LEGISLATIVE COUNCIL

Wednesday 2 April 2008

The President (The Hon. Peter Thomas Primrose) took the chair at 11.00 a.m.

The President read the Prayers.

MINING AMENDMENT BILL 2008

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Tony Kelly, on behalf of the Hon. Ian Macdonald.

Motion by the Hon. Tony Kelly agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading set down as an order of the day for a later hour.

IRON COVE BRIDGE

Production of Documents: Tabling of Report of Independent Legal Arbiter

Motion by Ms Lee Rhiannon agreed to:

1. That the report of the Independent Legal Arbiter, Sir Laurence Street, dated 18 March 2008, on the disputed claim of privilege on papers relating to the Iron Cove Bridge, be laid on the table by the Clerk.

2. That, on tabling, the report is authorised to be published.

AUSTRALIA-CHINA HUMAN RIGHTS DIALOGUE

Motion by Ms Lee Rhiannon agreed to:

1. That this House notes:

   (a) the 11th Australia-China Human Rights Dialogue held in Beijing on 30 July 2007,

   (b) the United Nations (UN) Olympics Truce, as passed by the UN General Assembly on 31 October 2007 (A/RES/62/4),

   (c) the 49th anniversary of the Tibetan Uprising of 10 March 1959,

   (d) the 60th anniversary of the Universal Declaration of Human Rights, with particular attention to Article 9, concerning arbitrary arrest and detention, Article 13 on the right to freedom of movement and Article 18 on the rights to freedom of thought, conscience and religion,

   (e) the establishment of diplomatic relations between Australia and the People's Republic of China on 21 December 1972 resulting in Australia-China relations developing strongly, politically and economically, and

   (f) the Australia-China Strategic Dialogue, established on 7 September 2007, which is of great importance for the relationship between Australia and China.

2. That this House expresses its concern that there have been no further rounds of the SinoTibetan dialogue since February 2006 and that the five rounds of talks between Chinese officials and representatives of the Dalai Lama from 2002 to 2006, led by his Special Envoy Lodi Gyari, brought no substantive results.

3. That this House calls on the parties to make every effort to continue the dialogue.

4. That this House reiterates its concern over the reports of continuing human rights violations in Tibet, including torture, arbitrary arrest and detention, repression of religious freedom, "patriotic re-education" including forcing Tibetans to denounce the Dalai Lama, arbitrary restrictions on free movement, rehabilitation through labour camps and coercive resettlement.

IRON COVE BRIDGE

Production of Documents: Tabling of Report of Independent Legal Arbiter

The Clerk tabled, pursuant to resolution this day, a report of independent legal arbiter Sir Laurence Street dated 18 March 2008 on the disputed claimed of privilege on papers relating to the Iron Cove Bridge.

PETITION

Camden School Development Application

Petition requesting that an inquiry be held into the development application to Camden Council for a primary and secondary school and calling for suspension of the application until the identity, funding sources, capacity, ideology and competency of the landowner and prospective school proprietor are fully ascertained, received from **Reverend the Hon. Fred Nile.**

BUSINESS OF THE HOUSE

Withdrawal of Business

Private Members' Business item No. 4 in the Order of Precedence withdrawn by the Hon. Catherine Cusack.

Private Members' Business items Nos 14, 18, 62, 75 and 79 outside the Order of Precedence withdrawn by Dr John Kaye.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Notice of Motion No. 1 postponed on motion by the Hon. Tony Kelly.

PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT AMENDMENT BILL 2008

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Tony Kelly.

Second Reading

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [11.12 a.m.]: I move:

That this bill be now read a second time.

The Public Sector Employment and Management Amendment Bill 2008 primarily implements the recommendations of the Council on the Cost and Quality of Government [COCQOG] review of employment processes in the New South Wales public sector. The main purpose of the bill is to formalise the use of the Government's jobs.nsw website as the main means of advertising vacancies and make small changes to some appointment processes where merit selection has already occurred. The bill amends the Public Sector Employment and Management Act 2002, the Government and Related Employees Appeal Tribunal Act 1980 and the Government and Related Employees Appeal Tribunal Regulation 2005. In conducting its review, COCQOG consulted widely with public sector agencies. I now turn to the proposed amendments. Currently, vacant officer positions in departments must be advertised in the *Public Sector Notices* and in any other publication as the department head determines. To comply with the Act, vacant officer positions are currently advertised in the *Public Sector Notices*. In addition, these positions are also usually advertised in various newspapers, as well as listed on the Government's jobs.nsw website.

The bill replaces the requirement to advertise a vacant position in the *Public Sector Notices* with a requirement for online advertising. The COCQOG recommended this change, as e-recruitment is now the dominant form of recruitment. The bill also enables an employer to publish a notice of appointment on the Government's jobs.nsw website. Currently, notices are placed in the *Public Sector Notices*. These changes will

help modernise public sector employment practices and will facilitate the establishment of a more comprehensive Government employment website. The bill also makes small changes to some appointment processes where merit selection has already occurred. The bill simplifies provisions relating to the use of eligibility lists. An eligibility list for a vacant position is a list of eligible applicants arranged in order of merit. Persons on an eligibility list have met all of the selection criteria for a position. Currently, an eligibility list remains current for 12 months after the list was created for an entry-level position and for six months for other positions. The bill extends the expiry date to 12 months for all graded positions. The bill also enables department heads to use another department's eligibility list to fill positions that are substantially the same.

These changes will assist in maximising the employment of identified talent among agencies and are expected to reduce costs. The bill also simplifies the process for converting long-term temporary employment of at least two years to permanent employment in circumstances where the merit principle will continue to be met. This will enable the retention of quality temporary staff. Currently, a temporary employee may be appointed to a permanent position if a number of requirements are satisfied. One of these requirements is that the duties for the permanent position must be substantially the same as the duties for the first temporary position that the person was employed in on the basis of merit. In many cases, the duties for the permanent position will not be substantially the same as the duties for the first temporary position. This is particularly the case if the person has been employed on a temporary basis for more than two years. The bill removes the requirement that duties must be substantially the same. The requirement is considered unnecessary, given the person must still meet the selection criteria for the permanent position in order to be appointed. Importantly, no-one will be able to be appointed to a permanent position at a particular grade unless he or she obtained that, or a similar grade, through a merit selection process.

The bill also simplifies the process for converting certain longstanding secondments of at least two years to permanent appointments. In many cases, a person is seconded to another agency in a higher graded position than that held in the home agency. Currently, the secondee cannot be permanently appointed to that higher position without the host agency satisfying the requirements of the Public Sector Employment and Management Act 2002 regarding the advertising and filling of that position. The bill provides for a simpler process to appoint a person to the position that he or she has been seconded to, if certain requirements are met. Importantly, a person will be appointed to the new position only if that person was selected for secondment on the basis of merit to the same or a similar level. The person must also meet the selection criteria for that position. Accordingly, none of the proposed changes affects the merit principle. Public sector agencies and unions have been widely consulted on the proposed bill and support the changes proposed. I commend the bill to the House.

Debate adjourned on motion by the Hon. Rick Colless and set down as an order of the day for a future day.

EDUCATION AMENDMENT BILL 2008

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Tony Kelly, on behalf of the Hon. John Della Bosca.

Second Reading

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [11.17 a.m.]: I move:

That this bill be now read a second time.

New South Wales is a centre for excellence in education. This is illustrated by the fact that people from around the world send their children to this State to be educated in government primary and high schools. New South Wales government schools are internationally recognised for superb teachers, the excellent quality of our education programs and the pathway our schools offer to a career or to further study, including at Australian and overseas universities. It is reasonable and fair that the parents of overseas students who are not Australian taxpayers make a financial contribution to the system that provides their children with the excellent education they receive. Financial contributions have been collected from overseas students studying in New South Wales government schools since the early 1990s. In excess of $35 million was paid for the enrolment of these students in New South Wales in the last financial year.

The States of Victoria, Queensland, South Australia, Western Australia and Tasmania all have legislation allowing them to impose fees on overseas students attending government schools, although the

details of the legislation differ in each State. Recently, although untested by the courts, there has been some debate in legal circles about the power of the New South Wales Government to charge such fees in the absence of a specific legislative provision enabling it to do so. Given the amount of revenue involved, it is prudent for the New South Wales Government to make plain and unambiguous its power to collect a financial contribution from overseas students in its own education legislation. This will make the system for collecting fees from overseas students in New South Wales transparent and clear to all.

The scheme set out in the bill preserves the features of the existing policy under which fees have been collected from overseas students since the early 1990s. No new categories of fee-paying students will be created by the legislation and this scheme will not apply to Australian citizens or permanent residents of Australia. The director general will take steps to ensure that the current categories of exemptions from the requirement to pay fees, such as those given to residents of Norfolk Island and participants in student exchange programs, will be retained. Existing requirements to give access to education to New Zealanders will also continue to be honoured.

Under the proposed scheme the Director General of the Department of Education and Training will have the discretion to set fees to be paid by overseas students or classes of overseas students studying at government schools. This will include students who travel to Australia under a study visa and the children of temporary residents of Australia. These fees will be published on the department's website. The director general will have the power to exempt an overseas student or class of overseas students from any requirement to pay a fee and to order the refund of a fee that has been paid. This enables the department to respond flexibly and sympathetically to cases of individual hardship or special circumstances.

On occasion the parents of overseas students agree to make a financial contribution to the education system and then break their word although their children have received an education from a government school. If that happens in future the Department of Education and Training will have a legislated right to recover the amount of money a parent has promised to pay and can, if the circumstances warrant, end the student's enrolment at the school if payment is not made. Some may argue that confirming the power to collect fees from overseas students is an admission that there was no authority to impose them in the first place. To provide certainty and avoid unwarranted litigation, the bill provides that such fees paid in the past for instruction received in New South Wales government schools were validly imposed.

The legislation governing education needs sufficient flexibility to meet the needs of individual students while still ensuring that rigorous standards are maintained. Section 22 of the Education Act provides that a child must attend school at all times when the school is open for the child's instruction or participation in school activities. Section 25 of the Education Act provides that the Minister for Education and Training can exempt a child from being enrolled at a school. Exemptions are given in individual cases, such as when expert evidence indicates that a child who is of compulsory school age is not yet ready to start school. The bill amends section 25 to make it clear that the Minister also has a power to exempt a child from attending school for part of the school day. Such an exemption would be granted to meet a student's personal circumstances. An example would be where a child is returning to school after a serious accident or injury. If a doctor recommends that the child attends school for only some of the day initially and gradually works his or her way back up to full-time attendance, an exemption from the requirement that the child attend school full time could be granted.

Section 34 of the Education Act provides that the parent of a child may enrol the child at any government school if the school can accommodate the child. No guidance is given in the Education Act at present about what is meant by "accommodate the child". The bill amends section 34 of the Act to make clear what the school being able to "accommodate the child" means. The question of whether a school can accommodate a child becomes relevant when the parents apply to enrol the child in a school that is not designated for the local area in which they live. The Act will now make clear that a child's age, the type of school chosen by the parents, the resources allocated to the school, and its existing classroom facilities will be able to be considered when a decision is made whether or not the child can be accommodated at the school.

For example, high schools normally enrol students aged 11 or 12. If a parent seeks to enrol a 10-year-old child in a high school, consideration will be given to the child's age when a decision is made as to whether that child can be accommodated at the school. A parent who seeks to enrol their 15-year-old child in a primary school will be subject to the same considerations. This does not mean that no 10-year-old child will ever be enrolled at a high school or no 15-year-old child will ever be enrolled in a primary school; New South Wales government schools will continue to attempt to meet the reasonable needs of students. It just makes it clear that a child's age and the type of school the parents wish that child to attend are valid issues when considering whether that child can safely, and in an educationally sound manner, be accommodated at that particular school.

Bear in mind that a decision that a child cannot be accommodated in a school can occur only in relation to a school located outside the intake area for the child's home address. That child has a right to enrol in a local school provided he or she is eligible to attend that school, and the director general has a duty to designate such intake areas so that all school-age children are eligible to attend a school. The bill amends the Education Act to make it clear that the financial and other resources provided to the school and the existing number of classrooms and other facilities are considerations when determining whether to accept an enrolment from a student who lives outside the local area. It is important to recognise that the right to choose the school in which a child enrols is subject to the resources made available to schools across the State. This makes clear, for example, that an out-of-area enrolment is not to be a trigger to bring in a new demountable building that would eat into the available playground space.

It can be seen that a child's age and where he or she lives are important when considering whether a child has a right to enrol at a particular school. The vast majority of parents and carers are scrupulously honest when they apply to enrol their child at school. However, for a range of reasons, some public schools have many more people wishing to enrol at them than they can accommodate. Unfortunately, a small number of people provide false and deceptive information in order to enrol their child at a preferred school for which they are not eligible. There have been a number of circumstances in the past where it has been known or suspected that parents have provided false information. These include: using a name other than that on the child's birth certificate when one parent has taken a child away in breach of family court orders or when family relationships have broken down; parents wishing to hide a student's past history of violent behaviour, thereby impeding the ability of the school to assess and manage any risk of violence the student presents to staff and students at his or her new school; or parents claiming a child is older than he or she actually is or providing a false addresss.

It is important that schools can accurately identify children when making decisions about their enrolment. Enrolment of a child who is too young may harm the educational and social needs of both that child and other children. It may also compromise the ability of the school to meet its duty of care for the children's safety. A student's address is also crucial information for the running of the school. It is vital that schools are able to make contact with parents in an emergency. It is also of profound importance that a school is able to communicate effectively with all the parents of its students concerning every aspect of school life.

Finally, as a matter of basic fairness, a child should not be able to jump the queue and be enrolled in preference to the child of parents who have been honest and put the child's name on the waiting list. Steps should be taken to ensure that honest people are not disadvantaged by the unscrupulous behaviour of others. Accordingly, the bill amends the Education Act to empower a principal to require a person seeking to enrol a child at a school to provide proof to the satisfaction of the principal of the child's identity, date of birth and home address. This may include a requirement to produce any document or to provide a statutory declaration, or both. The child will not reasonably be entitled to be enrolled at the school unless and until the requirement is complied with, unless it cannot reasonably be complied with in the circumstances. The director general may terminate the enrolment of a child at a government school if the child was enrolled as a result of providing false information.

The bill also amends the Education Act to add the Department of Corrective Services to the list of agencies that can be asked to provide information to schools about students with a history of violent behaviour. This is necessary because the Department of Corrective Services has assumed responsibility for the Kariong Juvenile Correctional Centre. It will also help the Department of Education and Training to assess the risk of adult offenders who seek to resume their studies at a government school.

One of the ways that parents support schools is through their participation in parents and citizens associations. I wish to acknowledge the efforts of and thank the many parents around the State who give up their free time to participate voluntarily in enriching the life of their children's schools. Whether it is raising funds through school fetes or trivia nights, helping to run special cultural, musical or sporting events, donating their time to working bees, running the school canteens or uniform shops, or making their views clear about how the school can be improved and run better, the quality of schooling around this State would be immeasurably reduced without the effort of parents and citizens associations.

On occasion a group of school parents and citizens associations may decide to form a district council of parents and citizens associations to represent a region of the State. At the moment the education regulation must be amended to establish formally a district council of parents and citizens associations. This unnecessarily bureaucratic and cumbersome process impedes the active participation of parents in their children's education.

The Act will be amended to provide that the Minister for Education and Training can establish a district council of parents and citizens by publishing an order in the *Education Gazette*. The only district council formally established under the regulation—the Far South Coast District Council of Parents and Citizens Associations—will be preserved. The reforms set out in this bill are necessary, timely and appropriate, and I commend them to the House.

Debate adjourned on motion by the Hon. Rick Colless and set down as an order of the day for a future day.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Notice of Motion No. 4 postponed by the Hon. Tony Kelly.

Government Business Order of the Day No. 1 postponed by the Hon. Tony Kelly.

FOOD AMENDMENT (PUBLIC INFORMATION ON OFFENCES) BILL 2008

Second Reading

Debate resumed from 1 April 2008.

The Hon. HELEN WESTWOOD [11.34 a.m.]: The Food Amendment (Public Information on Offences) Bill 2008 balances the right of consumers to know about serious breaches of the food standards with the equitable treatment of food businesses. It also contains important provisions requiring the registers to be accurate and complete. The fact that the register can have information added to advise when a business has been sold is particularly useful because it lets consumers know when a business is under new management. By making all this information available, the bill strikes a fair balance between, on the one hand, putting an alleged breach of standards on a particular day at a particular time on the public record and, on the other hand, making it clear that the new business owners were not the recipients of the penalty notice.

I welcome the fact that interested people—that is, owners or employers of a business or people named on the register—can apply to have errors or omissions corrected or to have information about changes in ownership added to the register. It is appropriate that the fines and penalties revenue collected as a result of notices and proceedings launched by the Food Authority can be retained by the authority up to a defined cap. That means the running costs of this important new information resource are funded by the people who are alleged to be breaching the food standards rather than by ordinary taxpayers.

Although one would not know it to read some reports, the aim of this legislation is to ensure that details of food safety breaches are made public on the Internet. This will put New South Wales ahead of every other State and Territory in both legislation and practice. New South Wales consumers will be the best informed in the country. The Government is targeting the small handful of individuals and companies that are cutting food safety corners. Last financial year, the New South Wales Food Authority prosecuted 70 offences and the Food Authority and local councils together issued approximately 1,000 food safety penalty notices across the State. These are the poor performers who deserve to be outed, and that is exactly what this legislation will do—despite claims to the contrary. Clearly, we do not want a case of bureaucracy going mad and publishing every minor offence, such as a cracked tile or no grouting between tiles. Reporting of minor faults like these could damage the reputations of hard-working families needlessly.

The Government simply wants to ensure that no business is unfairly punished through this system. Some penalty offences are technical and notices may be issued to good-faith businesses. For instance, a business may be starting up and fail to display its licence. It would be misleading and unfair for such a business to be lumped in with those caught with cockroach-infested premises or, as mentioned by the Minister yesterday, a business mixing food in a rusty cement mixer. Those types of breaches will definitely be revealed. Those doing the wrong thing, such as having dirty, rat-infested premises or putting the health of their customers at risk, will be named and shamed.

The legislation will enable detailed publication of the names of those businesses that put consumers at risk or that are prosecuted, fined or shut down. The legislation even protects broadcasters and media outlets in their fair dealing with and reporting of these matters. That should aid in promoting both public interest in and awareness of food safety matters. This legislation represents a victory for consumers, who have the right to know about food businesses that are doing the right thing. They can then confidently vote with their dollars. It also provides an extra incentive to food businesses to ensure they put food safety first because failure to do so will result in their being named and shamed. I commend the bill to the House.

The Hon. MARIE FICARRA [11.38 a.m.]: The object of this very important Food Amendment (Public Information on Offences) Bill 2008 is to amend the Food Act 2003 to extend the powers of the New South Wales Food Authority to publish information about offences relating to the handling and sale of food. This Government promised in May 2007 to name and shame food manufacturers and outlets following breaches of the Food Act. This sudden attention from the Government came as a result of many critical media reports, including an article by Matthew Moore in the *Sydney Morning Herald* about the infamous sushi factory caught operating under extremely unhygienic conditions that resulted in consumers suffering food poisoning. Other media reports gave graphic descriptions of dirty restaurant kitchens that were totally unacceptable according to Food Authority standards.

The Opposition welcomes this bill, which has finally been introduced. It is true that this State has lagged behind the United States, the United Kingdom, Canada and even New Zealand in this regard. Finally the public will have the right to know about food outlets that are not complying with food safety standards. Why after so many months does the Government's register on the New South Wales Food Authority website still list only a chicken shop and a distiller and not restaurants or takeaway outlets found to be infringing food safety standards? Why has this Government ignored for so many years the effective and successful legislation enacted in the United States and the United Kingdom that provides transparent and public identification of offending food venues? The Government is acting now, but calls for something to be done have been heard for a long time. Why was the name and location of the twice closed and 11 times fined sushi factory revealed by the *Sydney Morning Herald* in July last year never revealed to consumers? They have a right to know.

The Hon. John Della Bosca: It has to go to court.

The Hon. MARIE FICARRA: The Minister can respond to these issues in his reply. How does this Government monitor food outlet inspections undertaken by local councils? I have heard about all the wonderful synergy and partnerships between the Food Authority and local councils. I spent 16 years in local government and I was always dissatisfied with the resources provided to local councils and the direction and commitment of food inspectors to do their job. Often they would like to do it but they do not have the appropriate resources. We can all see the food handling practices in open areas of shopping centres. Given that, one wonders what is going on behind the scenes.

How can one explain the low inspection rates by most New South Wales councils? For example, Leichhardt council has not imposed a fine in years. All these questions demand honest answers. I congratulate Woollahra council. I will read from an article by Matthew Moore in the *Sydney Morning Herald* of 23 May 2007. I know Matthew Moore upsets the Minister and the Government but, nevertheless, he has been instrumental in causing the Government to bring this legislation forward. He is the responsible journalist who has driven this issue for a long time. The article read:

> Eastern suburbs diners can now find out if their local restaurant has a cockroach plague or stores chicken at room temperature following a council's decision to release copies of its food safety fines.
>
> Woollahra Municipal Council's landmark decision to release infringement notices to the *Herald* reveals a host of food offences including an instance of the BP service station in … Woollahra, storing chicken cooked the previous day at 13.5 degrees.
>
> "That's a potential killer. There's no better medium for bacteria growth than cooked chicken," said the former chief food inspector with the NSW Health Department, Des Sibraa.
>
> BP received Woollahra's highest fine of $1320 for "handling food for sale to the public in an unsafe manner".

All I can say is that $1,320 is a joke, and a lot of local government authorities know it is a joke but they have been hamstrung. They have limited resources. Their rate base is limited. They cannot readily increase their revenue base, yet we are imposing more and more jobs on local government for it to do. If you want local government to do jobs properly, resource it. Details of these offences only came to light because Woollahra council agreed to follow the international trend and release them to the press under freedom of information laws. In doing so it became the second council in New South Wales to release such information.

Blacktown City Council earlier this year released to a local paper a list of food businesses fined for breaches of the food laws but did not provide the penalty notices. Nevertheless, it was a step in the right direction. In other parts of the world such information is already widely available and easy to access. In New York, the inspection results of more than 20,000 restaurants are available on the Internet and can be searched according to their hygiene point score. Other American States have similar schemes and they are found in many parts of Canada. Schemes operate in New Zealand and Toronto, where restaurant hygiene ratings are posted on the shop window, an effective way to let the public make an informed choice of restaurant and food provider.

A similar scheme began operating in Britain recently. Councils have signed up to a massive Scores on Doors program, posting hygiene compliance results to restaurant doors. The scheme began after Britain's new freedom of information laws revealed that Berkshire's The Fat Duck restaurant—voted best in the world in 2001—got unsatisfactory scores on three of four food samples tested. If consumers in the United Kingdom want further details about a restaurant's approach to hygiene, they can get them from this simple score, and websites provide the distressing details that are commonly published after food inspections. Websites even have lists of best performing restaurants and worst performing restaurants so consumers can choose where they eat according to their restaurant's hygiene record, if they so choose.

Of course, no restaurant wants to have publicised the Lotus House-like practice of using old cloths to cover prepared food, which had it placed on the list of Leicester's worst performers. This became quite infamous in the United Kingdom and led to the drive for legislative changes. But the whole idea of publishing this information is to give customers the right to know a restaurant's hygiene record. The theory is that if restaurants know this information is to be made public they will do their best to fix mistakes and ensure a better score next time they are inspected. That is a great suggestion. This legislation goes so far, but it can go further. I hope we will get some feedback from councils and from our constituents on the implementation of the legislation. If there is a need for further legislative change we should be courageous enough to do it, as legislators have been in the United Kingdom and the United States.

I will quote from examples of offences under the Food Hygiene (England) Regulations 2006 that are listed on the Food Standards Agency website. At a cafe in Birmingham there was evidence of mouse activity and droppings were littered throughout the food preparation areas. The premises were not clean, the floors were dirty and there were no adequate procedures in place to control the ingress of pests. A dead mouse was found towards the rear of the preparation area. The fine was £1,000 with prosecution costs of £630. A food and wine retail outlet in Birmingham had nine offences of processing for sale foodstuffs, including packets of meat, meat patties and custard pots, that were past their use-by dates. I believe this offence would be common in many food outlets in our State. That establishment was fined £900 with prosecution costs of £462, sending a very strong message. The listed offences go on and on. In a supermarket there was an accumulation of mouse and rat droppings on shelves and floors close to food storage areas, and packets of biscuits and a bag of rice had been gnawed by rodents. The fine was £9,800 and prosecution costs were almost £1,000. The penalty is starting to get real.

Closer to home, most councils in Sydney refused to disclose their results in the *Sydney Morning Herald* survey I referred to. The City of Sydney would not identify more than 70 restaurants fined when the *Sydney Morning Herald* sought information under freedom of information laws. North Sydney council did the same. Leichhardt Municipal Council said it had issued no fines at all in 2005 and 2006. Clearly, this legislative shake-up of the food manufacturing, dining and retailing sectors, along with councils to boot, is long overdue.

I raise the concerns of many persons in the restaurant, catering and food retail sector regarding the inadequate required training in food handling and basic hygiene given by Food Authority regulators to young persons entering the trade as chefs, food preparation assistants and kitchen hands, along with ongoing training of those working within the trade. Recently, the media reported the case of the Pymble restaurant chef with poor knowledge of food handling processes whose actions, it is alleged, may have led to the death of a diner.

The Hon. Ian Macdonald: Be very careful. The matter is before the courts.

The Hon. MARIE FICARRA: I know it is before the courts and I am not mentioning names, but he has admitted that he was unaware of the time that food can be left outside of refrigeration. This is basic stuff. If it is happening there, it is happening elsewhere. It would appear that another failing of this bill is that it neglects to address breaches of the Food Act by hospitals, school canteens, nursing homes and other public and private institutions.

The Hon. Ian Macdonald: They are all covered.

The Hon. MARIE FICARRA: I am glad to hear that and I hope you will address that.

The Hon. Ian Macdonald: It is in my speech.

The Hon. Christine Robertson: They have been covered for a long time.

The Hon. MARIE FICARRA: They have not been covered for a long time. If the honourable member did food inspections in hospitals and nursing homes she would be shocked. If she had any of her own family in those places she would be worried. Has she ever tried eating some of the food? The Food Authority will keep a public register of offences and will be able to name persons on that register who have been found guilty by a court of food safety offences or whose employee or agent is found guilty of such an offence, including whether or not a conviction is entered following the guilty finding.

The bill will permit the publication of such information directly on the Food Authority website without first having to publish the information in a newspaper or the *Government Gazette*, as is currently the case. The Food Authority will have the power to publish information on its register about penalty notices issued for alleged offences relating to the handling and sale of food and, subject to limitations, to name such persons issued with these penalty notices. Public sector agencies will be permitted to disclose certain personal information to enable the Food Authority to go about doing its business effectively—that is, the business of food safety in this State.

Liability protection from the disclosure of such information, including liability against defamation, will be covered in this legislation. This is important, as it will protect all proper forms of information dissemination that promotes both public interest and awareness in food safety matters. The bill facilitates the publication of convictions that have been secured by other enforcement agencies under the Food Act such as local councils that should perform a significant proportion of enforcement activity. Consumers have the right to know details of all Food Act convictions, regardless of which level of government takes action.

We hear cries that the Government wants New South Wales to be the leader in food safety in Australia, which is why it has taken the pioneering step to enhance food safety by establishing the New South Wales Food Authority. The response by so many consumers wanting to be better informed, including Matthew Moore from the *Sydney Morning Herald* representing the voiceless masses, is that it is about time the Government assumed better responsibility for food safety and monitoring industry standards in this State. It is the Government's job and it is good to see that it is getting on with it. The proposition that the bill should be introduced as the Matthew Moore *Sydney Morning Herald* bill is probably correct. He would be satisfied with the media attention on this matter.

The bill will provide an incentive to the food industry to boost its performance. If the Food Authority and local councils work together to properly enforce the Food Act 2003 we will better utilise available resources towards improved food safety outcomes. It is pleasing to note that in the past 12 months the Food Authority has successfully doubled its rate of prosecutions. It finalised 16 prosecutions comprising 70 charges, which saw a total of $139,000 in fines being imposed and $224,000 in costs being awarded. It is vital to provide information on food or breaches elsewhere in the supply chain other than just restaurants, cafes and retail outlets. In fact, a restaurant owner or retailer may well be interested in the compliance history of his or her suppliers. The authority's compliance work focused on the higher risk food businesses in the retail and pre-retail sectors, including primary production.

Local government authorities have been concerned with consistency between enforcement agencies. Greater transparency around penalty notices will translate to a tighter administration of the system within councils. Under the food regulation partnership agreement between the State and local governments, the Food Authority will work with local councils to promote best practice and therefore greater consistency in enforcement actions. It is pleasing to see that increased training for council environmental health officers will be undertaken.

In conclusion, this bill is long overdue. If the Government wants people to believe that New South Wales is setting the pace for the other Labor States, this bill reinforces the view that Labor has to be pulled into the twenty-first century. This bill finally gives consumers some knowledge regarding those food outlets that are not doing the right thing. Owners and operators of manufacturing and food outlets who do not put food safety first could suffer the commercial backlash as informed consumers send them a clear message regarding their right to choose where and what they eat. The Coalition does not oppose the bill.

The Hon. KAYEE GRIFFIN [11.52 a.m.]: I support the Food Amendment (Public Information on Offences) Bill 2008. In supporting this bill I commend the New South Wales Food Authority for its efforts in providing food-related information to the consumers of our State. Under the New South Wales Food Act, the New South Wales Food Authority, amongst other things, is required to provide community education and assistance in relation to food safety matters, or, as it states on its website and other documentation, to provide "safer food and clearer choices".

The "safer food" side of that statement is ensured by the authority's food regulations and regulatory program, which includes audit and inspections and is second to none. The consumers of this State already benefit from this on a day-to-day basis. Overall compliance by the food industry is remarkable. One should not forget that the majority of the approximately 55,000 food businesses in this State are doing the right thing. On the "clearer choices" side of the equation, it is wonderful news that consumers will soon have yet another tool available to make informed choices about where they buy their food. It is, however, not the only tool and I take this opportunity to reflect on a few other consumer education initiatives of the New South Wales Food Authority that were very well received.

Last year, research showed that up to 51 per cent of pregnant women in New South Wales struggled to understand or were not aware of the dangers of Listeria during pregnancy. Other pregnancy-related food safety messages were also not always clear. This is why the authority launched a pregnancy portal on its website in May last year featuring a range of food safety information for pregnant women. The authority had already launched its Mercury in Fish education campaign, which received the Community Communications Award from the Public Relations Industry Association National Golden Target Awards for Excellence. The awards highlight projects undertaken by government bodies and agencies, consultancies, businesses and community organisations. This is just another reminder of the high quality of the authority's community education efforts.

Following the Mercury in Fish campaign the New South Wales Food Authority has also been invited to host food safety communication training to the World Health Organisation and to food safety authorities in Hong Kong. The authority's website, where the penalty notice information will be posted, already provides the consumer with a myriad of "clearer choices" information. Consumer fact sheets are available on issues ranging from how to read a nutrition information label to what the difference is between a "use by" and "best before" date on food packaging. It has tips on how to make safe lunches for children and tips for people with special needs such as the elderly or people with allergies.

This bill provides consumers with yet another tool to enable them to make an informed choice about their food. It will allow consumers to access up-to-date information on food businesses in their local area that may not always have followed the rules. Indeed, it might actually reassure them that their favourite food outlet is as good as they thought, if it does not appear on the list. The bill further strengthens the New South Wales Food Authority's ability to inform New South Wales consumers about the state of food safety, and that is a good thing. I commend the bill to the House.

Reverend the Hon. Dr GORDON MOYES [11.56 a.m.]: I speak on the Food Amendment (Public Information on Offences) Bill 2008, which amends the Act to, first, extend the power of the New South Wales Food Authority to publish information about convictions under the Act, including information about persons who are convicted for offences related to the sale and handling of food by permitting the New South Wales Food Authority to keep a register of offences that must be available for public inspection on an Internet website; second, to give the New South Wales Food Authority power to publish information in the register about persons found guilty by the court and in respect of whom no conviction is entered of offences under the Act related to the handling or sale of food; third, to give the New South Wales Food Authority power to also publish information, subject to certain limitations, about penalty notices issued for offences under the Act and the names of the persons who are served with them relating to the sale and handling of food, by permitting the authority to keep a register of penalty notices which may also be available for public inspection on the authority's website; and, fourth, to provide a limitation of liability with respect to the disclosure of such information.

I congratulate the New South Wales Food Authority and the Government on the Food Amendment (Public Information on Offences) Bill 2008, but I make some points about it. I support the bill as a positive step towards transparency on food safety. Ensuring the safety of our food supply is an essential part of protecting and promoting the health of the community. Food is the most fundamental of needs and the New South Wales community has a right to expect that their food will be safe. Food safety guarantees a healthy and therefore more productive society. It reduces sickness in the community and reduces the load placed upon hospitals and other medical resources.

The Government cannot remain complacent about food safety when cases of food-borne illness continue to increase in the community. The very young and the very elderly can suffer serious or life-threatening illness as a result of food poisoning. Recent food law breaches by food business exposed by the media have led to food safety being a paramount issue for all consumers. I note that a number of members have spoken about the coronial inquest that found that 81-year-old William Hodgins died just hours after he had eaten fish with an asparagus cream-based sauce. There have been many details about this in the press and I understand this matter is still before the court. Because that matter is still sub judice I think it is appropriate that we should not be speaking about it at this time. I would suggest, Mr President, that you indicate to members your ruling on that matter. I will not refer to it in detail because I think to do so would be in contravention of our present standing orders.

In July last year the *Sydney Morning Herald* revealed that a sushi factory had been fined 11 times and closed twice but the public was never told. I took a particular interest in the case at the time and searched for further information but it was not published. The name and shame register to identify businesses that breach food laws has been established only to contain a chicken shop and a distiller that sold under-strength scotch whisky. Nine months on there is not a single restaurant on the website. There are incidents such as 274 cases of hepatitis A linked to the consumption of Wallace Lake oysters recorded in New South Wales in early 1997. One person died and Australiawide some 440 cases were reported. In South Australia in 1995 contaminated metwurst caused serious and in some cases life-threatening illnesses to 23 young children—sadly one child died of food poisoning.

Pursuant to sessional orders business interrupted and set down as an order of the day for a later hour.

QUESTIONS WITHOUT NOTICE

OCCUPATIONAL HEALTH AND SAFETY HARMONISATION

The Hon. MICHAEL GALLACHER: I direct a question without notice to the Minister for Education and Training. Does the Minister recall his statement in the *Australian* on 26 March that in order to "achieve quick and significant progress in the area of occupational health and safety harmonisation, it is important we achieve agreement on duties of care, including the identification of duty-holders and the scope and limit of duties"? Will the Minister outline in detail to the House, which parts of the 2006 draft bill to change the Occupational Health and Safety Act failed to meet these criteria for successful reform?

The Hon. JOHN DELLA BOSCA: I did not realise that the Leader of the Opposition could make me sound more eloquent than I recall being but I think he has missed the entire point—

The Hon. Duncan Gay: If that is the case, he has misled the House.

The Hon. JOHN DELLA BOSCA: Well, he often does that. He has accidentally, inadvertently, or perhaps deliberately, misrepresented both my comments and the nature of the current policy debate about occupational health and safety and harmonisation. From one perspective both the current legislation and the draft review legislation do not comply with harmonisation because no-one does. The resolution and the comments that I made about this matter relate to discussions held at the Ministerial Council of Industrial Relations and Workplace Ministers where we discussed with the Deputy Prime Minister—the Minister responsible for this portfolio at the Commonwealth level—what strategy would be put in place to most rapidly deal with the issues that the national and international employers most frequently complain about in the jurisdiction of occupational health and safety. It is just as true as when the member quoted me, as it was when I made the original comments, and it has been reinforced by the comments I made with the Commonwealth Minister and other ministerial colleagues. Indeed, the public comments of the Commonwealth Minister and the communiqué that came out of the recent Council of Australian Governments meeting in relation to the drafting issue—

The Hon. Michael Gallacher: But that draft bill fixed a lot of those concerns of the employers.

The Hon. JOHN DELLA BOSCA: No, it did not because we do not yet have a harmonised set of arrangements.

The Hon. Michael Gallacher: But you should lead the way.

The Hon. JOHN DELLA BOSCA: New South Wales will lead the way. New South Wales has undertaken a review of that legislation and has provided the Commonwealth and the other jurisdictions with a way forward to get national consistency on duty-holder provisions and national consistency on the defences. I might add—I think it is something that most of the House would support but maybe not the other side—that New South Wales has the best occupational health and safety framework in Australia, if not the best in the world, and we will not go backwards. When we harmonise the priority areas that the Commonwealth Minister has agreed to work on most ardently and quickly, then we will achieve the best possible harmonised duty-holder provisions on a national level and still preserve the features of our system which I think make it the best in the country, if not in the world.

The Hon. Michael Gallacher: The 2006 bill would be a pretty good start.

The Hon. JOHN DELLA BOSCA: Indeed. I have already given my reasons why we are making sure that we get everything exactly right. We have the best laws and substantial parts of the draft review legislation will further improve it. The objective of the Government is to harmonise those areas that are of most importance to national employers and we are working with the Australian Council of Trade Unions, the Commonwealth Government and national employer organisations to do that.

PUBLIC SCHOOL TEACHER STAFFING

The Hon. AMANDA FAZIO: I address my question to the Minister for Education and Training. Will the Minister advise the House what impact the new staffing arrangements in public schools will have on teachers and school communities across New South Wales?

The Hon. JOHN DELLA BOSCA: I thank the honourable member for her question and ongoing interest in education matters in New South Wales. Principals and parents have told us they want a say in selecting the right teacher for their schools, and teachers have repeatedly told me they want more opportunities to develop their careers, development opportunities, and options for their own professional development. The Iemma Government has been listening to their concerns. That is why from term 2 of this school year—that is 28 April—we will be introducing improvements to staffing arrangements for teachers in New South Wales public schools. It is important to note that as part of our improvements the current centralised transfer system will not be dismantled. Indeed, it remains an option in all respects for both school communities and teachers. Also the current priority transfer arrangements and compassionate priority transfer arrangements are not being interfered with at all and are being preserved. There are more employment options being given to teachers and schools across the State.

The improvements give both schools and teachers the best of both worlds. Teachers who work in remote and harder to staff schools will continue to have priority status for transfers. Where there is no priority applicant looking to transfer, schools will be able to advertise the vacant positions if they so choose to attract the best possible candidates to meet the unique needs of their local community. There are about 60,000 permanent teacher positions across the State in more than 2,200 schools but under the current system many highly skilled teachers are locked out from applying for these positions while many young and talented graduates are taking up opportunities outside of the public system in the other school systems. On the few occasions in 2007 that schools advertised positions to existing casual and temporary staff looking for permanent positions the response was strong in all New South Wales regions.

About 14,500 applications were received from qualified casual and temporary teachers last year for just 320 positions in areas across the State as diverse as the North Coast, south-east and the far west of the State. For example: Nana Glen Public School advertised one job and received 23 quality applications; Broken Hill Public School advertised one job and received 20 quality applications; and Taree Public School advertised two jobs and received 106 quality applications. Even schools located in the more remote areas of the State, areas often regarded as hard to staff, attract a significant number of applications from qualified teachers. Brewarrina Central School, for example, in the relatively remote north-west attracted 31 applications for one position.

As part of staffing improvements, the Department of Education and Training is retaining the current system to give schools the best of both worlds. We will continue to guarantee that a qualified teacher teaches each class in every school. We will protect priority transfers, including incentive transfers, nominated transfers for teachers whose positions have been abolished because of changes to enrolments or curriculum, and compassionate transfers for teachers who for personal reasons need to move from one school to another. We

will maintain existing procedures for Aboriginal employment. We will place teachers returning to work after a period of leave and keep the centralised staffing system, including the service transfer list for those schools and teachers who wish to use it. When a new vacancy arises that suits their experience and skills, teachers will receive an email alert advising them of the school and position and where they can apply. We will carefully monitor the implementation of the new arrangements and adjust them as necessary to ensure we continue to improve the staffing of schools while meeting the needs of students, parents, teachers and school communities. [*Time expired.*]

BOTANY ROAD CLOSURE

The Hon. DUNCAN GAY: My question without notice is directed to the Minister for Roads. Is the Minister aware that nearly four weeks have passed since Botany Road was closed? Is the Minister aware that at least one local business, a pub called the Iron Duke, was forced to close as a result of this road closure? Is the Minister aware that the Iron Duke staff have been left without work, with no mention of compensation, and the pub has not received a single word from the Department of Roads about when the road will be reopened? Is the Minister aware that a committee that was established to look at fixing the problem promised that it would send to residents and businesses minutes of its first meeting two weeks ago, yet it has not done so nor made any further contact with the locals? Given Botany Road is a major arterial road in Sydney, why has his department refused to take responsibility for fixing the problem as soon as possible?

The Hon. ERIC ROOZENDAAL: I am advised a section of Botany Road was closed following a burst water main and possible structural damage relating to a retaining wall on an adjacent construction site.

The Hon. Duncan Gay: Everyone in Sydney knows that.

The Hon. ERIC ROOZENDAAL: It is interesting that the Deputy Leader of the Opposition says that everyone in Sydney knows that because the location has a unique set of circumstances—a major arterial road, a major construction site and a major retaining wall. A burst water main has severely affected the retaining wall. The major priority in dealing with such serious structural and engineering problems is safety. Safety is the foremost consideration. Unlike the Deputy Leader of the Opposition, who wants to score cheap political points, the Government is dealing with the issue, with safety as the foremost consideration. The road cannot be opened until it is safe to do so.

I am advised that the Roads and Traffic Authority is working with Sydney Water, WorkCover, the Department of Commerce, the New South Wales Police and the construction company to help identify an engineering solution that will allow repair work to start on the retaining wall. The retaining wall is the critical issue. We need to make sure that the retaining wall can sustain any additional pressure. I am further advised that a meeting took place on site on 31 March to progress an engineering solution. Every effort is being made to reopen Botany Road as quickly as possible. The road can only be reopened once repairs have been completed on the retaining wall and testing proves that the structural and engineering problems are correct and the road is safe to open.

The Hon. DUNCAN GAY: I ask a supplementary question. In light of the Minister's answer, when does he think Botany Road will be reopened for the residents?

The Hon. ERIC ROOZENDAAL: The road will be reopened when its structure and engineering are safe.

GLOBAL WARMING INITIATIVES

Ms LEE RHIANNON: I direct my question without notice to the Treasurer. Is the Treasurer aware that the National Aeronautics and Space Administration [NASA] head climate scientist, Dr James Hansen, in a letter delivered to Prime Minister Kevin Rudd on Monday states that the continuing mining of coal, export of coal and construction of new coal-fired power plants should be halted and transition is needed to solve the global warming problem? Given Dr Hansen's letter also has been sent to the New South Wales Government, what is the Treasurer's response? Does he support Dr Hansen's recommendation? Will he halt plans for the mining and export of coal to help develop a transition plan in response to climate change?

The Hon. MICHAEL COSTA: That is a very good question.

The Hon. Michael Gallacher: The big question is whom are you backing for Premier.

The Hon. MICHAEL COSTA: Is there a contest? I do not think there is. I am very aware of Dr Hansen. Dr Hansen was charged with the responsibility of keeping climate records. Recently he had to revise them down because NASA got it wrong. Dr Hansen was the person partly behind the hockey stick, which has been refuted by Steve McIntyre on the Internet site Climate Audit. I suggest that the Greens go to that statistical site, which looks at all the data that has been collected on climate.

Dr John Kaye: Climate deniers.

The Hon. MICHAEL COSTA: It is not a climate deniers' site. Steve McIntyre is a reputable scientist and statistician. He has looked at all the documentation relating to the hockey stick that Al Gore referred to in *Inconvenient Untruths*, or whatever the film was called, and showed that the hockey stick was a statistical falsehood and that the Middle Ages were warmer than the current period. I strongly recommend that site because he not only refers to the statistical calculations underpinning a lot of the Intergovernmental Panel on Climate Change [IPCC] analysis but he also looks at the tree ring proxies and the location of the climate stations. Some of the climate stations are located in the middle of parking lots next to air conditioners, yet they are used in the statistical data that is utilised to provide information on climate. So I take what Dr Hansen says with a grain of salt. The climate change issue is subject to a great deal of debate and there are reputable scientists who disagree with the premise.

The Hon. Robert Brown: More and more.

The Hon. MICHAEL COSTA: More and more, I hear as the response. The Government's response is based on the proportioner principle, which essentially flows from the Kyoto agreement that was signed by the Prime Minister. We will take steps to meet the national targets and benchmarks. Ms Lee Rhiannon quotes just one scientist, who has had problems with his database, and says that his views kill genuine scientific argument as a misreading of science. The Government will continue to be prudent and we will balance our environmental response with our economic response. We have a strong desire to see that jobs and economic growth are maintained. The Greens have failed to see this issue in that context. The other day I turned on the television and saw people in Russia heading into a cave because they thought that the doomsday was coming. I do not know whether other members saw the program on the doomsday cult. It reminded me of the Greens. I thought that is what the Greens will have us all do, hide in holes on the sides of hills because climate change will kill us all. The responses that have been taken are sensible and prudent. I do not believe that we should all go and hide in caves on the sides of hills. We must balance the economy with the environment. The Government will continue to do so.

CLEAN COAL TECHNOLOGY

The Hon. MICHAEL VEITCH: My question without notice is directed to the Minister for Mineral Resources. Could the Minister update the House on the latest developments in clean coal technology?

The Hon. IAN MACDONALD: This is an appropriate question after that heap of nonsense from the Greens. Today marks the launch of Australia's first demonstration of CO2 geo-sequestration, the Otway Basin carbon storage project in Victoria. This is a major development for Australia. Today marks a major milestone in clean coal technology. The Otway Basin project site in Warrnambool, Victoria, has been designed to demonstrate the safety and security of the transport, injection and storage of CO2. This vital technology will help reduce emissions from coal-fired power stations both in Australia and overseas. This is a clear indication that clean coal is about the future. While we search for practical renewable energy solutions, clean coal technology offers us the best chance to reduce greenhouse gas emissions. Rest assured that New South Wales is also leading the way in clean coal technology.

The Government is committed to reaching an interim target of year 2000 greenhouse gas emission levels by 2025 and a long-term target of a 60 per cent reduction in greenhouse gas emissions by 2050. In the last year alone it has invested more than $420,000 in projects that specifically assist in clean coal research. In July last year the Government announced that the New South Wales coal industry had come on board and agreed to contribute $400 million to the development of clean coal technology demonstration projects in the State over the next decade. The funding represents New South Wales proportion of the industry's national $1 billion COAL21 program, a world-first voluntary fund that aims to demonstrate potential clean coal technologies to reduce greenhouse gas emissions from coal-fired power stations.

Government and industry are working together to establish a New South Wales Clean Coal Council to help drive reform measures further. Delta Electricity and the CSIRO are developing a $5 million pilot carbon capture plant on the New South Wales Central Coast through a joint initiative. The research-scale Post Combustion Capture pilot facility is expected to be operational by the middle of this year. It will capture greenhouse gas emissions from the Munmorah Power Station, using ammonia absorption technology. This will be the first time such technology, which can be used on new or existing power stations, will be seen in action in Australia.

The Hon. Michael Gallacher: Very exciting.

The Hon. IAN MACDONALD: It is exciting. The Post Combustion Capture pilot facility would undertake a range of experimental trials to determine the potential to adapt the technology to New South Wales coal and power station conditions, capturing up to 5,000 tonnes of CO2 a year. Importantly, the technology we are working on is retrofittable—that is, we can clean up the coal-based power stations already polluting the atmosphere. That is one of the best things about this technology. The potential is also there for exporting the technology that we are demonstrating in New South Wales for use on coal-fired power stations to other States and even to other countries, and there is considerable interest in that.

This project, in conjunction with a search for carbon geosequestration sites by the New South Wales Department of Primary Industries, should provide the base for a $150 million demonstration-scale carbon capture and storage project in New South Wales by 2013. This proposed $150 million demonstration project would capture more than 50,000 tonnes of CO2 each year. It would also pump it deep underground for permanent disposal—the process known as geosequestration. The funding for this vital project will be shared between the State and Commonwealth governments along with industry.

I also point out that the Sydney Basin and Darling Basin reservoir prediction studies carried out by the Department of Primary Industries revealed that New South Wales has potential for CO2 storage. I acknowledge that there is a lot of scepticism surrounding clean coal technology and the Greens are doing their best to try and ramp it up. However, the entire key global reports on carbon, including the Intergovernmental Panel on Climate Change, the Stern Report, statements by Al Gore—their guru— [*Time expired.*]

NORTH COAST STATE PARKS

Mr IAN COHEN: My question is directed to the Minister for Lands. Will the Minister investigate the Department of Land's management of land in the Broken Head and Byron Bay area where campers staying on Crown land leave considerable amounts of rubbish, and police and council rangers are not licensed to intervene and the only Department of Lands employee in the area is a man mowing the lawn? Does the Minister consider this adequate management of environmentally sensitive land under the department's stewardship? Is the Minister's position that the Manning Entrance State Park, Harrington Beach State Park and Bellinger Heads State Park will be better managed and administrated by the Department of Lands as opposed to utilising the experienced stewardship of the Department of Environment and Climate Change?

The Hon. TONY KELLY: I believe that the Department of Lands State parks process is a better management process.

Mr Ian Cohen: There is no-one policing it.

The Hon. TONY KELLY: If you do not want me to answer your question then why bother asking it? There are three new State parks that have only just been announced. Obviously they do not have the employees yet, but people well know that the other State parks in the State are very well managed. I know that the State park in my own area has about 10 or 15 employees looking after it, and I know that Killalea State Park, in the Hon. Don Harwin's area, is very well managed. All the State parks are well managed.

V AUSTRALIA AIRLINES SYDNEY HEADQUARTERS

The Hon. GREG PEARCE: My question is directed to the Treasurer, and taking note of his answer to Ms Lee Rhiannon, it looks like the Hon. John Della Bosca has given him some hope and he is cleaning up his act. What cities did the Government believe were competing with Sydney to be the base of Virgin's new Sydney international routes? Did the Government believe that competition was coming from world cities such as London, New York and Paris to be the new base for Virgin's Sydney flights or did the Government merely

believe it was competing with other Australian cities to be the new base for Virgin's new Sydney hub? What payroll tax concessions have been given to Virgin to base its new business in Sydney? How long do the concessions apply and what is Treasury's estimate of the total revenues foregone?

The Hon. Michael Gallacher: He should have answered these yesterday when they were asked.

The Hon. MICHAEL COSTA: He didn't ask me! This question would clearly be better directed to the Minister for State Development, who had carriage of this matter. The Minister deserves credit for this because when he approached me about it—I am, as everybody knows, very sceptical about these programs to bring business—I told him not to go. But he went off and did it and was successful. He deserves a lot of credit for single-handedly negotiating the arrangement.

I do not know if members are aware of this but out of the pre-Council of Australian Governments [COAG] process where we meet with other State Treasuries, we are required to disclose what incentives are given to particular businesses in the States. Our position has been that, by and large, these incentives are only short-term sustainable. But in this case the Minister for State Development proved me wrong: he was able to sit down and negotiate a very good deal for New South Wales that has a net benefit to the State, even when some of the very slight concessions given by the State are included.

CARAVAN AND CAMPING WEBSITE

The Hon. CHRISTINE ROBERTSON: My question is directed to the Minister for Lands. Will the Minister advise the House how the Government is promoting caravanning and camping in New South Wales?

The Hon. TONY KELLY: I am pleased to inform the House that the Iemma Government—

The Hon. Michael Gallacher: Which government?

The Hon. TONY KELLY: The Iemma Government is proceeding with a number of initiatives to support caravanning and camping in New South Wales. Caravanning and camping is one of the fastest growing sectors of domestic tourism, experiencing an annual growth of about 15 per cent and valued at $6.5 billion nationwide. In 2007 new recreational vehicles were purchased including 18,000 caravans, 2,500 campervans and motorhomes and 1,700 camper and tent trailers. In the past 10 years, caravan registrations have increased from 5,000 in 1996 to 18,840 in 2006, an increase of 254 per cent.

Annual growth of at least 10 per cent is expected to continue. A third of caravan parks and camping areas in New South Wales—close to 300—are located on Crown land. They are a crucial part of the State's tourist industry, with 51 per cent of New South Wales' tourism beds in the caravan and camping industry—not surprisingly, given that some of the caravan parks are situated in the most picturesque natural settings in New South Wales.

I am pleased to announce the setting up of a new website that will allow holidaymakers to book their holidays at more than 170 caravan and camping sites across the State. By clicking on any region on the New South Wales map on the website people can plan their next holiday by viewing and locating the caravan parks and camping grounds in their local area. A few more clicks will take people directly through to individual holiday park websites to explore in greater detail what is on offer and book their stay.

The website provides a quick, easy to use, online search facility with links to related websites to help plan and prepare a trip. The website launch coincided with the Caravan and Camping Supershow held at Rosehill, which is still underway. There are more than 400 exhibits on display at the Supershow—caravans, motorhomes, campervans, camper and tent trailers, slide-ons, fifth wheelers—I am not sure what they are but I will have a look at the weekend—tents, four-wheel-drive vehicles and accessories and caravan and camping accessories.

The Hon. Michael Gallacher: They have a Winnebago there. You should get one for the police and they can do drug testing.

The Hon. TONY KELLY: They have many Winnebagos. The Supershow is a great showcase for not only the variety of new products in the industry but also its strength. The Government continues to recognise the growing importance of the industry. This new website will be part of a broader New South Wales Government

strategy to offer advice and information on caravan and camping accommodation. This year the Iemma Government is supporting caravan parks on Crown land to more than $7 million, providing much-needed funds to upgrade accommodation and other facilities. Funds have been provided to a number of caravan parks, including $3.2 million to Crown caravan parks at Port Stephens and $1.7 million to the Wyong council for the four holiday parks in that area. The website is another way of putting the State Plan into practice. It will boost rural economies, provide more information to families planning their holidays and encourage more people to enjoy the wide range of activities on offer in our Crown reserves and parks. I encourage all members to get into the great outdoors to sample some of the fine holiday parks on offer in New South Wales. They can start by visiting our new website at *www.caravanandcampingnsw.com.au*.

KILLALEA STATE PARK RESORT

Ms SYLVIA HALE: I address my question to the Minister for Lands. Is the Minister aware that Babcock and Brown, a partner in the project to develop a resort at the Killalea State Park, has donated more than $300,000 to the New South Wales branch of the Australian Labor Party since expressions of interest in the project were called in 2003, including an average of more than $10,000 a month in the nine months of negotiations leading up to the granting of a 50-year lease agreement? Has the Minister or any of his staff had discussions with former Australian Labor Party national president and senator, and now Babcock and Brown adviser, Stephen Loosley, about the Killalea project? Was the Minister aware at the time that he approved the lease agreement that Babcock and Brown was a major donor to the New South Wales Australian Labor Party?

The Hon. TONY KELLY: I know that I am not allowed to ask members questions, but I would like to know why the member funded a bail application for an alleged criminal.

[*Interruption*]

The Hon. Duncan Gay: Point of order: The Minister is debating the question.

The Hon. TONY KELLY: I do not intend to debate the question.

The PRESIDENT: Order! I ask the Minister to answer the question.

The Hon. TONY KELLY: And I do not intend to avoid the question. The answer to most of the questions is no. First, I am not aware of any donations received from Babcock and Brown.

[*Interruption*]

I do not know why the Greens ask questions when it is obvious that they do not want to hear any answers. Secondly, the decision to appoint the consortium to develop an ecotourism resort was an initiative of Killalea State Park management. It will bring much-needed tourism infrastructure and jobs to the local economy, so it is hardly surprising that the Greens oppose it.

Ms SYLVIA HALE: I have a supplementary question.

The Hon. Tony Kelly: If the supplementary question has anything to do with a former senator, I advise that I did not know that either.

Ms SYLVIA HALE: The Minister indicated that he was not aware of donations. Did he reply to questions from the *Illawarra Mercury* last Saturday week about those donations?

The Hon. John Della Bosca: That is not a supplementary question; it is a new question.

The Hon. TONY KELLY: Yes, it is a new question. I did reply to questions from the newspaper, but the answers were the same.

INLAND RESTRICTED FISHERY

The Hon. RICK COLLESS: I direct my question to the Minister for Primary Industries. Did the Minister receive a letter on 19 March 2008 from an inland commercial fisherman, Mr Steven Alexander from Wentworth, in which he expressed his concerns about the implications of the Richard Steven's structural

adjustment report for the Inland Restricted Fishery? What are the Minister's plans to forcibly shut down the Inland Restricted Fishery as a result of the prolonged drought conditions? Will he be forcing these fishermen into a fire sale exit package to leave the fishery? Why have the Minister and his fisheries management officers consistently ignored the plight of these fishermen? Why does the Minister continue to refuse to meet with them and arrange for an appropriate exit package to compensate them for the situation that he has forced them into?

The Hon. IAN MACDONALD: No force is being applied or considered in relation to inland fisheries. My officers have had meetings with some of these fishermen in the past and we have received letters about this matter. The Steven's recommendations are under consideration and in due course I will make a determination on them. There will be no fire sale of any fishing—

The Hon. Rick Colless: These blokes have not had anything for years and you are sitting on your hands.

The Hon. IAN MACDONALD: No. Many issues must be considered in relation to this matter. There are 27 or 28 inland fishers. The Government will make appropriate decisions in response to the Steven's recommendations in due course.

INTERJURISDICTIONAL LEGAL REFORM

The Hon. HENRY TSANG: I direct my question to the Attorney General. What is the latest information on interjurisdictional legal reform?

The Hon. JOHN HATZISTERGOS: The presence of Labor governments in each Australian jurisdiction presents a unique opportunity to deliver real and effective national reform. There is a new climate of cooperation and a commitment to getting results, and this new determination to get things done is driving national legal reform through the Standing Committee of Attorneys-General. At a meeting of the committee in South Australia last week, Attorneys-General from across Australia agreed to a raft of important reforms. In the past these meetings have been frustrated by former Federal Attorney-General Philip Ruddock's grandstanding and political games. However, with the new Federal Attorney-General Robert McClelland sitting at the table we were able to put policy above politics and outcomes above arguments. The standing committee is now meeting its mandate to drive effective legal reform through Australia.

New South Wales took the lead at the meeting in securing agreement for a number of proposals. For some time I have been concerned that individuals and businesses must contend with two layers of regulation when making or responding to a discrimination complaint. This is because antidiscrimination is one of the few areas of law where State and Commonwealth regimes apply simultaneously. There are serious inconsistencies between the two systems, and that causes confusion and increases costs. I proposed that we solve this problem by moving towards the harmonisation of Commonwealth, State and Territory antidiscrimination laws. In line with our new cooperative focus, the Attorneys agreed to develop options for achieving harmonisation in this important area.

I also won agreement at the meeting to establish an interjurisdictional exchange program for judges and magistrates. The establishment of such a program will expose judges to a diversity of work and systems in other courts and allow them to benefit from new ideas and improvements. Fostering a beneficial exchange of information, ideas and skills between jurisdictions will lead to improvements in court services in New South Wales.

Another issue that benefited from the standing committee's new cooperative approach is that of interstate fine enforcement. Under current arrangements, wrongdoers from other States and Territories can evade paying a fine by simply crossing the border. Because of this anomaly, $100 million in interstate unpaid fines is owing to New South Wales. To address this situation, I proposed that fines be enforced across State and Territory borders. Under a landmark agreement that was reached at the meeting, lawbreakers who flee New South Wales to dodge fines will no longer be able to hide interstate. Instead, New South Wales will be able to register a fine for enforcement in another State or Territory. The fine amount will then be remitted to New South Wales. This important reform will ensure that people who visit this State and flout our laws will not be able to escape punishment.

Prior to last year's Federal election the Howard Government ran a desperate scare campaign about the prospect of having Labor governments in power across Australia. That campaign backfired because people

wanted an end to the blame game and the kind of political tricks that Mr Ruddock, in particular, played at Standing Committee of Attorneys-General meetings. Last week's meeting demonstrated what we can achieve when we work together to get results. It demonstrated that without destructive influences we can drive effective legal reform in this country. With agreement reached on a number of key issues, we are only beginning to see what we can achieve when we put real outcomes above politics.

LAKESIDE CHRISTIAN COLLEGE, TWEED HEADS

Dr JOHN KAYE: My question is directed to the Minister for Education and Training. Is the Minister aware of the admission by the former principal of Lakeside Christian College in Tweed Heads, Mr Lyn Mazey, that he had consistently overstated enrolment numbers in order to increase his State and Federal funding and, further, that his enrolment figures claims have not been audited for a grand total of 16 years or longer? Is he also aware that Mr Mazey alleged that such rorting of State and Federal funding is a widespread practice among private schools? What steps is the Minister taking to put an end to the practice of private schools deliberately inflating their enrolment numbers in order to rip off State and Federal treasuries?

The Hon. Duncan Gay: Come on, you have no evidence that that happened. That is an outrageous slur against every private school in this State. You are a sleaze!

The PRESIDENT: Order! This is a Chamber for debate, and all debate should be addressed through the Chair.

The Hon. JOHN DELLA BOSCA: I thank the Deputy Leader of the Opposition for his moral outrage. I would simply add to that observation that this particular individual associated with Lakeside Christian College is someone who makes assertions that we might have cause to doubt, yet Dr John Kaye relies on his word for the assertion that such a practice is taking place more generally in non-government schools. I doubt we really have any evidence that that is the case. The same person who, regrettably, has proven himself to be fairly unreliable in matters of the truth, has made an assertion that everyone is engaged in such a practice; that everyone else is doing it. That is not an uncommon claim. If the member were to visit Silverwater jail—and a lot of other places—I am sure he would find many people saying, "I thought everyone else was doing it." As the member has asserted, Lakeside Christian College is a non-government school catering for primary and secondary school students.

The Hon. Robyn Parker: Have you audited it?

The Hon. JOHN DELLA BOSCA: I will get to that point. There was an overstatement of enrolment numbers at the school from 2005 to 2007. That has resulted in the overpayment of both State and Commonwealth funds to the college. The Department of Education and Training has calculated, based on these figures, that the State's overpayment is about $540,000—a significant sum of money. The department has been working closely with the industry body representing Lakeside Christian College amongst many other schools, Christian Schools Australia, the Commonwealth Department of Education, Employment and Workplace Relations and the school's administrator in the best interests of the college and students to make sure we get a resolution of these matters and to ensure that in the meantime the Lakeside Christian College continues to be able to operate.

The owner of the college, Lakeside Christian Centre Church, has chosen to sell the secondary school site to cover all outstanding debts. The administrator is working with other government and non-government schools to find alternative places for the secondary school students. Obviously, some students will be accommodated in government schools and some in non-government schools. The department would welcome many of the students, with places available in government schools such as Tweed River High School or Banora Point High School. Officers from the department are ready to work with any family that needs help in finding schools.

The Hon. Michael Gallacher: Once you lose that Laurie Ferguson haircut you will be a killer.

The Hon. Charlie Lynn: Who's ironing your shirts?

The Hon. JOHN DELLA BOSCA: I find it incredible that at a time when I am answering a question on such an important matter the Opposition is obsessed with my appearance, my suits, the buttons on my shirt—

The Hon. Marie Ficarra: Nice tie.

The Hon. JOHN DELLA BOSCA: And my tie. This may be a nice tie, but I have had it for about 5½ years. I return to the answer to the question. The New South Wales budget provides about $773 million for non-government schooling. The member who asked this question would normally be disposed to attack the Government for spending government resources on non-government schools, yet he wants me to put an incredibly expensive compliance regime in place so we can spend even more public money on non-government schools. That is the wrong approach. We need to work with the non-government schools sector to establish just how widespread these practices are. The Commonwealth is the principal regulator of these matters and they are a Commonwealth regulatory responsibility. But we need to work closely with the Commonwealth to make sure that this practice is not widespread and, if there are other cases like this, to ring the alarm bells much earlier, before a half a million dollar debt is run up. [*Time expired.*]

SCHOOL ENROLMENT AND ATTENDANCE INITIATIVES

The Hon. ROBYN PARKER: My question is directed to the current Leader of the Government in the Legislative Council, and Minister for Education and Training. Given that in July 2007 the Minister said that there was no evidence that non-enrolment was a widespread problem and that in November 2007 he said that on any given day there is less than 1 per cent of unexplained absence from school of children or young people of compulsory schooling age, what has changed overnight to prompt him to propose jailing the parents of truant children? Will he confirm that he has provided no new money for this policy, and will he confirm he does not collect localised data on school truancy?

The Hon. JOHN DELLA BOSCA: During most of question time members of the Opposition have been promoting me for Premier. Now they are promoting me for the Treasurer's job—as the person who allocates funding.

The Hon. Duncan Gay: You made a decision in your portfolio.

The Hon. JOHN DELLA BOSCA: That is exactly right, and under the principles of Westminster responsibility that means I fund it internally from savings found within my agency until such time as the budget process varies that position. It is obvious that members opposite do not know as much about government as they sometimes pretend they do. We have provided resources for a significant program, not only to improve the responsiveness of home school liaison officers but also to open up the information barriers between various government agencies—the Department of Disability, the Department of Community Services where appropriate, on occasions even the Police Force, and other critical agencies involved with the provision of mental health, and drug and alcohol services—and also non-government agencies.

We intend to provide significant support in that regard. We intend to reallocate the resources we already provide in home school liaison to intensify support for people who have a serious dysfunction or evidence of a serious dysfunction, who cannot, are unable to or refuse to send their children to school. I think the honourable member understands we are not talking about occasional acts of what might be called minor truancy or of wilful disobedience. We are not talking about that 1 per cent that she referred to. By the way, it is not right to say that 1 per cent is not a lot of people; 1 per cent of 750,000 people is a hell of a lot of people.

The Hon. Robyn Parker: You said it was not a problem.

The Hon. JOHN DELLA BOSCA: No, I have never said it was not a problem.

The Hon. Duncan Gay: Yes you did.

The Hon. JOHN DELLA BOSCA: Why would I say it was not a problem? No, I have never said it was not a problem. I have said consistently that the issue of attendance at school—

The Hon. Duncan Gay: No, you said the opposite.

The Hon. JOHN DELLA BOSCA: I do not think the member can point to any occasions when I said that it is not important to have compulsory attendance at school. I have said repeatedly that it is important that families are supported to send children to school. The overwhelming majority of parents and students in New South Wales share this view. On any one day, as the honourable member has indicated, about 9 per cent of

students are absent from school but in all but 1 per cent of cases those absences are for legitimate reasons. These changes are not aimed at them. A small number of parents impede their children's access to education—

[*Interruption*]

If the honourable member would just stop interjecting and listen for one second, I will explain things to her. Some students wilfully resist the best efforts of their parents to get them to go to school. The Government is committed to taking firm, positive action to address this situation. Just as a range of factors can cause a child not to go to school, a wider range of options is needed to get that child to school. That is why the proposed legislation and the administrative measures that surround it give a new suite of options to deal with non-enrolment and non-attendance. Its main focus is therapeutic and positive intervention—positive action by the Government and by supportive agencies designed to tackle underlying causes of poor attendance.

This applies not only to the administrative processes put in place earlier but also to any potential court interventions; mediation with the schools; family counselling to ascertain family issues, and also school connection issues—whether it be matters relating to bullying, the inability to deal with school administrative issues, and all the things that drive so-called truancy; adult literacy classes for parents who have made a poor connection with education themselves and therefore avoid sending their children to education, to give them a better experience of literacy; the provision of drug and alcohol treatment where that is relevant; and assistance with mental health issues and the provision of training in parenting skills where that is relevant. Of course, we do not like to admit it, but sadly that last point is sometimes a very relevant issue and often we find it difficult to deliver support in that important area.

NATIONAL RUGBY LEAGUE MOTOR VEHICLE NUMBERPLATES

The Hon. PENNY SHARPE: My question to addressed to the Minister for Roads. Will the Minister update the House on the Roads and Traffic Authority's community and road safety numberplate initiative?

The Hon. ERIC ROOZENDAAL: I am pleased to inform honourable members that the Roads and Traffic Authority has launched a new initiative that allows rugby league fans to purchase numberplates bearing their team's emblem and colours. The National Rugby League [NRL] plates were launched to mark the centenary year of rugby league, and it is fitting that during the centenary year fans can wear their team colours on their car—and not just during the season but throughout the whole year.

The Hon. Michael Gallacher: Whose colours are you wearing?

The Hon. ERIC ROOZENDAAL: I am a Roosters man. And didn't the Roosters do well on the weekend against the Storm!

The PRESIDENT: Order! It seems that the Minister is interrupting some of the conversations between members in the Chamber. Members should allow the Minister to answer the question without interruption.

The Hon. ERIC ROOZENDAAL: The NRL plates are designed to give fans a new way to show their true colours and support their favourite team. I am sure there are a number of Ministers in this House who would be only too pleased to support their team by purchasing these new plates. I am told that the plates for the Bulldogs—your favourite team, Mr President—have been especially popular. We expect these NRL plates to become the new must-have item for most New South Wales drivers. Research shows that there are 1.7 million New South Wales drivers who support an NRL team and these supporters own 1.3 million cars.

The plates will be very popular, and league fans who purchase them will be contributing to road safety. All proceeds received from the sale of the NRL plates will go towards road safety initiatives. Fans have a number of options when choosing an NRL plate, including standard NRL plates for fans who want their new plates to display their existing numbers, personalised NRL plates for fans who want to pick any three letters and three numbers or other combinations of letters and numbers, and personalised plus NRL plates for fans who want to choose any combination of letters and numbers up to six characters to form words and names.

The Hon. Melinda Pavey: How much are they?

The Hon. ERIC ROOZENDAAL: It is all on the website. The Roads and Traffic Authority and the National Rugby League have also launched an online auction of limited edition plates. Fans can bid for one of

16 sets of limited edition plates to be auctioned online in five batches over five weeks. The limited edition plates feature centenary of rugby league team logos and characters that represent player jersey numbers 1 to 13. For the first time in New South Wales the limited edition plates can either be used as display memorabilia for an office or club or displayed on cars. Registration plates are normally only permitted to be displayed on cars. This is a big initiative. These NRL plates will give fans new options to support their team but, more importantly, they will help improve road safety, with all proceeds received from the sale of these plates going towards road safety initiatives. Go the Roosters this weekend!

TEACHERS SEXUAL MISCONDUCT ALLEGATIONS

Reverend the Hon. Dr GORDON MOYES: I ask the Minister for Education and Training, and Premier in training, a question without notice. Is the Minister aware of recent reports of sexually deviant teachers and volunteer employees in the State's public and private schools who have preyed on students, luring them into improper relationships and sexually assaulting their victims? In particular, is the Minister aware of several cases of predator teachers who have been allowed to move to other schools where they continue to target children, and that volunteers have also been caught taking jobs in schools without disclosing backgrounds of serious sexual offences against children? Can the Minister inform the House what critical measures will be implemented in order to protect the most marginalised and vulnerable group in our society from being exploited by the people they should trust?

The Hon. JOHN DELLA BOSCA: The member should look beyond what the *Daily Telegraph* reports—not that I have any quibble with the *Daily* Telegraph—to what the Ombudsman actually said about this matter. Recently it has been reported that some teachers are sexually preying on students. The article quoted the New South Wales Ombudsman and provided case examples of teachers in both public and private school systems. The quotations are taken directly from the Ombudsman's annual report for the year 2006-07. An article of this nature, and the consequent follow-on publicity, is very emotive and is likely to raise concerns in the community that students are not safe in schools and that there are an unpredictable number of sexual predators teaching and working in our schools.

I provide an assurance that the Department of Education and Training does not tolerate sexual misconduct by teachers. The department's code of conduct makes it clear to employees that sexual misconduct and personal relationships with students are not acceptable. Teachers found to have engaged in sexual relationships of any sort with a student are disciplined and their services are terminated. In addition, prior to joining the department, all teachers are rigorously screened to ensure that they do not have any prior convictions for sexual offences, that they have not been previously disciplined for sexual misconduct and have not been a perpetrator of domestic violence. If an allegation of sexual misconduct is made against a teacher, the matter is required to be reported to the Department of Community Services and the department's investigative unit, the Employee Performance and Conduct Directorate.

If the allegation is potentially a criminal offence, it is then, of course, reported to the police. Allegations of sexual misconduct can range from inappropriate sexualised conversations with a class or individual student to a sexual relationship with a particular student. When allegations are made against a teacher, the department's Employee Performance and Conduct Directorate conducts a risk assessment. If a teacher is assessed as posing a potential risk to a student or students, he or she is removed from the classroom and placed on non-teaching duties until the investigation is completed. The Ombudsman's Office monitors all investigations of allegations of sexual misconduct against teachers that involves school students. The Ombudsman also regularly audits the Employee Performance and Conduct Directorate.

Despite the comments attributed to the Ombudsman in the newspaper article, the Ombudsman's Office has generally indicated satisfaction with the department's investigative systems and processes. Indeed, that was the thrust of the report that was misquoted or, in my view, misreported by the *Daily Telegraph* and others in the media subsequently.

WORKCOVER LIAISON OFFICER POSITION

The Hon. DAVID CLARKE: My question is directed to the Leader of the Government in the Legislative Council. What action is the Minister taking in relation to the misleading testimony given by WorkCover's chief executive officer, Jon Blackwell, to the budget estimates committee on 22 October 2007, that the departmental liaison officer's position was "advertised internally as a temporary vacancy", which contradicted the Minister's revelation to the House on 29 November 2007 that the position was not advertised?

Is it not State Government policy that development opportunities are only for three months? Why is Mr Young still in the Minister's office as a departmental liaison officer without the position being advertised and a merit selection process being undertaken?

The Hon. JOHN DELLA BOSCA: First of all, the question is based on information that is well and truly out of date and distorted. I do not know what has happened between 29 November and now to suddenly make this a major issue. The position of the WorkCover departmental liaison officer was filled on 27 April 2007 as a development opportunity for a permanent WorkCover staff member. Staff members are appointed to the role for a term of approximately 12 months. The Hon. David Clarke has actually answered his own question. There is no inconsistency between what Mr Blackwell said, that the position was an internal position, and my statement, that it was not advertised externally. The two statements are absolutely consistent.

LIFETIME CARE AND SUPPORT SCHEME

The Hon. IAN WEST: My question is directed to the Minister Assisting the Minister for Finance. Can the Minister update the House on what the Iemma Government is doing to support catastrophically injured motor accident victims and their families?

The Hon. Rick Colless: You are on your feet a lot today.

The Hon. Michael Gallacher: And he is not doing too bad either.

The Hon. JOHN DELLA BOSCA: Thank you so much. That makes me feel so much better.

The Hon. Michael Gallacher: If you want to put me down as a referee, go right ahead.

The Hon. JOHN DELLA BOSCA: Your references are always valued. Our reforms of the CTP green slip scheme and the establishment of the Lifetime Care and Support Scheme unfortunately get very little publicity, but, in my opinion, it is one of the most significant reforms this Government has undertaken in recent times to look after the most disadvantaged in the community. As a result of our historic improvements, all catastrophically injured motor vehicle accident victims—that is men, women and children who have received brain or spinal injuries or a combination of both—now receive the care and support needed for the rest of their lives, regardless of who was at fault in the accident.

The Lifetime Care and Support Scheme covers an injured person's medical and treatment costs and guarantees day-to-day practical services including assistance with personal care, such as feeding, drinking and personal hygiene; domestic services such as cooking, cleaning, shopping, home maintenance; home and transport modifications; childcare services; nursing care; and respite care for the injured person or their family.

The new no-fault scheme provides a safety net for the catastrophically injured, who may otherwise be forced to rely on their families to provide a lifetime of care. Before we introduced these reforms the catastrophically injured relied on their families for support, which was an immense financial and emotional burden for those families, and usually for the victim. Stage one of the scheme began in October 2006 for children to the age of 16 years. It was expanded in October last year to include all people catastrophically injured in motor vehicle accidents.

Last month I released new data that reveals a disturbing trend in serious motorcycle accidents among older male riders. Motorcyclists are by far the largest group represented in the New South Wales Government's Lifetime Care and Support Scheme, accounting for over one-third of all adults who have catastrophic injuries. Currently 56 people are being cared for through the scheme, including 13 children and 43 adults. Among the adults, 16 are motorcyclists and 60 per cent of them are aged 31 years or older.

Even more disturbing is the fact that 80 per cent of those older riders were injured in accidents where no other vehicle was involved. Their injuries include severe brain injury, spinal cord injury, or a combination of both, and they now require intensive long-term medical treatment and rehabilitation. The Iemma Government is now committing $250,000 in funding through the New South Wales Motor Accidents Authority for a road safety research and education campaign to reduce accidents involving motorcyclists, especially older motorcyclists. The Motor Accidents Authority will work with the Motorcycle Council of New South Wales to better understand why there is a trend in older motorcyclists being overrepresented in severe injury statistics, and will then develop strategies to reverse that trend. We will be developing education campaigns to address the causes, and they will be rolled out later this year.

In real terms, the average green slip in New South Wales has fallen by more than $200 since the scheme was reformed in 1999. The best price in New South Wales has dropped to $326 plus GST. That compares with well over $400 nearly a decade ago. Green slips have gone from half the average weekly earnings to well below a third of average weekly earnings.

I suggest that if members have further questions, they place them on notice.

CLASSROOM UNFLUED GAS HEATERS

The Hon. JOHN DELLA BOSCA: Yesterday I answered a question concerning unflued gas heaters. Further to that answer I undertook to provide to the House and to the Hon. Robyn Parker, who asked the question, specific advice regarding Blackheath Public School. As I noted yesterday, the Department of Education and Training has been progressively replacing its older blue flame unflued gas heaters with low NOx unflued gas heaters. The department has also been working with New South Wales Health to monitor the ongoing performance of the replacement low NOx heaters. I am advised that Blackheath Public School has had low-emission, low NOx unflued gas heaters installed and that these were monitored in 2007 and found to be compliant with the national environment protection measures, which are ambient air quality guidelines developed by the National Environment Protection and Heritage Council. These results are consistent with the ongoing monitoring of low NOx unflued gas heaters undertaken by the Department of Commerce.

Unflued gas heaters continue to provide effective and efficient heating in schools. They are maintained annually in accordance with the manufacturer's advice, and appropriate ventilation is provided, on some occasions using enhanced fixed ventilation. Blackheath Public School has been provided with additional insulation for thermal comfort and the Department of Commerce is presently scoping fixed ventilation works to ensure that appropriate ventilation without drafts is available when the heaters are in use. In order to further reassure the parents of the safety of staff and students at Blackheath Public School, the department will undertake additional air monitoring at the commencement of the heating season early in term two this year, at a time to be negotiated with the school principal.

Questions without notice concluded.

[*The President left the chair at 1.04 p.m. The House resumed at 2.30 p.m.*]

BUSINESS OF THE HOUSE

Postponement of Business

Committee Reports—Order of the Day No. 1 postponed on motion by the Hon. Greg Donnelly.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Dr JOHN KAYE [2.31 p.m.]: I move:

> That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 103 outside the Order of Precedence, relating to Central Coast powerlines, be called on forthwith.

The Hon. Tony Kelly: Point of order: My understanding is that a member can move this sort of a motion when there is no business before the House. However, the House is to consider committee reports. Therefore, I believe Dr John Kaye is out of order and must to wait to move his motion until after members have considered committee reports.

The Hon. Don Harwin: To the point of order: Committee reports are no different from Government business. In fact, members are entitled to move a motion at any time during debate on Government business. Dr John Kaye is not precluded from doing so because Government business is before the House. Therefore, the honourable member is able to move his motion.

The PRESIDENT: Order! I will allow Dr John Kaye to proceed. This is an unusual situation in that before the Clerk read the order of the day, as I requested, Dr John Kaye sought to move suspension to have an

item of business outside the Order of Precedence called on forthwith. Accordingly, as there was no business immediately before the Chair at the time, the member is in order and may proceed.

Dr JOHN KAYE: This matter is urgent. It refers to the construction of 132 kilovolt powerlines above ground from Ourimbah to Terrigal on the Central Coast. This matter is urgent because each day new poles are erected. Two more poles went up this morning and two yesterday. The Government must act now if there is to be any chance of correcting the massive error that is being made on the Central Coast.

This matter is urgent because if the work is not stopped the powerlines will pass through residential areas. Only two small sections of powerlines are underground: at Wamberal and near a school. The powerlines will pass a school and houses and extend within a few metres of the playground of a childcare centre. If we do not debate this matter now children playing in the grounds of that childcare centre will be exposed to magnetic fields. This matter is urgent because residents are living in a climate of fear: they fear for their health and that of their children. They will be exposed to magnetic fields at levels that are simply unacceptable. Residents' fear is driven by uncertainty in the scientific literature. This matter is urgent because there is no consensus in the epidemiological evidence that exposure to magnetic fields does not cause childhood cancers and other long-lasting and dangerous diseases. If we do not pass this motion it will be too late to apply the precautionary principle, which states that we must not expose people to unnecessary risk. Magnetic fields certainly pose a health risk.

If we do not pass this motion it will be too late to protect the lagoons at Wamberal and Terrigal and too late to protect the wildlife at those lagoons. It will be too late to live up to our obligations under the Japan-Australia Migratory Bird Agreement and the China-Australia Migratory Bird Agreement. If we do not pass this motion powerlines will almost certainly be built past both the Wamberal and Terrigal lagoons, with devastating consequences for the wildlife at those lagoons and in contradiction of two international treaties. If we do not act now it will be too late to avert the risk of increased bushfires, increased interruptions to power supplies and more motor vehicle accidents. Only by putting the powerlines underground can we ensure the long-term safety of the residents of the Central Coast. The House must act urgently because if we do not pass this motion now, we will not send a message to the Minister for Energy to exercise his powers under section 20P of the State Owned Corporations Act 1989, which enables him to direct EnergyAustralia to underground those lines.

The urgency of this matter can be measured by the community outrage on the Central Coast. It can also be measured by the fact that it has united the local member of Parliament, the community and the Greens. It is not often that the Greens agree with the member for Terrigal on matters of policy. However, in this case he is definitely fulfilling his duty to his electorate while the Minister for the Central Coast, the Hon. John Della Bosca, is not. The Hon. John Della Bosca may believe his push to become Premier is urgent but he has failed abjectly in his responsibility to the people of the Central Coast. I urge the House to consider this matter. It is urgent because the people of the Central Coast are demanding our attention. They are demanding that we stand up for their health, their safety, their amenity and the wildlife of their area. The least the House should do is spend some time considering a matter that is causing much agony and pain on the Central Coast. There is great concern about the health risks associated with magnetic fields from powerlines and the impact on residential dwellings and educational institutions. We are very concerned about powerlines that will pass one education institution and a childcare centre that could easily increase magnetic fields. This issue could be the asbestos of the twenty-first century. I urge the House to debate the motion urgently.

Reverend the Hon. Dr GORDON MOYES [2.38 p.m.]: I support the motion. The fact is that 19 kilometres of aboveground 132-kilovolt powerlines are being erected, which is causing concern on the Central Coast. I live within a few hundred metres of the schools concerned and the childcare centre. As Dr John Kaye indicated, there is no question that local residents are up in arms. This is a matter of extreme urgency because powerlines are already starting to be installed. It is not something that might happen in the future; it is happening at this moment. I support the motion to debate this matter urgently.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [2.39 p.m.]: The Opposition supports the motion for urgency by Dr John Kaye. This is a significant issue. It is one of the most important issues for Central Coast residents that I have seen in the many years I have lived on the Central Coast. If the member for Terrigal, Chris Hartcher, were able to speak on this matter he would be able to relate the concerns that have been raised with him by his constituents that demonstrate the need for this issue to be debated urgently. On that basis, the Opposition supports the motion.

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

Motion agreed to.

Order of Business

Motion by Dr John Kaye agreed to:

That Private Members' Business item No. 103 outside the Order of Precedence be called on forthwith.

ENERGYAUSTRALIA CENTRAL COAST TRANSMISSION LINES

Dr JOHN KAYE [2.40 p.m.]: I move:

1. That this House notes:

   (a) the proposal by EnergyAustralia to install approximately 19.6 kilometres of 132kV transmission lines above ground through residential areas from Ourimbah to a new substation under construction in Terrigal, with only a small section at Wamberal being laid underground,

   (b) the absence of resolution of ongoing uncertainty relating to serious health impacts of long-term exposure to magnetic fields on residents living near high voltage transmission lines,

   (c) recent Australian and international studies suggesting a link between serious disease, particularly in children, and exposure to magnetic fields at levels lower than those to which residents living along the proposed route will be subjected,

   (d) the strong community concern about the proposed installation of above-ground 132kV transmission lines, particularly past homes, schools, childcare centres, places of worship and public open space,

   (e) the potential threat to wildlife and the environment from the proposed above-ground route running through urban bushland and past Terrigal lagoon and Wamberal lagoon, which is protected under the Japan-Australia migratory Bird Agreement and the China-Australia Migratory Bird Agreement, the Federal Environment Protection and Biodiversity Conservation Act 1999 and State Environmental Planning Policy 71 Coastal Protection,

   (f) the potential to reduce bushfire risk, power supply interruption and motor vehicle accidents that undergrounding of transmission lines provides,

   (g) the adverse amenity impacts of towering overhead transmission and distribution structures and lines,

   (h) the absence of a detailed and comprehensive Environmental Impact Statement concerning the proposed route and overhead lines and structures, and

   (i) that new high voltage transmission lines in residential areas of Sydney have been installed underground.

2. That this House calls on the Minister for Energy to exercise his powers as portfolio Minister under section 20P of the State Owned Corporations Act 1989 to direct EnergyAustralia to:

   (a) install the entire length of the Ourimbah to Terrigal 132kV transmission lines underground,

   (b) select a route for laying the 132kV transmission lines that does not impact on residents or the sensitive environmental areas of Wamberal and Terrigal lagoons, and

   (c) ensure that all future transmission lines linked to the substation in Terrigal are placed underground.

On 27 March construction began on a Central Coast powerline. Central Coast residents feel deeply betrayed by a process that did not adequately reflect their concerns. They feel betrayed by a Government that did not respect their concerns about the impact of magnetic fields, the impact on the amenity of the environment and the environmental impact on bird life resulting from these towers. When Central Coast residents came home from work and saw the poles on Tumbi Road, Wamberal, it became clear that the Iemma Government had allowed EnergyAustralia to push ahead with an almost entirely overhead line solution to Central Coast power needs. The decision came just two weeks after the decision to underground an additional 750 metres of line past Wamberal primary school. The decision to underground that small section of 750 metres was greatly welcomed by the parents, students and teachers of that school. However, it is tantamount to an admission of guilt by EnergyAustralia that it has valid concerns about magnetic fields from overhead powerlines and the impact on the physiology and bodies of young children, who are known to be extremely vulnerable to the effects of 50-hertz and 60-hertz magnetic fields.

We cannot say that magnetic fields cause cancer or other life-threatening illnesses. That is not the issue we are debating. We can say that the epidemiological evidence is unclear. The epidemiological evidence continues to throw up compounding data that leaves people wondering about the precise impact of magnetic fields, particularly on children. Studies have shown increases in childhood leukaemia and other forms of cancer. Equally, other studies have not shown statistically significant levels of cancer and other forms of disease resulting from exposure to magnetic fields. This Chamber and the Government must take account of the risks associated with the evidence on magnetic fields. The strong evidence is that we do not know. In cases where we do not know, we must exercise the precautionary principle—that is, if a risk can be avoided, even when there is no evidence to show that the risk is a certainty, use an alternative. In this case, there is a clear alternative.

In Sydney 30 per cent of EnergyAustralia's 132-kilovolt assets are underground. On the Central Coast none of the 132-kilovolt system is underground. We are concerned about the way in which EnergyAustralia undergrounds powerlines. It is time that the residents of the Central Coast received the same standard of treatment that is provided to the residents of Sydney. It is time that the concerns of Central Coast citizens were taken seriously. Studies commencing back in the 1980s, including the work of Sir Harry Gibbs, urged governments and energy authorities, such as EnergyAustralia, to seriously consider the impact of magnetic field exposure on health and to take actions that will reduce exposure to magnetic fields. The Government is failing in its duty to young people by not insisting that EnergyAustralia practice prudent avoidance. Central Coast residents have been betrayed by their Minister and the Government. Minister Della Bosca has failed to give them the protection that is enjoyed by the residents of Sydney and Newcastle, where a large proportion of high-voltage lines are now underground.

The Greens also have grave concerns for the Central Coast bird life. The Wamberal and Terrigal lagoons are covered by JAMBA and CAMBA—the Japan-Australia Migratory Bird Agreement and the China-Australia Migratory Bird Agreement. The agreements are an understanding between Australia, Japan and China in relation to the hosting of migratory bird populations. Those bird populations will be impacted by the large 132,000-volt powerlines. If for no other reason, the powerline should be undergrounded to avoid compromising the integrity of those bird communities. The process associated with the planning of this line has been woefully inadequate. EnergyAustralia has completely disregarded those two international migratory bird treaties by placing the line right on the edge of both Terrigal and Wamberal lagoons. There is no evidence in the environmental impact planning that the poles and wires will not have a dramatically adverse impact on the migratory birds. I call on the Minister for Energy to step in and do something. According to section 20P of the State Owned Corporations Act, the Minister has the power to direct EnergyAustralia to underground these lines. He at least has the capacity to direct EnergyAustralia to hold off on the construction of the lines until further consultation with the community and underground alternatives have been explored.

EnergyAustralia consultations go like this: "This is what we are going to do. What do you think of that? Thank you very much, we will do it." In the twenty-first century that is simply not good enough. The consultation needs to genuinely reflect the desires, wishes and concerns of the residents of the Central Coast. That has not happened in this case. In this case EnergyAustralia has ridden roughshod over the residents. The residents have written hundreds of letters, every single one of which has been ignored. They have produced cogent arguments for undergrounding the powerline and for rerouting it away from the banks of Wamberal and Terrigal lagoons. They have been entirely ignored and dismissed by EnergyAustralia, which pushed ahead except for one section of 750 metres when it simply could not ignore the exposure of young children to magnetic fields. To do that is to make a mockery of the idea of consultation.

It is important that this Parliament take seriously the concerns of the residents of the Central Coast. I particularly want to draw to the attention of the House the impact that this powerline, if it goes ahead in its current construction, will have on the Lollipops Childcare Centre in Wamberal. A 132,000-volt transmission line along Tumbi Road will pass within six metres of the playground where young children—infants—will be playing. EnergyAustralia says that the line will be 18 to 20 metres from the building, and that is so.

[*Interruption*]

The Minister has asked me where I got my facts. The Greens do a strange thing: they listen to the community. If the Minister is prepared to refer to the community of the Central Coast as liars—

The Hon. Ian Macdonald: No, you are.

Dr JOHN KAYE: No, I am telling the Minister what the community is telling us. If the Minister says what I say is a lie then he is saying that the community is lying. So be it. Let us take that back to the community

and see what the community says. EnergyAustralia wrote to Lollipops Childcare Centre in Wamberal and said that its powerline will be 18 to 20 metres from the building, and that is so. But, in effect, that is not the issue here; it is the playground, which is as much a concern to the childcare centre as the building itself. It is very clear that the children will be playing within five or six metres of that line. It is totally inappropriate in the twenty-first century to take a risk with our infants in that way. If we are to show any respect whatsoever to the Central Coast and to the residents of Wamberal and Terrigal, then it is essential that we ask the Minister to instruct EnergyAustralia to, at the very minimum, put this development on hold, but, preferably, to stop this development and go back and consult with the community.

I am aware that this is a complex issue and that many members will want to develop their arguments and assess the data. I believe the most appropriate thing to do is to adjourn consideration of the matter until the next sitting day. Therefore, I move:

That this debate be adjourned until the next sitting day.

Question—That the motion be adjourned until the next sitting day—put.

The House divided.

Ayes, 17

Mr Clarke	Ms Hale	Mrs Pavey
Mr Cohen	Dr Kaye	Mr Pearce
Ms Cusack	Mr Khan	Ms Rhiannon
Ms Ficarra	Mr Lynn	*Tellers,*
Mr Gallacher	Mr Mason-Cox	Mr Colless
Mr Gay	Ms Parker	Mr Harwin

Noes, 20

Mr Brown	Mr Macdonald	Mr Tsang
Mr Catanzariti	Reverend Dr Moyes	Ms Voltz
Mr Costa	Reverend Nile	Mr West
Mr Della Bosca	Mr Obeid	Ms Westwood
Ms Griffin	Ms Robertson	*Tellers,*
Mr Hatzistergos	Ms Sharpe	Mr Donnelly
Mr Kelly	Mr Smith	Mr Veitch

Pairs

Ms Ajaka	Ms Fazio
Miss Gardiner	Mr Roozendaal

Question resolved in the negative.

Motion for adjournment of debate negatived.

Dr JOHN KAYE: I moved to adjourn the debate because I understood that a number of members wanted more time to think about this matter. That in no way detracts from the urgency of this motion. If members were to visit the Central Coast they would note the urgency in the voices and eyes of the people of that area. Recent international studies have shown an increase in the incidence of childhood leukaemia when children are born or live near high-voltage overhead powerlines. While epidemiological studies are yet to clearly identify the causal links, the risk is serious enough to lead even the World Health Organisation to suggest precautionary measures aimed at reducing exposure to low-frequency electric and magnetic fields.

Another concern is the long-term costs associated with transmission lines. In the short term, cost savings can be made by installing overhead powerlines. However, in the long term significant savings can be achieved by undergrounding lines. Only a very short-term view of electricity distribution network planning would lead one to believe that lines should be above ground. Substantial savings can be made as a result of a reduction in the incidence of motor vehicle accidents. That is probably the biggest single saving to be made. A study entitled "Putting Cables Underground—A report of the review of the options for placing facilities

underground" carried out under clause 49 of schedule 3 of the Telecommunications Act 1997 estimated that the actual benefit in dollars per kilometre of line from reduced motor vehicle accidents was between $1,358 and $2,793. That is a substantial ongoing benefit each year as a result of undergrounding powerlines.

Maintenance costs would also plummet by anything up to $1,531 per kilometre of line per year. Tree trimming costs would almost entirely disappear, offering a saving of up to $1,220 per kilometre per year. Reduced transmission costs because of reduced losses in active and reactive power would amount to $292 a year. That means the total measurable benefits of undergrounding powerlines could be as much as $5,736 per kilometre per year. Those are substantial savings that over a period of years would repay the additional capital costs associated with putting lines underground.

No doubt the Minister will tell us that that is too expensive and that the State of New South Wales cannot afford to underground powerlines. The response to that must be a very firm, "No, you are wrong, Minister." If the Government were to ask what the cost would be over the next 20 years, it would find that undergrounding wins out in terms of the reduced incidence of motor vehicle accidents and maintenance, tree trimming and transmission costs.

However, what is not measured and what is most significant is the potential health benefits, which could be enormous. How does one put a value on the life of a young person with childhood leukaemia? How does one put a value on a foreshortened life? Surely there is nothing in our society that should stand between us and protecting young people. Nothing should cause us to say that it is too expensive to reroute a powerline away from a childcare centre, from residences and schools, and from where kids play and people live. It is urgent that the House debate this matter and that members consider how to ensure that in future the people of the Central Coast do not look back and say we were derelict in our duty to protect them. I commend the motion to the House.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [3.05 p.m.]: I will make a few comments about this motion and reiterate the reason the Opposition believes that this issue should be debated urgently. I acknowledge that the Hon. Dr John Kaye moved the adjournment to give members—particularly a number of cross-bench members—the opportunity to seek advice, not only from government advisers but also from members of the community who see this debate as a last-ditch attempt to resolve an issue that should have been resolved in 2006-07.

Members might not know that the Government face that dealt with the Central Coast community on this issue was not the Hon. Ian Macdonald or even the Hon. John Della Bosca—the Minister for the Central Coast—it was the Hon. Joe Tripodi. I suspect that he did not present to the Parliament and his parliamentary colleagues the realistic concerns that were raised about the potential risks of the proposed installation.

I must give credit to the member for Terrigal, Mr Chris Hartcher, for his representation of the Central Coast on this issue in the New South Wales Parliament. As I said when speaking on the motion to adjourn the debate, I do not know of any issue in the 27 years that I have lived on the Central Coast that has so clearly focused the minds of local residents. It is not until one drives along Tumbi Road that one understands the seriousness of the situation. Most visitors to the Central Coast travel along the Pacific Highway—or as the Government now calls it, the "central coast highway"—or along The Entrance Road. Such a route would not suggest any reason for concern. It is not until one travels along Tumbi Road and talks to the parents of children at Tumbi High School or Wamberal Public School and the residents along the road and on the side streets and feed off—

Reverend the Hon. Dr Gordon Moyes: And the two preschool centres.

The Hon. MICHAEL GALLACHER: Reverend the Hon. Dr Gordon Moyes is very familiar with this area. I look forward to his contribution to this debate. Concerns have also been raised about potential environmental impacts given the proximity to the Terrigal and Wamberal lagoons. As the Hon. Dr John Kaye spelt out in the motion, there will be an impact on migratory birds that nest from time to time in the area. This Government has not been prepared to sit down with the local residents to establish an alternative solution.

The final paragraph of the motion refers to the Ourimbah to Terrigal 132-kilovolt transmission lines and recognises the sensitivity of the Wamberal and Terrigal lagoons. We are debating the potential risks to students at schools located directly under or in incredibly close proximity to the proposed lines and the potential impact on the sensitive environment of the Wamberal and Terrigal lagoons—not only for birds but also for the

tourist industry—and the people living along Tumbi Road at Wamberal and up to the Tumbi Umbi end of Tumbi Road. All those people are concerned about this issue and have been approaching the Opposition about it for some time. We gave them a commitment prior to the last State election that we would put these powerlines underground. We felt this was a special case deserving of a commitment by government that what was being proposed in relation to the installation of these powerlines was unsuitable. For that reason, the Opposition gave that commitment prior to the last State election.

The sad reality is, as Dr John Kaye alluded to in his speech, the installation of the infrastructure to carry these wires has commenced. So this is a last-ditch attempt by a number of members of this Chamber to call upon the Government to listen to the concerns of the residents of this area of the Central Coast, and to listen to the pleas that have been made by members of Parliament, such as the Hon. Chris Hartcher, who represents both his Terrigal electorate and the constituency of The Entrance. It is sad that the current member for The Entrance, Mr Grant McBride, has not uttered a word in relation to this issue. It is a shame that we do not see two members of Parliament, from opposite sides, standing side by side supporting the Central Coast. On this occasion we hear but one voice—of the member for Terrigal, Chris Hartcher—calling on the Government to bring a halt to this program.

In 12 months it will be over. The wires will be in place. Installation to the substation at Terrigal will be completed or most certainly well underway. I do not believe it is something that can be revisited. I am not the shadow Minister responsible for this portfolio. I am merely a Central Coast resident who has listened to the concerns of the constituents there and the fears they have about the powerline installation program. This is a last-ditch attempt by everyone concerned to ask the Government to bring this program to a halt because of the unique nature of the affected area and to give the Central Coast an opportunity to examine other options such as the one Dr John Kaye has proposed in his motion.

I cannot put it any stronger. This motion merely echoes the concerned voices of Central Coast residents. I do not believe the Government has handled the matter well. It is sad that it has not spent the time with these residents that it should have. The Government's treatment of Central Coast residents, and its lack of preparedness to spend time with them to find an alternative solution, particularly in those more heavily urbanised areas along Tumbi Road and around Wamberal Lagoon, will leave a lasting legacy. The Government has simply pushed ahead with its plans and is not prepared to consider the residents of a specific area of the Central Coast who have clearly defined concerns that do not appear to resonate with the Government.

The Hon. IAN MACDONALD (Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, and Minister for State Development) [3.13 p.m.]: This motion has been characterised by a lot of misinformation, particularly by Dr John Kaye in his contribution. I wish to take the opportunity to correct some of his clearly inaccurate statements. Planning for the line commenced more than two years ago. More than 20 consultative meetings have taken place and more than 500 households were written to directly by EnergyAustralia. The project is needed to boost power supplies to more than 10,000 homes and businesses on the Central Coast, and to delay it further would only disadvantage those businesses and homes indefinitely.

A number of significant changes have been made to the project in response to submissions received through this extensive planning stage. To suggest there was no proper planning in relation to the matter is completely erroneous. Most notably, an extra $12 million will be invested to put lines underground for four kilometres of the route. This means that the lines will be underground past Wamberal Lagoon and Wamberal Public School. EnergyAustralia has followed all guidelines in relation to the prudent avoidance of electric and magnetic fields when designing the project. Work on the line has already commenced by EnergyAustralia and will be continuing this week.

Underground lines cost between five and 10 times as much as aboveground powerlines. The project has already cost $50 million; the undergrounding will be additional. The total cost must be paid for by consumers—the higher the cost, the higher the electricity charges. Whether overhead or underground, the electric and magnetic fields are well within current guidelines. Connell Wagner's modelling showed that at the property boundaries on Tumbi Road the existing magnetic field levels would be elevated by only a further two to three milliGauss over the existing three to four milliGauss. The draft Australian Radiation Protection and Nuclear Safety Agency standard is 1,000 milliGauss for the general public.

Let me put this in context. Televisions and electric fans produce up to two milliGauss. Computers produce up to 20 milliGauss—and we know the Greens sit in front of their computers half the day. Electric stoves produce up to 30 milliGauss and refrigerators produce up to five milliGauss. To suggest that a heavy

magnetic field is associated with these lines is quite erroneous. Secondly, the line will be 58 metres from the nearest school building at Wamberal and 94 metres from the nearest school building at Tumbi Umbi campus.

The Hon. Robyn Parker: Only 58 metres?

The Hon. IAN MACDONALD: Yes. You have to remember that the lines could be next door but it is what is emitted from the powerlines that counts. The studies that have been done show a magnetic field level in the order of three to four milliGauss. According to the Australian Radiation Protection and Nuclear Safety Agency standard, 1,000 milliGauss is appropriate from the—

The Hon. Robyn Parker: Have you ever had it 58 metres from a building?

The Hon. IAN MACDONALD: There have been 132kV powerlines passing over my property in the Southern Highlands for a number of years and it did not bother me at all. The distance from these powerlines is well within acceptable limits. The magnetic field is far less than from a computer that might be installed in a children's room, and it is even less than that from an electric stove. Let us get this debate into perspective.

The Central Coast is one of the fastest-growing areas of New South Wales. Residential and light industrial development is leading to an increase in demand for power. Demand for electricity on the Central Coast is growing at about 3.5 per cent per year, well above the average level of growth across the rest of EnergyAustralia's electricity network. To meet the challenges of this growing demand for power, EnergyAustralia is planning a large program of works to secure the future supply of electricity to people on the Central Coast. I am sure the Opposition wants that security. I am sure all members of the House want that security for the residents of the Central Coast. The total expenditure anticipated over the next five years to secure power to the Central Coast is $405 million—an $85 million increase compared to two years ago.

A number of other capital works projects are envisaged within this plan. They include an upgrade of the feeders to Vales Point zone substation; a capacity increase at the Long Jetty zone substation; further upgrades to the Umina and Woy Woy zone substation; and the conversion of a new zone substation at Berkeley Vale. EnergyAustralia's plans to strengthen its electricity network will deliver a more reliable supply and cater for the growing demand for power. Boosting supply around the Wamberal and Terrigal areas is a key part of these plans. This project includes the construction of a new fully enclosed zone substation at Wamberal and powerlines to connect the substation to a major supply point at Ourimbah.

EnergyAustralia's plans to strengthen its electricity network will deliver a more reliable supply and cater for the growing demand for power. Plans to boost supply around the Wamberal and Terrigal areas are a key part of these plans. This project includes the construction of a new fully enclosed zone substation at Wamberal and powerline to connect the substation to a major supply chain in Ourimbah. EnergyAustralia is planning to connect the two substations by a 17 kilometre, 132,000-volt powerline. The project will comprise a combination of above and below ground powerlines. About four kilometres of the line will be installed underground at five to ten times the cost of constructing above ground powerlines over the same distance. At sensitive spots the lines will be placed underground.

The project is estimated to cost around $50 million plus the additional costs of putting the line underground. The 10,000 households are in the area of Wamberal, Terrigal, Matcham, Picketts Valley, Avoca, Holgate, Erina and Erina Heights. The proposal by EnergyAustralia to install a powerline from Ourimbah to Wamberal requires assessment under part 5 of the New South Wales Environmental Planning and Assessment Act 1979. Under the Act, EnergyAustralia, as a public authority, is the nominated determining authority.

EnergyAustralia is required to carefully examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment. EnergyAustralia is required to examine potential impacts on threatened species, populations or ecological communities, or their habitats, or critical habitat listed under the Threatened Species Conservation Act 1995 and the Fisheries Management Act 1994. It must also determine if there is likely to be significant impact on wetlands listed under State environmental planning policy No. 14, coastal wetlands, and consider State environmental planning policy No. 71, coastal protection.

EnergyAustralia is also required to determine whether the proposal is likely to have a significant impact on listed migratory species, including those listed under the bilateral agreements with Japan and China. The Environmental Protection and Biodiversity Conservation Act 1999 requires the Commonwealth's approval for an action that will, or is likely to, have a significant impact on a matter of national environmental significance or on Commonwealth land. From the outset of this project EnergyAustralia has engaged the local community on its plans for the upgrade.

I have dealt with concerns about the levels of magnetic fields. The project is well within the national limits and the New South Wales network operators practice of prudent avoidance in designing, building and operating electricity assets—which means limiting electric and magnetic fields [EMF] levels without taking extreme design steps. Various worldwide studies have been carried out for over 30 years without finding a causal mechanism for possible health effects. The New South Wales electricity supply industry currently operates within the 1989 National Health and Medical Research Council guidelines for these fields.

The Australian Radiation Protection and Nuclear Safety Agency has proposed a new electric and magnetic fields standard. The Energy Networks Association is negotiating on behalf of the electricity industry to ensure the standard is appropriate. EnergyAustralia has undertaken extensive consultation with communities, principals, parents and citizens associations and the Department of Education and Training on electric and magnetic fields from the planned upgrade. Independent experts were engaged to model and assess the level of electric and magnetic fields that would be emitted at various locations within the schools. The powerline along Tumbi Road has been planned to minimise impacts for the local community. The line will be 58 metres from the nearest school building at Wamberal Public School and 94 metres from the nearest school building at Tumbi Umbi campus.

This means that electric and magnetic fields levels in either school building will not change as a result of the line and levels at the school boundaries will be less than 1 per cent of the draft national standards for electric and magnetic fields. EnergyAustralia has engaged the local community on this important project for two years and through this process it has received constructive feedback that it is using to make changes to help it overcome some very challenging technical issues. For example, EnergyAustralia worked with residents on the northern end of Tumbi Road to halve the number of poles and reduce the number of wires in Bohringer Lane and Hansens Road. EnergyAustralia has also finetuned line design and pole placement along Tumbi Road to reduce electric and magnetic fields levels and to minimise visual impacts.

EnergyAustralia is now completing a thorough and comprehensive analysis of the review of environmental factors and has received comments and submissions, including detailed responses to approximately 340 submissions. This is in addition to the many community submissions already addressed following the announcement on 10 July last year of a preferred route. This is an extremely important project for communities in the region.

Having said that, I advise that environmental matters were considered in detail, including any impact on bird life. EnergyAustralia has respected all environmental legislation protecting Wamberal and Terrigal lagoons. It has not disregarded international migratory bird treaties by placing the line on the edge. In these areas the line will be placed underground, and that should please Dr Kaye. In fact, as a result some of his comments have been destroyed. The issues have been canvassed in great detail over the past two years and, of the alternatives investigated as part of the consultation process, the final and preferred route chosen represents the option with the least environmental impact on the area.

Also, it should be remembered that power supplies must be secured for the region. The cost of putting the entire 17-kilometre powerline underground would be astronomical. This would increase the $50 million plus $12 million to several hundred million, and that is clearly impractical. They only people who would be paying out in that event would be EnergyAustralia customers. Nevertheless, EnergyAustralia will ensure that in key areas the line will be placed underground. The motion is misguided. It does not take into account wide consultation between EnergyAustralia and the community about the environment, the bird life and wildlife, and, where necessary, amendments have been made to the proposal to ensure minimum environmental impact.

Some research indicates that there may be a problem with electric and magnetic fields, but all the peer reviews, the research of scientists associated with EnergyAustralia that I have read, and the environmental assessment models show that the electric and magnetic fields levels are well below the levels that would impact on humans. In fact, the level—and this would be the maximum amount for the area—is less than 1 per cent of the national guidelines. The Greens are again indulging in infantile popularism and endeavouring to whip up antagonism with respect to this necessary proposal. These powerlines are required to ensure security of supply for the residents of the Central Coast.

The Hon. ROBERT BROWN [3.28 p.m.]: On behalf of the Shooters Party I wish to address some matters in this debate. Whilst sometimes we have a bit of fun with the science that the Greens put forward—I am often heard calling it voodoo science—I acknowledge that Dr John Kaye is somewhat of an expert in this

field and that some of his concerns are probably valid. However, I do not believe that in this debate he has demonstrated that those concerns can be supported by sufficient evidence that suggests that such installations—that is, above-ground, high voltage transmission lines—are the cause of public health problems. There is evidence for and against in that regard. Of course, the concerns of residents are legitimate because they relate to public health as well as property values—people's amenity and ambiance.

I would feel for them, having 132 kilovolt powerlines whacked up outside their place. The point is that we live in a growing State with growing communities. The Government is tasked with providing the facilities of power and water to our communities. Infrastructure requirements such as this will result in some residents in some areas—even rural property owners—having their amenities affected. I remind members of the raging debates on wind and nuclear power.

With regard to any effect on wildlife, I note that the energy authority has had a fairly well-regarded group of consultants, Connell Wagner, undertake its environmental impact statement and engineering work. I draw a parallel between this work and that done by Gutteridge Haskin and Davies on the Hilltop shooting complex. We will always have community advocates claiming that their science is better than that of companies engaged by government authorities. One would have to say that there are only a certain number of companies around capable of doing the research, and they are all well regarded. It would be disingenuous for anyone to try to disrespect such research by saying that it is not valid.

Dr John Kaye has a great deal of expertise on this subject, but overall I think this issue would be better addressed if we got off our backsides in New South Wales and at the Federal level to undertake proper long-term research. It is far too late to be debating issues such as public health on a contract that has already been let and in relation to which an extensive environmental impact statement and technical inquiries have taken place. This should have happened two years ago, 10 years ago, or even 20 years ago. My wife and I live not too far from 330 kilovolt powerlines. Dr John Kaye assures me that the magnetic field from 330 kilovolt powerlines is lower than that emitted from 132 kilovolt powerlines—

Dr JOHN KAYE: It may not be higher.

The Hon. ROBERT BROWN: I apologise. I correct that: It may not be higher. My wife does not like them either. In fact we would rather not live underneath them, but that is not because I believe that there is science to prove that my grandchildren will get zapped or have medical problems. I have not had any such science presented to me. If I did have conclusive science presented to me in that regard, I would be the first to condemn the Government for ignoring it.

The balance of arguments presented here this afternoon suggests that the project has started, the costs are committed, and the Government has made some attempt to address the concerns of the residents—certainly they have had public consultations. No matter where you live, sooner or later you are going to have your amenities altered or challenged by infrastructure or something else that happens in your neighbourhood, whether it is the construction of a Muslim school, the installation of 132-kilovolt powerlines, or the construction of a rifle range, waterline or dam. Everyone will be affected sooner or later. We all have to live in the State, and provided the Government does its homework and the consultants do their work diligently, we can feel that we have probably done the best job we can do. The Shooters Party does not support Dr John Kaye's urgency motion.

Mr IAN COHEN [3.33 p.m.]: I support Dr John Kaye's motion. I have listened with interest to what the Minister said in response. Obviously he has many of the facts at his fingertips. I have a number of questions for the Minister. Why were the powerlines not placed underground near the childcare centre? At what point does the authority consider a safety issue exists that warrants four kilometres of powerline being placed underground? There must be a point to the impact of these lines. I do not have the science in front of me, but I have anecdotal evidence of people who have lived under medium-grade powerlines and how that has affected them. A very good friend of mine who lived under such a powerline was affected, although one cannot prove that that was necessarily the cause of her significant pituitary gland cancer and the other complications. There is other very persuasive anecdotal evidence in this regard.

I had some involvement with the NorthPower DirectLink project, about which there was public concern. That line was in many cases built at ground level. I understood it to be a link feeding power back and forth between Queensland and New South Wales, although I could be wrong on that point. Real concern was

expressed when the line was routed past houses on the main entrance road to the Mullumbimby township. Some friends of mine were very upset about that even though the link was placed underground at that point.

I note that the member who spoke on behalf of the Shooters Party said that people in New South Wales are impacted by the construction of rifle ranges, dams, et cetera. That may be the case from his perspective. But, as Dr John Kaye said, the substantial initial cost of placing lines underground is well and truly redeemed over the years with funds not being expended on onerous maintenance regimes to clear trees and funds not being allocated for compensation in the event of damage caused by storms and branches falling on powerlines causing damage to people's properties. One of my neighbours was almost killed when he was hit on the head by a fallen power line when he went out one night to investigate sparking at the front of his house. These things do happen. I do not think that anyone here would say that there should not be an adequate supply of power to the Central Coast. Arguments suggesting that somehow or other we have to put the power through at any cost are not relevant to this debate. But we do have, albeit in a limited way, solutions. One of the big issues in this particular case is that we have children in close proximity to the powerlines—

Reverend the Hon. Dr Gordon Moyes: Thee are three childcare centres in the vicinity.

Mr IAN COHEN: I thank Reverend the Hon. Dr Gordon Moyes for that information. I understand that the lines will be placed underground near the schools but not near some of the childcare centres. Surely our major electricity suppliers should take note of that and, at the very least, should place the wires underground so that electricity can be delivered in a safe manner. There are many regions throughout country areas—I know of some on the North Coast—where powerlines should be placed underground. Our utilities seem to be maintaining a culture of overhead wires when there is a solution that is both environmentally and socially more benign in terms of protecting children at childcare centres. This motion is worthy of debate and is not a waste of the time of the House. I implore all members to consider the precautionary principle when deciding how to vote on this motion. I have concerns about the effects of electromagnetic radiation on those who live their entire lives under high-voltage powerlines.

Dr JOHN KAYE [3.39 p.m.], in reply: I thank the House for giving consideration to this important matter. Members have aired their views and the Minister's views are on record. This important debate will continue on the Central Coast. I want to put four points in reply. I thank members for their contributions. I acknowledge the contribution of the Hon. Robert Brown, to which I will respond, and that of my colleague Mr Ian Cohen, who has been involved in this issue for some time. The first point I want to make is that the Greens do not argue against augmentation of supply capacity on the Central Coast. The Minister tried to say that the motion opposed augmenting the capacity of the Central Coast powerline and painted the Greens into a position where we would be responsible for blackouts on the Central Coast. That is not the intent of the motion, nor the intent of our actions or words on this issue. However, we believe that the Government should always pursue energy efficiency options. Whenever it looks at augmenting the capacity of distribution and transmission issues, the first point of call should always be augmenting supply capacity.

With regard to exposure to magnetic fields, the Minister has confused two totally separate issues. He has confused ongoing background exposure to magnetic fields, 24 hours a day seven days a week, with intermittent exposure. They have very different biological characteristics. There is no doubt that people could get far more exposure from sitting in front of a domestic appliance, such as, a stove, computer, toaster or refrigerator. All of these appliances emit large intensity magnetic fields. But most people do not spend 24 hours a day seven days a week standing in bodily contact with their refrigerators, wrapped around their toasters, or sitting with their heads next to their computers. Those who do should consider amending their personal habits because they may be inflicting significant damage on themselves. Where a residence or a school is in close proximity to an overhead powerline, doubling the background magnetic radiation is an unsafe policy decision. Although it is increasing from a relatively low level, the new level is sufficiently high to raise alarm.

I acknowledge that there is no confirmatory evidence that magnetic fields at the intensity of 50 hertz cause health impacts. I made that very clear in my speech to establish the urgency of this matter and in debate on the substantive motion. The Greens do not say that is the case. We do say that the absence of evidence that it is safe and the confounding evidence that comes out time and again in literature on low intensity 50 hertz and 60 hertz magnetic field exposure are sufficient to drive a policy of prudent avoidance. Prudent avoidance means to avoid where there is an alternative. In this particular case there is an alternative: reroute and underground the line.

I urge the House to consider the impact on children. It is known from other biological irritants that children in their developmental phases are more sensitive to radiation and chemicals. In this case there is no hard and fast evidence that exposing children will result in an increase in childhood leukaemia. But there is enough evidence to raise the alarm. Would we want to expose our children to that level of risk? That is the issue here. Is it alright to expose children, the future of our State, to this level of risk because we do not have the evidence? The same situation applied to the use of tobacco in the 1920s, at which time there was no evidence of health risks associated with cigarettes. Some studies said that cigarettes were dangerous, whereas other studies, mostly those done by tobacco companies, said that cigarettes were not dangerous.

Reverend the Hon. Fred Nile: Mobile phones?

Dr JOHN KAYE: Reverend the Hon. Fred Nile referred to mobile phones. That is another issue. The difference between mobile phones and powerlines is that people make a decision to talk on their mobile phones. They do not make a decision to live under a powerline that is erected outside their houses. They do not make a decision to expose their children to magnetic field radiation when a line is run close to a childcare centre or a secondary school. As I say, the scientific evidence is not available. But the absence of scientific evidence should drive a policy of taking an available alternative. Particularly as it relates to children, the Government should front up with the money and take steps to make our children as safe as possible.

In relation to Wamberal lagoon the first issue I raise is bird strike on the structures. The overhead line structures pass in close proximity to Wamberal lagoon, close enough to raise concerns. The second issue relates to excavation for the underground line around the banks of Wamberal lagoon. The Greens are concerned—and local residents have continually echoed our concerns—that the excavation will stir up acid sulphate soils and impact on the water quality in the lagoons. The protection of the lagoon has not been adequately exercised in the environmental assessment process. The assessment does not refer to the impact of the excavation. That is why the motion specifically calls on the Minister to order EnergyAustralia to underground the line and to reroute the line so that it is moved away from areas of environmental sensitivity.

The last issue I wish to address is the changes that were made to the powerline route and the nature of the structure, whether above or underground, as a result of the so-called consultations. Changes were made. The Minister is probably aware that on radio I welcomed one of the changes. I believed it was important to protect Wamberal Public School by undergrounding the line. But the Greens say that the admission by EnergyAustralia that it was inappropriate to run high voltage distribution lines past a public school is cause for alarm. Where the line came into close proximity to a centre where children would be present for a significant proportion of their day EnergyAustralia put the line underground. As my colleague Mr Ian Cohen pointed out, that means the line should have been undergrounded or rerouted further away from the playground of the childcare centre. EnergyAustralia made changes only in relation to the most egregious impacts, but left open many other problems. Many other sensitive spots, as the Minister referred to them, will be exposed to the visual impact and health risk impact of overhead high voltage distribution lines.

Once again, I thank the House for considering the motion. Although I do not speak for the residents of the Central Coast, I know that they would want every member of the House to ask themselves the following questions: If it affected you, your children or grandchildren, would you want to take the risk? Do you want to be in a position in 30 years where one of your children or grandchildren contracts a rare form of leukaemia, or evidence shows that the confounding studies were wrong? Do you want to gamble with the future of our children, or do you want to spend a bit more money now to protect the future of our young people, the Central Coast and our State?

Question—That the motion be agreed to—put.

The House divided.

Ayes, 17

Mr Clarke	Ms Hale	Mrs Pavey
Mr Cohen	Dr Kaye	Mr Pearce
Ms Cusack	Mr Khan	Ms Rhiannon
Ms Ficarra	Mr Lynn	*Tellers,*
Mr Gallacher	Mr Mason-Cox	Mr Colless
Mr Gay	Ms Parker	Mr Harwin

Noes, 20

Mr Brown	Mr Macdonald	Mr Tsang
Mr Catanzariti	Reverend Dr Moyes	Ms Voltz
Mr Costa	Reverend Nile	Mr West
Mr Della Bosca	Mr Obeid	Ms Westwood
Ms Griffin	Ms Robertson	*Tellers,*
Mr Hatzistergos	Ms Sharpe	Mr Donnelly
Mr Kelly	Mr Smith	Mr Veitch

Pairs

Mr Ajaka	Ms Fazio
Miss Gardiner	Mr Roozendaal

Question resolved in the negative.

Motion negatived.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Membership

The PRESIDENT: I report the receipt of the following message from the Legislative Assembly:

MR PRESIDENT

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

> That Diane Beamer be appointed to serve on the Joint Standing Committee on Electoral Matters in place of Anthony Paul Stewart, discharged.

Legislative Assembly
2 April 2008

RICHARD TORBAY
Speaker

CRIMINAL CASE CONFERENCING TRIAL BILL 2008

Bill introduced and read a first time and ordered to be printed on motion by the Hon. John Hatzistergos.

Second Reading

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [3.57 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Criminal Case Conferencing Trial Bill 2008. The Government has for some time been concerned with the trend in the late entry of pleas of guilty in criminal trials in this State. Despite the fact that criminal courts in New South Wales have made major improvements in reducing delay and achieving improvements in productivity, there has been a disturbing trend in the practice of late pleas of guilty and late terminations of proceedings.

The Bureau of Crime Statistics and Research "NSW Criminal Courts Statistics Annual Report for 2006" showed that in 2006 there were 1,839 cases finalised up to committal for trial to the District Court, 496 had proceeded to trial and 1,060 had proceeded to sentence. In 283 matters no charges were proceeded with at all—they were either no billed by the Director of Public Prosecutions or otherwise disposed of. The trauma and distress caused to witnesses—particularly victims—the waste in resources to the criminal justice agencies, and the uncertainty for the accused brought about by these non-starters is apparent to all.

Experience has shown that criminal trials often settle close to or on the day of trial for a number of reasons. By the time of trial the prosecution evidence has been finalised and served on the defence and the parties, including the accused, the defence representatives, the Crown prosecutor, the solicitor from the Director

of Public Prosecutions, the police officer in charge of the investigation and, if applicable, the victim, are brought together to commence the trial. In this context an accused may be more inclined to face the reality of the situation they are in, and accept the advice of their counsel as to the state of the evidence and whether conviction is likely.

Alternatively, by the time of trial the Crown prosecutor may not be as confident of a conviction on the charges initially laid and be willing to offer an alternative charge. The presence and state of readiness of the parties, and the pressure of the impending trial all conspire to create an environment where agreement, as the statistics attest, is often reached prior to the commencement of the trial. Often this bringing together of the parties before the trial results in a plea being entered on the initial charges laid, sometimes an alternative charge is offered, or, on occasion, it is determined that the prosecution not proceed.

The reforms contained in this bill aim, as far as is possible, to re-create some of the factors that lead to agreement on the eve of trial, at a much earlier stage in the criminal process. The reforms will provide for the service and disclosure of prosecution material to the defence whilst in the Local Court to allow the defence to assess the case against them in a way that at present often takes place late in proceedings. The evidence from the previous trial, which was not supported by legislation, was inconclusive as to its effect. However, there was sufficient enthusiasm from legal practitioners and victims groups that the Government wanted to conduct a proper assessment before deciding whether the program should be maintained or discontinued. The new scheme under this bill will operate on a 12-month trial basis and will be rigorously evaluated by the Bureau of Crime Statistics and Research to ensure that it is achieving its aims—namely, to lead to a reduction in the number of defendants pleading guilty after being committed to stand trial, a reduction in unnecessary trauma experienced by victims of crime; and a reduction in the time and resources required to prepare for a trial.

There are three key components to this trial. The first is a compulsory conference between the parties; the second is the procedures involving the holding of a conference; and the third is the introduction of identifiable and appropriate discounts that will attach to an early plea of guilty. The first part of the scheme requires parties, whilst still in the Local Court, to attend a compulsory conference. This idea is not entirely new. Over the past two years as part of the administrative trial, the Director of Public Prosecutions and the Legal Aid Commission have been having conferences with one another at an early stage to facilitate early pleas and to identify and define relevant issues. However, under this model it will be compulsory for all practitioners, whether privately funded or funded by the Legal Aid Commission, to attend.

The aim of the conference is to provide a formal setting for the parties to meet, consider the evidence and to discuss the prospects of entering an appropriate plea, or reaching agreement on the facts. In other words, it will replicate as much as possible the environment of the eve of a trial, but much earlier in the process. The bill sets out the procedures to be followed with respect to the holding of a conference. Before holding a conference there are certain requirements that must be met concerning the service of a brief of evidence and a pre-conference disclosure certificate. Magistrates will be required to give a defendant a statement in writing, which explains the effect of participating in a compulsory conference and how the outcome of the conference can be used in sentencing proceedings. Finally, after the conference a conference certificate, which sets out matters such as the offences to which the defendant has agreed to plead guilty, is to be signed and filed with the court.

Lastly, the reforms will allow for an identifiable and appropriate discount to attach to an early plea of guilty. This discount will account for all the benefits of an early guilty plea: the utilitarian value of the plea and the savings that the plea incurs by not requiring a listing for trial, the empanelling of the jury and the running of the trial itself; the minimising of unnecessary stress and trauma to victims of crime; and any contrition demonstrated by an early guilty plea. As part of the trial, the discount will be clearly set out and, except in certain exceptional cases, will be mandatory following a plea of guilty entered in the Local Court. Where a plea of guilty is entered in the superior court a lesser discount may be applied. The discount in the superior court will, except in certain very limited circumstances, at most, be half the discount that was available for a plea in the lower court. The discount provided must be articulated on sentence and the judge will be required to specify what they would have sentenced the offender to but for the discount allowed for the early plea. Any discount given by the court is to be proportionate to the remaining benefit of the guilty plea as determined by reference to matters such as savings in time and resources, avoidance of additional trauma to victims and the demonstration of contrition.

I state from the outset that these reforms are not intended to apply to people who have always intended to plead not guilty and who wish to go to trial. Going to trial is a right of every person charged with an offence

in New South Wales and the law in this State does not punish a person for exercising their right to defend themselves against criminal accusations. Consequently, a plea of not guilty, despite a finding of guilt, is not an aggravating factor on sentence. The aim of the reforms is rather to front-end the resources in the proceedings in order to encourage those who at present enter their pleas on the eve or morning of trial to do so earlier in the process.

I now turn to the bill in detail. The bill provides for the scheme to apply to proceedings in relation to an indictable offence—other than an indictable offence being dealt with summarily—if committal proceedings for the offence will be heard in the Local Court sitting at the Downing Centre, Sydney or at Central Sydney and the accused is charged between 1 May 2008 and 1 May 2009. A compulsory conference is to be held between the legal representative of an accused person and the prosecution before the accused is committed for trial. A conference does not have to be held where the accused person has pleaded guilty or agrees to plead guilty before a conference is held; the offence is an offence for which a compulsory conference need not be held, such as offences carrying life imprisonment; the accused does not have a legal representative; the prosecution is not conducted by the Director of Public Prosecutions; or where a magistrate has made an order that a conference need not be held because it is impossible to hold a conference.

The purpose of the conference is to determine whether there is any offence or there are any offences to which the accused person is willing to plead guilty and other matters on which the participants are able to reach agreement. These are to be recorded in a compulsory conference certificate after the conference and filed with the court. Before the compulsory conference is held, a copy of a brief of evidence is to be served on the accused person, or his or her legal representative, and a pre-conference disclosure certificate is to be similarly served and is to be filed. The pre-conference disclosure certificate must certify that a full brief of evidence has been served on the accused. The legal representative of the accused person and the prosecution are to be present at a compulsory conference, whether in person or by audiovisual link or telephone. The legal representative of the accused is to obtain written instructions from the accused before the conference unless reasonably able to obtain instructions personally, by audiovisual link or by telephone at the time of the conference.

After the conference, a compulsory conference certificate must be completed, signed and filed with the court. The certificate is to set out certain matters, including, for example, the offences to which the accused person has agreed to plead guilty. The compulsory conference certificate is to be treated as confidential and cannot be required to be produced by a subpoena in any proceedings before a court, tribunal or body. It is admissible as evidence before a sentencing court only for certain limited purposes relating to the imposition of a lower penalty for a guilty plea. The accused must also sign the certificate.

The bill provides for a discount of 25 per cent if the offender pleads guilty at any time before committal. A discount of only up to 12.5 per cent will be allowed if the offender pleads guilty at any time after committal. The Government recognises that there may be some limited instances when an offender may be entitled to a significant discount after the committal. However, in order to prevent the abuse of the scheme, those grounds must be strictly limited. Under the scheme an offender must establish, before being entitled to a discount of between 12.5 per cent and 25 per cent, that she or he has substantial grounds for allowing the discount. Substantial grounds exist if, and only if, one of these four given grounds is satisfied—it is an exhaustive list. There is no scope for wiggle room here. We expect offenders, through their legal representatives, to show full and frank engagement in the conference process. Importantly, the burden of establishing that the ground has been made lies with the offender.

The first circumstance for meeting the substantial ground test arises when an offender offers, prior to committal for trial, to enter a plea of guilty to a statutory alternative to the offence charged and where that offer is rejected by the prosecution and the accused is subsequently convicted of it at trial. The second situation arises when an accused offers to plead to an alternative offence at conference and where the offer is refused by the prosecution prior to committal for trial but is accepted in the superior court. Thirdly, it allows for a situation where the offer to plead guilty to an alternative offence is made for the first time and accepted after committal for trial, and the offender had no reasonable opportunity to offer to plead guilty to such an offence before the committal. Lastly, substantial grounds may be established when the offender was found unfit to be tried and pleaded guilty when subsequently found fit to be tried.

Certain offences are excluded from the trial, such as life sentences offences—which at present include the offence of murder, certain serious heroin or cocaine trafficking offences and an offence under section 61JA of the Crimes Act 1900—and offences under Commonwealth law. The regulations allow for the inclusion of Commonwealth offences at a later time. An offence may be excluded by the Director of Public Prosecutions if

the director is satisfied that the level of culpability in the commission of the offence is so extreme that the community interest in retribution, punishment, community protection and deterrence can be met only by imposition of a penalty with no allowance for discount and that it is highly probable that a reasonable jury, properly instructed, would convict the accused person of the offence.

There is nothing new in the concept of declining to allow a discount for plea in certain extreme cases. The current wording of section 22 allows for the exercise of discretion in imposing a discount following a plea of guilty. The guideline judgement of *R v Thomson; R v Houlton* [2000] NSWCCA 309 itself recognises that there are some rare cases where no such discount will apply, and indeed it was a matter referred to in the second reading speech before this House on 4 April 1990 concerning amendments to the Crimes Act by the Crimes Legislation (Amendment) Act 1990 regarding discount provisions that would attach to a plea of guilty.

The effect of the power to exclude a particular matter from the scheme by the Director of Public Prosecutions will simply mean that section 18 and the common law apply to the issue as to what, if any, discount should be imposed following a plea of guilty. It will mean that in such matters no automatic discount will attach to a plea entered in the Local Court, and should a plea of guilty be entered the prosecution will be free to make any submissions it thinks appropriate as to the discount, if any, that should attach to the plea. The extent of the discount will simply be a matter for discretion for the court after hearing submissions from both parties.

A significant part of the trial involves the DPP providing the police with pre-charge advice as to the appropriateness of a charge. This will help to ensure that the correct charges that fit the evidence are laid in the first place. The bill provides for the Director of Public Prosecutions and the Commissioner of Police to enter into a memorandum of understanding in relation to requests for advice by police officers to the director on any matter that could be the subject of a compulsory conference.

The New South Wales criminal justice system, and particularly the court system, are the biggest in Australia and handle more cases than any other jurisdiction. The New South Wales court system is also recognised as the best and most efficient in Australia. Even the Opposition has recognised it as "one of the best in the world". That is a quotation from the member for Epping, Mr Greg Smith. I believe these reforms demonstrate the Iemma Government's ongoing commitment to worthwhile reform of the criminal justice system to continue to ensure timely justice for all parties concerned. I commend the bill to the House and, in so doing, I acknowledge the presence of Martha Jabour, the Executive Director of the Homicide Victims Support Group, in the gallery.

Debate adjourned on motion by the Hon. Rick Colless and set down as an order of the day for a future day.

GAS SUPPLY AMENDMENT BILL 2008

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Ian Macdonald.

Second Reading

The Hon. IAN MACDONALD (Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, and Minister for State Development) [4.15 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Gas Supply Amendment Bill 2008, and to confirm the New South Wales Government's commitment to delivering a consistent and secure supply of energy to New South Wales consumers. In August 2005 the Government established mandatory reliability licence conditions for electricity distributors. We did not stop there. In December 2007 these licence conditions were revised and reissued to ensure supplies to New South Wales electricity customers meet a reliability standard of 99.98 per cent by 2016. Now we can turn our focus to improving the reliability of natural gas supplies.

Last November the New South Wales Government announced that new gas laws were to be introduced prior to the 2008 winter period that were designed to ensure a more reliable gas supply to both residential and business customers. I am now pleased to say that the Gas Supply Amendment Bill 2008 fulfils that commitment, and provides the necessary legislative base for the establishment of the New South Wales Gas Supply

Continuity Scheme. Honourable members will be pleased to note that the amendments in this bill have been developed in close consultation with the gas industry and major gas users. Further, the bill adds an objective to the Gas Supply Act 1996 of facilitating the continuity of supply of natural gas to consumers.

To achieve this objective, the bill will enable the Minister for Energy to approve market operations rules covering the establishment and operation of a wholesale natural gas market scheme. This will ensure the continuity of supply of natural gas to consumers. Gas industry stakeholders and major gas users are currently being consulted on the details of the market operations rules that will govern the operation of the scheme. The market operations rules will apply to the owners and operators of natural gas transmission pipelines and shippers of natural gas on those pipelines, as well as natural gas distributors and retailers. The bill also adds definitions for "natural gas transmission pipeline" and "shipper of natural gas" to the Act, extending the Act for the first time to the wholesale gas market in New South Wales.

The bill will also allow for the appointment of a scheme regulator and provide that regulator with compliance powers to make orders against scheme participants as well as the power to impose civil penalties of up to $50,000 on scheme participants. In addition, the bill provides for an appropriate limitation on the civil liability of a scheme operator or an officer or employee of the scheme operator for an act or omission while exercising functions under the rules unless the act or omission is done or made in bad faith or through negligence. The regulations may prescribe a maximum amount of civil liability for negligent acts or omissions. The scheme operator can enter into an agreement with a person varying or excluding the operation of the provisions that limit or exclude liability. The bill does not exclude or limit liability for death or bodily injury.

So, to put it simply, the bill provides mechanisms for imposing sanctions for non-compliance but at the same time encourages participation, in good faith, in the operation of the scheme. The scheme enabled by this bill will contain a competitive tender mechanism for responding to shortages of gas that threaten the ongoing operation of the State's gas transmission pipeline system. Currently the New South Wales wholesale gas market is based on complex bilateral contracts and there are no regulatory provisions requiring sufficient supplies of natural gas to be purchased to meet consumers' demands. The scheme will not interfere in these contracts or mandate that gas is purchased to meet demand. Rather, the scheme operator, by introducing significant incentives that strongly encourage shippers of natural gas in New South Wales, will keep transmission pipeline imbalances within acceptable operating limits.

Imbalances between supply and demand occur as a normal part of the market because retailers and shippers estimate what gas demand is expected to be and then pre-order gas to meet that estimate. The actual demand will, of course, vary from the estimate, creating imbalances between the actual demand and the quantity of gas purchased. While small imbalances do not threaten the operation of the transmission pipeline system, they can, if they are allowed to accumulate to critical levels. The scheme tender process will also allow producers and shippers of natural gas with spare production capacity to be paid for the delivery of that gas into the pipeline to offset a critical imbalance. I am very pleased to announce that, for the first time in Australia, users of natural gas will be able to be paid to reduce their demand, allowing the critical imbalances to be rectified through a demand side management mechanism.

To provide the appropriate incentives to shippers of natural gas to keep pipeline imbalances in the operational range, the costs of rectifying any critical imbalances through the tender process will be back charged to the shippers by the scheme operator on a pro rata basis. Accordingly, shippers who create imbalances though their gas purchase decisions will have a strong financial incentive to maintain their supply demand imbalance at acceptable levels. Currently, insufficient incentives exist in the bi-lateral contracts to ensure this occurs, so when a critical imbalance occurs, a broad range of consumers can have their gas supplies curtailed.

Curtailment of gas supplies arising from critical imbalances is what the inquiry into the June 2007 supply disruption identified as the cause of that event. The bill and the rules, therefore, directly address the cause of that disruption. The rules for the scheme will contain provisions for curtailment of customers whose shippers' imbalances have caused the supply problem. This provides further incentives for the market to keep demand supply imbalances within acceptable levels. The rules will require transmission pipeline operators to clearly define those acceptable levels for their pipelines and keep the market informed of the pipeline status utilising a traffic light notification system.

The changes proposed in the bill and the rules will improve market knowledge. Improving market knowledge, along with the incentives to market participants, allows the scheme participants to respond to changes thus reducing the likelihood of a problem arising. It is an exciting time for the gas industry. While these

provisions will only apply in New South Wales, the Government continues to work with other jurisdictions on national reforms to the gas market. To this extent, the Gas Supply Continuity Scheme is an appropriate interim measure to address a critical reliability issue. When national reforms come into effect and satisfactorily deal with this issue, it is proposed that the scheme will be terminated and the national arrangements taken up by the Government. I commend this important bill to the House.

Debate adjourned on motion by the Hon. Rick Colless and set down as an order of the day for a future day.

FOOD AMENDMENT (PUBLIC INFORMATION ON OFFENCES) BILL 2008

Second Reading

Debate resumed from an earlier hour.

Reverend the Hon. Dr GORDON MOYES [4.22 p.m.]: I had indicated that there were other incidences, such as the 274 cases of hepatitis A linked to the consumption of Wallis Lake oysters that were recorded in New South Wales in early 1997. One person died because of this contamination and Australia-wide some 440 cases were reported. In 1995 in South Australia contaminated mettwurst caused serious and in some cases life-threatening illnesses in 23 very young children. Sadly, one child died of that food poisoning. The direct cost to health authorities and the industry of that 1995 mettwurst incident was put conservatively at $20 million. Food poisoning outbreaks can be very expensive indeed.

Earlier I indicated that a coronial inquest found that 81-year-old William Hodgins died just hours after he had eaten the fish of the day with an asparagus cream-based sauce that had fatally high levels of the toxic pathogen bacillus cerus at an award-winning Sydney restaurant at Pymble on the night of 12 January 2007. Over the lunchbreak I had the opportunity to talk with the President and look up precedents on this matter. I realise that because no jury is involved, even though the case is sub judice, we are able to talk about the facts of the matter. Therefore, whatever we say now will not influence the outcome of the case in a few weeks time when penalties are handed down.

The Division of Analytical Laboratories carried out tests on the asparagus sauce after Mr Hodgins' death and found the presence of bacillus cerus at 9.8 million parts per 10 million parts. That is 10 times the amount of bacillus that is normally considered toxic. According to the inquest, the build-up of bacteria could have been caused by the sauce being left out on a bench in a 30 degree Celsius kitchen for up to seven hours and possibly reheated and refrigerated a number of times over a 48-hour period. I do not believe this restaurant would be the only one where food has been reheated and re-presented over long hours. In fact, from cases reported in the press recently, food obtained in fast-food outlets, particularly those at service stations, could be quite questionable when it comes to health issues.

All these tragic incidents are a reminder that food safety requires constant surveillance and effort if food-borne illness is to be reduced. Food regulation must be responsive to the challenges of technological, social, environmental and economic change. I share community concerns that the bill needs to go further to ensure the food industry is open and accountable. There are ethical, social and economic reasons to inform the public about the safety of food available for consumption. According to the consumer watchdog *Choice*, which I consulted, about 5.4 million cases of sickness are reported in Australia each year, most of which are caused by the consumption of food prepared outside the home, mainly at restaurants or fast-food outlets. Food poisoning can cause pain and suffering, burden health resources and lead to loss of working days. There are also costs associated with lost sales and insurance payouts.

I might just say in parenthesis that eating a pie in the Parliament House canteen has got with it certain drawbacks. At least two members consuming a pie today in our canteen found that the pie had been frizzled up, dried out and was actually to the colour of between dark brown and black. But I do appreciate that having to eat in the canteen is not only a risky business but also an egalitarian business because parliamentarians, without their own dining room, can meet with members of staff and others, even the security guards. But it seemed to me that we might need to have a security guard over the pie warmer in the canteen. I share community concerns about this bill and also for the health and benefits even of our parliamentarians.

Consumers expect food to be safe and the food service industry is under pressure to demonstrate that it is producing safe food to maintain consumer confidence. I agree that the public has a right to know. Under this

bill, information will not be published immediately because it requires payment of a penalty notice, the issue of a penalty notice enforcement order or at least 70 days to have elapsed. Furthermore, because information would not be published if businesses choose to contest the notice in court, there could be long and additional delays because of court delay.

I am concerned that the published information will not be timely. *Choice* magazine has called for all hygiene inspection information to be made public, including the findings of recent and previous inspections. *Choice* recommends a system of food businesses displaying certificates of inspection in restaurants. Customers should be given information about hygiene so that they can make informed choices on where to eat. For the most part Australians are kept in the dark about dirty restaurants and other food outlets. Restaurant inspections are carried out by local council staff, generally environmental health officers, and a report completed for each visit detailing the food outlet's hygiene standards, both good and bad.

The frequency of inspections varies in the State's 152 local councils. It can also be up to the discretion of the inspecting officer, but will generally depend upon the risk that the food business poses and its history of compliance with food standards. As I was growing up my parents owned a shop and bakery where the public were able to purchase food. My parents lived in fear that the council food inspector might visit, so every single day the benches were scrubbed, the refrigerators and food handling areas were cleaned and every utensil was scraped and cleaned. The fear of this was actually a means of keeping the property spotlessly clean.

The Hon. Henry Tsang: How were the pies?

Reverend the Hon. Dr GORDON MOYES: The pies created by my parents were always fresh and always hot. In fact, my father's pies were renowned in the area. If we have to compete with other cosmopolitan cities of the world, as a previous speaker said, the Government must follow measures that reflect world's best practice in food safety evident in major cities such as New York, Los Angeles and Toronto, and in Britain. In New York, the inspection results of more than 20,000 of the city's restaurants are available on a website and can be searched by name, neighbourhood, or hygiene points score. Other American States have adopted similar schemes. A study of Los Angeles restaurants conducted by Dr Phillip Leslie from Stanford University found that hospital admissions from food poisoning plunged 13.3 per cent a decade ago when restaurants were forced to display their inspection results. Restaurants in Los Angeles lifted their performance as a result.

A similar scheme is operating in Britain, where councils have signed up to a massive Scores on Doors program, posting hygiene compliance results to restaurant doors or windows, supported by information on a website. In Auckland, registered food premises are given a food hygiene grade from A to E, which they have to display. I am quite sure that if on going to an establishment I saw an E grade displayed on the door, I would think twice about eating at that establishment.

The Hon. Michael Veitch: "E" for excellent.

Reverend the Hon. Dr GORDON MOYES: It does not stand for "excellent"; it stands for "failure". There is also a website where people can search by business name or address and look up the grade. Finally, in Canada, Toronto's DineSafe program allows customers to see the results of any restaurant's most recent inspection on a coloured sign in the window—green for pass, yellow for conditional pass, and red for those that fail and are closed down. Its website provides details of each establishment's most recent inspection finding, as well as its inspection history.

Most councils do little to prosecute serious food law breaches or to disclose the results with regard to those who have breached the food standards. Last year, for example, the City of Sydney Council would not identify more than 70 restaurants fined when the *Sydney Morning Herald* sought the information under freedom of information laws. North Sydney Council did the same. Leichhardt Municipal Council issued no fines at all in 2005 and 2006. As other speakers have said, councils such as Blacktown City Council and Woollahra Council are taking the initiative to name and shame dodgy restaurants in their neighbourhoods. Last year Blacktown City Council released to a local newspaper a list of food businesses fined for breaches of the food laws but did not provide penalty notices.

Documents released by Woollahra Council reveal that officers imposed fines on 10 restaurants and other food businesses in 2005 and 2006. Details of these offences only came to light because Woollahra Council agreed to follow the international trend and release them to the *Sydney Morning Herald* under freedom of information laws. In doing so, it became the second council in New South Wales to release such information. I congratulate the Government on being the first government in the country to publish information about such convictions.

The matter means a great deal to me. During my 27-year tenure as Superintendent of Wesley Mission health standards were extremely important, not only in the gold standard award Wesley Restaurant, which was one of only 29 restaurants in Sydney that were given the gold standard level, but in all centres—aged care centres, childcare centres, conference centres, feeding areas, restaurants, and kitchens that supplied hundreds of thousands of meals every year. I was absolutely paranoid that we should at some time or other fail food standard tests, and therefore I instructed all staff to uphold the highest levels of our internal standards.

At Wesley Mission we only used professional cooks and staff in our kitchens, and everything was expected to meet our high-quality standards of preparation. As a result, the kitchens, dining rooms and restaurants in all our centres had to have passed the ISO 9000 quality assurance standard. This meant that every place preparing food had to be certified and accredited at the highest standard of professionalism, cleanliness and hygiene. Just because people are underprivileged, as we served as a mission, or poor, as we served as a charity, does not mean they should be served food that has not been treated in the most hygienic way possible.

I came under a lot of criticism from the charity sector a few years ago as we drew closer to Christmas. Charities were appealing for food that had been leftovers from restaurants and clubs to be given to the poor. I declared that this was a bad practice and that Wesley Mission would certainly not be part of such a practice. We used professional staff in Wesley's hygienic kitchens, and they were expected to prepare Christmas meals, like those prepared on Boxing Day and other days. We were always grateful for volunteers who helped us. But the volunteers had to come during the week prior to Christmas Day in order to be trained in the hygienic handling of food, including the wearing of plastic gloves and hairnets, and all the other things that are involved. I believe that homeless and underprivileged people should be seated and served as people would in any major restaurant—and that they should be served with dignity.

At Christmas time, when most of the charities were appealing for gifts of food from restaurants and clubs and other establishments that were closing for the Christmas holidays, we were very surprised to find that one of the largest charities of all serving meals refused to take gifts of food, or cooked chicken, fresh fish and the like, for service to the poor and needy on Christmas Day. I believe that charities should budget in advance. They should have cooks and chefs, and everything should be prepared and served hygienically and properly, and with a sense of dignity to those who would take it.

As Australians expect to have world-class standards, or standards that are applied worldwide in advanced industrialised major cities, I challenge the Government to amend this legislation to achieve what the public expect: that is, the whole chain of food preparation, including the handling, storing and servicing of food, should be monitored, and the appropriate information should be provided to consumers as soon as possible. Enforcements must be in place so that the food industry is held accountable. I do not believe we are doing enough by allowing some months to go by before the results are published.

The Hon. Ian Macdonald: We have whole of chain.

Reverend the Hon. Dr GORDON MOYES: You have whole of chain but not immediate responsibility, Minister.

The Hon. Ian Macdonald: I will come to that.

Reverend the Hon. Dr GORDON MOYES: Thank you, Minister. Consumers deserve the right to know about the businesses that have failed to do the right thing—at the time that they want to consume the food. It is not good enough that because a case will be coming before the courts, no warning is given to consumers that they might be consuming food from a place that has already been charged. The Government must ensure that public health and safety in New South Wales are guaranteed and that anyone who breaches the standards is named and shamed. Having said that, however, I welcome the Food Amendment (Public Information on Offences) Bill 2008 and commend it to the House. I hope the Minister will take on board some of the concerns I have raised.

The PRESIDENT: Order! Earlier in this debate Reverend the Hon. Dr Gordon Moyes requested that I remind members of the sub judice convention. The convention is a restriction that the House voluntarily imposes on itself, rather than a rule or order that must be followed. It is designed to avoid prejudice to court

proceedings or harm to specific individuals through public discussion in the House. In a significant ruling delivered in 1990, President Johnson detailed the guidelines to be followed when considering whether a matter is sub judice. I draw the attention of the House to a number of points in that ruling. They are as follows:

> The Chair should be guided in the first instance by a presumption for discussion rather than against it. If the Chair feels that the interests of individuals who are to appear before the court may be prejudiced, the Chair should intervene and warn the member speaking to temper his or her remarks.
>
> …
>
> Because a matter is before a court it does not follow that every aspect of it must be sub judice and beyond the limits of permissible debate—this would be too restrictive of the rights of members.
>
> The Chair should take a realistic attitude towards sub judice by not automatically excluding discussion in the House on matters of public interest which are already being freely ventilated in the media.
>
> The Chair should take into account that there are limits to which debate in the House can be seen as impacting on the proceedings in a court. In the words of Speaker Snedden:
>
> > … there is a long line of authority from the courts which indicates that the courts and judges of the courts do not regard themselves as such delicate flowers that they are likely to be prejudiced in their decisions by a debate that goes on in this House.

The Hon. MICHAEL VEITCH [4.39 p.m.]: I rise to support the Food Amendment (Public Information on Offences) Bill 2008. I wish to specifically speak on an important part of this bill: the giving of power to the New South Wales Food Authority to publish information about penalty notices. In New South Wales an authorised officer of the Food Authority, a local council or the New South Wales Police Force may serve a penalty notice for an alleged offence under the Food Act. A penalty notice may be served personally or by post. A person who receives a penalty notice has the option to either pay or contest it by electing to have the matter heard by a court. Once served a duplicate copy of the penalty notice is forwarded to the State Debt Recovery Office, which has the job of either accepting payment for the notice, processing any court election request or issuing a reminder for payment if there is no response and enforcing the notice if there is still no response.

On the seventieth day from the date that the penalty notice was served, provided there has been no payment, court election, notice of return mail, or representation to withdraw the notice is received, the notice is reviewed and marked by the State Debt Recovery Office for enforcement action. The status of every penalty notice is given to the Food Authority by way of a report and this information can then be used to determine those notices that are eligible for publication. Only notices that have either not been paid, are the subject of an enforcement order, or at least 70 days has elapsed since the notice was served and the notice remains unresolved, will be eligible for publication. An unresolved penalty notice includes one where no court election has been received.

It is important to understand the process for publishing penalty notices. Under the Food Act one of the functions of the New South Wales Food Authority is to provide advice, information, community education and assistance in relation to matters connected with food safety or interests of consumers in food. The public has, and continues to show, a great deal of interest in the performance of food businesses. Media outlets have relayed this interest and called on the Government to provide information on food business performance to consumers and to name and shame those food businesses that are doing the wrong thing. The Food Authority is already publishing details of successful convictions on their website. New South Wales was the first Australian jurisdiction to do so. Victoria and Queensland have only recently followed suit. In relation to the publication of penalty notice information we are once again leading the way not only in Australia but also internationally.

There will always be people that are hard to please and will argue that this initiative is not going far enough. I would argue that this initiative is going a long way to address the need for information. People want to know if their favourite restaurant has been doing the right thing and they want to know that the venue they have in mind for their wedding can be trusted. With the information published online they will now be able to get information on who cannot be trusted. I commend the bill to the House.

Reverend the Hon. FRED NILE [4.43 p.m.]: I wish to make some brief remarks in support of the Food Amendment (Public Information on Offences) Bill 2008. Along with the other members I congratulate the Government on the legislation—a first in Australia. For the first time the legislation will require the publishing of information about convictions and will include information in a register about persons found guilty by a court. I note we have received 22 proposed amendments to the legislation from the Greens—that is almost a new

bill. I believe this legislation should be given a trial period that could be considered its first stage of operation. The Government and the House could then consider a second legislative stage that would require more detail about the quality of food in restaurants. That is my position in this matter. The Christian Democratic Party supports the bill.

The Hon. IAN MACDONALD (Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, and Minister for State Development) [4.44 p.m.], in reply: I turn first to the comments of the Reverend the Hon. Dr Gordon Moyes. The issue of publication is important. The Reverend the Hon. Dr Gordon Moyes is correct in saying there is some lag or lead time between the offence, the issuing of a notice and the placement on the register. Our legal system supports a presumption of not guilty. The recording of penalty notices immediately on a register would fly in the face of a person's attempts to sort out whether to contest a decision.

The Hon. Duncan Gay: That does not stop you from making the announcement.

The Hon. IAN MACDONALD: Do not worry about that. I have made a lot of announcements about very shoddy practices that a number of companies have been caught engaged in. The official register will become a place of shame for any company listed on it. However, placing a company's name on the website for the whole world to see would run contrary to the presumption of lack of guilt. Publication prior to going to court would raise very complex legal issues. That is the only reason. I would love to have reference to notices as soon as they are made but complex legal issues prevent that.

New South Wales is comparable with all other States in relation to the overall incidence of food-borne illnesses. Between 2001 and 2005, New South Wales was 8.5 per cent below the mean national rate for salmonella, the major and most common form of food-borne illness. In general the rates of disease in Australia are similar to those in New Zealand, the European Union, and many other developed countries. However, we are ahead of the United States, which has a much higher incidence of salmonella poisoning. Toxigenic E. Coli rates are lower in Australia compared to other countries. That reflects to some degree our high quarantine controls. In the available comparable data, Australia rates very well internationally and in some instances is well and truly ahead of countries such as the United States. I thank all honourable members for their contributions. It has been a good debate.

I would like to reflect on the Government's strong commitment to food safety in this State. The bill is pioneering legislation. It gives the consumers of New South Wales the benefit of being able to use the compliance history of a food business to inform their food-related choices. It is the first of its kind in this country. The bill is the result of the Government's reacting to significant public concern and finding a fair solution in response. The bill does not include everything that everyone wants but it takes all views into account. Enforcement of the Food Act and its regulations is important to manage food safety risks and protect consumers in New South Wales from misleading conduct. Informed by a stakeholder forum in August 2007, the bill promotes the public's access to convictions and penalty notices without the risk of unfairly impacting on the reputation and integrity of complying food businesses. This balance requires refraining from publicising penalty notices issued for lesser offences that do not provide information regarding food safety performance. The problem with the approaches raised by Dr John Kaye and other members is that they seem to go well beyond the appropriate balance that is necessary to ensure food safety and create technical breaches that would have no impact on the health and safety of people eating in premises or buying food from businesses.

The right of the court to elect a penalty notice when facts are in dispute and the avenue for review of the publication provide the required protection in consideration of fairness. Further, the bill provides for greater transparency on the issuing of penalty notices by all enforcement agencies across the State. Effectively, this will translate into the consistent application of enforcement powers at the local and State levels. It will open up the system for the first time, shining a light into previously dark areas. The bottom line is that a range of information relating to prosecutions and penalty notices will be made available, including the date, time and place of the matter, the amount payable in respect of a court-ordered fine or a penalty notice and a description of the nature and circumstances of the matter. This clear-cut information—when and where, the fine and the circumstances—will enable people to make an informed choice. The level of information that will be available will include details such as: a meat wholesaler changing use-by dates to lengthen the shelf life of meat, increasing the risk of dangerous microbial growth; a barbecue grill at a market is filthy, covered in dirt, grease and food scraps and likely to lead to vermin infestation and cross-contamination; and after a consumer complains about a cockroach in a meal, an inspector finds a cockroach infestation at a restaurant, which increases potential for bacterial contamination. All these details will be included.

I will now address a number of issues that were raised during debate on this bill. The Hon. Rick Colless raised an issue about the nature and level of information being made available under the bill. The public has and continues to show a great deal of interest in the performance of food businesses. Media outlets have relayed this interest and have called on the Government to provide information on food business performance to consumers and to name and shame those food businesses that are doing the wrong thing. The Food Authority is already publishing details of successful convictions on our website. New South Wales was the first Australian jurisdiction to do so. Victoria and Queensland have only recently followed suit. However, as to the publication of penalty notice information, we are once again leading the way—not just in Australia but, I believe, internationally. Of course, there will always be people who are hard to please and argue that this initiative does not go far enough. I argue that this initiative goes a long way to addressing the need for information. People have demanded to know which food businesses are the poor performers. With the information that will be published online, consumers can now clearly identify good performers and those who cannot be trusted.

The Hon. Rick Colless also raised the issue that the provisions in the bill to publish are not mandatory. I will deal further with that issue when addressing Dr John Kaye's contribution. But I will outline what is and what is not to be published. The Food Authority will assure the proper publication of penalty notices for offences relating to the sale or handling of food. The process essentially involves a penalty notice being assessed for publication by a Food Authority enforcement professional. This technical assessment is based on the level of food safety risk posed by the business generally and whether the specific circumstances of the alleged offence posed any risk to health. Health is the key focus of this legislation. The bill is not about cracked tiles. The upshot of this process is that publication is underpinned by integrity and accountability. It takes into account the many hundreds of types of offences that are incorporated into our law by virtue of the national Food Standards Code. In short, it strikes a balance, albeit in favour of consumers, but recognises that the Government simply wants to ensure that no business is unfairly and unduly punished under this system. Any company named on this website will suffer significant detriment.

Some offences under the Food Act do not directly relate to food safety. For example, a business may be penalised for failing to display its licence. That is a compliance issue for the Food Authority, but it does not inform about its food safety performance, which might be topnotch. It would be misleading and unfair for that business to be lumped in with those who have been caught with cockroach-infested premises or mixing food in rusty cement mixers. Moreover, it diminishes the value and purpose of trying to identify the poor performers in the first place. I refer to the point raised about the coverage of hospitals. At risk of sounding like a broken record, I will restate what I said in my second reading speech. I said:

> In relation to queries about the coverage of the legislation, I would like to provide an assurance to the House that the new laws will apply equally across the board. The Food Act 2003 covers any business, enterprise, person or activity that involves either the handling of food intended for sale or the sale of food.
>
> These new laws will apply to public and private hospital food preparation areas, cafes, butchers, restaurants, and food wholesalers and processors. Basically anyone and everyone who handles food for sale or sells food in New South Wales will be subject to these new laws.

I do not think I can be any clearer on this issue. I now turn to deal with those matters raised by Dr John Kaye. Far from a missed opportunity, these new laws, which are an Australian first, represent real progress. They provide that those involved in either the handling or sale of food, whether a business or government organisation, if convicted of a Food Act offence or the Food Authority or local council issues them a penalty notice, can expect to be identified on the name and shame register. The net effect of the laws will be to improve consumer information and the industry's food safety performance. Although on paper it may sound great to have an inspection rating scheme, clearly there is no simple solution that works. In fact, rushing into a copy and paste approach without properly investigating all the options and consequences is a recipe for disaster. I will elaborate on this shortly. By way of contrast, this legislation delivers responsible, workable and effective procedures. Consumers will be able to take compliance history into account when deciding where to eat or shop.

Before I go further I want to deal with the seriously concerning comments made by Dr John Kaye about food-borne illness. I will give him the benefit of the doubt and label his remarks as reckless rather than remarkably irresponsible. Nonetheless, he was misguided and incorrect and an unnecessary alarmist when he labelled the incidence of food-borne illness in this State in both "plague" and "epidemic" proportions. He overcooked the case to an immense degree. The figures I referred to earlier show that, for example, in relation to salmonella-related incidents, New South Wales is 8.5 per cent below the mean national rate for 2001 to 2005. In general, our rates of disease are similar to those for many developed countries, such as New Zealand and the European Union, and are better than those of the United States, which Dr John Kaye quoted several times in his speech. In the past six months there has been a reduction in reported food-borne illness numbers in comparison

with the same period in recent years. Additionally, I am pleased to report that the Food Authority advises that it has not detected any increase in food-borne illness complaints. As I said, we compare well internationally.

In terms of the broader enforcement issues, the New South Wales Food Authority is constantly aware of the challenges it faces in delivering its complete range of services, including its compliance and enforcement action. Through the Local Government Partnership the Food Authority and local councils work in concert to enforce the Food Act. The New South Wales Government provided about $1.4 million for that program. This strategy is improving food safety capabilities and is ensuring that available resources are maximised towards food safety outcomes. Members will recall the Food Amendment Bill 2007, which facilitated this major reform. We are making strong progress in this area. As a result, an additional benefit is that the Food Authority's capabilities and resources can be targeted towards more complex issues and cases. Last financial year the Food Authority conducted over 6,000 audits and over 2,000 inspections and investigated over 3,800 complaint investigations. Local councils are active in this arena as well as. We are improving our capability all the time.

It is important to recognise that local councils have made an important contribution to food safety in New South Wales for many years and will continue to do so for many years to come. They are committed, together with the Food Authority under the Food Regulation Partnership, to improvements and enhancements to our food safety compliance and performance capabilities. Under the Food Regulation Partnership, the role of local councils will be clearly defined, possible duplication with the New South Wales Food Authority will be avoided, a cost recovery mechanism for local government will be enhanced and support and assistance will be provided by the Food Authority. This important collaboration will result in public health benefits and realise a net cost saving to the community. To facilitate the partnership, the Government committed $1.58 million for 2006-07 to support rollout of the New South Wales Food Regulation Partnership model. For 2007-08 a further $1.059 million has been allocated to continue this excellent work.

The amendments that were passed last year, which underpin the Food Regulation Partnership, were commenced on 1 January this year and legislate a secure funding base for councils. This was seen as critical by local government, and we have delivered. The partnership will enable a quicker response to food emergencies and recalls and will ensure that all 152 councils in New South Wales undertake a food regulatory role according to their capability and resources.

I note that the Greens propose a raft of amendments to the bill. I find it quite irresponsible and immature that the Greens have, firstly, chosen to load up this House with a plethora of amendments that they expect to be debated seriously. Secondly, I consider it unparliamentary to embargo the proposed amendments effectively until the debate occurs in the House. The Greens have drafted these amendments to be moved off the floor, and have sat on them—they are dated 26 March 2008. They have been hoping to surprise both the Government and members of this House. I remind members that this legislation was introduced about a month ago.

Dr John Kaye: Point of order: The Minister is misleading the House. That is completely untrue.

The PRESIDENT: Order! There is no point of order. That is a debating point. The Minister may proceed.

The Hon. IAN MACDONALD: My office heard a rumour about the Greens amendments at 1 p.m. yesterday and was sheepishly given a copy of the amendments by the Greens at 1.15 p.m. after my staff approached their office.

[*Interruption*]

The bill has been in a month. Incredibly, since the introduction of this bill not once has a member of the Greens ever contacted my office or me about it. In fact, my office contacted the Greens to discuss the bill generally and the invitation was not taken up. They made no further inquiries. When a government commences a policy development exercise it engages the assistance of the executive branch of the government to intensively examine options, to carefully explore costs involved, and the legal, organisational, economic, social and technological implications of any proposals. The Greens have clearly not done this.

Debate adjourned on motion by the Hon. Ian Macdonald and set down as an order of the day for a future day.

UNPROCLAIMED LEGISLATION

The Hon. Tony Kelly tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 1 April 2008.

ADJOURNMENT

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [5.03 p.m.]: I move:

That this House do now adjourn.

MELBOURNE TO BRISBANE INLAND RAIL LINK

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [5.03 p.m.]: Tonight I talk about the appalling representation of country people by the Independents and the so-called Country Labor Party, as has been exemplified through the toing and froing over one of the most important infrastructure developments for regional New South Wales: the Melbourne to Brisbane inland rail corridor. Having announced earlier this year that he would scrap the project, this week Prime Minister Rudd did a total about-face and decided to announce $15 million for an engineering and scoping study into the rail link—a far cry from the $120 million the Howard Government had promised to spend to get the ball rolling. This prompted the ever-forgetful Morris Iemma to declare that the freight rail line must go through the Central West town of Parkes. On Friday 28 March Premier Iemma said:

> Parkes has the potential over the next decade to add thousands of jobs in transport and logistics. Rail is a key part of that.

This was quite a shock given the New South Wales Labor Government's stance on the project that the freight line must go through Sydney, not inland New South Wales through towns like Parkes. On 24 July the Premier aspirant—John Watkins, the current Minister for Transport—said:

> If you're going to fix freight you have to fix the issue through and from Sydney.

The heir apparent has a different view from that of the Premier. Of course, Minister Watkins's comments are to be expected from a North Shore Sydney-based Minister who is part of a government that has no regard for rural and regional communities. But what is more concerning is that New South Wales Country Labor also holds this opinion. The Minister for Lands, Tony Kelly, who happens to be a resident of the Central West, said in this House:

> The fact of the matter is that the vast majority of transport moves in a corridor along the coast. It would be appreciated if, for a change, the Federal Government would start to invest in our transport links along the coast.

These comments show that Tony Kelly is also out of touch with the community in which he lives. It is an insult to the people of the Central West and it epitomises the decline of so-called Country Labor—a party completely out of touch with the bush, doing nothing to help represent country people.

Dr John Kaye: Unlike The Nationals!

The Hon. DUNCAN GAY: Unlike The Nationals. Even the Greens understand. When the Howard Government announced it would begin planning for the rail link, as stated in the *Australian* on 7 May 2007, the project was to revitalise the regional economy, creating hundreds, if not thousands, of jobs in Parkes and surrounding towns, including Tony Kelly's home town of Wellington—all areas struggling with a lack of investment and support from the Labor Government.

An even bigger surprise is that the parliamentarian who represents the town of Parkes—Independent member for Dubbo, Dawn Fardell—has not said a word about the appalling comments made by Tony Kelly. The member for Dubbo seems happier to be banging The Nationals over some perceived wrongdoing because we deemed to stand against her in an election rather than standing up for her electorate on issues affecting it. She will be damned because she spends more time chasing The Nationals. We are the Opposition. We are not the problem: we are part of the solution. Until the member for Dubbo realises that, she is doing nothing to help her community.

The inability of Tony Kelly and Dawn Fardell to represent their communities bears a striking resemblance to that other central western Country Labor member Gerard Martin and his inertia over the Bells

Line Expressway. He has done nothing to help his electorate fight the Government, nor has Dawn Fardell or anyone from Country Labor. In fact, members will remember the problems with the hospital in Bathurst and before that the hospital in Lithgow which Gerard Martin, in defending the Government on the indefensible, described as "just teething problems". That is why everyone in the electorate of Bathurst now calls their member—who was formerly the Bundy Bear—the Big Bonjela, to help him with his teething problems.

TONGAN EASTER CHRISTIAN ENDEAVOUR CONVENTION

Reverend the Hon. FRED NILE [5.08 p.m.]: Tonight I speak about the Tongan Easter Christian Endeavour Convention, which I attended during the past Easter period from 20 to 27 March. About 600 Christian delegates took part in the convention from Tonga, American Samoa, Western Samoa, the Solomon Islands and the United States. Some members may remember that Christian Endeavour commenced in the Williston Congregational Church, Portland, Maine, on 2 February 1881—127 years ago. Its motto is "For Christ and the Church".

The Christian Endeavour Convention was organised by the Free Wesleyan Church of Tonga, which was commenced by an Australian Methodist missionary, Reverend Lawry, in 1822. The main Christian church in Tonga is the Free Wesleyan Church, part of the Methodist church, which has 100 churches, but there are also currently other denominations in Tonga—Catholic churches and Mormon churches. London Missionary Society missionaries arrived prior to the Methodist missionaries. However, they did not get a friendly reception, so they moved on to Samoa, which now has mainly Congregational churches.

The Easter Christian Endeavour Convention theme was "Because he loves we live". The convention was held in the large church facilities of the Longo Longo Free Wesleyan Church. The church minister is Reverend Dr Taliai Niumeitolu, who is also the Tongan Director of Christian Education and Christian Endeavour. He was responsible for organising the convention with his staff, particularly Reverend Faataape Lavatai. The President of the Free Wesleyan Church of Tonga is Reverend Dr Alifaleti Malakai Mone, who attended all the convention meetings and gave his full support.

The main feature of the convention was the enthusiastic spiritual singing of the young delegates, who also presented a number of dramas based on the crucifixion and resurrection of Christ in celebration of the Easter season. The Tongan islands have always been known as the friendly islands, and the locals certainly made our 14 Australian delegates very welcome. The delegation was led by Joyce Spicer from Perth, who is the Pacific Vice President of Christian Endeavour. There were daily feasts and food overflowed from the tables. They usually included an entire roasted pig.

Her Royal Highness Princess Nanasipau'u Tuku'aho officially welcomed delegates and opened the convention. The World Secretary of Christian Endeavour, Andreas Rudolph from Germany, was also a guest speaker. The weather was warm and humid with daily rain showers, sometimes quite heavy. Unfortunately, the Kingdom of Tonga is now facing a difficult economic situation because of the collapse of the copra industry. The country now has huge, useless palm plantations, which once formed the basis of its main industry. The Kingdom is also experiencing political stresses with the rise of a new political movement whose followers are demanding that the kingdom become a republic. These tensions exploded 18 months ago with serious riots in the capital during which many buildings were burnt—including those owned by local Chinese residents—and they have not yet been rebuilt. It is sad to see large blocks of land on which there are marble floors only; there are no walls. This is a serious matter and even though Tonga is not a nation that Australia normally supports, I urge the Government to give whatever support it can. New Zealand provides economic support and we should do the same.

URBAN THEATRE PROJECTS

The Hon. HELEN WESTWOOD [5.13 p.m.]: In January I attended a production of *The Last Highway*, another fine production by the western suburbs based Urban Theatre Projects. The very talented Alicia Talbot was the artistic director. In her own words, "*The Last Highway* offers glimpses of people who are positioned at the very edges of our society." Her work tries to grapple with stories and images of contemporary life—stories about the world that we do not often hear or see because people and places are often disregarded. How people survive the constant struggles of this world and carve out existences for themselves is always impressive and inspiring. This performance was a feature of the 2008 Sydney Festival's Western Sydney events.

I have attended some fine performances by Urban Theatre Projects over many years and I will share some of those experiences and information about the production company with the House. I also recognise the

great contribution the company makes to the arts in Western Sydney. Urban Theatre Projects started out in 1981 as Death Defying Theatre with Christine Sammers, Kim Spinks and Paul Brown, who had all worked together from 1976 in a succession of street theatre and experimental theatre projects. They performed as an outdoor political theatre company with shows on the road, playing festivals, shopping centres, housing estates, local government gigs, schools and occasionally institutions such as prisons and hospitals. In the early years they also used roving busking shows to make ends meet.

The company's first home base was at the Village Church in Paddington with an office that was literally a cupboard. By the end of the 1980s, the Bondi Pavilion provided more substantial office space. In 1991, it was decided that the company would move to the western suburbs, specifically to Auburn. Together with a change in venue came a change in the focus. The aim has been summarised as establishing a "model of community participation and relevance" in which the company would be "embedded in a local geographical community with all the complexities that surround that". Rather than presenting a completed work to a community, artists would collaborate with the community to make and perform a work. The company began working with Sydney's diverse cultures and communities to produce contemporary theatre made in Western Sydney and about the people who live there.

The performers use locations that are living, breathing public spaces, not simply where performers want to work. This is not controlled or controllable space; it is real space and real places where people are going about their daily lives, and where there is always the possibility of chance events occurring. Productions have occurred at venues such as railway stations, residential streets, a service station and town plazas. In 1997 the company's name was changed to Urban Theatre Projects. Since the move to Bankstown in 1999, Urban Theatre Projects has shone the spotlight on not only the city of Bankstown but also the Western Sydney region through two fine achievements. I thought it only fitting that it be publicly recognised for its contribution to the arts.

The Sidney Myer Performing Arts Awards pay tribute to outstanding achievements in drama, music, mime, opera, circus and puppetry. These prestigious national awards were created in 1984 and aim to enhance the status of performing arts in Australia. Previous winners of this award include the Australian Chamber Orchestra, Circus Oz and the Sydney Dance Company. In 2003, Urban Theatre Projects won the group award in recognition of its exciting contemporary performance work. In his acceptance speech Harley Stumm, the executive producer at the time, said, "In the last 10 years, Bankstown has produced a Prime Minister, an Australian cricket test captain, and now a Sidney Myer Performing Arts Award winner!" To have a Western Sydney theatrical company win such a prestigious award is certainly something to be proud of.

One production that I particularly enjoyed was *Mechanix*. It portrayed Bankstown in a very positive way to the greater Sydney community. It brought people from all over Sydney to Bankstown and they left having had a great, positive experience. Media reviews were equally enthusiastic in their praise. The reviewer in the *Sydney Morning Herald* said, "Urban Theatre Projects has created an experimental spectacular that is actually well worth experiencing." Metropolitan newspapers described *Mechanix* as "a collaboratively created spectacle that is great fun" and an "exhilarating conclusion to a great show about people joyfully reclaiming urban spaces". Year after year Urban Theatre Projects continues to provide quality entertainment that at times can be confronting and that tackles many of those difficult subjects. Unique and experimental are two of the central characteristics of their productions. [*Time expired.*]

EARTH HOUR

Reverend the Hon. Dr GORDON MOYES [5.18 p.m.]: The Earth Hour saw a remarkable response from average people. People all over the world joined millions in Sydney in turning off lights for one hour last Saturday night. More than 1,700 companies turned off their lights and half of the consumers on the national grid did the same. It was reported that more than two million Victorian families flicked switches and turned off appliances last Saturday night, resulting in a 10-per cent drop in energy use across Melbourne.

Earth Hour began in Sydney last year and has become a global event with more than 35 countries taking part. In Chicago, lights in more than 200 city buildings were dimmed on Saturday night and lights also went out in the famed Wat Arun Temple in Bangkok, Thailand. Lights were also turned out in shopping and cultural centres in Manila, London City Hall, Canterbury Cathedral in England, and so on. Near Athens, much of the population of the isle of Aegina marched by candlelight to the port. In Ireland, lights went out in scores of government buildings, and on bridges and monuments. In the face of the symptoms of climate change, millions of people joined in Earth Hour as a symbol of their concern. Such action, if followed in regular practice, could become part of the solution to climate change.

But it would be the height of hypocrisy for climate sceptics to turn off their lights in order to reduce $C0_2$ emissions from coal-fired electricity generators. The CSIRO may warn that climate change is having a dangerous effect on threatened Australian wildlife species, but climate change sceptics know better. Photographs from satellites may show the progressive reduction of frozen sea ice in the Arctic and the Antarctic, but these climate change sceptics know better. Climatologists may show that rainfall patterns have been changing on every continent on earth and average temperatures have been rising over recent decades, but climate change sceptics know better.

Things do change and this does not lessen our concept of God the Creator, who not only worked but works. As Jesus said, "My Father is always at His work to this very day, and I too am working." What is the Father's work? It is creating, sustaining, restoring and providing all. All is the work of God, including those things that change. Yet some deny flatly all climate change. No matter what the evidence, they will never change their minds. To them, the earth remains flat. Some deny that humans can make a difference to the world so they oppose climate change. Have they not heard of evil? They deny that mankind contributes to the hole in the ozone layer by our extraordinary $C0_2$ emissions from manufacturing, industrial pollution and domestic activity. This response is like the Luddites who opposed the man-made threshing machines because they just wanted to go on as they were.

Some deny the evidence. They believe the photographs that have dominated our newspapers of late of the shrinking Arctic sea ice or the breaking up of the ice shelf in Antarctica that had remained solid for tens of thousands of years are merely part of a worldwide conspiracy by scientists to fool people into buying water tanks and using less electricity. Some say strangely that we should not do anything now but wait until other countries like China and India act. This is the same attitude as the man who refuses to bail when he is in a sinking two-man canoe saying, "It doesn't matter, the water is only coming in your end."

People who are politically conservative are often socially and theologically conservative, so it is no surprise to find that they are also scientifically conservative. Some Christians once declared Galileo a heretic because he confused them by demonstrating that the earth went round the sun while they believed they were the centre of the universe, around which everything revolved. Today some attack the scientists who believe in climate change rather then open their minds to the evidence. Christians should never be afraid of truth. Truth cannot contradict itself. Jesus claimed to be the way, the truth and the life. Many accept the Lord as the way and the life but fail to acknowledge Him as the truth. We should never be afraid of truth but, in faith, allow it to lead us to Him who is the source of all truth rather than be left behind where He is leading. Our climate is changing, whether we acknowledge it or not. The only person fooled by rejecting truth ultimately is you.

FUEL PRICES

The Hon. CATHERINE CUSACK [5.23 p.m.]: Petrol prices have been regularly in the headlines as consumers are squeezed by the rising cost of living, increasing rents and rising interest rates. Petrol is a key energy product and its supply at an affordable price is an essential service for residents of New South Wales. New South Wales Labor spent much of last year focussed on the issue of ethanol in petrol. The Premier, Morris Iemma, expressed concern about prices during last year's June long weekend and said, "There is a case here that people are being ripped off." But, unfortunately, he did nothing further on the issue.

On 5 March this year the Iemma Government was reeling amidst allegations of corruption at Wollongong council, the appointment of Joe Scimone to the senior executive position at the maritime services authority and the fact that former Labor Minister Milton Orkopolous was in the process of being convicted for child sex and drug offences. Into this fray entered the Minister for Fair Trading, Linda Burney, who suddenly announced an inquiry into what she termed the "mystery" disappearance of premium petrol supplies on Tuesdays.

The State Opposition moved quickly to assist Minister Burney to solve the mystery by reminding her and the media that Shell had announced that its catalytic cracking unit in its premium petrol refinery had gone down for maintenance in mid-January and was offline for the foreseeable future. This equated to a quarter of the premium fuel supply. Unfortunately the New South Wales Government's lack of ports infrastructure meant that importing supplies of premium to make up the shortfall was not an option. It is hoped that one day this infrastructure deficit will be addressed, but it is not a short-term option that imports can solve the immediate supply shortage. In my media release of the same day I said:

> Suggestions by Minister Burney of an elaborate 'Tuesday Fuel Conspiracy mystery are very wide of the mark. Shell could not have deliberately held back supplies of premium fuels, because they haven't had any supplies at all for more than a month.

It is a matter of public record that Minister Burney did not appreciate this advice and informed the Legislative Assembly later that day that I had been defending oil companies. I deny that allegation; I was simply defending commonsense. The Opposition has been working on the issue of petrol prices for some time, and that is how we became aware of the premium supply problems. A key element of our policy has been an examination of Western Australia's FuelWatch scheme, which was established in 2001. It has proven to be very effective in its technology and its popularity with consumers and has successfully reduced prices by an average of 2¢ a litre.

We consulted extensively during research into the policy and appreciated the enthusiastic support of the NRMA and *Choice*. The policy was announced prior to Easter but was instantly dismissed by Minister Burney in her media release headed "Opposition Policy Hot Air". The Minister described FuelWatch on radio as a "shambolic" policy. As for the pre-Easter petrol price spike, it was left to the Premier to announce that Labor trusted the Federal Government to address the problem. However, the Premier was embarrassed only a few days later when his Federal colleague Chris Bowen told the media that the Australian Competition and Consumer Commission had monitored prices over Easter and found there was nothing unusual at all.

Of course there was a price spike in Sydney pre-Easter. When I left Sydney on Thursday morning petrol was retailing at $1.49—up nearly 15¢ from the previous two days. I flew to Tamworth to collect my car and petrol there was priced at $1.47—unchanged from when I was there on the Tuesday. I arrived home on the far North Coast to find petrol prices as low as $1.34 at Broadwater. Our petrol prices are supposed to be 4¢ to 5¢ lower due to price shading in cross-border communities adjoining Queensland. But a 15¢ differential in Sydney is ridiculous and clear evidence that something was not normal with Sydney petrol prices in the week leading up to Easter.

Both Kevin Rudd and Morris Iemma have over-promised to crack down on petrol price and supply problems. The Easter fuel debacle in Sydney shows how little substance there is to those promises. In order to distract attention from their failings, Minister Burney made wild allegations of a complex conspiracy to disrupt Sydney's petrol supply. These resulted in an announcement that petrol stations would be raided over Easter to prove the Minister's theory. Of course, when the results of the survey were revealed the question as to why the oil companies would order that prices be discounted and then secretly pretend they had run out of petrol was answered. That is not what they were doing. On 25 March Minister Burney was forced into a humiliating backdown in giving the results for Easter. She said:

> Inspections carried out so far have confirmed that tanks are at or below the minimum level.

I note the Minister says "inspections so far." I understand that she is still not convinced and is searching for secret supplies of petrol. Last weekend the incoming Australian Competition and Consumer Commission Petrol Commissioner, Pat Walker, announced FuelWatch as a national scheme, and we had another amazing backflip from the Minister. I urge her to take this issue seriously for the benefit of New South Wales consumers. [*Time expired.*]

AUSTRALIA-JAPAN RELATIONS

The Hon. HENRY TSANG (Parliamentary Secretary) [5.28 p.m.]: In March I visited Japan at the invitation of the Consul-General of Japan, Mr Nobuhito Hobo. New South Wales has enjoyed a friendly sister state relationship with Tokyo since 1984. Sydney enjoyed a friendly sister city relationship with Nagoya during my time as Deputy Lord Mayor of Sydney. I presented letters from the Hon. Peter Primrose, President of the Legislative Council, and the Hon. Richard Torbay, Speaker of the Legislative Assembly, to Mr Toshio Hiruma, President of the Tokyo Metropolitan Assembly. We discussed Tokyo's bid to host the 2016 Olympic Games and the invitation for the President and Governor of the Tokyo Metropolitan Assembly to visit Sydney and share our experiences of hosting the successful 2000 Olympic Games.

I met with Mr Kiminori Iwama, Director of the Oceania Division of the Japanese Foreign Ministry. We value the importance of maintaining the Australia-Japan relationship, and we noted that a few large companies conduct the majority of trade between the two countries. There is great potential and need for small and medium business trade and for people-to-people exchanges. I met Mr Toshio Nakamura, President of the Japan Chamber of Commerce and Industry, and his adviser. They are very keen to work with the New South Wales Government on research and development into clean coal technology. I propose that the New South Wales Department of State and Regional Development help to organise a trade mission to Japan for small and medium businesses, including those involved in the agriculture and clean coal technology sectors.

I met also with Mr Masashi Takahashi, Principal Deputy Director, Oceania Division, and Mr Tomohiko Taniguchi, Deputy Press Secretary from the Japanese Foreign Ministry. We agreed that the Australia-Japan relationship is strong economically, with Japan ranking as Australia's number one export market, and politically, with the signing of the Joint Declaration on Security Cooperation in March 2007. However, we need to work through the major issue of whaling. While I understand the legality of the Japanese position on this issue, I stressed that the Rudd Government, having campaigned on the environment and whaling, is not going to change its position against whaling.

I had fruitful discussions with Toshiyuki Taga, Chief of Protocol, Tokyo Metropolitan Government, and his assistant, Ms Miyuki Kawazoe, and I presented him with a letter from the New South Wales Premier to the Governor of Tokyo. I reiterated the commitment of the New South Wales Government to its sister state relationship with the Tokyo Metropolitan Government. Mr Taga presented me with a return letter for the Premier from the Governor of Tokyo, Mr Shintara Ishihara, conveying his best wishes to the Premier and hoping for continued exchange in business, cultural and sporting events. I offered the New South Wales Government's assistance in Tokyo's bid to host the 2016 Olympic Games. I shall refer the Tokyo Metropolitan Government's invitation to its next marathon to the Minister for Sport and Recreation.

I met with Mr Ichiro Aisawa, member of Parliament and Chair of the Budget Committee, and we discussed our common concerns about the ageing Japanese and Australian populations. Mr Aisawa took a keen interest in Australia's migration and multicultural policy and, in particular, our system of working visas. I informed him about Ageing 2030, a roundtable held at New South Wales Parliament in October 2007 to plan for the opportunities and challenges of population ageing. I shall send him a copy of the excellent report prepared by the Hon. Kristina Keneally, Minister for Ageing, and Minister for Disability Services.

I met with the Australian Ambassador, Mr Murray McLean, and discussed how the Australian Embassy can work for stronger relations between New South Wales and Japan. I met also with Ms Elizabeth Masamune, Head of Austrade. We noted that, rather than New South Wales having its own mission, unlike other States we will continue to use the good performance of Austrade for our trade business. I enjoyed meeting Mr Yukio Sato, President of the Japan Institute of International Affairs and former Japanese Ambassador to Australia. He noted the merit of Australia's multicultural policy and recognised the contribution made by Asian immigrants to Australia. We agreed on the merit of establishing a Japanese study centre at an Australian university.

Like most Australian political visitors to Japan, I had the great privilege of meeting Mr Hiroshi Takaku, AM, President, Takaku Associates, who has always been very generous in welcoming Australian delegates, including Kevin Rudd, former Minister for Foreign Affairs Gareth Evans, and the Federal Attorney-General, Robert McClelland. Mr Takaku asked me to send his regards to the Hon. Marie Ficarra and the Hon. Amanda Fazio. Australia is lucky to have a friend like him. Lastly, I would like to thank all the officials I met for their warm welcome. In particular, I thank the Japanese Consul-General, Mr Nobuhito Hobo, for arranging such a wonderful, pleasant and rewarding trip.

Question—That this House do now adjourn—put and resolved in the affirmative.

Motion agreed to.

The House adjourned at 5.34 p.m. until Thursday 3 April 2008 at 11.00 a.m.