong. There are threshold requirements governing police use of powers in part 6A of the Act, such as the power to obtain disclosure of identity in section 87L. I refer members to section 87L, which deals with the power to obtain disclosure of identity. It provides:

- (1) A police officer may request a person whose identity is unknown to the officer to disclose his or her identity if:
  - (a) the person is in an area that is the target of an authorisation (whether or not in or on a vehicle), or
  - (b) the person is in or on a vehicle on a road that is the target of an authorisation,

and the police officer reasonably suspects that the person has been involved or is likely to be involved in a public disorder.

Surely it is a much greater invasion of a person's personal privacy to search them than to ask them their identity. It is absurd that this Government, with legislation that was temporary at the time, was rushed through Parliament and was probably a drafting glitch that was not thought of at the time—otherwise it would have inserted it in section 87L and not in section 87K—says that someone is entitled to be searched without any reasonable suspicion. The Ombudsman's report says, "In order to exercise that power [to disclose your identity] an officer must first "reasonably suspect" that the person has been involved or is likely to be involved in a public disorder". The report continues, "Introducing a reasonable suspicion requirement for personal searches would encourage better targeting of police power."

Has that been considered by the police? Where is their reasoned explanation for rejecting that recommendation by the Ombudsman? There is none. The report continued, "Secondly, reduce the likelihood that people such as residents and workers who have no involvement or intended involvement in any kind of wrongdoing will be searched." John Citizen—that is the voters of this State who are not involved in public disorder, which is 99.99 per cent—would be upset having to undergo a search. Where is the reasoned explanation for not following that justification put forward by the Ombudsman? There is nothing in the second reading debate in the upper House, and nothing here.

The report continued, "Thirdly, introduce a threshold test that police are already familiar with." Where is the argument that says it is not a threshold test that the police are already familiar with? I have worked closely with police on many occasions. I have been out on operations with police, and I have obtained search warrants for police from magistrates and I have prosecuted people for killing police. I have also prosecuted police when police have asked us to prosecute.

I take notice of Mr Gallacher, who has worked as a policeman and has had far more practical experience than any Government member. The Government will not accept anything the Opposition puts forward because it is not big enough to say, "Maybe we can improve the legislation and make things better for the citizens of the State the next time we have a riot and police go in and search people who are not involved."

Members might remember the recent Asia-Pacific Economic Cooperation conference. The case may still be before the court so I will not mention names, but a man was walking across the street with his young son. He ended up on the ground trying to stop handcuffs from being put on him. He was not part of any protest group, but merely a man walking through the city. He was put in the cells and suffered the humiliation of his

child seeing him being carted away by the police. There are usually two sides to a story but there will be many such cases with riots in the future. That is the problem. The Government thinks it can beat the law and order drum so hard that the electorate will be mesmerised.

I assure Government members that people do not want their bodies to be touched by the police, especially criminals with contraband. I guarantee that members of the public who are not suspected of any crime will not want police, without any reason, to search them. I warn the Government that the tide is turning. Personal liberty is important in this State, despite all the icing the Government uses to distract from its incompetence in running hospitals and dealing with the hundreds of deaths of children that are occurring all the time. The Government's tactic to distract is no longer working. The Ombudsman continued:

This change would only apply to searches of persons. All vehicle searches at road blocks on target roads or inside target areas should remain random.

The Opposition does not disagree with that and has not moved to amend that. He continued:

Our analysis of police data and in interviews with commanders also noted some concerns around police record keeping in this area.

I am not critical of police in their record keeping. They have a lot of records to keep. The Government has imposed an enormous amount of red tape on the police through the Law Enforcement (Powers and Responsibilities) Act of 2002. The Opposition did not do that; it was the Government. Whenever the Government suggests that the Opposition is trying to impose more red tape, we go ahead with criminal infringement notices. The Government imposed that requirement on police. In recommendation 7 the Ombudsman stated:

Parliament consider amending section 87K of LEPA to require an appropriate reasonable suspicion test for any searches of persons under part 6A powers. The Government has been silent in relation to that recommendation.

I turn now to the Legislation Review Committee, which comprises representatives from all parties. Report No. 1 of 2006 states:

52. The Committee notes that simply being present in an authorised area is sufficient to subject a person and/or that person's vehicle to being stopped and searched by any police officer.
53. The Committee notes that the exercise of powers under s 87J and s 87K is a significant trespass on the personal right to privacy.

Members can laugh at the Opposition supporting something that avoids a significant trespass on the personal right to privacy. Some thumb their nose at privacy and say privacy does not matter when police want to search John Citizen walking down the street with his dog, two miles away from a riot.

54. The Committee refers to Parliament whether the absence of any reasonable suspicion requirement in s 87J and s 87K constitutes an undue trespass on a person's right to privacy.

It could not be stated any more strongly than that. The legislation is important and the Government's trivialising of rights to privacy of ordinary citizens should not be ignored. The Law Society states that the second reading speech refers to the Ombudsman's review of part 6A of the Law Enforcement (Powers and Responsibilities) Act 2002. Recommendation 7 proposes that Parliament should consider amending section 87K to require an appropriate reasonable suspicion test for searches of persons under the part 6A powers. The Criminal Law Committee of the Law Society is strongly of the view that the bill should implement recommendation 7.

The current search powers under part 6A do not require an officer to reasonably suspect a person of involvement or potential involvement in any wrongdoing by the mere presence in a target area to stop and search a person, which creates the potential for these powers to be exercised arbitrarily. A reasonable suspicion requirement exists for other powers under part 6A, for example to exercise the power to obtain disclosure of identity under section 87L a police officer must "reasonably suspect that person has been involved or is likely to be involved in a public disorder".

The reasonable suspicion requirement would encourage better police conduct. The committee is of the view that section 87K should be amended to include a reasonable suspicion test. The Opposition had decided to do that before it received the submission from the Law Society. With such important legislation it would be desirable if the Government circulated the relevant documents and provided them to key stakeholders. The Law Society represents solicitors, who act for people charged with criminal offences, people unlawfully searched or

those who feel they have been trespassed upon or wrongfully arrested. These things happen; nobody wants them to happen but they do and sometimes the State Government, that is, the taxpayers of New South Wales, have to fork out for it.

Despite the fact that the Ombudsman, the Opposition, the Law Society and the Legislative Review Committee are trying to protect the police, their advice is being ignored. Section 87N (2), replaces the word "inspector" with "superintendent or a police officer who holds the position of local area commander" and is a totally justifiable provision. Part 6A is consistent with most of the other provisions. Section 87B relates to the emergency prohibition on the sale or supply of liquor. That prohibition must be imposed by a police officer on or above the rank of superintendent. We believe that such a person should also authorise the emergency powers. The same should apply to emergency alcohol zones. A police officer of or above the rank of superintendent is the person who may, by instrument in writing, establish an area within a public place, an emergency alcohol-free zone. The police officer must have reasonable grounds for believing certain things. The authorisation to declare an area a special area where there may be problems with riots may be given by the Commissioner of Police, a deputy or an assistant commissioner of police under section 87F.

Section 87F (1) states, "The power conferred by this section cannot be delegated." The reference to "may" in that subsection means "shall". In a normal situation, either the Commissioner of Police or a Deputy or Assistant Commissioner of Police must give the power. The 48-hour period may be extended only if the total period of the authorisation in relation to the area or road does not exceed 48 hours, or if the Supreme Court, on the application of the police officer proposing to give the further authorisation, determines that the police officer is entitled to give the further authorisation. So we are involving the Supreme Court—and so we should, because these are extraordinary powers. However, section 87N, the subject of our amendment, provides in subsection (1):

This section applies where a police officer stops a vehicle on a road in accordance with a power conferred by or under this or any other Act, being a road that is not (or not in an area) the target of an authorisation under this Division.

That is a pretty extreme situation as well. Section 87N (2) provides:

The police officer may exercise the powers conferred under this Division (except section 87MA) in relation to the vehicle (and any person or thing in or on the vehicle) without such an authorisation if the officer ...

The provision then sets out a test that must be satisfied. Proposed section 87N omits that provision and brings in a check that apparently the Government thought needed to be brought in. Proposed section 87N (2) provides:

Before exercising any such power, the officer must obtain approval to do so (orally or in writing) from a police officer of or above the rank of Inspector. Approval is not to be given unless the police officer is satisfied that the officer seeking to exercise the power has reasonable grounds for the suspicions referred to in subsection (1).

The word "Inspector" has now been changed to "Superintendent or person occupying the position of Local Area Commander". Again we come into the area of reasonable grounds for suspicion—something that is good enough for asking a person their name but not good enough if you want to search them. It is a drafting mistake, and the Government is too stubborn to accept that, despite everyone who has made a public statement recommending that it does accept it. The Opposition amendment that we have successfully carried in the other place was justifiable due to the sensitivity of the decision, the resource implications, and the need for such important decisions to be taken by very senior officers, as the other decisions and actions under part 6A require. An acting inspector could be a designated senior constable or sergeant.

Many of the people in those positions are not substantively promoted to the position of inspector. You can bet your boots that they would feel insecure about having to make such a decision if it meant bringing out police from other local area commands. In fact, the local area commander of other areas would probably require a direction from an assistant commissioner at least before he incurs the expense of bringing out many of his police officers. The Government still wants to keep that provision. The Opposition has been successful in having it passed in the upper House, in the public interest—not in any way to diminish the power of police but to act consistently with the other provisions of part 6A, which is an extraordinarily strong provision, the likes of which do not exist in any other State or Territory regarding this type of offence.

A number of the Ombudsman's recommendations have not been adopted, but we will not go into them. The Opposition does not wish to make any further comments on the other very serious pieces of legislation that are amended by the bill. We do not want to in any way inhibit the control of serious sex offenders under the current legislation, provided the Government gets its act together and lodges its applications in time—which it

did not do in the first one this year. We also do not wish to do anything to disturb the clarification of the Terrorism (Police Powers) Act 2002. As I said at the outset, we do not oppose the passing of the bill in its current form.

**Mr MALCOLM KERR** (Cronulla) [6.15 p.m.]: I believe the Government owes the public an explanation as to why a number of the Ombudsman's recommendations have not been implemented in the Law Enforcement and Other Legislation Amendment Bill. The issue was referred to the Ombudsman because the Government sought his advice after a trial period of the legislation. It is well for the House to remember why the bill is before the House. It is before the House because of events that took place in Cronulla in December 2005. Those events were regrettable, but they were a consequence of the fact that the Government had ignored the need to adequately resource Cronulla police for a number of years. In 1995, when the Coalition lost government, the budget made provision for the upgrading of Cronulla police station. However, that upgrading did not take place under this Government. Many members of the public and I spoke out about the need for the upgrading to occur to ensure that members of the public could access Cronulla beaches and parks in perfect safety.

The unfortunate events that occurred at that time, which bring us to the consequences of this bill, are a direct result of the Government's neglect in the important area of law and order. As the member for Epping said, the ability of citizens to enjoy their liberty is something that every government is required to protect, to ensure that people are at liberty to go about their business. Under the bill, as the member for Epping also said, without reasonable cause police will be able to search citizens. I do not believe that is in the interests of police, and it is certainly not in the interests of having an orderly society. That was the reason why the people's representatives in another place passed the amendment.

[Interruption]

As the member for Epping reminds me, the upper House passed an amendment to change "Inspector" to "Superintendent or person occupying the position of Local Area Commander". It is important that the House understands that in a liberal democracy there is a need to ensure that people can go about their business in an orderly fashion and that there are adequate reasons for police interfering with the ability of a person to go about their business. I was supportive of the Government recalling Parliament after the riots in December 2005. I think the Acting-Speaker was present on that occasion. At the time, the Government was not forthcoming with a justification for the legislation. We now have the Ombudsman's report and we can see how serious the situation was. That report mentioned that a major shopping centre in the Sutherland shire was being targeted. The *St George and Sutherland Shire Leader* outlined what the Ombudsman said in relation to the danger posed in that immediate period.

The events that occurred on 11 December were bad enough and were beamed around the world. Far worse were the reprisals that took place on the Sunday and Monday nights when racist attacks occurred. Victims were attacked in the streets. One person was stabbed in the back at the rear of Woollooware Golf Club. There were criminal and racist attacks on citizens. What occurred in the nights after the disturbances in Cronulla was far worse in respect of criminality and seriousness. We now know people were planning major criminal activities that would have had very serious consequences for the people of southern Sydney had they taken place. That is why the police took the actions they did in the weeks following the riots. They searched cars. Access to Sutherland shire was blocked. There were major traffic jams on the approach to both Captain Cook Bridge and the Tom Uglies Bridge.

Those police powers are now going to be made permanent. When are they to be made permanent? In the last few sitting days of the year. The Government has had all the information available. How much better would it have been if the bill had been introduced weeks ago to enable public discussion instead of being rushed through now? The House is forced to consider the bill in the dying days of 2007. The subject matter of the bill is of extreme importance. The most fundamental duty of any government is the protection of its citizens. People's rights should be protected and criminals should be prevented from engaging in activities that threaten people or their property. It is interesting that the Minister, as the member for Epping outlined, has verbalised the Opposition in relation to this matter—that is typical. As the member for Epping said, very responsible groups in the community—such as the New South Wales Law Society and the Ombudsman—have supported the Opposition, which has taken a responsible attitude to this bill.

As I have said, the Opposition does not oppose the bill. We want to ensure that police have the powers to equip them to go about their job of protecting the public. However, the legislation is not a panacea. It is not a substitute for having sufficient police in the Miranda local area command to ensure that people are able to enjoy

with their families the parks and beaches of my electorate over the coming summer months. The Minister should address in his reply whether there will be adequate policing resources and adequate manpower during summer. People in my electorate want peace of mind and a guarantee that the events that occurred in 2005 will never happen again.

**Mr BRAD HAZZARD** (Wakehurst) [6.25 p.m.]: The Law Enforcement and Other Legislation Amendment Bill seeks to amend the Law Enforcement (Powers and Responsibilities) Act 2002, the Terrorism (Police Powers) Act 2002, the Crimes (Serious Sex Offenders) Act 2006 and other Acts to make further provision in respect of police powers and serious sex offenders. The shadow Minister has indicated that the Opposition will not be opposing the bill. However, the Government or any member of the community should understand that our not opposing the bill does not mean that we agree with the bill.

**Mr Paul McLeay:** That is the way I understand it.

**Mr BRAD HAZZARD:** It does not surprise me that that is the way you would see it. That is part of the problem of the intelligence quota of the Government. You really need to lift yourself a little and work on the grey matter.

**Mr Paul McLeay:** I did not need to give you any interjection, did I?

**Mr BRAD HAZZARD:** If you are going to give me any interjections, make them good ones.

**ACTING-SPEAKER (Mr Thomas George):** Order! The member for Wakehurst will direct his remarks through the Chair.

**Mr BRAD HAZZARD:** It is fair to say that the Opposition is extremely concerned about the general direction of the State Labor Government. As the member for Cronulla indicated, it appears that the lack of resources put into violence in the community and the lack of proactive programs from the Government are now being offset, at least in terms of the Government's perspective, by simply increasing police powers. That acts against the interests of the community. This is becoming almost a practice of the Government. The bill, along with other legislation, is starting to affect more and more the rights of individuals to have personal liberties and to have the right to walk upon our streets without necessarily being accosted by a police officer who may or may not be exercising appropriate legal powers.

The Opposition has made it very clear that we support our police. I have the strongest support for our police. Having been involved in criminal proceedings as a defence attorney for many years, I have a perspective which is that occasionally it helps to have police officers understand that they are not given a carte blanche to walk up to an individual in the street, to challenge and search that individual or their vehicle. That is part of our democracy. However, this legislation, along with other legislation the Government has been prone to introduce in recent times, would appear to be intent on effectively taking away those liberties and going very close to being a significant trespass on individual's privacy. Proposed section 87N, emergency exercise of powers, states:

- (1) If:
  - (a) a police officer suspects on reasonable grounds that there is a large-scale public disorder occurring or a threat of such a disorder occurring in the near future, and
  - (b) the officer suspects on reasonable grounds that the occupants of a vehicle on a road have participated or intend to participate in the public disorder, the officer may exercise the powers conferred under this Division in relation to the vehicle (and any person or thing in or on the vehicle) without an authorisation having been given under this Division in connection with the public disorder or threatened public disorder.

That section effectively means that in the heat of the moment on the street a police officer can stop any vehicle and search that vehicle and all the occupants of the vehicle whether or not an authorisation has been given under the division. The authorisation under the division has to be given by a commissioner or an assistant commissioner. It starts from a position of requiring authorisation, then makes it clear the officer can proceed without authorisation. Proposed section 87N allows an officer who is well outside the area of public disorder to stop a vehicle and effectively search every person in the vehicle.

Proposed section 87 (1) (b) states, "the officer suspects on reasonable grounds that the occupants of a vehicle on a road have participated or intend to participate in the public disorder". That means that the officer must suspect on reasonable grounds that the occupants, and I stress occupants of the vehicle, have participated.



It does not differentiate between one, two, three, four, five, six, seven or eight possible occupants of a vehicle. It does not say some or all, it says, "the occupants". Proposed section 87 (1) (b) goes on, "the powers can be conferred under this Division in relation to the vehicle and any person or thing in or on the vehicle".

In other words, two or three people sitting in the car who have absolutely no intention of doing anything can be stopped and searched. Perhaps one or two of the occupants had an intention to do or may have done something. But this section allows everyone in the car to be searched. By the time the police stop the car grandma, grandpa and the grandkids could be sitting in it. The police will be able to search all of them. Even the Minister for Police could be in the car, having gone to the site to do some real work. The police will be able to search him. I do not believe that would be a nice exercise. I am sure the community would not want police to search the Minister for Police or other innocent parties.

This proposed section makes no sense. We are going down a path in this Parliament where people's legal rights and the presumption of innocence are being trespassed. The Government's response when something does not work out properly—because the Government has failed to put in place appropriate policy to address public issues such as those that gave rise to the Cronulla riots—is to trespass on the rights of the individual and the community. The amendment that was passed in the Legislative Council and is now proposed in section 87N (2) states:

- (2) Before exercising any such power, the officer must obtain approval to do so (orally or in writing) from a police officer of or above the rank of Superintendent or from a police officer who holds the position of Local Area Commander.

I listened intently to the Minister for Police trying to justify why his Government would not agree to the amendment. I remind the House that the amendment effectively increases the rank of the approving officer from inspector to superintendent. We are talking about a prospective trammelling of individual rights in our community. If the community wants a society where police are given unbelievable powers, this is the legislation for them. I do not believe that the average person in New South Wales wants police to have such extraordinary powers. Indeed, I do not believe that the police themselves want these powers. They want to be able to behave responsibly and sensibly. Under this Government very junior officers make up the great majority of front-line positions. Because of the lack of experience of the front-line police, it is all the more important that the people making the decisions and exercising the enormous powers that trammel an individual's rights are at a very senior level. I do not understand the Minister's objection. He said the amendment would impede police powers. I do not believe that for a second. I would like to see the advice he has received about that. His argument is about as silly as it gets.

Local area commands across the State always have an officer of a senior rank on duty. On occasions in some local area commands a superintendent may not be available. The provision is drafted in a way to cover that situation. It refers to "a police officer who holds the position of local area commander". I presume that means the person in charge of the local area command. So it allows for flexibility when a superintendent may not be available. As a general rule, when tramelling people's individual rights and civil liberties and taking away their freedom of movement around the State, it is not reasonable to say that a senior officer should make those decisions. The member for Epping put the argument logically and sensibly. Sadly, the Government is reaching the stage where it is happy to trammel individual freedoms. It is acting immaturely. Even after 13 years in Government it cannot accept a substantive amendment from the Opposition, which the bulk of the community would welcome.

As shadow Minister over the years I have dealt with senior Ministers on various issues. When both sides have had a real intent to improve the lot of our community, the Ministers have talked about issues and agreed to Opposition amendments. The Ministers have acknowledged maturely and sensibly that the Opposition has brought forward a worthwhile amendment and made it law in this State. For some reason, the Minister for Police has not been prepared to accept that this is a worthwhile amendment. He is going one bridge too far in taking away individual's freedoms and then compounding the felony by not ensuring that an officer of at least the rank of superintendent will make the decision.

**Mr DAVID CAMPBELL** (Keira—Minister for Police, and Minister for the Illawarra) [6.38 p.m.], in reply: I acknowledge and thank the members for Epping, Cronulla and Waverley for their contributions to the debate. I will not delay the House with a long dissertation in reply. Although the bill that is proposed has a number of aspects, the debate has been focused on amendments to what I will call the post-Cronulla powers. That is where the difference lies. I will talk in more detail when I move the amendment.

In the contributions that have been made by members of the Opposition the point that seems to have been lost is that these are not everyday powers for police; these are powers that would be used in extraordinary and urgent circumstances and to prevent the type of incident we saw in Cronulla from occurring. An example of the Opposition's misunderstanding was a comment made by one member, who said there might be a lot of police focused on a riot in a particular location but two kilometres away someone might be using the sorts of search powers that are available in the bill. Commonsense tells me that the cops will not be two kilometres away worrying about some provisions in this bill; they will be focused where the riot is. That is the way it will work in a practical sense.

All members of the Opposition who spoke in this debate said they support the police, but every one of them went on to say they do not trust the most senior operational police officer in a local area command. It is the inspector, not the superintendent, who is the person giving operational directions to front-line officers on an hour-by-hour basis. It is important to point out that the powers in the bill that are the focus of the debate are to be used in extraordinary and urgent circumstances and as reassurance for the community; they are not to be used every day by police. It is sad that the Opposition does not have confidence in the police using their discretion in the exercise of these powers. The Ombudsman certainly does, and he has made that clear in his review. For all the reasons relating to prevention being better than cure, the Government believes this is a sound package. I commend the bill to the House.

**Question—That this bill be now agreed to in principle—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**

**Consideration in detail requested by Mr David Campbell.**

#### **Consideration in Detail**

**Clauses 1 to 4 agreed to.**

**Mr DAVID CAMPBELL** (Keira—Minister for Police, and Minister for the Illawarra) [6.42 p.m.]:  
I move:

Page 4, schedule 1.1 [4] (proposed section 87N (2)), lines 21 and 22. Omit "Superintendent or from a police officer who holds the position of Local Area Commander". Insert instead "Inspector".

**Question—That the amendment be agreed to—put.**

**The House divided.**

**Ayes, 45**

Mr Amery	Mr Greene	Mr Pearce
Ms Andrews	Mr Harris	Mrs Perry
Ms Beamer	Ms Hay	Mr Rees
Mr Borger	Mr Hickey	Mr Shearan
Ms Burney	Ms Hornery	Mr Stewart
Mr Campbell	Ms Judge	Ms Tebbutt
Mr Collier	Ms Keneally	Mr Terenzini
Mr Coombs	Mr Khoshaba	Mr Tripodi
Mr Corrigan	Mr Lynch	Mr Watkins
Mr Costa	Mr McBride	Mr West
Mr Daley	Dr McDonald	Mr Whan
Ms D'Amore	Ms McKay	
Mrs Fardell	Mr McLeay	
Ms Firth	Ms McMahon	<i>Tellers,</i>
Ms Gadiel	Mr Morris	Mr Ashton
Mr Gibson	Mrs Paluzzano	Mr Martin

**Noes, 33**

Mr Aplin	Mrs Hopwood	Mrs Skinner
Mr Baird	Mr Humphries	Mr Smith
Mr Baumann	Mr Kerr	Mr Souris
Ms Berejikian	Mr Merton	Mr Stokes
Mr Cansdell	Ms Moore	Mr J. H. Turner
Mr Constance	Mr O'Dea	Mr J. D. Williams
Mr Debnam	Mr Page	Mr R. C. Williams
Mr Draper	Mr Piccoli	
Ms Goward	Mr Piper	
Mr Hartcher	Mr Provest	<i>Tellers,</i>
Mr Hazzard	Mr Richardson	Mr Maguire
Ms Hodgkinson	Mr Roberts	Mr R. W. Turner

**Question resolved in the affirmative.**

**Amendment agreed to.**

**Question—That schedule 1 as amended be agreed to—proposed.**

**Mr DAVID CAMPBELL** (Keira—Minister for Police, and Minister for the Illawarra) [6.53 p.m.]: As I said earlier in the day, I am astounded that the Opposition has tried to tie the hands of front-line police officers on this issue. If the Opposition had its way we would have police officers standing at the side of the road watching as a convoy of cars heads off to create mayhem. I do not intend to delay the House for long, but I do need to point out that operational police have spoken to me today and they are quite offended by the way the Opposition in another place has been traducing the reputations and efforts of those at inspector level. In fact New South Wales Police Association representatives were in Parliament today and I know that they spoke to the shadow Minister for Police and expressed their concern that the Opposition simply refuses to support giving police the operational powers that they need.

**Schedule 1 as amended agreed to.**

**Schedules 2 to 4 agreed to.**

**Consideration in detail concluded.**

### **PASSING OF THE BILL**

**Motion by Mr David Campbell agreed to:**

That the bill be now passed.

**Bill declared passed and returned to the Legislative Council with a message requesting its concurrence in the amendment.**

### **BUSINESS OF THE HOUSE**

#### **Suspension of Standing Orders: Routine of Business**

**Motion by Mr David Campbell agreed to:**

That standing orders be suspended at this sitting to postpone the matter of public importance, the giving of General Business Notices of Motions (General Notices) and the taking of private members' statements until after the conclusion of Government business.

### **COMMISSION FOR CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2007**

#### **Agreement in Principle**

**Debate resumed from 28 November 2007.**

**Mr MIKE BAIRD** (Manly) [6.56 p.m.]: In principle the Opposition is supportive of amendments in the bill that rectify problems arising from the amalgamation of the Commission for Children and Young People Act 1998 and the Child Protection (Prohibited Employment) Act 1998 in January this year. The Opposition is also supportive of changes that empower the Commission for Children and Young People to conduct more effective checks on people who work with children. We applaud the commissioner and her staff for their work. I congratulate Gillian Calvert. In my short time as shadow Minister I have been impressed with her understanding of the work she is doing and the passion and capacity she shows in executing the role of commissioner. She has provided information to me first-hand and over the phone at any time and she has certainly helped me to understand the issues that she is facing. I commend her for the work that she is doing for the Government and for the youth of New South Wales.

We do have some concerns about the bill. Those concerns relate to ensuring that the community is informed of the changes. Although the bill makes some welcome changes to the Act, we are concerned that the community at large may not be aware of them. It will be suggested to the Government that it undertake a campaign to inform the community about the coming changes, which will protect children. The campaign should ensure that employers understand their responsibilities. It is one thing to say that employers must do something, but it is another to ensure that they understand what they are supposed to do. Parents should also be aware of the background checks that should be carried out if someone is working with children. Using my three young children, the third of whom goes to kindergarten, as an example, I had not thought of asking what security checks were done of kindergarten teachers and the like. It is appropriate that those checks should be understood and undertaken. The community should be made aware of the campaign because, unfortunately, children are taken advantage of in certain circumstances. That is the genesis of the bill.

We support the provisions that enable the commission to investigate deaths of New South Wales children that occur in other parts of the country. I commend the Hon. Catherine Cusack, a State Liberal member of the Legislative Council, for her tireless work in this Parliament on this specific issue. Several years ago she identified an anomaly in statistics relating to child deaths in cross-border communities. She noticed that figures for deaths in areas close to the New South Wales border were very low.

However, that was not because children were safer in these areas. For example, if a New South Wales child dies in a road accident at Lismore and is taken to hospital in Brisbane, the death is recorded as a Queensland fatality. Importantly, the bill provides the commissioner with the authority to investigate interstate deaths, to begin to correct any misleading statistics and to ensure that we have accurate information about the causes of child deaths so that we can reduce the risk factors. The commission will be able to include in the statistics the deaths that occur at the State's borders and will have the authority to investigate them. The Opposition supports that measure. However, this new power depends on the cooperation of States and Territories. They will be more willing to provide the New South Wales Commission for Children and Young People with information if they are permitted to seek information about the deaths of children from their State.

The Opposition calls on the Premier to proactively encourage other States to empower their commissions with a similar authority. Unless we have that communication children will slip through the cracks. The Opposition strongly believes that every death of every child in this State should be properly investigated. We commend the bill and the Government for introducing this measure. It is long overdue and it will make a difference. No child's death should be in vain; lessons should be learnt. All members should implore the Government to ensure that every child's death is understood and that the circumstances of it are not repeated.

The Opposition supports empowering the Commission for Children and Young People to access more detailed information in background checks on employees who work with children. Employers are required to provide the commission with basic identification details of employees who have had proceedings launched against them. This does not relate to the details of the incident when the child was harmed. It is difficult for the commission to conduct thorough background checks with limited information. The bill provides that employers will also provide details about the circumstances of the conduct when reporting employees to the commission. Again, the Opposition believes that measure is important and we support it.

Awareness is an important issue and we implore the Government to consider it. The bill better defines employers' responsibilities to the commission, particularly in relation to the notification of employment proceedings. There will now be a clear statement of what employers must do and when. They are confused about when they need to notify the commission that proceedings have been launched against an employee. However, employers need to have decided what disciplinary action they intend to take against an employee before they notify the commission. The Government argues that this clarification means that employers will

think more carefully about the consequences of the conduct they have reported and that it will also encourage them to revise risk management procedures.

However, changing the definition in the legislation does not guarantee that employers will be more aware. Introducing legislation to tick a box is one thing, but the Government should also conduct an awareness campaign so that employers clearly understand their responsibilities. Publishing the changes to the commissioner's guidelines, as is proposed, does not ensure that employers will understand their obligations. How many parents know the responsibilities of those employed to care for children? If we were to ask our friends and ourselves and we answered honestly, not many of us would know. That is the second aspect of the Government's responsibilities in relation to this bill.

The bill also provides for the Commission for Children and Young People to charge for certificates issued to self-employed people who work with children after background checks have been conducted. However, very few parents are aware that they should ask to see these certificates when hiring someone to work with their children. My middle daughter, Kate, has an English tutor. She certainly could not look to her father for help in that regard; I did not do very well in English. Such employment could involve a netball coach, a singing teacher and so on. This is a very sensible provision. People performing such roles should undergo background checks.

However, we need a broadbased awareness campaign that encourages people to ask to see such certificates when employing people in those roles. Such a campaign would take the positive changes in this legislation to the community. Parents, self-employed people and companies would be aware of information that is vital in protecting children. That is the genesis of the bill. The Opposition supports its tenets because it is about protecting children. The Treasurer should provide funds to invest in an awareness campaign. They would not be wasted; they would be very well spent.

I am also concerned that no funds have been provided for employer audits to be conducted. That is my main concern about the bill. More than two years ago the Minister for Community Services at that time increased the Commission for Children and Young People's powers to audit employers and check their compliance with the Act. On 15 November 2005 Minister Reba Meagher stated:

It appears that a small number of employers have deliberately decided not to request background checks, which may mean that children are at greater risk in those workplaces ... This bill will give the commission increased powers to order compliance with the Act, particularly by asking employers to provide documentary evidence that they are meeting their child protection obligations. Employers who are not found to be complying will be issued with a notice to comply ... This stronger compliance system is further demonstration of the Government's commitment to protecting children.

The review of the 2005-06 annual report of the Commission for Children and Young People states that not one audit of an employer had been conducted because the commission "needs additional funds to undertake this role". I am sure that when that legislation was introduced the Opposition would have supported those important audits. The commissioner would welcome that funding and the audits should be a priority next year. If certificates are being issued but compliance is not being audited, how do we know who is complying with the legislation? The Opposition encourages the integrity of the audit process and it should be prioritised in the implementation of this legislation.

The Opposition also has concerns about foster carers. It is pleasing that this legislation addresses an anomaly resulting from the amalgamation of Acts earlier this year which meant that people working with children to whom they are related did not need to undergo background checks. The Opposition is concerned that if someone is found to be a prohibited person that person will not be ruled out as a foster parent. The Hon. Catherine Cusack has identified this as a key issue. The Opposition has received assurances from the commissioner that children will not be placed in the care of dangerous people. Although it seems to be a commonsense request, we call on the Government to ensure that that is the case. It is very difficult to include a broad prohibition in the legislation because we cannot be specific about every case and the myriad different circumstances that arise. However, we call on the Department of Community Services, the Minister and the Premier to ensure that the department does not consider those who are deemed as a result of security checks to be high risk in any capacity as a foster carer. The onus is on the Government to ensure that that issue is addressed in this legislation.

I reiterate the Opposition's call to the Premier to initiate interstate discussion to ensure cooperation in investigating child deaths in cross-border communities. It is imperative that other States follow this State's lead. I am pleased to endorse the Government's taking a leadership role in this regard. However, I urge it to provide

the resources that the commission needs to conduct employer audits. They should have been conducted since November 2005. In addition, the intent of this bill should be communicated to parents and employers. The Opposition believes that unless these positive steps are communicated to the community and understood, the bill's objects will not be achieved. The Opposition supports the bill, commends the Government for its tenets and encourages it to consider this constructive criticism. The Opposition is committed to doing everything possible to protect our children.

**Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a later hour.**

*[Acting-Speaker (Ms Diane Beamer) left the chair at 7.10 p.m. The House resumed at 7.40 p.m.]*

## **COMMISSION FOR CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2007**

### **Agreement in Principle**

**Debate resumed from an earlier hour.**

**Ms CARMEL TEBBUTT** (Marrickville) [7.40 p.m.]: I support this bill to amend the Commission for Children and Young People Act 1998 and the Parliamentary Electorates and Elections Act 1912. This bill contains straightforward, cost-neutral amendments that will streamline our current Working With Children Check system. It will make the legislation even more effective for its primary purpose to protect and promote the wellbeing of children and young people in New South Wales. I will focus my attention on the bill's provisions that relate to the Child Death Review Team. New South Wales is an acknowledged leader in efforts to prevent and reduce child deaths. Any child's death is a tragedy, but it is sometimes possible to learn from the circumstances of a death so that other children and families can be spared this tragedy. The Child Death Review Team was established to help us understand how children die in New South Wales, so we can prevent other children from dying.

The team examines the deaths of all children and young people under 18 years in New South Wales, from whatever cause. The New South Wales Child Death Review Team was the first to be chartered in Australia to independently investigate every child death registered in its jurisdiction. We can be pleased that the New South Wales team has been used as a model, not only for the development of other teams across Australia but also as an international model. The team reports annually on child deaths in New South Wales and has published special research on suicide and risk-taking deaths; deaths from fatal assault and neglect, and sudden unexpected deaths in infancy. The team's reports have greatly added to our capacity to understand and address the causes of child deaths in New South Wales. The recommendations that have flowed from them have generated significant improvements in our policies and practices.

One example of the impact the Child Death Review Team can have is found in our response to deaths in driveways. The team raised our awareness of the need to put into place strategies to improve driveway safety for children. As a result of its work we now have better systems in place to prevent these deaths. New strategies include a comprehensive campaign for parents on driveway safety—Where are your kids? Child safety in your driveway; new technical specifications for reversing devices developed by the Roads and Traffic Authority; a review of current design standards by Housing New South Wales; tests for rearward visibility as part of standard NRMA car tests; and a three-year study of all child traffic-related injuries identified through hospital admissions by the Children's Hospital at Westmead. This is just one example of the team's research being translated into action to make our State a safer place for kids.

The team is currently undertaking a study of child deaths over the 10 year period 1996-2005, examining trends in deaths over this period. This 10-year study will investigate the extent to which child deaths have increased or decreased over the past decade for particular causes of death and demographic characteristics. I welcome the opportunity to extend the team's work by supporting the amendments in this bill. At present, the team is not able to examine the deaths of all New South Wales children. This has been the subject of considerable discussion in the committee I chair that oversees the role of the Commission for Children and Young People and the Child Death Review Team. The team cannot access information about New South Wales children if their deaths occur interstate.

For example, if a child living in Queanbeyan visits Questacon in Canberra and dies in a fall, the team has no power to investigate the death, because it occurred outside New South Wales. A child hit by a car in

Tweed Heads may die in Queensland, in an ambulance going to a Gold Coast hospital. Again, the team is unable to investigate. While the numbers of New South Wales children dying interstate is not large, they can account for a significant portion of child deaths in border areas. We need to be able to learn from the deaths of all New South Wales children. The team's current inability to study these deaths may make its research less useful in preventing deaths. It is only sensible to extend the powers of the team to study deaths of New South Wales Children that occur outside the State, as this bill will do.

We may also be able to learn more about preventing deaths by sharing information with other States and Territories so that cross-jurisdictional or even national studies can be undertaken. Now that most States and Territories in Australia have a Child Death Review Team, or an equivalent body, it is timely to extend the New South Wales team's powers so it can contribute to research based elsewhere. The bill will allow the New South Wales team to enter into formal agreements with teams in other States and Territories to allow for the sharing of information for research purposes. Of course, the stringent confidentiality requirements of the New South Wales Child Death Review Team will have to be maintained. The bill requires that the team can only enter into information-sharing agreements that specify this level of information security and privacy for families who have lost children. Interstate relationships are already in place to assist this work to happen.

The New South Wales team convened the first meeting of the Australian and New Zealand Child Death Review Teams in December 2005. The New South Wales commissioner is its current chair. These teams are now meeting annually, chaired by New South Wales, and working collaboratively towards establishing consistent national and international reporting about child deaths. Allowing the team to enter into formal agreements with other teams will build on and greatly expedite what is currently happening.

The bill also proposes that the legal status of the Child Death Review Team be changed. Currently, the team is established as a corporation, which means it is required to maintain financial records and have them audited. The team has no funds and no staff, as the Commission undertakes all its work for Children and Young People. Funds spent for the team's purposes are included in the commission's audited accounts. The team has no income or expenditure to record or audit, so it is a waste of resources to require such reporting. This bill will change the team's status so it becomes a committee of the commission. This will remove the requirement for separate financial reporting without in any way changing the team's powers, functions, constitution or independence. Those people who are members of the team when this change in status is implemented will continue as members, without disruption or change to the term or nature of their membership. This bill will allow the Child Death Review Team to extend and build on its excellent work, and I commend the bill to the House.

**Mrs JUDY HOPWOOD** (Hornsby) [7.49 p.m.]: I make a brief contribution to the Commission for Children and Young People Amendment Bill 2007. The bill amends the Commission for Children and Young People Act 1998 in relation to background checking of applicants for employment, the functions and status of the Child Death Review Team and to amend the Parliamentary Electorates and Elections Act 1912 in relation to the audits of child-related conduct declarations.

The objects of the bill are to amend the Act to clarify when relevant employment proceedings are taken to have been completed, and thus when they are required to be notified to the Commission for Children and Young People; to require full details of such employment proceedings to be notified, not just the name and identifying particulars of the employee; to make it compulsory for background checks to be conducted on any preferred applicant for employment in primary child-related employment, even if that person is related to the children he or she will work with; to establish the Child Death Review Team as a committee of the commission, rather than a statutory corporation, and to empower the team to register, to classify, analyse and research not only child deaths that occur in New South Wales, but also the deaths of children who ordinarily reside in New South Wales but who die elsewhere, and to empower the commission to charge fees for the issue of certain certificates.

I reiterate concerns raised by the member for Manly. An education campaign will be necessary so that community has full knowledge about the people in whose care they are placing their children, such as a teacher. It is important that parents are fully aware of what to ask for. They should be encouraged to look at certificates to ensure that all adults who care for their children have been checked. I am concerned about the potential costs to the people required to undergo these checks, which actually relate to the organisation rather than the person. Anybody with the responsibility of looking after children will need to undergo these checks. I am also concerned that if someone has a number of jobs at a number of different places, a number of checks will be required, that is, the checking attached to an organisation, not a person. Even though volunteer organisations are

not legally required to have their members checked, organisations such as Rotary clubs want their members to be above board when dealing with children, and that is another issue. I turn to the Child Death Review Team. The bill states:

Schedule 1 [12] provides that any function that the Child Death Review Team may exercise with respect to child deaths occurring in New South Wales may also be exercised by the Team in connection with the death of the child dying outside the State while ordinarily resident in the State. The amendment also provides that the Convener of the Child Death Review Team may enter into an agreement or arrangement for the exchange of information between the Child Death Review Team or an equivalent body of another State or Territory.

Schedule 1 [13] empowers the Convenor of the Child Death Review Team to disclose information in a way that gives effect to any such agreement or arrangement.

In addition, the Child Death Review Team is to be a committee rather than a statutory corporation. I have been a member of the Committee on Children and Young People for five years and during that time I have expressed considerable concern to the committee and in this House that the committee seems to have no teeth in relation to the terrible things that happen to children—and children dying is completely abhorrent. Apart from reviewing the report of the Child Death Review Team, under the committee's guidelines it can do little more.

I ask that the committee's powers be expanded so that it can examine the more serious issues associated with children. I am frustrated in not being able to examine more extensively the reasons that children die or the terrible things that befall them. The committee is restrained in its work and, therefore, cannot provide recommendations for those things that should not happen to children in New South Wales. In conclusion, the Opposition does not oppose the bill but calls on the Minister to address the concerns I have raised.

**Ms LINDA BURNEY** (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [7.56 p.m.], in reply: I thank the members for Manly, Marrickville and Hornsby for their contributions to the debate. The member for Manly referred to the auditing of prohibited employment declarations. The commissioner, Gillian Calvert, has the power to conduct these audits. She indicated in the joint Committee on Children and Young People inquiring into the examination of the 2005-2006 annual report that she anticipates that the audit program will commence once the e-check is operational. The e-check will make the Working with Children background check available online. This will save time and effort in employers having to manually complete, fax or email the various forms. It is an exciting initiative of the commission.

The member for Manly referred to foster carers. The bill inserts into the Act a requirement for employees who are caring for a relative's children to have a background check. This bill will rectify an unintended consequence of the 2005 amalgamation of the two Acts, which had previously governed the commission's work. I assure the member for Manly that this measure will be reinstated into the Act. The commission is very conscious of issues involving foster carers. The member for Hornsby and the member for Manly made a reasonable comment about a community education campaign. The commission promotes the Working with Children check continuously and there will be an education campaign around the changes. The commission has a newsletter and does a fair bit of media work. It has a comprehensive website and a special subscription list for employers to alert them to changes and useful information. We will make sure that these changes are put on the website and inserted into those publications.

The commission will alert employees to the changes through this means. It will also develop a brochure for parents to help them understand the need to ask someone such as a tutor for their certificate. This will be complemented by the placement of articles in magazines and newsletters that parents access, such as school newsletters. As part of the New South Wales Labor Government's commitment to protecting children, it established the Commission for Children and Young People in 1998. The commission is an independent organisation working with others to make New South Wales a better place for children and young people. As part of this goal, the commission undertakes research, the Working with Children check, and community education and training.

The bill clarifies provisions in the Commission for Children and Young People Act 1988 and the Working with Children check for people in child-related employment. It also makes amendments to provisions of the Commission for Children and Young People Act and one amendment to the Parliamentary Electorates and Elections Act 1912. In conclusion, I thank Gillian Calvert, the Commissioner for Children and Young People, and her colleagues for the very fine and important work they do in our State. I commend the bill to the House.

**Question—That this bill be now agreed to in principle—put and resolved in the affirmative.**



**Motion agreed to.**

**Bill agreed to in principle.**

### **Passing of the Bill**

**Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.**

## **HEALTH LEGISLATION AMENDMENT BILL 2007**

### **Agreement in Principle**

**Debate resumed from 30 November 2007.**

**Mrs JILLIAN SKINNER** (North Shore—Deputy Leader of the Opposition) [8.02 p.m.]: The objects of the Health Legislation Amendment Bill 2007 are to amend various health Acts and regulations to provide for the more efficient operation of various health disciplinary tribunals and regulation boards; allow dental therapists to practise in the private sector; improve the registration process for international medical graduates; and prohibit the sale of tobacco products with a fruity or confectionary-like character. The bill contains other provisions, but they are the primary provisions and the ones that I will focus on.

The bill amends a number of Acts and regulations that cover governing bodies and health professions that deal with the various aspects of health care. It amends the Health Administration Act, the Health Services Act, the New South Wales Institute of Psychiatry Act, the Poisons and Therapeutic Goods Act, the Public Health Act, and the Smoke-free Environment Act. With regard to the variation of boards and other health bodies, it amends the Dental Practice Act, the Optometrists Act, and so on.

Various health professions have their own tribunals to hear complaints about registered health practitioners. Members of the tribunal are appointed for a term of seven years, which has resulted in some cases being disrupted as the term of a member, usually the chair of the tribunal, expires necessitating their replacement. If this occurs in the middle of a hearing, it is extremely disruptive to all concerned. The bill will allow a board member to complete a case before being required to stand down because of the expiry of his or term. It is an eminently sensible provision which the Coalition supports.

I turn to the provision that deals with dental therapists. Currently in New South Wales dental therapists are allowed to practise in the public sector only. This restriction has been removed in all other States. New South Wales currently has 2.6 dental therapists per 100,000 head of population, compared with the national average of 7.1 dental therapists per 100,000 head of population. The provision allowing dental therapists to practise in the private sector will not take effect until July next year. To date all parties, including the Australian Dental Association, with whom I have consulted, have accepted this addition to their workforce and their duties so long as dental therapists practise within the skills and competencies for which they have been trained.

Under the Dental Practice Act 2001 a registered dental auxiliary, such as a dental therapist or dental hygienist, is subject to the practice oversight of a registered dentist. As dental therapists have been restricted to practising in the public sector only, dentists in private practice have not been responsible for their oversight. I am advised that the Australian Dental Association is in the process of discussing new oversight guidelines with NSW Health and the Dental Board of New South Wales. The association expects to continue to be included in these discussions—and I seek an assurance from the Parliamentary Secretary that this is intended—and expects that any oversight guidelines affecting dentists in private practice will be both practical and appropriate for the circumstances.

The Australian Dental Association has pointed out that the agreement in principle speech noted that the removal of the restriction on dental therapists working in private practice will, over time, result in an increase in the number of dental therapists engaged in clinical practice in New South Wales, and that this will have a positive impact on oral health and a reduction in public sector waiting lists. One would hope so. At last count, dental waiting lists in this State were over 200,000, which is a disgrace. That is an informal count, because the Government does not keep a record of people on public dental waiting lists. Many people wait in pain for far too long and eventually they are forced to have teeth removed instead of having them treated because the waiting lists are so long.

As the Australian Dental Association points out, allowing dental hygienists to work in the private sector alongside dentists under their supervision will enhance their capacity to treat more patients. The association says that this is a long-term workforce initiative and it will probably take five to seven years before we begin to see any significant impact. Current dental therapist numbers are small, at less than 300, and their training now involves a three-year degree. One would hope that removing the restriction would encourage more people to take up the course, which can be very rewarding. I have visited one of the campuses on the Central Coast together with my colleague the member for Hornsby.

**Mrs Judy Hopwood:** At Ourimbah.

**Mrs JILLIAN SKINNER:** That is right, at Ourimbah. We were very impressed with the course, with the facilities there, and with the academics teaching the course. I know that many of the people undertaking that course started their working lives as dental nurses or dental aides. It is hoped that removing the restriction will encourage more people to enter the field. There is a shortage of medical practitioners in Australia. Schedule 2.6 to the bill deals with the qualifications for registration as a medical practitioner. In her agreement in principle speech the Parliamentary Secretary pointed out that the amendment will establish a mechanism for approved international medical graduates with appropriate qualifications and experience to obtain registration following a period of supervised workplace training. The Parliamentary Secretary pointed out that appropriate international medical graduates would be granted advance standing by the Australian Medical Council, following which they would be eligible for temporary registration on the condition that they practise in a supervised position whilst being assessed as to their competence and eligibility for general registration.

I wish to raise matters that have been raised with me by the Australian Medical Association in relation to these provisions. The association points out that considerable concern has been expressed about the current workforce crises within New South Wales teaching hospitals, particularly the need to provide appropriately qualified teachers, or senior doctors, to supervise overseas-trained doctors. We have heard much about how we are short of skilled specialists, particularly in areas such as hospital emergency departments, and how our specialists are ageing. We have heard how extended hours for patient care, the necessity to fill gaps in rosters and the responsibility of training newcomers have placed an increased burden on them. The many doctors I have spoken to are very conscious of their responsibility to participate in training the next generation, and they are concerned to ensure that the Government will provide additional places for senior doctors in our hospitals to adequately supervise workplace training for international medical graduates.

Evidence given to the Royal North Shore Hospital inquiry specifically highlights the lack of senior specialist doctors to provide supervision. Reference has been made in another context to the need for high-quality training for international medical graduates. I ask the Parliamentary Secretary to comment on that in her reply and to give an assurance that additional time, money and staff will be provided, if needed. Section 4 (2) (c) of item [1] in schedule 2.6 states that a person has recognised medical qualifications if, inter alia, the person:

- (c) has received a certificate or other kind of qualification in accordance with the process approved by the Board for the purpose of qualifying a person for registration as a medical practitioner.

Reference to "certificate" creates some concern because, as the Australian Medical Association points out, surely any medical practitioner would have received, at the very least, a degree in medicine from an appropriate university and therefore nothing less than a "degree" should be recognised as medical qualifications. For example, how can a medical board compare verifying a certificate from some organisation throughout the world with verifying a degree from a recognised university? Rigid examination of overseas qualifications is imperative, and to open the floodgates to include certificates from institutions that will not meet rigorous qualification standards is a potential recipe for disaster. I join with the Australian Medical Association in seeking an assurance from the Government that overseas-trained doctors will require a degree level of qualification before they can be considered for qualification and registration as a medical practitioner in New South Wales.

I turn now to the amendment that closes the loophole that allowed decisions made by the performance committee, a delegated function of the medical board, to be challenged. The Australian Medical Association has pointed out that the proposed retrospectivity of the amendment may result in a number of cases that are using this clause as a challenge being penalised because of the costs involved in such a challenge. We seek a comment and assurance from the Parliamentary Secretary that no-one will be penalised.

Schedule 2.11 to the bill deals with the Pharmacy Practice Act 2006 and amends the regulations to provide for the establishment of infection control standards to be followed by registered pharmacists in their

professional practices. Representatives of the pharmacy profession have spoken to me many times. Coalition policy is to take up the offer of pharmacists, particularly community pharmacists, to play an extended role in providing healthcare services such as vaccinations, blood glucose screenings and the like. It seems entirely appropriate, given the associated risk of blood-borne infections associated with skin penetration, that if pharmacists are to play such an extended role rigorous infection control practices and standards be in place. My colleague the member for Hornsby, who has practised in this area, will make further comments in this regard.

I now turn to items [2] and [4] of schedule 2.13, which deal with the sale of tobacco products. I join with all members of the House in expressing a desire to encourage people to give up smoking—and, indeed, not to take it up in the first place. I am a reformed smoker and I know how hard it is, but we should do all we possibly can to encourage people to either give up smoking or to discourage young people, particularly young women, from taking it up. For some reason young women still seem to think there is some glamour attached to smoking. If only they knew! I refer to the provisions in the bill targeted at young people to discourage them from smoking. New section 54A deals with fruit and confectionery flavoured tobacco products that are marketed to young people. The bill prohibits the sale of these tobacco products in an attempt to reduce the exposure of young people to tobacco. I could not agree more with this.

I know that overtly fruit-flavoured cigarettes, such as DJ Mix and Peel, are attractive to young people. Their sale is banned in many other Australian States. I know that all major Australian tobacco companies do not oppose bans on such cigarettes. Again, a comment from the Parliamentary Secretary would be appreciated on this aspect of the legislation. Some traditional tobacco products are legal, such as rolling tobacco, cigars, and pipe tobacco with a fruity flavour that are not particularly targeted at young people. Menthol is also included in that range of products. I presume it is not the intention of the Government to target those products but, rather, the products targeted at young people.

Some comments have been made about the mobile selling provisions of the bill, with restrictions on selling tobacco from mobile vehicles and so on. It has been pointed out that tobacco sales representatives sell tobacco products to small business retailers across New South Wales to those who are out of stock and to help with stock management. The stock is usually carried from the cars of sales representatives to the stores. Some stores are located in shopping malls and other public places. Again I seek the Parliamentary Secretary's assurance that people legitimately carrying tobacco products to small businesses would not be the target of the Government.

I know concerns have been expressed about the restrictions on the sale of tobacco at concerts. I do not have any problem with that. It would be too hard to try to weed out the people who are under 18 years of age and those who are not. It is easier all round to try to restrict sales at concerts. I will not refer to any more aspects of the bill, except to say that I hope the measures in place to increase the workforce of both dental therapists and doctors in our hospitals and other practices, and banning tobacco, will help improve the health of the people of New South Wales and the health of our workforce. I believe that workforce numbers will be a problem for the administration of health care in New South Wales and, in fact, in Australia for the next decade.

**Ms VERITY FIRTH** (Balmain—Minister for Women, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), Minister Assisting the Minister for Climate Change, Environment and Water (Environment)) [8.19 p.m.]: I will speak about aspects of the Health Legislation Amendment Bill 2007 that relate to my responsibilities as Minister Assisting the Minister for Health (Cancer). The first measure in the bill that relates to the cancer portfolio concerns the Central Cancer Registry. The registry collects notifications of all diagnoses of cancer in New South Wales. It was established in 1972 and notification is a statutory requirement under the Public Health Act. The registry has developed into an incredible resource for health policy experts to analyse trends in the incidence of cancer, treatment and survival over the years.

The data contained in the registry has enabled the publication of a number of key resources for health policy professionals, including the survival report, which I launched earlier this year. The report highlighted the policy programs that have worked well in cancer control and showed dramatic improvements in five-year survival rates for a number of cancers. For example, the report was able to show that the five-year survival rate following a diagnosis of breast cancer has risen to 88 per cent since our expansion of BreastScreen early detection services. The report also draws attention to areas on which we now need to focus more attention. The registry, therefore, plays an important role in assisting in the development of public policy. It is crucial that its integrity be maintained. Unfortunately, as many as 7 per cent of all notifications to the registry are incomplete or inconsistent. The amendments contained in the bill will allow the registry to re-collect data in these cases to make sure that notifications have been recorded correctly.

The bill also includes a number of provisions that relate to tobacco. The New South Wales Government is proud to have a comprehensive tobacco control strategy in place. As a result, significant achievements have been made in this important health area. Since 1985 the smoking rate among men and women in New South Wales has dropped significantly. Twenty-two years ago approximately 35 per cent of men and 25 per cent of women were smokers. The percentage of people aged 16 and over who smoke daily or occasionally has now dropped to 17.7 per cent. Since 2003 more than 150,000 smokers have quit.

The Iemma Government invests more than \$12 million a year in reminding our community about the very real dangers of smoking through proven public education campaigns. The Government is particularly concerned to ensure that young people are protected from the harmful effects of tobacco smoke. Youth is the key life phase for initiation to smoking, with about 80 per cent of current smokers having started in their teenage years. Our data suggests that among 12- to 17-year-olds in New South Wales, 21 per cent have smoked in the last 12 months and 10.3 per cent are current smokers.

The amendments contained in the bill seek to close two of the marketing gimmicks used by tobacco companies to target young people. Fruit and confectionery-flavoured cigarettes are marketed with colours, names and descriptors designed to appeal specifically to young people. Some packets have even been designed to illuminate under disco lights. The taste and smell of tobacco smoke is masked by overt flavourings such as peach, apple, iced lemon and chocolate. These cigarettes contain tobacco and all the same toxins as regular cigarettes. Their marketing encourages the impression that they are herbal, non-tobacco products. The concern with these products is that the image portrayed on the packets wrongly suggests that these products are cleaner, safer and more natural than conventional cigarettes. Consequently, they may be attractive to young people who may otherwise not start smoking. The legislation will make it an offence to sell these fruit and confectionery-flavoured cigarettes.

The legislation bans the sale of tobacco products from mobile vendors. The Government is concerned that tobacco companies have been installing smoking tents at youth music festivals. These events are open to people of all ages, including under-18s. The tents may feature DJs to attract young people, as well as prominent tobacco displays, often with attractive promoters. The proposed amendment extends to all mobile vendors of tobacco, whether selling from temporary structures or ambulatory. This is to improve our ability to ensure that the prohibition on sales to minors is being complied with. Finally, the bill includes an amendment to improve the operation of the Smoke-free Environment Act. Since 2005-06 the Government has enhanced the capacity of public health units to enforce and monitor compliance with tobacco legislation. This will continue in 2007-08. An amendment under this legislation will enable environmental health officers to impose on-the-spot penalties for breaches of certain offences under the Smoke-free Environment Act 2000. I commend the bill to the House.

**Mrs JUDY HOPWOOD** (Hornsby) [8.25 p.m.]: I will make a brief contribution to the Health Legislation Amendment Bill 2007. The bill amends various Acts and regulations to make provisions with respect to health professionals, disciplinary tribunals, and certain mental health matters relating to medical or dental students and miscellaneous amendments. The objects of the bill, which are extensive, include:

to allow the Chairperson or Deputy Chairperson of a health professional disciplinary tribunal to continue to sit on the Tribunal after the expiry of the person's term of appointment in certain circumstances

to extend the existing power of disciplinary tribunals, professional standards committees and Boards established under health professional legislation may issue orders precluding the disclosure of particular types of information that are capable of identifying a person to include orders in respect of information, pictures and other material

to increase the maximum penalty for a breach by a corporation of a non-disclosure order imposed by the Nurses and Midwives Tribunal or a professional standards committee under the *Nurses and Midwives Act 1991*

to require the Medical Board and the Dental Board (as appropriate) to be notified if a registered medical student or a registered dental student becomes a mentally incapacitated person

to remove a restriction on registered dental therapists carrying out dental auxiliary activities other than as an officer or employee of or a contractor to a public sector agency or prescribed body

Other objects of the bill are:

to make it clear that the supply or fitting of a prosthesis or therapeutic device is a health service within the meaning of the *Health Services Act 1997*

to entitle persons with medical qualifications granted overseas to be registered as a medical practitioner in certain circumstances

to enable the Medical Board to order a medical practitioner who is the subject of a complaint or inquiry to be examined by a specified registered health practitioner

Further objects of the bill are:

to enable regulations to be made setting infection control standards to be followed in the practice of pharmacy

to enable the Director-General to make an order to prohibit or restrict certain persons from possessing, supplying or prescribing poisons in certain circumstances

Two important aspects of the bill are:

to enable the prohibition of the sale of tobacco products with a distinctive fruity, sweet or confectionery-like character

to prohibit the sale of tobacco products by a vendor carrying the products for sale on his or her person or from a mobile or temporary structure

The background to this detailed legislation is that various health professions have their own disciplinary tribunals to hear complaints about registered health practitioners. Members of the tribunals are appointed for a term of seven years. In some cases tribunals have been disrupted when a member's term expires. The bill enables a member to continue to sit on the tribunal to complete a case. That amendment is of benefit to the cases being heard by the tribunals. The practice of dentists and dental therapists has been a matter of discussion, controversy and angst over many years. The restriction on dental therapists has been removed in all other States. As previous speakers have said, New South Wales currently has 2.6 dental therapists for every 100,000 head of population compared with the national average of 7.1 for every 100,000. This is a matter of concern, particularly in relation to waiting lists. The Australian Dental Association has been consulted and has made a number of comments, to which I will refer. The Australian Dental Association stated:

The addition of dental students for impaired registrant's purposes appears reasonable and so ADA NSW is happy for this to proceed.

The provision to enable dental therapists to work in private practice is a workforce and competency issue (and will not take effect until July 2008). To date all parties (including ADA NSW) would seem to accept this addition to the workforce and their duties so long as dental therapists practice within the skills and competencies for which they have been trained.

Under the Dental Practice Act 2001 (NSW) a registered dental auxiliary (such as a dental therapist or dental hygienist) is subject to the practice oversight of a registered dentist. As Dental Therapists have been restricted to practising in the public sector only, dentists in private practice have not been responsible for their oversight. ADA NSW is in the process of discussing new oversight guidelines with NSW Health and the Dental Board of NSW. We expect to continue to be included in these discussions and also expect that any oversight guidelines affecting dentists in private practice are both practical and appropriate for the circumstances.

In relation to dental therapists I quote again from comments made by the Australian Dental Association:

In the agreement in principle speech introducing the bill into the lower house it was noted that removal of the restriction on dental therapists "working in private practice will, over time, result in an increase in the number of dental therapists engaged in clinical practice in New South Wales with a positive impact on oral health and a reduction in public sector waiting lists". This is a long-term workforce initiative and will probably take 5-7 years before we really begin to see any significant impact (current dental therapists numbers are small—less than 300—and their training is now a three year degree).

I am not sure how removing the restriction will lead to a reduction in public sector waiting lists however. If anything, dental therapists will be tempted to leave the public sector for higher wages on offer in the private sector thereby aggravating current waiting times in the public sector. Unless public sector wages (for dentists and dental auxiliaries) are made more competitive these waiting lists will simply continue to get worse.

Obviously the Government must address that issue. I commend the Community Drug Action Team in the Hornsby area for its work on issues related to the sale of tobacco and tobacco products with distinctive flavours. The organisation, under the leadership of Michael Colinan, has worked extremely hard in relation to drug and alcohol issues and other addictive substances—tobacco is not the least of their worries. This will be a very welcome provision for that organisation. I note that the Australian Dental Association, the Nurses Association, the Nurses and Midwives Registration Board, the New South Wales Dental Board, the Optometrists Association Australia and the Australian Medical Association have been contacted in relation to this legislation. Some have responded, but by and large the bill has been received in a positive light.

I will not comment on overseas doctors. Suffice it to say that it is extremely important that overseas doctors working in the Australian environment have specific observation and support because they may not have been exposed to the clinical practice that Australian undergraduate medical students receive. It has been pointed out in other spheres that increasing supervision and education for overseas doctors in places like accident and

emergency departments would be extremely helpful to Australian-trained doctors working in those areas. The Government must address that matter also. In conclusion, the Opposition does not oppose the legislation but I ask the Minister to comment on the points I have raised.

**Mr JONATHAN O'DEA** (Davidson) [8.33 p.m.]: The Health Legislation Amendment Bill 2007 aims to amend various Acts that govern the health profession and services in New South Wales. Some of the issues addressed cover health professional regulatory and disciplinary processes, the ability of dental therapists to practise in the private sector, the streamlining of international graduates, and prohibiting the sale of tobacco products with fruit or confectionery flavouring. Most proposed amendments in the bill appear sensible, but some could create a lower standard of care for clinical and professional services than the people of New South Wales expect and deserve.

The section of the bill dealing with overseas-trained doctors provides a potentially unsafe quick fix, rather than ensuring an improvement in the quality of clinical services. The streamlining of registration for overseas medical graduates is a contentious issue and, if anything, the process of screening and registration should be made more robust. In many instances inadequate clinical and communication skills have compromised or harmed patient care. I understand this streamlining process, which was put into place in Queensland, produced the Doctor Death scandal at Bundaberg Hospital, the case of Dr Haneeff at the Gold Coast Hospital, and others. In Bundaberg it was the nurses who raised the alarm about the standards of some overseas-trained doctors. Many nurses in New South Wales would most likely do the same if they did not fear being victimised by the New South Wales Government.

The safety and quality of care for all patients should be paramount. There is already a shortage of doctors, especially emergency room specialists in New South Wales. The Premier recently said the Government would provide 35 new doctors in nine hospital emergency departments, but where are they coming from? Is this streamlining approach intended to simply fast-track doctors into emergency departments when the doctors may not necessarily be appropriately supervised, mentored or credentialed?

The provision to enable dental therapists to work in private practice is a workforce and competency issue and takes effect in July 2008. To date all parties, including the Australian Dental Association, appear to accept this so long as dental therapists practise within the skills and competencies for which they have been trained. With dental therapists in the public sector possibly migrating to the private arena, and given the existing dental staff shortages and long waiting lists, we should train more people in the dental field. As the member for North Shore indicated, the time frame to train a dental therapist is three years, so there will be no instant fix for the overall provision of oral health services in New South Wales. I should also disclose my interest as a director of a company that runs various dental centres.

I particularly support the proposed changes affecting the sale of tobacco products with a distinctive fruity, sweet or confectionery-like character that might encourage a minor to smoke. Smoking does not kill instantly but, rather, over a lifetime. Any measure that prevents an impressionable teenager from taking up the habit must be applauded. In that sense, I also agree with the prohibition of marketing at youth events and music festivals frequented by those less than 18 years of age. However, I reiterate the shadow Minister's request for confirmation that the bill is not intended to apply to menthol or to target those over 18 years of age, including elderly Australians who, for example, may use cigars or pipe tobacco, some of which traditionally have a fruity flavour.

**Ms NOREEN HAY** (Wollongong—Parliamentary Secretary) [8.38 p.m.], in reply: I acknowledge the contributions to the debate on the Health Legislation Amendment Bill 2007 by the member for North Shore, the member for Balmain, the member for Hornsby, and the member for Davidson. In response to some of the matters raised by the member for North Shore I can confirm that the Australian Dental Association and the Dental Therapists Association will continue to be included in the ongoing refinement of practice oversight guidelines for dental therapists. We look forward to a new era in future negotiations with the Rudd Federal Labor Government. One of the first acts of the Howard Federal Government when it was elected in 1996 was to abolish the Federal dental scheme that was established by the Keating Government, which resulted in many of the problems in dental care we are faced with today. The Howard Government also reduced funding to universities for dentists. I raise that to put in the picture our hope for future negotiations and cooperation with the new Rudd Labor Government.

In relation to the query of the member for North Shore regarding international medical graduates, I confirm that the certificate referred to in the bill is a certificate issued by the Australian Medical Council

following assessment of a practitioner's qualifications. I can also confirm that there will be no undermining of the high standard of medical qualifications as a result of this bill. I refer to item [15] in schedule 2.6, and I confirm that it retrospectively validates previous delegations by the board. This matter has been discussed with the Australian Medical Association's solicitors and they have raised no objection. The reasoning behind this provision was explained in depth during the agreement in principle debate. It is an essential part of the amendments.

The member for North Shore also raised a number of queries with respect to the proposed amendments to the Public Health Act. I confirm that the amendments are not designed, and will not be used, to prevent sales representatives and delivery people from carrying on their ordinary activities of selling tobacco by wholesale and delivering bulk tobacco for ordinary retail sale. I also confirm that the amendments in relation to fruit and confectionery-flavoured tobacco are clearly designed to prohibit the sale of tobacco aimed at children and young people. During the agreement in principle speech I went into some detail to explain that this is aimed at those who are specifically targeting our kids.

As was rightly mentioned during the debate, cigarette addiction appears to grab hold of people in their young years—quite often 12-year-olds and 13-year-olds. These fruit and confectionery flavours are targeting that very age group, because the industry seems to have established that if it can get them young it has a smoker for many years. If we can save them then, we will reduce the need to deal with the results in later years. The bill is clearly designed to prohibit those seeking to attract children and young people, and clearly is not targeted at ordinary pouch tobacco marketed to adults. Obviously, if we could have got to them when they were 12 years of age we might not have to explain that it is separate—nonetheless that is where we are at today.

Many of the amendments in the bill will assist in the ongoing development and expansion of the New South Wales health workforce and contribute to the improved health status of the people of New South Wales. We need to focus on workforce areas that were raised in earlier discussions. The Minister has discussed many times in this House a whole host of issues such as recruitment, targeted university places and nursing places. Hopefully we are all on the same page and will travel together to improve that area. I commend the bill to the House.

**Question—That this bill be now agreed to in principle—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**

#### **Passing of the Bill**

**Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.**

#### **ROAD TRANSPORT (GENERAL) AMENDMENT (HEAVY VEHICLE USER CHARGES) BILL 2007**

#### **ROAD TRANSPORT LEGISLATION (BREATH TESTING AND ANALYSIS) BILL 2007**

#### **Agreement in Principle**

**Mr MICHAEL DALEY** (Maroubra—Parliamentary Secretary) [8.45 p.m.], on behalf of Ms Reba Meagher: I move:

That these bills be now agreed to in principle.

The Road Transport (General) Amendment (Heavy Vehicle User Charges) Bill 2007 and the Road Transport Legislation (Breath Testing and Analysis) Bill 2007 were introduced in the other place on 28 November 2007. The second reading speech appears at page 11 of the *Hansard* proof for that day. The bills are in the same form as introduced in the other place. I commend the bills to the House.

**Mr DARYL MAGUIRE** (Wagga Wagga) [8.46 p.m.]: The Opposition will not oppose the Road Transport (General) Amendment (Heavy Vehicle User Charges) Bill 2007 and the Road Transport Legislation (Breath Testing and Analysis) Bill 2007. The Road Transport (General) Amendment (Heavy Vehicle User Charges) Bill 2007 amends the Road Transport (General) Act 2005, the Road Transport (Heavy Vehicle

Registration Charges Act) 1995, and regulations with respect to incremental pricing for heavy vehicles and evidence relating to intelligent transport systems. Incremental pricing is to be based on variations in use and cost impact of activity, for example, increased road wear, which is not covered by heavy vehicle registration fees. Currently heavy vehicles are charged through registration fees and a fuel tax component. The operation of vehicles above the prescribed mass limit is allowed only in limited exceptional circumstances. The bills will allow an extension to this arrangement to exempt a vehicle from a dimension, load restraint and/or access requirement.

Currently drivers are unable to buy a daily excess limit permit. This means that truck drivers, who may be carrying excess mass only for a short time, will have to purchase over the long term. That disadvantages the industry, particularly contractors who have managed to gain a haulage load from point A to point B where the mass exceeds the load limit. However, they are forced to pay this long-term fee so there is a disadvantage. The over-mass vehicle operators are already paying more for road damage in their registration fees and fuel tax, which is taken into account with regard to the weight and dimensions of their trucks. Victoria has higher mass limits than New South Wales at no extra charge. We suggest that there should be a national pricing system.

The cognate bill, the Road Transport Legislation (Breath Testing and Analysis) Bill 2007, embraces a national system for breath testing. As someone who has had quite a bit to do with the trucking industry through Staysafe committee inquiries, through friends and relatives who operate in the trucking industry and through industry operators in Wagga Wagga, I have come to understand the issues. In particular, New South Wales quite often has such different regulations and there is no continuity from State to State. For example, the Victorian mass limit is higher at no extra charge, and in New South Wales there is a difference. I raise an issue on behalf of the Opposition. Some 30 gas-powered buses have been built by Custom Coaches for the State Transit Authority. We question whether this bill will allow the purchase of permits for these buses, which I understand are over the maximum weight restriction of 16 tonnes, to operate full-time. One must question whether this is a way around the problem.

The bill also refers to the Intelligent Access Program. This program introduces a new way of managing heavy vehicle access and compliance using global positioning systems. Thousands of drivers have pre-enrolled to use the system. Drivers will be monitored and fined if the system detects the use of non-approved roads. The Staysafe committee has been examining this issue and this morning the committee chairman raised the intelligent road user system and speed limiting motor vehicles. The technology exists and it is being utilised by some companies. The Staysafe committee's inquiries about this issue have been beneficial to my understanding of the advantages of this technology. To its great credit, the industry is embracing these new technologies.

I pay tribute to the industry, which is working hard to improve its efficiency and road safety. I acknowledge that from time to time the industry has been portrayed in an unfavourable light. Every industry has its cowboys, but the number is small. Sadly they tarnish a great industry involving decent people and great family and national companies that contribute to our economy. If the wheels of the trucking industry stop turning, Australia stops turning. The Intelligent Access Program is available, but the industry would prefer greater law enforcement. That means more police officers on our roads. Of course, we know there are fewer highway patrol officers operating now than there were in 1984. I believe there are 970 highway patrol officers now, whereas the figure in 1984 was 990. There is no better deterrent than having a visible police presence on the roads and having officers penalising motorists and upholding the law and road rules.

Confusion also exists about B-double roads. Drivers have problems identifying which roads they can access. Up-to-date maps are available, but only on the Internet and country roads are not clearly marked. I am a member of the Wagga Wagga Traffic Committee and we are forever dealing with applications from companies wanting access for B-doubles to deliver fertilisers and other products. This is a major issue and the State Government must do a great deal more work to coordinate that information and make it available to operators. They need to know on which roads their B-doubles can travel.

*[Interruption]*

The member for Shellharbour interjects. I am more than happy to make my notes available to her because she might learn, first, how to make a contribution without reading a prepared speech and, second, about the importance of the trucking industry. The second bill in this legislative package is the Road Transport Legislation (Breath Testing and Analysis) Bill 2007. This bill amends the Road Transport (Safety and Traffic Management) Act 1999 to allow reporting of concentrations of alcohol in both a person's blood and/or breath to reflect changes to the national standards. I refer again to the point I raised in the first part of my contribution.



We are dealing with an appropriate national standard and, as I said, the Coalition will not oppose this measure. Multi-State agreements are very important in the trucking industry.

The State Government must examine many more issues to ensure that trucking operators can work efficiently across borders without being penalised because they are registered in New South Wales, because they operate from New South Wales or because the regulations and laws in New South Wales impede their activities. The Government must do more. I have said previously in this place that this Government is always the last State government to implement legislation. This bill will allow for the measurement of blood-alcohol levels, which are expressed in terms of grams of alcohol per 100 millilitres of blood. New South Wales and all other States and Territories are bound by the National Measurement Act 1960 and its regulations. Under that Act, the National Measurement Institute has amended the provisions dealing with breath analysis. The changes enable reporting of concentrations of alcohol in blood measured using breath analysis equipment to continue to be admissible in court. References to blood will be retained for occasions when police need a blood sample. The current level of prescribed concentration of alcohol for offences is unchanged.

Drink-driving is an important issue and it is important that warning messages be reinforced in all legislation dealing with the ability of those in authority to test and to report. Motorists must heed those warnings. We have passed legislation in this place dealing with P-plate drivers and nil alcohol limits. I know the member for Tweed has introduced a bill dealing with P-plate drivers from Queensland entering New South Wales and finding a loophole in the law. Drink-driving is a crime, it is inappropriate and unacceptable, and it kills people. If this bill assists those in authority to stamp it out then the Opposition certainly will not oppose it. These bills are important. As I said, I want this Government to work more closely with the trucking industry to ensure that its concerns are heard. The industry makes an enormous economic contribution to this State and to Australia.

At the conferences I have attended I have heard genuine dialogue and attempts to address some of the concerns that I have raised about this legislation. However, there are wider concerns. While we are encouraging companies to implement safer driving practices by managing working hours and inquiring into demands by some unscrupulous operators, other things need to be done. One such issue is ensuring there are enough truck stops on the highways and byways to allow drivers to take breaks as dictated in the legislation. That is an important measure. The Government should grasp the fact that truck drivers must change over their trucks and trailers in safety. A number of truck stops have been built on major highways, but there are no such facilities in towns and cities. Trucks and trailers are being changed over in side streets and other inappropriate and unsafe places. I urge the Parliamentary Secretary and the member for Shellharbour—who is now listening to me intently—to encourage their Government to ensure that truck drivers can change over their loads safely and thereby improve road safety.

I challenge members to go to any country town. They will see on entry to the town trailers lined up by the dozens. Trucks will be lined up, being serviced, et cetera. The way it is done is dangerous for motorists and for operators. If ever there were a policy initiative that should be embraced by this Government, this is it. This is one where the Government can work with councils and the Roads and Traffic Authority to ensure a plan is developed to enable safe changeovers in the trucking industry. I do not oppose this bill.

**Mr MICHAEL DALEY** (Maroubra—Parliamentary Secretary) [9.01 p.m.], in reply: I thank the member for Wagga Wagga for his contribution to this debate. He was enlightening, as usual. The object of the Road Transport (General) Amendment (Heavy Vehicle User Charges) Bill 2007 is to implement the first phase of the national Council of Australian Governments road plan as announced in April this year. The Council of Australian Governments road plan is about fundamental reform to heavy vehicle pricing to achieve a more efficient pricing regime through direct road user charges for heavy vehicles—that is, getting the right truck on the right road for the right price.

A key building block of the first phase of the Council of Australian Governments plan is the review and voluntary trials of incremental pricing by the end of 2008. This will see heavy vehicles directly paying for the cost impact of their vehicle activity, subject to the condition that they produce improved safety outcomes. The revenue returned directly to New South Wales from heavy vehicle charges does not reflect the cost impact of heavy vehicle activity throughout this State. The Council of Australian Governments plan and this bill represent an opportunity to address this imbalance. The Council of Australian Governments plan will enable the development of heavy freight road user charges that promote the efficient, safe and sustainable use of infrastructure, vehicles and transport modes, and it will provide an opportunity for individual heavy vehicle operators to pay only for the roads they use and not the activity of other trucks.

Under the current charging arrangements, heavy vehicles pay an annual registration fee and a fuel tax component based on the past road expenditure of the State and local governments. As the Productivity Commission noted in its review last year, the averages and assumptions applied through this process result in some vehicles paying for the activity of other vehicles through cross-subsidies. Under incremental pricing, any additional charges to be applied to any operator that elects to participate will be based on the actual additional cost impact of the activity of that vehicle. By definition, such additional costs would not have been paid for through the current registration and fuel tax charges. Adjustments to the calculation to registration and fuel tax charges will ensure that heavy vehicles will have to pay for the same thing twice as a result of incremental pricing.

The Opposition also raised a concern that operators may need to purchase excess permits for a longer term than they need. The charges to be applied under incremental pricing will relate to the actual cost impact caused by the heavy vehicle activity in question. Also, the bill makes provision for the Roads and Traffic Authority to issue a refund to an operator should he or she purchase an excess permit and not fully use it. This is an important point. Incremental pricing will enable New South Wales to move ahead with economic productivity initiatives. I note that we already have considerable progress in this area.

The Opposition also raised the concessional mass limits available in Victoria at no extra charge. I am pleased to remind members that the national concessional mass limits scheme was implemented in full and on time by this Government on 1 July 2006. I also note that this Government is delivering road safety and productivity gains to the bush through the Road Train Modernisation Program, and through the use of B-triples in the Far West of this State offering our primary producers a safer and more productive alternative to traditional road trains. The bill will allow the Government to develop further productivity initiatives in cooperation with the heavy vehicle industry and other relevant stakeholders. These productivity initiatives will be subject to improved safety outcomes and the relevant stakeholders will be appropriately compensated.

For the first time local councils and the Roads and Traffic Authority will be able to receive compensation from heavy vehicles directly related to the cost impact of specific heavy vehicle activity. The routes to be used by vehicles operating under incremental pricing will be subject to assessment by the relevant road authorities to ensure that these routes are suitable for the task. As per the current arrangements for heavy vehicle access, local council approval will be required before these vehicles can operate on council roads. The Council of Australian Governments road reform plan also includes a specific project on attaining the efficient abatement of externalities created by heavy vehicle activity. This includes greenhouse gas emissions.

The bill will also strengthen the evidentiary provisions of the Intelligent Access Program by specifying that only a person who has relevant specialised knowledge may rebut evidence under the program. Although not directly relevant to the Intelligent Access Program, I note the concerns of the Opposition in relation to the availability of up-to-date maps for heavy vehicle operations. The Roads and Traffic Authority gives away its mapping data free of charge to mapping companies and to the heavy vehicle industry so that those best placed to meet the needs of the industry in this area can do so. I am advised that a number of companies now produce excellent products specifically tailored to meet the needs of truckies. This bill enhances the Iemma Government's commitment to improving productivity for the road freight industry while maximising road safety and managing the infrastructure of the people of New South Wales.

The Road Transport Legislation (Breath Analysis) Bill 2007 will allow the New South Wales Police Force to measure and report concentrations of alcohol in both a person's blood and/or breath. The bill will ensure that New South Wales continues to meet national standards concerning evidential breath analysers, and it will ensure that results from these breath analysing instruments are admissible in court, as one would expect they would be. The amendments in this bill are sensible and necessary and send a clear message that drinking and driving will not be tolerated in New South Wales. The New South Wales Government is committed to improving the safety of all road users and this bill further strengthens that commitment. I commend these bills to the House.

**Question—That these bills be now agreed to in principle—put and resolved in the affirmative.**

**Motion agreed to.**

**Bills agreed to in principle.**

#### **Passing of the Bills**

**Bills declared passed and returned to the Legislative Council without amendment.**

## **DROUGHT SUPPORT**

### **Matter of Public Importance**

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [9.08 p.m.]: As we speed towards Christmas it is timely to remember that many families in country New South Wales are not enjoying the same level of Christmas cheer that many other families in the State are enjoying. In recent weeks people in the cities and on the coast have seen abundant rain, hence the plight of drought stricken farmers and their communities is most probably not at the forefront of their minds. However, the reality is that much of the State remains drought declared. While many districts have received some much-needed rain recently, it has come too late for most of our grain farmers and has not been sufficient to provide irrigators with their water allocations.

Apart from a strip of country in the centre of the State extending to the north of the State, most districts have experienced crop failures. Farmers have invested heavily in preparing fields, buying seed and fertiliser, and sowing in the hope of rain, which, heartbreakingly, failed to materialise. Recently I visited Young, Grenfell and communities in the Central West and all one could see were yellow stalks of wheat no more than four or five inches off the ground—all failed and only of limited use for stock feed.

A large number of farmers took advice to forward sell their crops to underwrite their borrowings. That has really hurt. As a result, many farmers have plunged further into debt. In some parts of the State farmers have now gone five or six years without a crop and, therefore, without significant income. Of course, this has had a major downstream effect on rural communities. A number of members of The Nationals and the Liberals have talked to me about the impacts on their communities. Indeed, the member for Orange, who is in the Chamber tonight, the members for Upper Hunter, Wagga Wagga, Albury, Murray-Darling, Burrinjuck and Barwon, who will speak on this motion, have all told me of the widespread impact of this drought not just on farmers but also on their communities in general.

The member for Murray-Darling has told me about a reduction in social activities in communities in his very big electorate in the Far West of the State. Farmers are staying home through this tough period rather than socialising in their communities. As a result of declining student numbers, which are linked to families, particularly those who work on farms—contractors, shearers and the like—teacher numbers are declining. This impacts on teacher numbers in schools. The member for Murray-Darling mentioned to me Balranald Public School, where enrolment numbers have declined due to people leaving the area. That will be a threat to teacher numbers for next year. It will even have an impact on school bus operators, which are mostly small, family businesses. They are struggling to retain their services because of the reduction in children catching buses to the local school.

Shires are concerned about the ability of farmers to pay their rates, and farmers do pay a significant proportion of rates in rural shires. The member for Burrinjuck told me of the impact of the drought on many communities, particularly on schools, and the member for Murray-Darling raised that with me also. There are seven schools in the electorate of Burrinjuck where the second teacher in these two-teacher schools is at risk. Under the formula of the Department of Education and Training, once a school drops below 26 enrolments, the second teacher position disappears. The member for Burrinjuck said that Bribbaree, Greenethorpe, Lyndhurst, Mandurama, Murringo, Rye Park and Wombat public schools were all projected to be around that figure of 26 next year.

All those communities are concerned about the impact of the loss of that second teacher, both on students and on communities. A teacher and the family of the teacher are a significant boost to the local community and the loss of those second teachers and their families is an added effect of the drought. In addition, the member for Burrinjuck tells me that the communities of Binda, Caragabal, Bendick Murrell, Galong, Jugiong and Reids Flat are concerned about their one-teacher schools disappearing altogether as a result of the drought. Bendick Murrell, in particular, is projected to have only four enrolments next year. The drought has had a major impact beyond farmers and farming families.

Mental health is a huge issue and the need for resources, rural financial counsellors and mental health resources remains very strong. Country people are not whingers. They do not want sympathy; they want understanding and constructive action. They do not want a handout; they want a hand up. I am pleased to say there has been a constructive response on a number of fronts. The former Nationals-Liberal Federal Coalition Government has streamlined and extended the exceptional circumstances system, which has been an essential safety net for farmers whose source of income has evaporated, just like much of our water supply over the course of this cruel, record-breaking drought.

The Federal Coalition's Farm Management Deposit Scheme has also helped to underpin the financial viability of many farmers by providing tax breaks for savings from the good times to be drawn on during the bad times. The general increase in farm property values has also been good news. My discussions with David Bell, Chief Executive Officer of the Australian Bankers Association, indicated that, unlike past droughts, the strong equity levels underpinning most rural finance, combined with the low interest rates achieved by the former Federal Coalition Government's good economic management, have resulted in very few mortgage foreclosures.

Community groups have also lent a hand. Next week I will meet with the President of the New South Wales Farmers Association, Jock Laurie, and Ern Payne from the Combined Sydney Lions Clubs to discuss ways of distributing the nearly \$100,000 raised by Lions for drought-stricken communities. I acknowledge in particular the work of Bede Long of the Parliamentary Lions Club in getting this initiative off the ground. But what about the State Government, which is what this House is all about? To this point it has offered only the traditional measures of drought support, mostly 50 per cent transport subsidies for water, fodder and stock.

That is welcome support, but it is not enough for this worst-ever drought. Four weeks ago in this House The Nationals moved a motion seeking enhanced drought support, notably the waiver or reduction of fixed water charges for farmers who are receiving no water or reduced allocations, as well as rate relief. I know that members of the New South Wales Farmers Association sat in the gallery and watched with disbelief as Government members, including the so-called Country Labor members for Bathurst and Monaro, filed into this place to vote down The Nationals motion.

One would have thought that at least one of those members would have had some understanding and compassion for the plight of our farmers and crossed the floor to vote with his conscience. But all we saw from this most Sydney-centric Government was an extension of the time to pay bills for water that farmers are not getting. There is not much joy before Christmas from this Scrooge-like Labor Government. One can almost hear the Treasurer saying "Bah, humbug." Again I urge Government members, if they have compassion and understanding of the direct impact of this devastating drought, to lobby their ministerial colleagues, particularly the Treasurer, for relief from State Government fees and charges for their country cousins this Christmas.

**Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [9.18 p.m.]: I welcome the fact that the drought has been raised in this place, however late the debate eventually came on. The drought is still critical in New South Wales and many farmers, farming families and rural communities are still suffering and will continue to suffer until there is a long-term break in the drought. There has been some encouraging rain in the past few weeks in parts of the State, but there will need to be a lot more to overcome the drought, and there will need to be a lot of work before farming families and communities recover from the drought. The latest drought figures show that around 80 per cent of New South Wales is in drought, up from 78.6 per cent in the previous period. Another 10.5 per cent of New South Wales is considered marginal, down from 12.1 per cent. Just 7.6 per cent of New South Wales is in a satisfactory state.

The figures paint an ugly picture of the way the drought is impacting on rural New South Wales. As I have said before in debates that Country Labor has initiated in this place, the winter crop harvest is likely to be half what was expected mid-year. Below-average rainfall has had a devastating impact on crop and pasture conditions. The drought presents a major challenge to rural New South Wales. Contrary to the comments of the Leader of The Nationals, the Government has consistently indicated to farming communities that it will help them with meeting that challenge.

The Leader of The Nationals accused the Treasurer of saying "Bah, humbug" as we approach Christmas. Obviously he forgot that in his Budget Speech earlier this year the Treasurer highlighted the Government's willingness to continue to help rural communities and farmers in drought for as long as that assistance is required. That is in stark contrast to the former Federal Government, which the Leader of The Nationals eulogised. Members of the former Federal Government could not even find room to mention the drought and rural New South Wales in their campaign launch speeches. That simply demonstrated their priorities.

The Government has spent \$365 million on drought assistance to help people in rural New South Wales. I was very pleased to hear last week's announcement of an extension of those drought support measures. A further \$17 million has been allocated to extend the terms of drought support workers, which were due to finish at the end of this year, and to continue providing important support such as fodder transport subsidies, which are so important to people in rural New South Wales. The drought affects many different parts of rural

communities. The Government has also provided assistance to businesses through the Business Drought Assistance Payroll Tax Relief Program, which was also extended a few weeks ago. Indeed, I had the pleasure of making the announcement in relation to that extension when the last drought figures were released.

The Leader of The Nationals raised a number of issues to which I wish to respond. Occasionally The Nationals raise the drought, and Country Labor raises it frequently as well. However, the Nationals disregard action that has been taken to address the issue. The Leader of The Nationals quite properly referred to the importance of mental health. He also referred to the serious mental health problems that have resulted from the drought. The member for Barwon previously moved a motion on that issue that has been debated in this place.

However, in criticising the State Government over its drought assistance measures the Leader of The Nationals forgot to mention the \$1 million Drought Mental Health Assistance Program, which includes six mental health workers around country New South Wales, at Mullumbimby, Tottenham, Tamworth, Albury, Condobolin and Queanbeyan, all of whom are performing a valuable service in assisting people who find that the challenge of the drought has become a real problem for their mental health. That is a very serious problem, because men in regional New South Wales have traditionally been reluctant to talk about issues such as that.

Programs such as Mental Health First Aid are also being conducted by area health services to assist people in rural areas. We have also been working with organisations such as beyondblue. As I said, we have kept the support going for the drought support workers, who have done very important things such as organising family field days, which provide great social contact. The Business Drought Assistance Payroll Tax Relief Program, to which I referred earlier, recognises that drought affects businesses which rely on rural industries for their income. Unfortunately, we continue to hear stories from around New South Wales about companies whose processing plants have had to lay off a lot of workers, some of whom are in the electorate of the member for Murray-Darling. The loss of the income of those workers has a serious impact on rural communities.

The Government certainly helps where it can in that respect, although obviously State governments are not responsible for providing income support. Such support is provided through Federal programs and through Centrelink. During the recent Federal election campaign the Federal Labor Government reiterated its support for those drought assistance measures, many of which were initiated by the previous Federal Labor Government, the Hawke-Keating Government. The Government is providing drought assistance to the people who need it. To date \$120 million has been allocated for drought transport subsidies. As the Leader of The Nationals recognised, that is a very important form of subsidy. I would not call it traditional drought support. I agree that the subsidy comes into effect in most droughts, but the funding is vital for people who face a drought. We want to make sure that the drought support measures continue. As I said, the drought support measures were extended last week.

The Department of Primary Industries drought line has received almost 16,000 calls. About \$1.8 million has been spent transporting donated fodder across the State to help farmers feed livestock. The Rural Assistance Authority, which has a very important role in helping people access assistance, has reported solid interest in its special conservation scheme and has approved about 1,500 applications worth about \$64 million. The authority also facilitates the allocation of exceptional circumstances assistance and has processed 23,500 applications, worth \$709 million, since 2002.

Over the 4½ years that I have been a member of this place—and, unfortunately, the drought has been with us for that whole time—we have spoken at length about how we need to encourage people in rural New South Wales to take advantage of the assistance that is available to them. Certainly in the area I represent, Monaro, we find that farming families who might be eligible for exceptional circumstances assistance often do not apply for it. People often say to me, "There are others who are worse off than me. I don't need it all that much." We continually need to remind people they should apply for all the assistance they are eligible for, because they are entitled to it and it will help them to become viable again in the long term.

The Government has held drought workshops and farm family gatherings across New South Wales. Previously in this place I have spoken about a terrifically successful farm family gathering that was held in Braidwood. Since July this year 162 drought workshops have been held, and about 9,000 people have attended farm family gatherings. The drought workshops and farm family gatherings have provided great support in breaking down the social isolation that rural people often experience. They have also assisted with the mental health issues that have been referred to, ensuring that farm families know there are people who care, that people are there to lend assistance, and that organisations can lend assistance when they are facing such a difficult time.

The Leader of The Nationals referred to a few specific cases. He referred to the Balranald school, which the member for Murray-Darling has also drawn to my attention. I understand that the Distance Education

Centre in Balranald has lost a lot of students over the last few years. Drought has probably contributed to that, but it is not entirely the reason for it. In many cases families have made the choice to send their children to other schools. Recently I visited my local high school at Karabah, which has a Distance Education Centre. One of the coordinators informed me that some of the former Balranald students are now using the Karabah Distance Education Centre.

I do not know what attracted those families to make that move, but it is a move that they made of their own volition. The Government cannot tell families to which schools they should send their children. Unfortunately for Balranald Distance Education Centre, that has meant a significant decline in student numbers and a resultant loss of teachers over time. I recognise the impact that that can have on a community, but it is difficult to say to parents, "We don't want you to make that choice to go somewhere else." In summary, the Government remains committed to assisting farmers and rural communities. It is disappointing that the Opposition constantly complains but does not acknowledge the assistance that is already being provided to families and farmers.

**Mr KEVIN HUMPHRIES** (Barwon) [9.28 p.m.]: I wish to contribute to debate on the matter of public importance concerning the drought we are currently experiencing. As I said in my inaugural speech when I first became a member of this place some six or seven months ago, and as I have said on several occasions since, in Moree in north-western New South Wales, where I live, and in the seat of Barwon, never have we had to deal with anything as challenging as this drought. In my inaugural speech I said that the insidious creeping up of drought is something that the present generation has never seen. I liken fighting the drought to fighting a war. I hope the rest of the community does not have to deal with drought, but obviously challenges will emerge from it. Country people have been described as punching well above their weight. Since the European settlement of this country people have taken up the challenge of making their own way, fighting the battles provided by nature and moving on.

This year has been the worst year on record for production. The drought of the last six or seven years has caused significant pain not only for people on the land—whether they be farm owners, farm workers, those who service farms or live in the local village, town or regional centre—but for most of New South Wales, particularly the electorate of Barwon. I echo the words of my leader. He has raised this issue as we move towards Christmas and the New Year. It is a time for reflection. As we move towards the end of the year most people look back at the successes and challenges of the year and ask themselves: Where did we fail? How can we do better? Where do we go from here?

The Christmas period is usually a time of celebration and cheer. However, it will not be a time of traditional celebration for country people as they move into a period of introspection about where they will go in the future. People in rural areas need the support of the State and Federal governments and the community to ensure that, as they punch way above their weight and supply the food and commodities those on the eastern seaboard need to survive, they are sustained. They need the continued support of government, particularly the new Federal Government. We need to maintain the momentum started by the Howard-Anderson, Howard-Vaile Federal Coalition Government not only to support farmers with interest subsidies and cash but also to transfer those programs to small businesses in rural communities.

As I walk up and down main streets of the towns in my electorate I constantly hear that business is down by 60 per cent and that the figure is increasing. That is a cause for concern to me. As the member for Monaro said, we need to maintain services and schools. We need to make sure that when the good times return—and, hopefully, the good rains we have recently had in western New South Wales and on the tablelands will continue—people will be attracted back to country New South Wales. The effects of the drought have caused rural New South Wales to lose a lot of its population. Agriculture is a huge money earner for this country; it underwrites our community. The drought is a nationally significant issue. I encourage the Government to continue to support people in country New South Wales who are doing it tough. I admire what those people are doing, and I thank those who are supporting our farmers and rural communities. On behalf of the Coalition I hope they have a happy Christmas.

**Mr PETER DRAPER** (Tamworth) [9.33 p.m.], by leave: Yet again this year farmers in the north-west of the State have been taunted by this ongoing and very persistent drought. Promising rains in June saw large acreages planted with winter crops on the promise of improved follow-up rain to come, but unfortunately for many this did not eventuate. While some farmers are experiencing a bumper years with good harvests and inflated prices, others put their stock on to failing crops when the follow-up rain did not come, and others ploughed crops back into the ground. We have heard about the complexities of the exceptional circumstances

assistance application process. This bureaucratic nightmare was agreed between the New South Wales Government and the former Federal Government, and it has both allowed, and indeed encouraged, the politics of blame that have been so evident in recent years.

We cannot debate drought assistance without considering all levels of government. Processes have to be streamlined so that the impact on farmers and country communities can be significantly reduced. We need to take up the challenge and look for constructive solutions. There has been far too much political sparring in this place and in the Federal Parliament. The State and the Commonwealth must work together as that is the only way forward. A positive outcome from the recent election is that it removes the ability of the State Government to deflect criticism to the Federal sphere. If there is a problem with the way drought management and support are approached surely there is now an unprecedented opportunity for the Government to work out a solution with its colleagues in Canberra. Farmers and farming communities are simply are looking for answers and assistance, not constant buck-passing and inaction.

Only a handful of crop farmers in my electorate qualify for exceptional circumstances drought relief, and most graziers cannot access any assistance. The difficulty farmers face in trying to get exceptional circumstances assistance has hurt the morale of many landholders trying to survive what is possibly the toughest period of their lives. We have all been heartened to learn that the likelihood of rain is now much better than it was, and while the electorate of Tamworth has recently experienced more regular rainfall, it still has not been enough, and most has not fallen in the catchment. Chaffey Dam is the primary water source for Tamworth and the irrigators along the Peel River, and it is just over 45 per cent full. Recent rain around Nundle and across other parts of the district may have helped a handful of farmers, but it has not contributed sufficient run-off water to the dam. The water level is still well below the level where irrigators can use the entitlements that they are continually paying for but have been unable to access to a number of years.

Although rainfall in the catchment is the only way to improve the situation in Chaffey Dam, we must now move quickly to commence the process of raising the dam wall so that we can safeguard the irrigators, businesses and towns downstream, which all rely on this supply. The State Government has committed over \$19 million to the project. Tamworth City Council and the local irrigators are committed to their proportion of costs as identified by the Chaffey Dam reference panel, and the previous Federal Government committed to the remaining \$6.5 million dollars prior to the Federal election. The new Rudd Government now needs to show that it understands the needs of Tamworth residents and business operators. It must also demonstrate that it recognises the importance of retaining a viable irrigation industry in the district. We need to see the funds begin to flow quickly.

In my opinion Rural Lands Protection Board applications for drought assistance should form the basis for the State's case when they apply for assistance from the Commonwealth. We need to reduce the level of bureaucratic interference in processing applications for assistance. It is time for the State to get out of the way and let the people who are on the ground make recommendations straight to the people with the chequebook. The current process is an anomaly and fails to consider the enormous amount of bureaucracy associated with making exceptional assistance applications. This, of course, is the source of much of our farmers' frustrations.

How much money is actually reaching the farmers from the buckets of money Governments keep announcing as being available for drought relief? As a percentage I would not think it is particularly high. How much money is used to pay administration costs? Has the practice of paying administration costs from assistance money ceased, or are farmers' funds still being squandered on this practice? Is the State Government prepared to extend assistance to farming dependent industries that have had their businesses decimated during this extended period of drought? Does the Government recognise that the fixed-water charges policy is putting an unsustainable impost on farmers who are in a much worse position to pay for water than the Government. The Government talks about maintaining water infrastructure and I clearly understand how important that is, but surely the Government is better positioned to absorb this cost than struggling farmers.

I hold serious concerns about the pig, dairy, feedlot and poultry industries, which are all having trouble coping with the high prices of grain brought about by this drought. Many families in my electorate are suffering. Recent falls of rain have done little more than frustrate many people who are already fearing for their future, especially given the downpours on the coast and in Sydney over recent weeks. This drought is far from over and there is very little prospect that it will end any time soon. So the Government needs to consider whatever assistance it can provide and make sure that our farming families have a secure future.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [9.38 p.m.], in reply: I thank the members for Monaro, Barwon and Tamworth for their contributions to the debate. The member for Monaro said

that the Government is here to help. We are pleased about that, but we need more than assurances. I have repeatedly made the point in this place that we are talking about a drought like no other. Farmers in this State need more assistance from all levels of government. The member for Monaro said that about 80 per cent of the State is in drought. It remains a significant problem, despite recent rains that have done little to ease the financial burden or the social impacts on rural communities around the State. The member for Monaro referred to the Treasurer highlighting in the budget the willingness of the Government to help. That is great talk, but rural communities are talking about the issues that The Nationals have raised in this place, such as fixed water charges and other government fees and charges. We have said that rural communities deserve some relief from these charges.

The member for Monaro said that the Government has contributed \$365 million so far towards drought initiatives. In my initial contribution I welcomed the support, but I compare it with the Federal contribution of \$1.9 billion to date and a further \$714 million that was committed by the former Federal Government just last month, a total of \$2.7 billion. I have also referred to the Victorian Government's contribution of an additional \$100 million drought support, which includes rebates for fixed water charges. Farmers in the south of the State look across the Murray River and ask why Victorian farmers are getting a better deal from their State Government than they are getting from New South Wales. I leave the Government with the thought that fixed water charges will not go away. They remain a sore point for farmers in the State, particularly when the Government is prepared to spend about \$2 billion on a white elephant desalination plant in Kurnell. A contribution by the Government of \$365 million is fine, but it is all about priorities.

The member for Monaro also referred to mental health, and rightly so because it is an important issue. I know of farmers who, sadly, have taken their lives as a result of the continuing impacts and burden of the drought on them and their families. The Government announced the continuation of funding beyond the end of this year for drought support workers only about four weeks ago when The Nationals moved a motion about drought support. It was too late, as many of the drought support workers have accepted other jobs because their futures had not been guaranteed. We have had no assurance from the Government about schools. The member for Monaro, on behalf of the Government, acknowledged that point, but more than an acknowledgement is needed. Prior to the State election The National's policy placed a moratorium on the withdrawal of school resources or, in the case of one-teacher schools, a moratorium on school closures until a reasonable period had expired beyond the breaking of the drought. Workers and their families will come back. The Government should not take resources away because it will be too late to put them back when they return.

The member for Barwon made a very good contribution about the impacts of the drought on his electorate and the assistance needed in the communities he represents. The member for Tamworth was right in saying that State and Federal governments must work more closely together. Up until now the Federal Government has done most of the heavy lifting and the State Government has stayed with the traditional forms of drought assistance. Mark Vaile and Peter McCauran did a great job in easing the criteria of exceptional circumstances and in extending drought relief assistance. The member for Tamworth referred to the Chaffey Dam wall. The Nationals support that repair work; it has to happen. The Federal and State governments must work together to shore up and secure our water supplies to get through this drought and prepare for the next one.

**Discussion concluded.**

## **LIQUOR BILL 2007**

### **CASINO, LIQUOR AND GAMING CONTROL AUTHORITY BILL 2007**

### **MISCELLANEOUS ACTS (CASINO, LIQUOR AND GAMING) AMENDMENT BILL 2007**

**Messages received from the Legislative Council returning the bills without amendment.**

## **STATE RECORDS AUTHORITY**

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [9.46 p.m.], by leave: I move:

(1) That this House:

- (a) notes that the State Records Act 1998 provides for exempt public offices, including the Houses of Parliament, to enter into agreements with the State Records Authority (State Records) for the application, with or without specified modifications, of any of the provisions of the Act to their records.



- (b) authorises the Clerk to enter into a memorandum of agreement with State Records for the transfer of records of the Legislative Assembly to the care of, but not control of, State Records.
- (c) authorises the Speaker to transfer, from time to time as occasion may require, to the care of but not control of State Records, the tabled papers and all other records of the Legislative Assembly not currently in use.
- (2) That any documents transferred to State Records be subject to access orders made by the Clerk, unless otherwise specified, as follows:
  - (a) Documents tabled in the House and authorised to be made public are to be open to public access immediately from the time of transfer to State Records.
  - (b) The following documents are to be the subject of access directions made in accordance with the Attorney General's Guidelines "Making Access Directions under the State Records Act 1998" (but only in so far as the Guidelines apply to this agreement) and any resolution of the House,
    - (i) documents tabled in the House and not authorised to be made public, and
    - (ii) documents which have not been made public by authority of the House or a committee, such as in camera evidence and confidential documents and submissions.
  - (c) Documents relating to the administration of the Department of the Legislative Assembly remain closed to public access for 50 years from date of creation, unless otherwise closed for a longer period at the time of transfer to State Records or unless authorised to be open to public access earlier by direction of the Speaker or the House.
  - (d) Documents relating to the administration of the joint Parliamentary Services are to remain closed to public access for 50 years from date of creation, unless otherwise closed for a longer period at the time of transfer or authorised to be open to public access earlier jointly by direction of the Speaker and the President of the Houses.

I have moved the motion because for some years the State Records Authority has been concerned about how records of the Parliament are to be kept and safeguarded for future use. It is well known that many records of this Parliament, because of inappropriate numbers of personnel and the fact that we do not have the resources, have not been properly documented and in some cases have not been properly stored. Consequently, when there is a need to retrieve these records, it is sometimes difficult to do so. We have a responsibility to ensure that the records of this State and of this Parliament are properly compiled.

In accordance with this motion we will be able to transfer records of this Parliament to the State archives for administration by the State Records Authority. We recognise that they do not have control over these records. Whenever of Parliament wants to retrieve the documents it will be able to do so. We recognise also that the State Records Authority has the resources to be able to tabulate records properly and to store them properly on behalf of the Parliament. It is no different to what is happening with many other State Government authorities that, for the reasons I have related, are now placing their records in the hands of the State archives where they will be properly recorded and properly stored, but the authorities will be able to access their records when required.

As a precinct of the Parliament this place has a number of limitations: it has limitations by virtue of the history of the parliamentary buildings and it has limitations on the number of staff employed. We have many records that we need to document, store and keep for historical purposes to maintain the efficiency and effectiveness of this Parliament, but we are not able to do so. The State Archives Authority is the appropriate authority to do this. If this motion is agreed to we will be able to transfer our records to the State Archives Authority for storage only, with the very strong proviso that whenever the Parliament wants to access those records it has the right to do so with the absolute authority that it has.

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

**Motion agreed to.**

## **BUSINESS OF THE HOUSE**

### **Notices of Motions**

**Government Business Notices of Motion (General Notices) given.**

**LAW ENFORCEMENT AND OTHER LEGISLATION AMENDMENT BILL 2007**

**Message received from the Legislative Council agreeing to the Legislative Assembly's amendment.**

**PRIVATE MEMBERS' STATEMENTS****GOULBURN LOCAL ORGANISATIONS**

**Ms PRU GOWARD** (Goulburn) [9.52 p.m.]: As 2007 draws to a close, so too does my first year as the State member for Goulburn. I am sure I do not need to tell anyone in this place about the steep learning curve experienced by first-time members. We learn to negotiate the parliamentary process and hone our driving skills across our electorates while at the same time becoming more deeply embedded in and attached to our local communities. As a country member it is impossible to be part of the electorate on the days when the House is sitting. The long sitting hours and the geographical distance between the electorate and Parliament unfortunately precludes attendance at local functions on sitting days. It is impossible to attend the many functions the local member is expected to be part of, although I catch up in non-sitting weeks and on weekends, and I have met many wonderful people who involve themselves, usually in a voluntary capacity, with local activities.

It is with pride that this evening I praise the efforts of only a few of the many local organisations, which are, in so many ways, the backbone of our community. Country members, especially but not exclusively, are familiar with the work of the Country Women's Association. The Country Women's Association is a not-for-profit association and is the largest voluntary women's organisation in Australia. Members work for the welfare of all women and their families—in both city and country areas—through representation to all levels of Government and fundraising events as well as teaching life skills. The Country Women's Association has assisted many families during the drought and in New South Wales it has distributed approximately \$6 million in drought relief to more than 2,500 families.

But, closer to home—and I mean literally—Country Women's Association members perform other wonders. Last Sunday I hosted a Christmas get-together at my home in Goulburn. Wondering how I would bake cakes and make sandwiches between functions, I called on the Country Women's Association to help. They appeared with food and teapots and wonderful organisational skills for at least a thousand people. I am extremely grateful to Mrs Betty Campbell and her assistants, who made the afternoon so successful. And no, I did not even have time to bake scones, on this occasion that was left to the real experts.

I have spoken before in this place about the appalling condition of the children's ward in the Bowral Public Hospital. The BDCU Children's Foundation, co-chaired by Susie Reynolds and Jennifer Grey, began lobbying for an upgrade to the ward several years ago. After many meetings, countless hours of fundraising, questions asked in Parliament and promises made and broken by the State Government, the efforts of the foundation have eventually paid off: the announcement was made yesterday that the money to upgrade the ward has been approved by New South Wales Treasury. I am grateful to the State Government for finally making a real commitment to this upgrade. Volunteers often take up issues because of a personal connection and I know that is so for some members of the BDCU Children's Foundation. While the upgrade will not make memories go away it will, nevertheless, make their final success even sweeter.

The Police and Community Youth Clubs across New South Wales are a wonderful reflection of our police officers who, along with others, volunteer their time to work with young people in the community. The focus of the Goulburn club is to work with young offenders or those who are headed that way. They work on skills that many of us take for granted, such as writing a job application, and they keep the young people focused on staying out of trouble. Club manager, Bill Anderson, has many plans to continue developing the club by introducing new activities.

To a certain extent, members of our parents and citizens associations are unsung heroes in our community. I cannot end the year without mentioning the parents and friends at Bowral Primary School who have worked hard to resolve the issue of relocating the school to the site at Retford Road. Discussions between the Department of Education and Training and representatives of Bowral Primary School began in the first term of 2005, and as the 2007 school year comes to a close we are no further forward. In fact, I understand yet another demountable classroom is about to be installed on the already overcrowded site. It is disappointing that another year has passed and students and parents, including the former Chair of the Council, Steve Anderson, have now moved on before a resolution has been made and action taken.

I would like to end the year with a short boast about one of the four councils in my electorate, the Goulburn Mulwaree Council, which has received the A. R. Bluett Memorial Award. This award recognises councils that have achieved the greatest relative progress in New South Wales. It has been awarded annually since 1945 and is considered the greatest accolade a New South Wales council can receive. To all members of this House and their staff, and to the staff of the Parliament who serve us so well—and I am frequently reminded they are a more permanent part of this place than elected members—I wish you and your families a very happy Christmas. Next year is expected to be an election-free year and one in which I trust much can be achieved for the people of New South Wales.

### **OLD TOONGABBIE PROPERTIES HERITAGE LISTING**

**Mr NATHAN REES** (Toongabbie—Minister for Emergency Services, and Minister for Water Utilities) [9.57 p.m.]: Tonight I report on a local planning matter that has been the subject of some media discussion. Some months ago planning officials recommended that Parramatta City Council proceed with the heritage listing of three red-brick houses in Lennox Street, Old Toongabbie, in my electorate. The three houses were built in 1969 and 1970 and the proposal sought to include the properties for heritage listing as they allegedly typify the architectural values of the time. The owners are rightly proud of their homes, but they do not wish to have their primary financial assets frozen in time at the whim of unelected planning officials or heritage consultants.

When the justifiably outraged residents approached me as their local member, I said at the time that it was the height of absurdity for some heritage guru to sweep in and list their homes. The officials' proposal was lumped on the residents without adequate consultation and against their wishes. Listing the potential properties in the draft Parramatta Local Environment Plan had severe consequences. The residents faced potential serious financial penalties if they wanted to make any changes to their property. They would have been limited in the changes they could make, with special heritage permission needed in addition to the usual council process. It would have been a bureaucratic nightmare. More importantly, the residents were advised that the restrictions inherent to the listing could reduce the value of their properties and seriously impact on the financial futures of their families.

Heritage laws are meant to preserve unique aspects of our society, be they buildings or significant places. I would have thought that, particularly in Parramatta, there would be many other areas in greater need of heritage protection and of greater significance and higher priority than red brick homes in Old Toongabbie. Proposals such as this have the potential to make a mockery of our heritage regulations. Heritage protection is important to the local community in Old Toongabbie but this bureaucratic decision would have cost Kenneth and Carlene Clunas, Wladyslaw and Halina Malysiak, and Simon and Maryanne Keremelevski tens of thousands of dollars.

As Ken Clunas, one of the affected residents, said to me, "You can understand an older federation house being singled out for conservation but now, if we want to sell, we'll either have to wait or have a fire sale and lose tens of thousands of dollars. We can't afford that." Ken Clunas and his neighbours do not own older federation houses. As I said, the Lennox Street residents are proud of their homes, but they are not crying out for special attention from the heritage brigade. Lennox Street, Old Toongabbie, is suburban Australia and hardworking families should be left alone to go about their lives, not be annoyed by heritage consultants. Following our representations to Parramatta council highlighting the residents' plight, sanity has prevailed, I am pleased to advise, and last week Parramatta council removed the houses from the proposed heritage list. This is a win for people power over heritage heavy handedness. The Lennox Street residents have done a "Castle" on a council that Darryl Kerrigan would be proud of.

I congratulate the Parramatta councillors who supported this commonsense decision. Former mayor David Borger led the group, new mayor Paul Barber, and councillors Chris Worthington and Omar Jamal, listened to the residents' concerns and acted promptly to prevent the severe disadvantages they would have otherwise faced. Mayor Barber understood the implications of the proposal and acted with alacrity to remove the houses from the heritage list. He urged his fellow councillors to support the move and achieved a practical solution. He has only recently been elected mayor, but the city is in safe hands. His decisive leadership on this issue bodes well for Parramatta residents. I am confident that under his stewardship they can look forward to sensible management over the next council term. This is a win for the people of Old Toongabbie and a win for commonsense.

### **NIEMUR RIVER AND COLLIGEN CREEK ENVIRONMENTAL FLOW**

**Mr JOHN WILLIAMS** (Murray-Darling) [10.01 p.m.]: I draw to the attention of the House and, in the absence of the Minister for Climate Change, Environment and Water, the Premier the ongoing difficulty faced by landholders in southern New South Wales as a result of non-existent water flows through populated areas. As I have already stated on a number of occasions in this Chamber, landholders in the Murray-Darling electorate have struggled with inadequate water supply to the extent that the flow of stock and domestic water to numerous systems has ceased and significant environmental damage has resulted.

Previously, I have highlighted the situation confronted by those living on the Wakool River and Merran Creek system, as well as those dependent on the West Corugan irrigation system. It is the plight of those on the Niemur River and Colligen Creek I bring to the attention of the House today. The Niemur River and Colligen Creek face the same environmental damage as their neighbouring Merran Creek and Wakool River. On 5 November Richard Cullross first contacted me about this issue. By 16 November I had received requests for assistance from Blair Cullross and Blair Duncan, stating that the river red gums were under stress and that the area was about to lose its Murray cod, yellow belly, and bream populations, to name but a few.

On 19 November Richard Cullross contacted me and said that the same situation that precipitated the release of water for Merran Creek and the Wakool River had occurred at the Niemur River and Colligen Creek. Mr Cullross said some people on the Niemur system had gone to the extreme of carting water and pumping it out of holes for stock and domestic use. He said the river had been stocked with fish over the years—a lot of money had been put into it—and those fish were now dying. Ron Russ contacted me on 28 November and said that he was concerned as the Niemur River was "bone dry". He is dependent on it for stock water to keep 200 ewes and 200 lambs alive, but the water quality is disgusting.

At a public meeting on 21 November attended by 41 people the Niemur River Protection Association was formed resulting from the overwhelming concern expressed by local residents about the state of the Niemur River. By way of background, I inform the House that the water flow ceased in the Niemur River and Colligen Creek seven months ago, resulting in devastating environmental consequences as the health of the Niemur River and Colligen Creek continues to steadily decline and stagnant water becomes more unhygienic.

As I am sure everyone is aware, people who live and work on the land do not ask for a lot. They mostly live within the boundaries of what Mother Nature provides, but when water is available they see no reason why they too cannot have access to a minimal supply. Kerry Lowing, the honorary secretary of the Niemur River Protection Association, has told me that while her association's members understand the difficulties involved when supply is shared by many, urgently needed supply for environmental, stock and domestic water use is required through a minimum flow to enable the Niemur River and Colligen Creek to survive.

In assisting to ensure that no more water than is essential for survival is taken from the system, the Niemur River Protection Association has resolved by unanimous vote to limit the pump size to two inches for stock and domestic water during this period, to be reviewed on a regular basis until there is a constant flow at the end of the system. As you can see, these people are not just interested in the here and now, they are interested in saving their waterway for the future so that it can continue to provide not only an income for them and future generations, but also a recreational environment for all. Additionally, the Niemur River Protection Association has called for an embargo on fishing to be put in place until some normality in the system returns.

As such, I support the Niemur River Protection Association in its steps to provide a safe system for current and future use and I make the following request: that the Niemur River and Colligen Creek receive a 200 megalitres-a-day flow immediately, reduced to 30 megalitres-a-day once an end of stream flow is achieved. As with the Merran Creek system, 60 families are highly reliant on the Niemur River for their domestic water supply, particularly at the end of the system where there is no access to the Murray Irrigation Limited water supply. The condition of the Niemur River system is grave. Those who live and work along it are in a desperate state. I call on the Government to relieve some of their troubles by allowing an environmental flow to make its way down the Niemur River and Colligen Creek system, as it has seen fit to do for those along the Wakool River and Merran Creek system.

### **BURWOOD-CANADA BAY LIQUOR ACCORD LAUNCH**

**Ms ANGELA D'AMORE** (Drummoyne) [10.06 p.m.]: I acknowledge the launch that I attended of the Burwood-Canada Bay Liquor Accord on 21 November 2007 at Burwood RSL Club. In attendance was the

Minister for Gaming and Racing, the Hon. Graham West, Burwood local area commander Arthur Katsogiannis, acting assistant commissioner Frank Mennilli, superintendent Frank Hansen, mayor of Burwood Council John Faker, and my colleague Virginia Judge.

The liquor accord allows for the free flow of exchange of ideas and information between licensees and the discussion of issues that may impact on their premises or the local community. Major stakeholders can become involved by working with licensees to put forward initiatives to combat topics such as underage drinking, drink spiking, and alcohol-related crime or incidents. The accord is an agreement between local licensees, police, councils, the Department of Health and the Office of Liquor, Gaming and Racing to help prevent alcohol-related harm in our local communities. The accord is a voluntary proactive means of creating a safer community without the need to resort to regulation and enforcement, and ultimately court sanctions against licensees or licensed premises.

The accord is about people working together in our community to make the Burwood-Canada Bay local government areas a better place to live and enjoy. The accord opens communication between licensees who will now have a network of members to draw upon to provide advice and guidance on issues that may impact upon their premises. With the full support of the Burwood local area command and the major stakeholders, reductions in alcohol-related offences, improved safety, compliance with the law and opportunities for entertainment in the areas are now achievable.

Licensees and the Burwood-Canada Bay community have come together in an effort to tackle alcohol-related issues with the formation of the Burwood-Canada Bay Liquor Accord. Records show that within the Burwood local area command there are over 160 licensed premises, including hotels, clubs, bottle shops, restaurants and wholesalers. In late November 2006 Burwood Local Area Commander Superintendent Arthur Katsogiannis, in consultation with the then licensing officer Constable Doug Stubbs, held a meeting with local licensees and community stakeholders with a view to forming a new liquor accord in the Burwood Local Area Command. Consultations and meetings with licensees from both the Canada Bay and Burwood local government areas were held and as a result the liquor accord was formed. For the first time in history for the Burwood Local Area Command both local government areas have joined together to form one liquor accord.

I acknowledge the fantastic work that was undertaken by the executive committee of the Burwood-Canada Bay Liquor Accord, principally chairman Richard Saliba from the group general manager P J Gallaghers, secretary Deb Delaney from human resources and security manager Burwood RSL Club, and vice-chair Mark Duggan, director and licensee of Duggan Family Hotels. The launch of the accord would not have been possible without the effort of these three individuals. Their commitment to the process and its success was evident at the launch, which was attended by close to 100 people. I note that the Minister commented that it was one of the largest gatherings he had attended for a liquor accord launch.

Major stakeholders in the community have also been involved in the process and as a result Burwood Council, City of Canada Bay Council, Sydney Western Area Health, the Roads and Traffic Authority, New South Wales police, chambers of commerce and representatives of licensed premises have all come together and joined to form this liquor accord. The first general committee meeting will be held in February 2008. The executive committee is examining material relating to the benefits of introducing toughened plastic cups.

A further initiative that has been discussed by the committee involves funding a responsible service of alcohol type of course in local high schools for year 12 students. That will have a number of benefits. First, students leaving school will be given information concerning responsible service of alcohol and the consequences of being intoxicated on licensed premises. Young people will have a better understanding when they first venture out into licensed premises. They will also understand that binge drinking is no longer an acceptable pastime in licensed premises. Licensees will also benefit from local young people having an understanding of responsible service of alcohol and a reduction in antisocial behaviour often attributed to young persons. Participants will be acknowledged for their attendance by receiving a responsible service of alcohol certificate. If they are interested in going into the hospitality industry or working part time on licensed premises they will already have the mandatory certificate free of charge.

With the full support of everyone involved, I believe that this and other initiatives are achievable and will benefit our community. The success of the liquor accord in the future will be dependent on all stakeholders in our community coming together and taking ownership of the process. As the State member for Drummoyne I am confident that there is a willingness in our community to acknowledge the benefits of this accord. I commend all those involved, in particular Senior Constable Vince Azzopardi, the City of Canada Bay Council officers and Mayor Angelo Tsirekas, and I look forward to working closely with our stakeholders. Congratulations!

**FOCUS ON ABILITY****RESPIRE CARE****HOMES WEST**

**Mr JONATHAN O'DEA** (Davidson) [10.11 p.m.]: This week I attended a local Focus on Ability art exhibition featuring various artists and demonstrating the creativity of people with disabilities. Artists from Sunshine Home, Boonah Creative Art School and Cromehurst School all contributed artworks, which will be displayed at the Ku-ring-gai Council chambers and library until 23 January 2008.

It was pleasing to see David Hoffman, who suffers from epilepsy and schizophrenia and who is now blind, win an award, as did Kate Boyd, another talented artist with disabilities. David's parents are in their eighties and for many decades looked after their son, who has recently moved into a group home. This is indicative of the dedication of many families with children who are intellectually and physically disabled. A critical issue for many of these loving and caring parents is the lack of respite care to enable them to take a much-needed break. Many families provide continual care with little or no outside assistance. This saves the Government hundreds of millions of dollars every year. One mother recently told me that if the son in her care predeceased her she would end her life, because her life as she had known it would also be over. That statement shook me to the core of my being. She was totally worn out by the around-the-clock routine of caring for the 39-year-old son she loved.

The issue of respite care shortfalls is a huge problem made worse by blocked beds being taken up by those in permanent care. On the North Shore the growth in those registered with the Department of Ageing, Disabilities and Home Care for supported accommodation assistance has been growing more quickly than elsewhere in Sydney. However, resources are not growing commensurately. Why did the New South Wales Government sell the John Williams Trust Home at Wahroonga for \$10 million? That home was providing respite for disabled children and was bequeathed to the Government on the understanding that the property would continue to be used for that purpose. About two years ago the Government sold the land, apparently very cheaply given that the developer is now building 70 units that are selling for about \$1 million each.

While I acknowledge that extra money is being invested elsewhere, North Shore families have again lost a scarce resource because the Government has cashed in an existing facility. Once again, does the Government think that families on the North Shore are so wealthy that they can afford private care? Desperately needed local respite services should not be allowed to disappear. I was pleased to see members of the Carers Alliance run for the Senate at the recent Federal election in an attempt to attract political attention from State and Federal governments. It says something when a group of parent carers, including a candidate living in my electorate of Davidson, become so desperate they resort to standing for political office just to get noticed. Last Wednesday my office was represented at the Council for Intellectual Disability Forum held in the city. Given that the Government was not represented at the meeting, I will pass on a comment from the senior policy adviser from Council of Social Service of New South Wales, who stated that the New South Wales Government's Stronger Together disability funding is not being spent in the right areas.

An innovative model of housing for the disabled was also discussed at the meeting. About 17 years ago Margaret Ward from Brisbane started Homes West, an organisation that houses disabled people—one per home. I will send the Minister for Disability Services some relevant information on this issue if she wants. I acknowledge the shadow Minister, the member for Bega, and the interest he has already shown in this matter. Homes West firmly believes that the family, service provider and community must work together. With no office, its one administrator works on a laptop and uses an old car, putting every possible dollar into support. Mrs Ward believes better outcomes are achieved by Homes West than larger disability housing service providers that spend up to 40 per cent of their budgets on administration. While this month we are appropriately recognising people with disabilities, today is also International Volunteers Day. I take my hat off to carers for the attention, love and devotion they give those special people in their care.

**F3 BRANXTON TO SEAHAMPTON LINK ROAD**

**Mr KERRY HICKEY** (Cessnock) [10.16 p.m.]: Once again I bring to the attention of the House the Kurri Kurri corridor or, as it is now known, the F3 link road, from Branxton to Seahampton. In 1988 three options were presented for the Kurri Kurri corridor. Joel Fitzgibbon and I made a submission on behalf of the Hunter FEC to the Roads and Traffic Authority and option C, which was the preferred option, was adopted. In

1988 the Federal Government funded all national highways. This is a national highway: it links the F3 with the New England Highway. The Federal Government has changed the rules and the State must now contribute 20 per cent to national highways projects in this State. That is a major problem. The Federal Government's contribution to the AusLink 2 project is \$800 million. That means that the State Government must find \$160 million or thereabouts to get this link road built.

People ask why I am so obsessed with this link road. It links the north west of the State with the ports of Botany and Newcastle. The Hunter Employment Zone—a major industrial estate—is being constructed in the Cessnock area. It will cover 900 hectares of industrial land and will be a major contributor to the Hunter economy. A cost-benefit analysis has been done for the local area but not the entire State. This road will provide improved links between Branxton and Seahampton and it will alleviate the gridlock problems suffered in Maitland in the early morning and late afternoon. The link will provide many benefits across the Hunter region. A week last Monday the new Federal member said that he needed to examine other options. This project involves a \$1.2 billion budget. The first costing, which was done in the mid-1990s, was \$285 million. However, that cost is increasing dramatically. Option C has been canvassed since 1988. Everyone concerned has examined the other options and all but option C has been rejected. This is the only option that benefits the region and it must go ahead.

It is all right for the Federal Government to fully fund bypasses in Albury-Wodonga with no contribution from the State. We need to look at where the Federal Government grants are going on roads and the way they have been used in the past. All the Hunter needs is one specific link road, one major highway, to link all the highways together, and more rail. No-one can dispute that. Major economic benefits to the State have come out of the Hunter over the past 10 or 15 years. The State does very well. When one considers what the Hunter contributes in tourism, wines and coal, the nation does extremely well at the Federal level as well. Governments gather lots of money across all tiers for the benefit of the nation. It is time we built this F3 link road as quickly as possible to alleviate many of the problems inside the Kurri Kurri, Cessnock and Maitland communities as well as to link the north-west of the State to our ports for the benefit of all. The Federal Government needs to look at how it is funding our roads and the way it has been funding our roads previously. It needs to address this issue immediately.

### ORANGE BASE HOSPITAL SERVICES

**Mr RUSSELL TURNER** (Orange) [10.25 p.m.]: Tonight I refer to a letter I received from Suzanne J. Betts of Agricultural Institute, Forest Road, Orange, about her father, Ted Cox, of 18 Grevillea Avenue, Orange. She wrote:

I wish to make a complaint about the care and treatment my father received recently at the Orange Base Hospital.

My father, Ted Cox 72 yrs was taken by ambulance at 7am on Sunday, the 25/11/2007, to the emergency Department of the Orange Base Hospital. He presented with a high temperature, Rigors, back pain, groin pain, problems urinating & nausea. He has a history of kidney stones, Type 2 diabetes and has received 4 bypasses. My Mum and myself were left sitting in the waiting room for over 1 hr, it was only when I approached the admin person she told me they must of forgotten about us. My dad had a cannula inserted after a few failed attempts & he was given fluids, they also took bloods and urine samples. He was discharged by 11.30am, with oral antibiotics and told he had a kidney infection.

We took him home reluctantly and he proceeded to deteriorate throughout the day. At 6pm we took him back to Orange Base Hospital, Emergency Department. The Triage nurse was very concerned as he was short of breath, had rigors, high temp, low saturated oxygen, high blood pressure, and was a bad colour, she informed us his body was closing down. Another cannula was inserted, he was seen by a female Intern and was told he had a bladder infection and that they need to admit him and he would be given intravenous antibiotics over several days. She also informed him he was dehydrated and they were going to give him fluid to alleviate this problem. He was asking for water, which they kept forgetting, so I got him a glass from a basin. When we asked for a jug of water they told us they only had 2 jugs for the whole Department and he could not have one of them.

He was admitted to Frost ward at 9.30pm on Sunday night as a private patient. He had only seen Interns up to this point.

Over the period of Sunday night to Monday night he was receiving 125mls of fluid per hour, there was never a review of this fluid intake even though it was quite high. He was told on Monday morning by an intern that he was going for a kidney ultra sound, this never happened, he waited all day there was no communication and he was feeling very breathless and neglected. My mother and I were frustrated as we had had no communication with anyone and did not know what was happening and how his treatment was going.

On Monday night my father had a severe asthma attack, he buzzed for help and it took over 1 hr for him to receive Ventolin, the other 3 patients in his room were also buzzing on his behalf as they believed he was going to die, no help came! Eventually a nurse turned up with the treatment, my father was frantic, he was panicking and believe he was going to die, I believe this is unacceptable and cannot believe that a patient could be left in so much distress, let alone the other 3 sick men not being able to help him. My mother and I were upset and by now had absolutely no confidence left in any of the staff on that ward.

By Tuesday morning he was exhausted and thought he was never going to get better. My mother had to take him to the shower and shower him, he had vomited in his bed and it was still there that morning. My mother asked the staff to please give him fresh linen on his bed.

Tuesday mid morning Dr D Mackender visited by father and organised for him to have a chest X-ray and a kidney ultra sound, as he was still very short of breath. They also organised for him to have an ECG. My mother phoned me at work and asked me to please come to the hospital as she believe he was very unwell as he was still shaking with the rigors and could not breathe. She was frustrated as she did not know what was happening to him, she was scared and confused as she knew he was getting worse not better.

I arrived at the hospital and went to the nurse's station to ask for help as my father was having trouble breathing, I waited for a nurse to get off the phone to a family member—

the letter went on with some more details about treatment and then stated:

Eventually the intern did arrive, but he was obviously not happy that he had been called back to give us an explanation. When questioned about my fathers breathing he reported to us that he could not breathe because the X-ray revealed that he had fluid on the lungs, I asked him how could that happen we were told they had given him too much fluid and now they need to get rid of it. He told us they would give him an injection to make him urinate and get rid of the fluid. His extremities were extremely swollen; he told us this was a result of too much fluid. There was no compassion shown to my father or to us, it was just a matter of fact. We were left to feel we were panicking over nothing.

At this point I decided to ring my father's GP who is also a family friend, he was shocked by the treatment shown to my father and he rang Dr Mackender to find out what was happening. My father's GP came to visit as a friend not a doctor to reassure him that things would be ok.

Mr Cox was eventually transferred to the Dudley Private Hospital for further treatment.

### **GREATER SOUTHERN SYDNEY FAUNA REPORTS**

**Mr PHILLIP COSTA** (Wollondilly) [10.30 p.m.]: Tonight it gives me great pleasure to speak on a project launched last Friday—the greater southern Sydney fauna reports. It is not often that one receives any good news when it comes to biodiversity conservation and the environment. Our world is constantly under threat. Last Friday I had the pleasure of launching a report on the threatened fauna in the southern Sydney Basin. Historical records documenting a lamentable record of species extinctions, long lists of currently endangered and threatened species and worrying projections about climate change all contribute to a depressing sense of loss and feelings of helplessness in the face of overwhelming threats to our native fauna species. Therefore, it is reassuring to know that for some species, and in one area of New South Wales, the needs of our native fauna and our needs for a clean and reliable water supply have come together. I refer to the vast tracts of pristine land in my electorate of Wollondilly.

The metropolitan and Warragamba special areas comprise vast tracts of natural bushland, which provide secure habitat for over 440 native fauna species. In 2001 joint management arrangements between the Sydney Catchment Authority and the New South Wales National Parks and Wildlife Service were put in place to ensure coordinated land management across lands managed by the catchment authority and in recognition of the dual natural heritage and water supply values of the catchments. A study carried out in 2003 covered an area of nearly 800,000 hectares and was found to contain an impressive list of native fauna species including 53 mammal species, 273 bird species, 29 frog species, 61 reptile species as well as 30 introduced mammals and birds. The study was able to declare there were more biodiversity elements in this catchment than in the entire Kakadu. More than 80 per cent of the native fauna species present were found to be safe and secure in either national park or water catchment. Even some threatened species such as the powerful owl and yellow-bellied glider were found to be flourishing in myriad gorges in the southern Blue Mountains.

Unfortunately, it is not all good news. The study also found that a number of species are at risk and need our help. One species was identified as having only one pair left. The brush-tailed rock wallaby is reduced to a single small colony in the Wollondilly Valley. Since the surveys discovered this population it has become the focus of a dedicated monitoring program that aims to ensure it will continue to live and breed into the future. The program also found that many woodland birds that were once a feature of the open woodlands of Western Sydney are now almost extinct in that area. Thankfully the Burratorang and Wollondilly valleys are a refuge for these birds.

The former grazing land of these valley floors is a reminder of what the Cumberland Plain once looked like and with proper management, will remain that way for generations to come. It is recovering. On the brighter side, the study also points to some opportunities to fix past wrongs. For example, the option exists to reintroduce



the Eastern Bristlebird back into the southern catchments and I understand the Hawkesbury-Nepean Catchment Management Authority and the University of Wollongong are currently considering the feasibility of this approach. I commend their initiative in this regard and look forward to hearing the results of their investigations.

The study also found that some habitats are particularly valuable to a large number of threatened species. Some areas were found to be particularly important. For example, the Burragorang and Wollondilly River valleys were found to contain extensive areas of ecologically healthy grassy box woodlands, which, unlike this environment in other parts of New South Wales, still support a diverse array of native fauna. It is hard not to be impressed by the scale of work undertaken to produce these reports. There is fairly extensive documentation, maps and CDs to go with it.

These reports and supporting data layers are relevant to a wide variety of activities, including strategic land-use planning and reserve management planning. They also provide context to site-based decision making such as individual development applications. For that reason, a non-technical version of the report has been prepared for a general audience that outlines, in everyday language, the native fauna values of the region, and these are very extensive. It outlines the pests that threatened them and actions everyone can undertake to help protect what exists in my community. I hope this report will move all who read it to marvel at the diversity of Australia's native fauna, the diversity in my backyard and to be inspired to take action to ensure that they remain for our grandchildren.

### **RIVERINA HIGHWAY**

**Mr GREG APLIN** (Albury) [10.35 p.m.]: The need for maintenance and upgrading of country roads is frequently raised in this place by me and by my colleagues. Today I bring to the attention of the House the Riverina Highway to the east of Albury. Since 2003 I have alerted successive Ministers for Roads to the pressing need to complete the upgrading first commenced in the early 1990s. The Government advised me in 2003 that no commitment could be given to a timetable for completion of the upgrading, owing to other priorities. A subsequent inquiry revealed that the Roads and Traffic Authority was collecting traffic counts on a three-year cycle at four sites on the Riverina Highway between Albury and Bethanga bridge, with an additional site located on the Hume Weir Road.

It is interesting to note that in October 1994 my predecessor, the late Ian Glachan, MP, advised that \$17 million had been allocated for several major roadworks, including the completion of the final length of the Riverina Highway east of Albury. After almost 13 years of the Carr and Iemma governments the upgrade remains incomplete and one is left to wonder where the money went. The issue is well and truly to the fore once more and Albury City Council is seeking a meeting with the Minister for Roads to discuss what is described as "the deplorable state of the Riverina Highway to the east of Albury". On this occasion Albury City Council is also representing the views of the Alliance of Councils and Shires in the Upper Murray, all of which have interests in and around Lake Hume and with the associated road network. All the councils are concerned at the apparent lack of action being taken to upgrade the highway.

For the benefit of members, let me explain that the Riverina Highway provides access from the Victorian Alps to the south-western areas of New South Wales. Part of the highway travels through Albury city crossing the State border at Bethanga Bridge on Lake Hume approximately 20 kilometres to the east of the Albury central business district. The highway corridor within the Albury local government area is the major east-west link through the city and lies in the heart of the growth corridor just north of the Murray River. It also provides access to Lake Hume, Lake Hume village, the villages of Bethanga and Bellbridge, and is an access route to the towns of Walwa, Granya and Corryong in Towong shire and to the north-eastern areas of Wodonga, including Bonegilla and the army establishments at Bandiana. Traffic volumes are significant for a road in its current state of deterioration and, with increasing tourism and development, there are great concerns at the likelihood of further fatalities and serious injuries.

It has long been recognised that the eight-kilometre section of the Riverina Highway between the end of the upgraded part—approximately 12 kilometres east of Albury—and Bethanga Bridge is extremely hazardous and unsafe. The Wirlinga section needs to be upgraded and the Heywood's Bridge section at Lake Hume village requires realignment to address safety concerns and to ensure the road is capable of accommodating future traffic volumes. The current road is too narrow and has sharp bends incorporating crests with inadequate sight distance. The road surface is in poor condition and parts have been reconstructed and repaired many times. Indeed, the condition of this section of the Riverina Highway has deteriorated to such an extent that the Roads and Traffic Authority has reduced the speed limit from 100 kilometres an hour to

80 kilometres an hour in an attempt to improve road safety. Twenty vehicle accidents have occurred in this section of road since 2000, resulting in 14 injuries. Two fatalities have been recorded on one particular bend. Upgrading and realignment are critical to the safety of residents and visitors to ensure the road is capable of carrying existing and future traffic volumes.

It is important to note that past lobbying resulted in the Roads and Traffic Authority identifying an alternate route for the Riverina Highway and acquiring land from the property owner. Although the Roads and Traffic Authority has owned the land for some years, little progress has been made and there is still no indication of timing for the design, let alone the construction, of the new road. This contrasts with the work being undertaken by Albury City Council, which has adopted a land use strategy to provide a framework for land use, development and infrastructure decisions. The strategy identifies that the primary growth corridor for Albury lies to the east and north-east through Thurgoona, Wurlinga and surrounding areas, and that the Riverina Highway will require upgrading to accommodate the traffic generated from the new residential development.

The heritage-listed Bethanga Bridge was recently upgraded, preserving an important historical structure and responding to the need to provide for growing traffic volumes. The Roads and Traffic Authority then undertook sealing work to the Riverina Highway approaches to the bridge. It is now time to finish the work, to undertake this long-promised project, to improve road safety and contribute to the development of tourism and infrastructure in the city, which is the southern gateway to New South Wales. I have written to the Minister on behalf of the council of Albury city and I ask that he arrange to meet with the mayor and general manager as soon as possible to discuss this most important project.

### **NATIONAL DAY OF THE VOLUNTEER**

#### **OCEAN BEACH AND UMINA SURF LIFE SAVING CLUBS**

**Ms MARIE ANDREWS** (Gosford) [10.36 p.m.]: Today is the National Day of the Volunteer. I pay a special tribute to the thousands of surf life saving members, both past and present, for their wonderful contribution to our communities. Members would be aware that 2007 is dedicated to the surf life saver. Surf lifesaving clubs throughout this State this year are celebrating 100 years of saving lives. Quite appropriately then, this year marks the opening of new clubhouses for the two surf life saving clubs located within the Gosford electorate, namely the Ocean Beach Surf Life Saving Club and the Umina Beach Surf Life Saving Club. The Mayor of Gosford City Council, Councillor Jim Macfadyen, who is President of the Killcare Surf Life Saving Club, officially opened the \$2.1 million new premises of Ocean Beach Surf Life Saving Club on 21 November 2007.

I was proud to be in attendance as the club's patron. The new club includes a function room, spacious bar and large balcony with sweeping and spectacular views of Broken Bay, training rooms, first-aid room and storage areas. Ocean Beach Surf Life Saving Club was the first club to be established on the Central Coast. The club has a proud record of claiming that not one life has been lost while club members have been on patrol. Club president and life member, David Unger, and other executive members—administration director, Belinda Thompson; club captain, Dean Slattery; finance director and life member, Elaine Unger; junior activities director, Robyn Carr; competition director, Nigel Fitzgibbon; marketing and public relations director, Liane Mandy; and functions director, Kevin Manning, do an outstanding job in running the club so efficiently and deserve special mention in the House tonight.

Also deserving of mention are the hardworking members of the club's building committee, namely chairman and life member, Warren Boyd; life member, David Unger; life member, Bob Nash; and Kevin Carmichael. An opening building committee was established to organise and manage a host of activities to commemorate the special occasion. The committee comprised David Thompson, life member, as chairman. I might add that David has been a very keen advocate for the surf life saving movement not only within Australia's borders but also beyond. Also on the committee were Venia Louie, Tricia Gassman, Shanti Moyes, Elaine Unger, life member, and Belinda Thompson.

The official opening by the mayor on the Wednesday was followed by a top-class, black-tie function on Friday evening, 21 November 2007; three-separate events, including a life members' brunch, community tours and a members' function on Saturday 22 November; and a members' family function on the afternoon of Sunday 22 November. The mayor of Gosford officially opened the new clubhouse of Umina Beach Surf Life Saving Club on Saturday 1 December. This new facility also cost \$2.1 million. Both clubhouses were made possible through the surf club rebuilding program of Gosford City Council.

I am pleased to inform the House that in September 2006 the then New South Wales Minister for Tourism and Sport and Recreation, the Hon. Sandra Nori, announced funding of \$110,000 each to Ocean Beach and Umina Beach surf life saving clubs. The contributions went towards the demolition of both clubhouses and the construction of replacement facilities. The funding was made available under the State Government's Surf Life Saving Club Facility Development Program. The facilities provided in the new clubhouse at Umina Beach comprise a kiosk, first aid and observation rooms, gear and boat sheds, meeting rooms, an office, a kitchen and bar, a function room, and new toilets. Umina Beach Surf Life Saving Club was the first Central Coast club to hold the New South Wales State titles, the first being in 1971, the second in 1980, and more recently the very successful titles held in 2005, in which the member for Port Macquarie participated.

Umina Beach Surf Life Saving Club's current executive members are President Andy Wing, Vice-President Jan Harding, Secretary Christine Lavers, Treasurers Bill and Wendy Cook, and Club Captain Brigita Parmeter. The building committee comprises the following members: Andrew Wing, Jan Harding, Christine Lavers, Kelly Glew, Bill and Wendy Cook, and John Sharpe, OAM. It is certainly worth noting that long-serving Umina Beach Surf Life Saving Club member Brett Harrod is the President of the executive committee of Surf Life Saving New South Wales. Both clubs have very proud histories, and play an invaluable role in providing an essential safety and rescue service for the benefit of both the local community and the thousands of visitors who each year flock to the beautiful Woy Woy peninsula to enjoy a holiday by the seaside.

The new facilities for Ocean Beach and Umina Beach surf life saving clubs have been well received by the members and the local residents. I salute the members, both past and present, all of whom are volunteers, for the incredibly good job they do year in and year out in making our beaches safe for all to enjoy. Congratulations to Ocean Beach and Umina Beach surf life saving clubs on the opening of their new clubhouses.

### **DUBBO ELECTORATE INDIGENOUS BUS DRIVER TRAINING**

**Mrs DAWN FARDELL** (Dubbo) [10.40 p.m.]: I speak about indigenous bus driver training that took place in my electorate earlier this year. I learned of the training when speaking to Sharlie Ovrhim, the Regional Coordinator of the Orana and Far West Ministry of Transport, at a farewell dinner held for Cathy Rawson, who left the Premier's Department earlier this year. Recently I received an email from Sharlie, which read:

Please find attached the brief project report. At Mrs Rawson's farewell you showed interest in receiving the report, which highlights some of the positive outcomes achieved for Indigenous people in the region.

Sharlie approached the Ministry of Transport for indigenous bus driver training for the Orana region, and she received from the Ministry the following project report:

#### **Indigenous Bus Driver Training—Orana 2006-07**

##### **Introduction**

The Orana region covers 13 local government areas that contains 1.8% of the State's population and almost 25% of the State's area. Orana region boasts the highest concentration of Indigenous people (10.4%) compared with 2% Indigenous population state-wide.

Through community consultation it was recognised that there is a shortage of Indigenous bus drivers in the region. Indigenous bus drivers are needed for school bus runs, commercial town services and coach services.

The Ministry of Transport's Local and Community Transport Branch employs 11 Regional Transport Coordinators throughout the State. The Regional Transport Coordinators are tasked to introduce initiatives that target the transport disadvantaged. Initiatives are aimed at providing solutions to enable isolated and disadvantaged people to access transport for essential services, medical appointments, educational, social and other similar purposes.

The Department of Employment and Workplace Relations' (DEWR) Indigenous Employment Strategy aims to create sustainable jobs for Indigenous people through programs such as Community Development Employment Projects (CDEP) and Structured Training and Employment Programme (STEP).

##### **Project Background**

The Ministry of Transport, through its Regional Transport Coordination Program, funded the initiative that allowed eligible people to receive the necessary training to qualify as commercial bus drivers. This included each driver upgrading to a heavy vehicle driver licence and being issued with a Public Passenger Vehicle Driver Authority.

Department of Employment and Workplace Relations provided funding to the project by way of wage subsidies through STEP contracts. The STEP contracts are designed to provide incentives to potential employers by way of wage subsidies for up to 12 months. Upon completion of the STEP contracts, it is intended that employers will offer permanent positions to the candidates.

Murdi Paaki Regional Enterprise Corporation (MPREC)—

which is capably run by Janelle Whitehead, who is affectionately known as Nugget in our area—

managed the project. They identified suitable candidates and negotiated with potential employers to secure employment for the candidates. MPREC is the peak Aboriginal organisation in the region that also runs a transport company which caters for the Aboriginal people in the Murdi Paaki region.

#### **Project Details**

The training is conducted by Ogden Coaches in Wellington. The training commenced in January 2007.

The report lists those who participated in the training as follows: Darren Bird from Murdi Paaki Regional Enterprise Corporation Transport, who is now on the school bus run, the night patrol bus, and chartered bus runs; Katrina Cain, who is still in training; Mervyn Watson, who is on the school bus run, the night patrol bus, and chartered bus runs; Trevor Dixon from Ogden's Coaches, who does school bus runs in Dubbo, Wellington and surrounding areas; Brett Garland from Ogden's Coaches, who does school bus runs in Mudgee and surrounding areas; Geoffrey Duffill from Fraser's Coaches, who does school and chartered bus runs; and Phemise Jones from Murdi Paaki Regional Enterprise Corporation Transport, who does the school bus run, the night patrol bus, and chartered bus runs.

Geoffrey Duffill was offered a permanent position by Fraser's Coaches on 22 March 2007 and was taken off the STEP contract. Mr Duffill is now driving a CountryLink coach. The Ministry of Transport provided funding for the training program. The funding was warmly accepted and it was a good use of taxpayer's money. Our area desperately needed more bus drivers. The initiative has delivered to the region much-needed indigenous bus drivers. In addition, the successful candidates have gained lifetime skills as bus drivers. It is intended that upon completion of the contracts all candidates, just like Mr Duffill, will gain permanent employment.

The close collaboration between State and Federal governments and Murdi Paaki Regional Enterprise Corporation was critical to the successful delivery of the project. It is anticipated that other similar bus driver training projects will be trialled elsewhere in the region, and indeed in other regions of the State. I thank Sharlie Ovrahim of the Ministry of Transport for allowing this project to take place, and I hope to report on the project in the future.

**Mr PAUL LYNCH** (Liverpool—Minister for Local Government, Minister for Aboriginal Affairs, and Minister Assisting the Minister for Health (Mental Health)) [10.45 p.m.]: I congratulate the member for Dubbo on raising this important issue in the House. The concept of training indigenous bus drivers is consistent with a range of other strategies that are being pursued in Western New South Wales. Other such strategies include Roads and Traffic Authority scholarships for young indigenous men and women, and a series of scholarships for Aboriginal mental health trainees.

I was delighted to hear the honourable member's comments about Murdi Paaki. I should place on record the fact that Sam Jeffries, who is known to some members of the House and was in the Parliament today, is certainly central to Murdi Paaki. I note also the honourable member's comments about the cooperation between Federal and State governments about Murdi Paaki. The change of Federal government might mean that the Federal Government will continue to fund the group, because the previous Federal government was threatening not to do so. Given that the Council of Australian Governments' evaluation found that Murdi Paaki was the most successful of all the groups assessed by the council, it would be a tragedy if Federal funding were not continued for the group. However, I am now optimistic that it may be. I congratulate the member for Dubbo on raising the issue in the House tonight.

#### **LORD HOWE ISLAND**

**Mr ROBERT OAKESHOTT** (Port Macquarie) [10.47 p.m.]: I speak about a unique part of the electorate of Port Macquarie, Lord Howe Island, which last weekend celebrated its twenty-fifth anniversary of World Heritage status. Great celebrations were held over the weekend, hosted by former Premier Neville Wran, a well-known lover of the island and one of the founding fathers of World Heritage status on Lord Howe Island, which has had obvious and significant benefits over its 25-year history.

I also place on record my thanks and congratulations to Barney Nichols, the Acting Chairman of the Lord Howe Island Board, and the board members, who are patiently waiting for the appointment of a new board

chairman. It is very difficult for them to continue to operate without a chairman. I suspect that flowing from the events of last weekend will be the appointment of a Minister so they could appoint a chairman to the board. I urge the Government to take care of business in that respect as quickly as possible. I also thank the islanders, who have been very supportive of World Heritage status for the island, and the Friends of Lord Howe Island from the mainland, who have also been supportive of it.

Probably the most significant event held last weekend—and which is a practical example of the island's World Heritage status—was the exhibition of a successful breeding program from a phasmid that was thought to be extinct 80 years ago. About 30 years ago well-known explorer Dick Smith, when climbing Ball's Pyramid, found a dead phasmid. In 2003, to everyone's surprise, on Ball's Pyramid the phasmid was found to be alive.

The Melbourne Zoo has become involved, and it has undertaken a breeding program. Last weekend everyone present experienced the first sighting by our generation of what is colloquially known as the land lobster. Currently, it is the most rare insect in the world and was shown off after a successful breeding program. This is one of the success stories of species-breeding programs. When the first successful breeding took place on World Threatened Species Day I gather the story made its way onto the front page of the *New York Times*. The phasmid, or land lobster, from Lord Howe Island is now somewhat infamous throughout the conservation movement.

The biodiversity plan underway on Lord Howe Island is working and is having some success. Over the past 25 years we have said goodbye to the cats, the pigs and 95 per cent of the goats on the island. The next species for the island to deal with, hopefully with the support of the Government, will be the rats and mice. The eyes of the world will be watching because this will be the largest inhabited, developed island population to try and eradicate rats and mice. If that can be done over the next couple of years it will go a long way towards supporting the 30 threatened species on the island, particularly the well-known Lord Howe Island woodhen. The figures just roll off the tongue but they are quite phenomenal when considered seriously.

There are 1,000 species endemic to the island—so they are basically rare and found nowhere else in the world—and 2,000 species unique only to Australia. This is a very special place and the decision to give it World Heritage status 25 years ago was not taken lightly; it was done for a very good reason. This is the Galapagos Island of Australia and it should be protected. There are three big challenges. The first is the rats and mice I have referred to. The second is sewage issues, which will be important over the coming years and will need substantial interest and investment from government. The third is the successful weeding program that is underway with the great support of a volunteer program. Over the next couple of years the weeding program is looking to achieve some fantastic results and will, hopefully, continue to get the support of government.

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [10.52 p.m.]: I am one of those who very much envy the member for Port Macquarie because he represents the electorate of Port Macquarie, which includes Lord Howe Island. I acknowledge the speech of the member and the many comments he made. As a former Minister in the Wran Cabinet, I can well recall the tales told by former Premier Wran about his fishing exploits on Lord Howe Island and about the number of occasions he ripped his fingers on hooks and so forth. Today it all seems such a long way away, as indeed Lord Howe Island is a long way away. As a former Minister for Education I had responsibility for the Lord Howe Island. I was invited to visit the school many times, and it has always been one of my great regrets that I never took advantage of that opportunity. To this day I still have not been to Lord Howe Island, which is part of this State.

Lord Howe Island has been included in many redistributions. At one time it was part of the electorate of Sydney. It was part of the electorate of Sandra Nori, who also wanted to go there. To want to go to Lord Howe Island was almost a death wish for any of us, but that does not affect the member for Port Macquarie, the current representative of Lord Howe Island. In many ways the exploits of former Ministers on Lord Howe Island ended up in severe criticism in the media. On at least one occasion they caused the political demise of a Minister. We envy the member for Port Macquarie, we envy the people of Lord Howe Island and we strongly support everything the member wishes to do to ensure the unique nature of Lord Howe Island continues to be preserved.

**Private members' statements noted.**

**COMMISSION FOR CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2007**

**WORLD YOUTH DAY AMENDMENT BILL 2007**

**Messages received from the Legislative Council returning the bills without amendment.**

**NSW OMBUDSMAN****Report**

**Acting-Speaker (Mr Matthew Morris)** announced the receipt, pursuant to section 43 of the Community Services (Complaints, Reviews and Monitoring) Act 1993, of the report entitled "Report of Reviewable Deaths in 2006—Volume 1: Deaths of People With Disabilities in Care", dated November 2007.

**Ordered to be printed.**

**The House adjourned at 10.56 p.m. until Thursday 6 December 2007 at 10.00 a.m.**

---