

LEGISLATIVE COUNCIL

Tuesday 1 April 2008

The President (The Hon. Peter Thomas Primrose) took the chair at 2.30 p.m.

The President offered the Prayers.

The PRESIDENT: I acknowledge the Gadigal clan of the Eora nation and its elders and thank them for their custodianship of this land.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The PRESIDENT: I report the receipt of the following message from Her Excellency the Governor:

MARIE BASHIR
GOVERNOR

Office of the Governor
Sydney 2000

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Council that she reassumed the administration of the Government of the State on 10 March 2008.

10 March 2008

ASSENT TO BILLS

Assent to the following bills reported:

Crimes Amendment (Drink and Food Spiking) Bill 2008
Electricity Supply Amendment (Offences) Bill 2008
Local Government Amendment (Election Date) Bill 2008
Road Transport Legislation Amendment (Car Hoons) Bill 2008

CHILD DEATH REVIEW TEAM

Report

The President announced the receipt, pursuant to the Commission for Children and Young People Act 1998, of a report entitled "Trends in the Fatal Assault of Children in NSW: 1996-2005", received out of session and authorised to be made public on 14 March 2008.

Ordered to be printed on motion by the Hon. Tony Kelly.

TABLING OF PAPERS NOT ORDERED TO BE PRINTED

The Hon. Eric Roozendaal tabled, pursuant to Standing Order 59, a list of all papers tabled in the previous month and not ordered to be printed.

LEGISLATION REVIEW COMMITTEE

The Hon. Amanda Fazio tabled a report entitled "Legislation Review Digest No. 3 of 2008", dated 1 April 2008, together with minute extracts for Legislation Review Digests Nos 1 and 2 of 2008.

Report ordered to be printed on motion by the Hon. Amanda Fazio.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of a performance audit report of the Auditor-General entitled "Efficiency of the Office of the Director of Public Prosecution", dated March 2008, received out of session and authorised to be printed on 26 March 2008.

PETITIONS

Camden School Development Application

Petitions 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** and **the Hon. Greg Pearce**.

Dee Why Town Centre and Warringah Local Environment Plans

Petition opposing the proposed Dee Why town centre and Warringah local environment plans and requesting that the Minister for Local Government and the Minister for Planning instigate an independent investigation of Warringah Council's handling of the Dee Why proposal and ensure that the proposed local environment plans are withdrawn and deferred pending the election of councillors in Warringah in September 2008, received from **the Hon. Marie Ficarra**.

BUSINESS OF THE HOUSE

Postponement of Business

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

Business of the House Notices of Motions Nos 1 and 2 postponed on motion by the Hon. Duncan Gay.

IRON COVE BRIDGE

Production of Documents: Dispute of Claim of Privilege and Report of Independent Legal Arbitrator

The PRESIDENT: I inform the House that on 5 March 2008 the Clerk received from Ms Rhiannon written correspondence disputing the validity of a claim of privilege on documents lodged with the Clerk on 20 June 2007 relating to the Iron Cove Bridge. According to standing orders, Sir Laurence Street, being a retired Supreme Court judge, was appointed as an independent arbitrator to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to Sir Laurence Street, who has now provided his report to the Clerk. The report is available for inspection by members of the Legislative Council only.

TOTALIZATOR AMENDMENT BILL 2008

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [2.45 p.m.], on behalf of the Hon. Ian Macdonald: I move:

That this bill be now read a second time.

The main purpose of the proposal before the House is to amend the provisions of the Totalizator Act 1997 relating to the limitations placed on the licensee Tabcorp in respect of the commission amounts that may be deducted from totalizator betting pools. The bill will amend section 69 of the Act to delete references to the overall annual commission cap of 16 per cent. These references will be replaced with a requirement for Tabcorp to establish individual product-based caps for each type of totalizator pool conducted.

The intent of these changes is to update the current restrictions on totalizator commission pricing, which are outdated. The restrictions prevent stakeholders, including the racing industry, from achieving revenue growth as punting preferences change over time. The new arrangements have been put forward by the industry and are supported by Tabcorp. The Government is pleased to be able to support their proposal. The arrangements are essentially the same as those approved in Victoria during 2007.

The background to this issue goes back to the privatisation of the New South Wales TAB in 1998. That initiative has been a significant achievement of the New South Wales Labor Government, with New South Wales racing industry revenues from the TAB having escalated by almost \$100 million, or 79 per cent, in the

period from 1996-97 to 2006-07. In order to protect TAB punters from inappropriate pricing by the exclusive licence holder, currently Tabcorp, the Government imposed a limit on the amount of total commission, as a proportion of turnover, that the licensee could deduct from totalizator pools during any single financial year. This annual take-out rate was set under the Totalizator Act at 16 per cent. In addition, a further cap was set at 25 per cent for any individual betting pool.

In reality, these two measures allowed the TAB to move individual product rates up and down within the constraints of the annual average limit of 16 per cent and a top rate for any one product of 25 per cent. The proposed changes will continue to protect TAB punters from any form of price gouging. The changes will leave the 25 per cent maximum take-out rate in place, and will replace the 16 per cent annual average cap with a defined cap for each betting pool currently offered by Tabcorp. Those caps will be set at the current rates being charged for each product, which are as follows: win, 14.5 per cent; place, 14.25 per cent; quinella, 14.75 per cent; exacta, 16.5 per cent; trifecta, 21 per cent; duet, 14.5 per cent; doubles, 17 per cent; first four, 22.5 per cent; quadrella, 20 per cent; and FootyTAB, 25 per cent. For clarity, this means that Tabcorp will not be able to raise rates for any existing product. Win betting will be locked in at 14.5 per cent, place betting at 14.25 per cent, trifecta betting at 21 per cent, and so on. These individual rates will be approved by the Minister and published in the TAB Totalizator Betting Rules. Similarly, any new product that Tabcorp wants to introduce will require a new rate to be set by Tabcorp and approved by the Minister, and must fall below the 25 per cent maximum cap.

I stress that these are maximum caps and that Tabcorp will retain the ability to reduce an individual totalizator take-out at any time to enable the running of promotional sales at certain times of the year to stimulate wagering interest. I am informed that the New South Wales TAB shares the lowest take-out rates of any racing totalizator operator in the world. For example, the return to punters in Australia of around 84 per cent of total wagers compares with around 77 per cent in the United Kingdom, 69 per cent in France, 74 per cent in Japan and 79 per cent in the United States.

The reforms will allow new revenue growth to be tapped as punters' betting preferences continue to shift towards the exotic higher take-out betting options, such as first four and quadrella. These relatively new products, together with the longstanding trifecta, are growing in popularity, supported by Tabcorp's innovative flexi-betting option, which allows punters to take percentage bets involving multiple combinations of contestants in any race. The proposed reform of the commission caps relating to totalizator wagering in this State is a responsible move by the Government in response to requests made by the New South Wales racing industry, which is reliant on Totalizator Agency Board revenues for its financial viability. The initiative is timely given the New South Wales racing industry's recent struggle with the impact of the equine influenza outbreak, which has in turn had a drastic effect on its finances.

With the loss of a significant number of thoroughbred and harness race meetings in New South Wales and Queensland and the resultant impact on betting, overall Totalizator Agency Board payments to the racing industry in 2007-08 will be reduced. Based on current forecasts, this proposal is expected to help offset that downturn by generating about \$1.5 million in revenue for the racing industry this financial year, and about \$4.5 million next year. Ultimately, the additional revenue generated by this initiative each year will be dependent upon punter demand for the various betting options. The Government wants to see any new revenues generated returned to industry participants through prize money. This will assist in maintaining the viability of the New South Wales racing industry, an industry that provides approximately 50,000 persons in this State with part of their livelihood or their entire livelihood. I commend the bill to the House.

The Hon. TREVOR KHAN [2.52 p.m.]: I lead for the Coalition in this debate. The Opposition will not oppose the Totalizator Amendment Bill 2008, which seeks to preserve the take-out rates for the various totalizator products, to abandon the cap that governs the maximum take-out of totalizator turnover, and to fix the rates on various products of the totalizator franchise. Currently the cap on take-out for the aggregate totalizator products is 16 per cent of the total turnover. That means that punters spending money on totalizator products will, on average, get back 84 cents in the dollar over time. That is despite the fact that different products have different take-out rates, some higher than 16 per cent. That results in the Totalizator Agency Board offering discounts by way of commission sales to keep the aggregate take-out at 16 per cent.

With the trend in the market of totalizator products moving towards more exotic products carrying a higher take-out, the Government estimates that were the cap to be removed, as this bill seeks to do, the total take-out would increase from 16 per cent to 16.3 per cent in the first year, which equates to an increase in revenue for the racing industry of \$1.4 million. That would increase to \$4 million in 2008-09, \$5 million in

2009-10 and \$6 million in 2010-11. Hence, the racing industry will benefit from the bill. Given its recent troubles with equine influenza and the impact of gaming competition, more prize money must be available within the industry. This bill will provide one way of achieving that, and that is why the Coalition will not oppose it. I agree with my learned colleagues who spoke on this bill in the other place, who said that the Government has effectively passed on the cost and that the punters will be assisting the racing industry to re-establish itself following the equine influenza debacle.

The take-out rates that will be fixed by this legislation are as follows: gambling on a win, 14.5 per cent; a place, 14.25 per cent; a quinella, 14.75 per cent; an exacta, 16.5 per cent; a trifecta, 21 per cent; doubles, 17 per cent; first four, 22.5 per cent, a quadrella, 20 per cent; a duet, 14.5 per cent; and FootyTAB—the highest—25 per cent. The bill goes further and allows the Minister to approve any new betting products for which approval is sought if the maximum take-out for any particular product is 25 per cent or lower. Twenty-five per cent is already the maximum take-out for any product—and that is for FootyTAB. While this bill fixes take-outs on products ranging from 14.25 per cent to 25 per cent, the ability of the Minister to approve new products at the 25 per cent rate, if exercised, will see a move to higher take-outs over time. I ponder why, given the differences in take-outs, the gaming and racing industry will not actively market, promote and encourage punters to part with their money on products with higher take-out rates. Of course, the answer is that they will.

I have resisted using the word "investment" to describe a bet between a punter and the gaming and racing industry because I cannot conceive any investment being made in true investment markets where the investor knows beforehand that over the long term he or she will suffer negative growth to the tune of perhaps 25 per cent. I acknowledge the different rates of take-outs within the gaming industry range from as high as 52 per cent for "6 from 38" with New South Wales Lottery right through to 8.5 per cent for poker machines in New South Wales clubs, and in that context the Coalition does not oppose the changes in the take-out rates of totalizator products contained in this bill.

The Hon. GREG DONNELLY [2.56 p.m.]: The object of the Totalizator Amendment Bill 2008 is to amend the Totalizator Act 1997 to remove the 16 per cent cap on commission that a licensee may deduct each financial year from the total amount invested in all totalizators conducted by the licensee in that year, and to provide for the rules made under that Act to prescribe the caps on commission that a licensee may deduct from the total amount invested in each totalizator conducted by the licensee. The bill also makes other consequential and minor amendments to the Totalizator Act 1997.

The Government has responded to a request from the New South Wales racing industry, supported by the totalizator operator, Tabcorp, to allow new revenues to flow into the industry. It is emphasised that the amount of new revenues will be entirely dependent upon the wagering preference of punters; that is, the proportion of bets placed in the totalizator pool that attract a commission take-out of more than 16 per cent, such as trifectas and quadrellas, in comparison to investments in the pools that attract a lower commission, such as a win and a place.

Current projections suggest that additional revenue of about \$1.5 million will be generated by this legislation for the racing industry this financial year, rising to more than \$4 million in 2008-09. Most importantly, Totalizator Agency Board punters will be protected from price increases on all existing totalizator products, and the racing industry and the community generally will benefit from the additional revenues produced.

Punters who retain their usual betting habits will not pay higher rates. This is because all existing Totalizator Agency Board totalizator bets will have current maximum commission rates locked in. Put simply, for a punter placing a win bet with the Totalizator Agency Board today the take-out is 14.5 per cent, and it will remain at 14.5 per cent after the legislation is enacted. Similarly, the normal trifecta take-out will remain at 21 per cent. The additional revenues predicted would be produced by changing punter preferences or by a drift to exotic-type bets, which attract higher commissions, and from any exotic products that might be introduced.

In recent years commission sales on certain individual totalizator pools have been conducted by Tabcorp from time to time to bring the overall annual take-out below the current 16 per cent cap before 30 June each year. This has resulted in the racing industry being denied access to much-needed additional revenues. Under the new arrangements, revenues from this source will be retained. It is with that expectation that the racing industry has sought the new arrangements for the treatment of totalizator commissions. I understand that Tabcorp will continue with promotional sales for individual totalizators at certain times of the year. I commend the bill to the House.

Reverend the Hon. FRED NILE [2.59 p.m.]: The Totalizator Amendment Bill 2008 is a machinery, administrative type bill that will amend the Totalizator Act 1997 to remove the 16 per cent cap on commission that a licensee may deduct each financial year from the total amount invested in all totalisators conducted by the licensee in that year and to provide for the rules made under the Act to prescribe the caps on the commission that a licensee may deduct from the total amount invested in each totalizator conducted by the licensee.

As far as we can ascertain, the legislation has no direct impact on either increasing or decreasing gambling in New South Wales, although the Government has acknowledged that these reforms have been generated to allow new revenue growth to be achieved as punters' betting preferences continue to shift towards the exotic higher take-out betting options such as the first four and the quadrella. These are new products that apparently are growing in popularity, supported by Tabcorp's integrated flexi-betting option, which allows punters to take percentage bets involving multiple combinations of contestants in any race.

The question is whether the Government's new options will create greater opportunities for regular gamblers or attract new gamblers and therefore increase existing social problems. It is not clear at this stage what impact these changes will have, and they will need to be carefully monitored, but there is widespread community concern over the Government's increasing dependence on revenue from gambling to meet its State budget. These new arrangements, put forward by the racing industry and supported by Tabcorp, will protect TAB punters from any type of price gouging by prescribing commission caps. We support the legislation but express reservation about whether these changes may indirectly increase gambling.

Ms LEE RHIANNON [3.02 p.m.]: The Greens do not oppose this bill but note the grave difficulties many people in the racing industry have faced because of the outbreak of equine influenza. The purpose of the bill is to obtain more money for the racing industry by removing the current 16 per cent commission cap or take-out rate that Tabcorp is allowed on the annual turnover or annual pool of money invested by punters. The cap or limit of 25 per cent cap that Tabcorp takes out on any single type of betting will remain and the current take-out rates for the various types of bets will be fixed. That is a big change.

I was interested to find that FootyTAB attracts the highest take-out rate of 25 per cent while the more traditional betting on horses such as win and place will be fixed at the lowest take-out rate of just over 14 per cent. The Minister for Gaming and Racing said that the 16 per cent annual take-out cap—the total commission that exclusive licence holder Tabcorp could take—was designed "to protect TAB punters from inappropriate pricing". This raises the most important question: Why is the Government doing away with it when one would expect that the change will cause inappropriate pricing? The result of ending the 16 per cent take-out will be that increasingly popular forms of gambling will have a higher take-out rate applied to them. The Minister has acknowledged this. Therefore, punters will be worse off because when they win they will not be winning as much.

It is ironic that this year, the 100th anniversary of rugby league, FootyTAB punters will continue to suffer the lowest proportionate rate of return, which is locked in at 25 per cent. Previously, the proportion of take-out would decrease if the overall rate headed up to 16 per cent, but these changes will enable Tabcorp to make more profit at the expense of punters. The racing industry will get more revenue from Tabcorp because Tabcorp's revenue will be increased by the higher take-out. The Government will get more tax from Tabcorp because of that increased revenue.

I acknowledge there is a case for the racing industry to receive more funds so it can increase race prizemoney and rejuvenate the industry and particularly employment, especially in regional areas where there has been a big decline because of the equine influenza outbreak. There is a reasonable case for increasing the Government's tax revenue from Tabcorp. However, there is no good reason for increasing Tabcorp's profits at the expense of punters. Tabcorp should not make more profit at the expense of punters, and that is what this legislation allows. I would be interested to know if FootyTAB punters and the National Rugby League are aware of the changes. Is the National Rugby League happy that FootyTAB punters will be subject to the largest take-out rate by Tabcorp and thereby receive a smaller proportion of winnings than on other forms of betting with Tabcorp? I would be interested to hear from the Minister in reply about what consultation was undertaken with the National Rugby League. Has the National Rugby League signed off on this? Is it getting a cut and therefore is happy with it, and will FootyTAB punters be the losers? We have a right to know. Parliament should be informed and FootyTAB punters should know. The Greens do not oppose the legislation but we think that many questions have not been answered, particularly why Tabcorp is doing so well.

The Hon. PENNY SHARPE (Parliamentary Secretary) [3.06 p.m.], in reply: I thank honourable members for their contributions to this debate and for their support of this legislation. The bill is a constructive

measure designed to free up new revenues for racing industry stakeholders by updating the current totalisator commission capping arrangements in the State. The provisions of the bill allow stakeholders, including the New South Wales racing industry and the Government, to benefit from the natural shift in betting preferences by TAB punters towards the higher paying exotic bet types such as trifectas, first fours and quadrellas. Previously these revenues would have been unavailable because of the cap arrangement imposed at the time of the privatisation of the TAB in 1998. The updated arrangements have been proposed by the racing industry. They closely follow the Victorian reforms introduced this year. They continue to protect punters' interests and therefore I am pleased to be able to support them.

With the impact of equine influenza across the State there has been a significant effect on the finances of the racing industry. Therefore the timing of these changes is important. The racing industry is expected to benefit by up to \$1.5 million in the current financial year, with this amount expected to continue to grow further in subsequent years as turnovers increase and new betting products are introduced. Importantly, TAB punters will be protected through the capping of maximum commission rates for each of the existing totalisator products offered by the TAB. These caps will be at the current operating rates for each product, which means the effective price of these bets will not increase. I commend the bill to the House.

Question—That this bill be now read a second time—put and resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.

Third Reading

Motion by the Hon. Penny Sharpe agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly without amendment.

FOOD AMENDMENT (PUBLIC INFORMATION ON OFFENCES) BILL 2008

Second Reading

The Hon. IAN MACDONALD (Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, and Minister for State Development) [3.10 p.m.]: I move:

That this bill be now read a second time.

The Iemma Government wants New South Wales to be the leader in food safety in Australia. That is why we have taken pioneering steps to enhance food safety by establishing the New South Wales Food Authority—the only fully integrated food safety agency in Australia. Again, this bill reflects the Government's strong commitment to food safety issues in this State. This is an important bill for New South Wales consumers. In another Australian first, this bill will allow details of food safety breaches to be made public. As a result, New South Wales consumers will be able to make more informed choices when it comes to food safety. In addition to people being better informed about food safety, another feature of this bill is the incentive it provides to the food industry to boost its performance.

Through the Local Government Partnership, the Food Authority and local councils work in concert to enforce the Food Act 2003. This strategy is improving food safety capabilities and is ensuring that available resources are maximised towards food safety outcomes. In the last 12 months the Food Authority alone 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. And this is before we include those prosecutions that are conducted by important enforcement agencies such as local councils.

These penalties actively serve as notice to rogue operators that the Government will not hesitate to prosecute, fine or shut down businesses that put consumers at risk and do not follow the letter of the law. However, as members would be aware, the public's access to information about the performance of food

businesses, particularly food law breaches, has emerged as a significant issue in the past year. In response to public debate, the Food Authority commenced publishing Food Act convictions on its website in July 2007. The Government recognised that publication of successful convictions would provide an additional deterrent for non-compliance by food businesses. In addition, it also undertook a review to identify options for the publication of similar details of food businesses that are issued with a penalty notice for food safety breaches.

In doing so the New South Wales Government's objectives were clear: to push the boundaries in enhancing the public's knowledge about food safety breaches without unfair impacts on the integrity and reputation of food businesses, to deliver the net effect of improving consumer information and industry standards. To facilitate this review the Food Authority convened a stakeholder forum on 15 August 2007. The stakeholder forum was co-hosted with the Local Government and Shires Associations of New South Wales and was well attended by a broad cross-section of stakeholders including those from the food industry, local government and consumer advocacy groups. The forum was critically important as the feedback was used to refine proposals and is properly reflected in the legislation now before the House.

The Food Amendment (Public Information on Offences) Bill 2008 amends the Food Act 2003 to achieve three key objectives. Firstly, it finetunes the current power of the Food Authority to publish information about convictions. The bill will permit the publication of such information directly on its website without first having to publish the information in a newspaper or the gazette, as is currently the case. This amendment ensures that information is made available as quickly as possible and in a more accessible way. It also facilitates the publication of convictions that have been secured by other enforcement agencies under the Food Act. This is appropriate given that a significant proportion of enforcement activity under the Food Act is performed by local councils. The public has the right to know details of all Food Act convictions regardless of which level of government takes action.

Secondly, the bill expands the publication requirements of names of offenders under the Act. It will give the Food Authority power to publish information about penalty notices relating to the sale and handling of food issued under the Act. Penalty notices are issued for poor food handling practices, which the public has a right to know about, as well as for other less dangerous breaches of the Food Act. I should add that offences that do not inform the public of food safety performance matters will be excluded from publication. An example might be where a validly licensed food business fails to display its licence at the premises as required and no other food safety issues are involved.

Thirdly, a limitation of liability in respect of the disclosure and publication of such information will be provided. This protection ensures that not only can the Food Authority legally publish the relevant breach information but also that fair dealing and reporting of those matters will also be protected. 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 key policy justification underpinning the proposed amendments in the bill is clear—that the public has a right to information on food law breaches by retail and food service businesses.

Informed consumers should be able to take compliance history into account when deciding where to eat or where to shop. The authority works with local government to administer and enforce aspects of the Food Act, its regulations and the Food Standards Code. Many local councils undertake food premises inspections and follow up enforcement action in retail and food service businesses. The authority's compliance work focuses on the "higher risk" food businesses in the retail and pre-retail sectors, including primary production. Although the recent public debate has focused on consumer interest in information about restaurants and retail food businesses, the Government considers that the same principle justifies providing information on food law breaches elsewhere in the supply chain. In fact, a restaurant owner or retailer may well be interested in the compliance history of their suppliers.

Accordingly, what this bill entails is a through-chain approach. Published food law breaches also include those from the pre-retail sectors. For the public to maximise the benefits from these proposals, it is important that any published information is easily accessible and as up to date as possible. Accordingly, these considerations have been included in the design of the proposals. The proposals involve the publication of information on two types of enforcement response to food law breaches: prosecutions, where these result in conviction or a finding of guilt, and penalty notices, where uncontested.

It is important to note the key distinction between the two. Prosecution of a person charged with an offence results in conviction or a finding of guilt after a court has heard evidence, from both the prosecution and the person charged, and decides it is satisfied beyond reasonable doubt that the person is guilty of the offence.

Alternatively, the person charged may, after considering the allegation made against him or her, choose to plead guilty to the offence before a court. In contrast, a penalty notice may be served on a person by an authorised officer if it appears to that officer that the person has committed an offence under the legislation. The recipient of a penalty notice has the option of either paying the monetary penalty or contesting the notice by electing to have the matter heard by a court.

It is important to recognise, however, that by law the payment of a penalty notice is not to be regarded as admission of liability or otherwise affecting any civil claim or action arising out of the same occurrence. The Government has carefully considered this matter in formulating its policy position on this issue. The fundamental policy challenge has been to strike an appropriate balance between the public's right to meaningful information on the compliance performance of food businesses and fairness to those food businesses, having regard to the potential commercial impact of easily accessible public information on food law breaches. The Government considers the public has a right to know that an enforcement officer believed that a food law breach occurred and issued a penalty notice which is either paid or uncontested. The Government also recognises the potential for collateral benefits of these publication initiatives: Firstly, that publication will provide an additional deterrent for non-compliance by food businesses and, secondly, greater transparency around enforcement action will help enhance consistency and best practice by those tasked with compliance and enforcement obligations.

I would like to acknowledge the role of local government in assisting to develop and support the proposals contained within the bill. Local government has stepped up to the plate and has acknowledged its key role in the initiative. The Stakeholder Forum held on Wednesday 15 August 2007 provided for consultation with the food industry, local government, consumer advocacy groups and other stakeholders on the proposals. The forum was co-hosted by myself and the Local Government and Shires Associations of New South Wales President, Councillor Genia McCaffery. Over 55 participants attended the forum. It was a very powerful exercise and greatly assisted Government in advancing the initiative. I thank all those involved for their valuable contribution.

On the whole forum attendees agreed that the main aim of such a system is to provide more information to aid consumer choice, with a longer-term aim to help raise standards across the food industry. It was also agreed that the system needs to strike a balance between the public's right to timely and useful information and fair treatment of food businesses. A range of constructive suggestions to the authority's proposals were put forward to improve efficiency, consistency and equity of the system. Two of the key issues raised by stakeholders at the forum are worthy of mention: the question of consistency between enforcement agencies, and the role, if any, of positive information on food law compliance, as well as negative information on food law breaches. On the matter of consistency between enforcement agencies, it is anticipated that greater transparency around penalty notices will translate to a tighter administration of the system within councils. Under the Food Regulation Partnership agreed between the State and local governments, the authority is working with councils to promote best practice, and therefore greater consistency, in enforcement actions. Guidelines and training for council environmental health officers are an important component of this ongoing work.

The bill also ensures that an interested person has a right to review publication. The right of review is in addition to the current right available which allows an election to contest the issue of a penalty notice in the first instance. The authority will assume responsibility for publication matters and will perform a gate-keeping role, promoting consistency in enforcement. In relation to the second issue, stakeholders saw potential merit in exploring systems, such as inspection rating schemes, which publish or display both positive and negative information about the food business. The authority has identified that such systems have been implemented with varying degrees of success in a number of countries—most of these are developmental or trials. Due to the wide range of schemes and publication methods used internationally, and varying reports on their effectiveness and fairness, the authority will continue to explore the efficacy and applicability for such systems. It is important to show appropriate deference to the nationally consistent food regulation system that operates in Australia.

The key benefit of the amendments proposed by the bill is that they relate to breaches of the Food Act, which is a uniformly consistent piece of legislation and has equivalents in operation in each Australian State and Territory. The respective Food Acts incorporate the Food Standards Code, which is applied across all Australian jurisdictions. Whilst New South Wales is taking the national lead, a consistent Australian approach to a positive-based scheme would be a long-term project requiring national effort and co-operation. As the responsible Minister I will advise our national counterparts on the progress of New South Wales and will argue for a national approach in this regard.

I should also refer to specific matters in the bill that will be of broader interest to the House. The bill does enable publication of a conviction in circumstances where a person found guilty of an offence receives an order under section 10 of the Crimes (Sentencing Procedure) Act 1999. These orders may be made for first offences or in extenuating circumstances. The main impact is that the person is not convicted of the offence and therefore does not have a criminal record. Having considered the matter carefully, the Government's position is that a section 10 order should not entitle the person to confidentiality in relation to the court's finding of guilt. Consumers should always have the right to information on a guilty finding.

I would also like to comment on the bill with respect to privacy matters. In order to facilitate the publication of Food Act breaches, it is necessary to have in place appropriate privacy authorisations, which enable the transfer of required information to the authority. These authorisations reflect the complexities involved in the administration of the Food Act compliance arrangements. In short, every local council, as well as other agencies, are enforcement agencies under the Food Act 2003. Additionally, the administration of penalty notices is undertaken by the State Debt Recovery Office in accordance with the requirement of the Fines Act 1996. It is important to note that any privacy authorisation is limited to the proper purposes of the administration of this new publication scheme.

This is an important bill for New South Wales consumers. To illustrate the point I would like to share with the House two examples of serious food breaches which resulted in the issue of penalty notices. These are the kinds of matters the detail of which, including the name of the companies involved, would be made available to the public once this bill is in force. In the first example, a business was issued a penalty notice under section 17 (2) of the Food Act 2003, which requires that a person must not sell food that is unsuitable. A consumer purchased a chicken burger that contained a white pill embedded onto the bottom of the burger bun. Investigation confirmed that the pill was in fact prescribed to the person who made the burger and it had been placed on the burger wrapping. It was identified that the person took the pill out of its foil casing, placed it on the food wrapping paper and then forgot to take it. The person then made the chicken burger and placed it on this wrapping paper where the pill became embedded in the bottom of the burger bun. The wrapped burger was then sold to the customer. The business concerned did not have an appropriate food safety program in place and the authority was satisfied that a defence of due diligence was not available.

In the second example, a business was issued a penalty notice under section 21 (1) of the Food Act 2003, which requires that a person must comply with the Food Standards Code. The relevant requirement of the code in this case was that equipment must be designed and constructed so that there is no likelihood that it will cause food contamination and is able to be easily and effectively cleaned. The inspector's observations were as follows:

Observed fresh baby octopus in a deteriorated cement mixer. Cement mixer was badly rusted, with the edges of the cement mixer breaking off into pieces. A plastic tub below used to catch excess liquid from the mixer contained the pieces of metal which had broken off from the mixer during the processing of the octopus. Deteriorated cement mixer, covered in rust with flaking metal was being used to clean & tenderise fresh octopus. Confirmed during inspection and during recorded interview that the product in the mixer was intended for sale and for human consumption. The business concerned did not have an appropriate food safety program.

I would like to provide additional clarification to some matters that have been raised in relation to the bill. Firstly, on whether councils will be able to publish details of offences, the answer is yes, absolutely. One of the key elements of the bill is that it provides a limitation of liability for the disclosure and publication of information made available in accordance with the Act. This protection ensures that not only can the authority legally publish the relevant breach information but that fair dealing and reporting of those matters will also be protected. The authority centrally administers the publication scheme and that promotes accountability and consistency between all enforcement agencies under the Food Act 2003. Once published, the legislation ensures that councils can package the information in ways that best suit the council and its local residents. So the bill will provide protection to those councils that would like to publish details of their local matters. Secondly, 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 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 conclude by recommending the bill to the House. It represents a victory for consumers who deserve the right to know of those food businesses that are not doing the right thing. Dodgy food businesses that cut corners with food safety are now on notice: if they do not put food safety first they could suffer potential commercial detriment as informed consumers vote with their dollars on food safety matters.

The Hon. RICK COLLESS [3.30 p.m.]: The Food Amendment (Public Information on Offences) Bill 2008 presents an important opportunity for the Government to update existing food safety legislation. Unfortunately, the Government has not seen it through to its logical conclusion. It is important that consumers are able to make fully informed decisions about what and where they choose to eat and, as such, must be informed in a timely and transparent manner about any breaches to food safety laws by their local eateries and food providers. Just as food labelling laws allow consumers to make informed decisions about what they eat, similar information should be provided to consumers about where they eat and those food outlets that have failed to comply with food safety laws. Reports in the *Sydney Morning Herald* over the past month detailing a food-poisoning death linked to a well-known Pymble eatery have served as a fine example of why these name-and-shame provisions must be rigidly enforced.

In this case 81-year-old retiree William Hodgins, who had been celebrating his wedding anniversary with his wife at Pymble's Tables restaurant, died within hours of eating his meal. Subsequent investigations by a Food Authority inspector on Saturday 13 January last year, the day after Mr Hodgins died, found the pathogen *bacillus cereus* at almost 10 times its toxic level in a cream asparagus sauce in the cool room of the restaurant. Two other diners who had eaten the same meal as Mr Hodgins the night before also reported having adverse reactions to their meal. Obviously, those adverse reactions were not as severe as that suffered by Mr Hodgins. Regular news reports from the ongoing inquest have served to "name and shame" the restaurant and keep members of the public informed about the lax food safety provisions that were in place in the kitchen at the time. They have allowed potential diners to make an informed decision about whether to patronise the restaurant. Interestingly, the reports published in the *Sydney Morning Herald* have failed to cite any downturn in patronage. The restaurant is still proving popular with diners despite the safety scare. But the point remains that those diners who continue to choose to eat there do so fully informed of the facts surrounding this lapse in food safety precautions and its deadly outcome. That is the ideal outcome for breaches of food safety laws.

Unfortunately, the legislation as it stands leaves significant wiggle room for restaurateurs and other food providers to escape public scrutiny of such offences. The legislation states that should a notice or penalty be issued for a breach of food safety regulations the matter may go to court, whereby publication of these breaches is held back until the matter has been finalised in the court system. Similarly, should a food outlet pay or even partially pay a penalty notice that has been issued, publication of the matter is held up. These provisions allow food providers who have fallen foul of food safety standards to escape any timely exposure of their offences and leave the public in ignorance and at risk for potentially significant periods.

However, that is not the full extent of the inadequacies of the bill. As the bill stands, there is no mandatory requirement for those food outlets that have breached food safety standards to be publicly named and shamed. The bill simply states that those food outlets found to be in breach of food safety standards may—I emphasise that it is may, not must—have their names added to a register compiled by the Food Authority. This leaves the way open for food vendors with poor hygiene standards to escape public attention by not being appropriately outed. Whether or not a particular food outlet that has failed to satisfy food safety standards is added to a register compiled by the Food Authority should not be a discretionary power held by the Food Authority. It should be a compulsory measure to ensure that the public is fully informed of such breaches.

Similar breaches of the Food Act by public entities should also be subject to the same naming and shaming as are privately owned and run restaurants and food outlets. Recent news reports stated that out of 171 hospital kitchens across New South Wales that had been subject to food safety audits, a shocking 161 had failed to meet food safety standards. The importance of holding these public facilities to the same standards as privately owned and run eateries is obvious. The fact that the Government failed to identify publicly which hospitals fell short of the basic food safety standards reinforces the need for proper and public scrutiny of all food providers, not just those in the private sector. This weakly worded amendment potentially allows the Government to shirk its duty of care to the public by not revealing which hospitals have failed to live up to food safety standards, as it has been allowed to do in this instance.

The ongoing health inquiries currently taking place around New South Wales have heard about a steady stream of tragic and preventable deaths of patients in our State's public hospitals through lack of proper medical attention. We should not give patients any further reason to fear for their health when in our public hospitals by, for instance, exposing them to dangerous levels of bacteria or toxins in the food they eat while undergoing care. If hospital kitchens fail to meet health safety standards—as is the case with the vast majority of hospital kitchens

that have been inspected as part of this audit—they too must be named and shamed and immediately forced to rectify any failings in their food handling and hygiene standards. This also should be the case with other public facilities, such as nursing homes, school canteens or any other form of food vendor. The public's right to know must be paramount. Whilst the Opposition will not oppose the Food Amendment (Public Information on Offences) Bill 2008, by now the Government should be well aware of a number of deficiencies in the legislation.

Dr JOHN KAYE [3.36 p.m.]: The Greens do not oppose the Food Amendment (Public Information on Offences) Bill 2008 because it is a step forward in protecting consumers from food poisoning. In that regard it is a worthwhile bill. However, although we acknowledge it is a step forward, it is only a small step. In fact, it is a missed opportunity to provide world-standard protections to restaurant goers and food consumers in New South Wales. The Iemma Government could have chosen to hold New South Wales to world-leading accountability standards for food businesses and food hygiene. That is the only way the Iemma Government could have provided protection to consumers and driven down rates of food poisoning. Instead, this tame bill dabbles with accountability. It lets restaurants that cut corners on health and hygiene off the hook and it allows enforcement agencies, particularly local government, that fail to carry out regular and adequate inspections to continue to let down the people of New South Wales, whom they are supposed to serve.

Food poisoning is a serious issue. New South Wales has an epidemic of widespread food poisoning in plague proportions. Food poisoning not only is a matter of discomfort for those who suffer it—and most people in New South Wales have experienced some degree of food poisoning—but also results in a loss of income to sufferers, who cannot attend work. It is a huge cost to the economy in lost work hours and hospitalisations. Tragically, as we have seen over the past week in media reports, a number of deaths occur each year from food poisoning. Food-related illness accounts for 18,000 hospitalisations across Australia every year and 120 deaths. According to *Choice*, food businesses, restaurants, takeaway outlets, commercial caterers, bakeries and fast food providers have been suspected of, or confirmed as, causing about 65 per cent of all food poisoning cases in 2006. There are about 5.4 million cases of food-borne illnesses every year in Australia. About 3.5 million of those come from food businesses. That equates to about one million cases of food poisoning every year in New South Wales as a result of food businesses failing to do the right thing, to apply appropriate hygiene standards and to respect their consumers.

Most food businesses in this State do the right thing. Most of them respect hygiene laws and make sure that their customers are not exposed to contaminated food. However, a small minority inflict unacceptable levels of pain and suffering on the people of New South Wales. These are food outlets that cut corners on hygiene, fail to enforce basic hygiene measures such as hand washing, allow unclean equipment to come in contact with the food preparation process, fail to refrigerate or appropriately store perishable food, keep food past its storage life, and allow vermin such as rats and cockroaches to come in contact with food and their droppings to become part of the food chain.

I refer the House to the Minister's media release of 7 March in which he revealed that half the kebab shops that were surveyed by the Food Authority showed traces of E.coli in the samples tested thus far. That means people who had not washed their hands after going to the toilet and had faecal material on their hands contaminated half the kebabs sold by a random sample of shops in a test area. It is outrageous that in a modern city like Sydney people who eat kebabs from takeaway shops are exposed to such levels of risk. On 27 March the *Sydney Morning Herald* reported that Mr William Hodgins had died after eating at an upmarket restaurant called Tables in Pymble on Friday 12 January last year. He died as a result of ingesting the vegetable pathogen bacillus cereus present in an asparagus cream sauce. The contamination of bacteria in the sauce that made him sick, and indeed killed him, was caused simply by temperature abuse. The sauce was repeatedly reheated by staff who were not appropriately trained in a restaurant where food standards were not being adequately enforced.

Overseas jurisdictions have developed solutions to these kinds of problems, and New South Wales should learn from them and adopt similar legislation. Two ingredients are key to the success of overseas jurisdictions in the area of food inspection. The first is regular inspection of food premises: no food business is ever allowed to go without adequate inspection. The second and most important ingredient is public accountability. Public accountability only occurs when the public has regular and convenient access to the results of inspection records. That has three consequences: first, it punishes those food businesses that do the wrong thing; secondly, it rewards those food businesses that do the right thing; and, thirdly, it ensures that the enforcement authorities do their job and all restaurants are inspected regularly.

In parts of Europe and in the United States of America the latest inspection results are posted on the doors of restaurants or are available on a convenient user-friendly Internet website. For example, in Los Angeles hygiene scores are placed in restaurant windows. In New York there is a website that all potential restaurant patrons can visit to find out when a particular food outlet was last inspected, and they can thereby be assured that the results of the inspection will protect them when they eat there. Similarly, in the United Kingdom councils can sign up to a scheme whereby hygiene results are placed on restaurant doors so that potential customers can see the result of the most recent hygiene inspection and can make an informed choice about the risks associated with eating at that restaurant.

Toronto in Canada has developed the DineSafe program. Under this program, food premises are inspected regularly and the issuing of a notice that must be displayed on the restaurant's premises provides disclosure. That notice can be a pass with only minor infractions; a conditional pass when there are significant infractions and a public health inspector will reinspect the premises within 24 to 48 hours; or a closed notice when the infractions observed may be rodents, insect infestation or contaminated food and of sufficient severity that the restaurant should be closed down. This type of public naming and shaming, which is based on inspection notices, actually works. It works for public health and it works for those businesses that seek to do the right thing.

Dr Phillip Leslie from Stanford University Graduate School of Business conducted a study that was published in October 2005. In 1997, as a result of the exposure in a media outlet of ongoing and severe breaches of food hygiene standards, the County of Los Angeles changed food regulation laws to ensure that each restaurant displays a report card that rates its performance at its most recent inspection—a rating of A, B or C. There are three key observations when making comparisons with public health data and restaurant performance data prior to the institution of report card rating and its public display. Under the new system hospital admissions related to illnesses caused by food poisoning fell by 13 per cent. Taking into account other statewide and nationwide figures for hospital admissions, the figure was 20 per cent lower than before the rating system was introduced. That is just the tip of the iceberg: it is highly likely that there was an even greater improvement in the number of people who suffered from food poisoning but who were not hospitalised. From a public health perspective it is a massive winner.

Furthermore, restaurants lifted their game. In the first set of inspections only 25 per cent of restaurants received an A rating—the highest standard of food hygiene. In the second set of inspections that figure had risen to 50 per cent. Because restaurants were afraid of being named and shamed, 25 per cent improved their performance to take themselves from the B grade to the A grade. Dr Leslie noticed that the worst restaurants were the greatest improvers. The scheme worked in that it made sure that those restaurants that were the worst performers—those restaurants that were putting their customers at risk—improved.

In his speech the Minister spoke about finding a balance between fairness to restaurants on the one hand and protecting public health on the other. I argue that as a result of this evidence there is no balance to be found: fairness works for those restaurants that do the right thing. Dr Leslie found that the good restaurants make more money. The good restaurants were rewarded not only by the public knowledge that they would not poison their customers but also by making more money. Those restaurants in the A grade saw a 5.7 per cent increase in their profits—which was an average of \$US15,000 a year—as a result of the name-and-shame legislation.

The B-grade restaurants experienced only a 0.7 per cent increase in their profits and the C-grade restaurants experienced a 1 per cent fall in their profits. It demonstrates that there is nothing fairer than a system that rewards those businesses that do the right thing and punishes those that do the wrong thing. In this case that is exactly what name and shame based on food inspection does. It ensures that those restaurants that violate the right of consumers to buy safe food will be punished by falling profits and those restaurants that seek to do the right thing—clean up their act and ensure that appropriate food standards are maintained—experience an increase in profits. That approach highlights the power of information in public policy. The more that people know about restaurants—or anything else—the better the choices they make. The more that restaurants are publicly exposed for their behaviour—good or bad—the better their hygiene will be. Requiring food inspection authorities to provide more information will also ensure that they conduct regular inspections and that every restaurant is inspected regularly.

This is a serious issue in New South Wales. Anecdotal reports suggest that a number of jurisdictions simply do not take inspections seriously. In some areas restaurants have never been inspected. Anecdotal evidence also suggests that some food standards enforcement agencies have no professional restaurant inspector

and that inspections occur but no written report is delivered. It is difficult to come by hard evidence in this area, which in itself is a major problem. That so much of what happens with food inspections occurs behind closed doors and is not publicly available—it is available only to those prepared to go to the effort and invest in a freedom of information chase with local government—is simply not good enough.

We need a system whereby the evidence of the performance of food supply businesses is automatically in the public domain without the need for freedom of information applications, questions on notice or any other measures. The public have a right to know the date and results of the last food inspection carried out at a restaurant. Food enforcement agencies that are not conducting regular inspections will soon be brought to account as a result of the exposure of their practices. In fact, restaurants will be requesting inspections. This bill will not deliver that scenario to the people of New South Wales. After a long series of promises, the closest to name and shame that this legislation offers is to provide the names only of those restaurants committing the most egregious offences if the Food Authority or the Minister feels it is warranted.

This rather tame piece of legislation has a long history of the Minister at the table promising but not delivering. We have seen unacceptable delays while restaurant patrons continue to suffer unnecessarily from food poisoning. The saga commenced with revelations in the *Sydney Morning Herald* in May 2007 about a rat-infested sushi factory in Camperdown. The owners had been fined 11 times in 18 months for food safety breaches, but none of that information was publicly available. The Minister responded to the public outcry by promising action, but he did not deliver. In May 2007 he said that he was committed to publishing the results of restaurant inspections in line with practices in other countries. He was quoted in the *Sydney Morning Herald* as saying: "All that is needed is a short review to sort out the details." It is now 1 April 2008—11 months later—and still nothing has happened.

The Minister missed the opportunity to introduce name-and-shame measures when the Government amended the Food Act in October last year. He simply squibbed on the issue. He promised action then—hopefully some time during the spring session—and by December 2007 he told the Parliament that he was ready to go with disclosure measures. He even told us that the press release announcing them had been prepared. However, 2007 came to an end with no announcement of relief for the hundreds of restaurant patrons who are stricken with food poisoning each year.

Finally, we have this legislation. It is a step in the right direction, but it is woefully inadequate. It has a number of failings. It does not require the publication of food safety inspection results; in fact, it does not even mention them. Further, it provides that the Food Authority may publish a register of convictions for offences and penalty notices and may publish information on those matters. It does not compel the Food Authority to keep the register and publish critical information, and there is no mention of publishing the results of food safety inspections. This is an opportunity missed to introduce a world-standard food inspection regime. The legislation also does not require the display of inspection results in restaurant windows or in the main entrance of premises serving food.

The Greens will move amendments in Committee to remedy these shortcomings. If passed, the amendments will require all inspection results to be published on the Internet and food inspection authorities to allocate a food safety ranking certificate that must be displayed in a prominent place in each restaurant. The amendments will bring the New South Wales food safety regime into line with world's best practice. They will also ensure that consumers can access reliable information about the results of a restaurant's food safety inspection and the food safety ranking it has been allocated by the Food Authority. That means that no consumer in New South Wales will be forced to eat at a restaurant that has not been inspected for years, decades or ever. It also means that no restaurant patron in New South Wales will be forced to play Russian roulette at a restaurant with food bacillus that can render them extremely ill from food poisoning. Food poisoning is a preventable illness and inspections are the key. Public disclosure is the only way to ensure that we have an effective food inspection regime. The Greens will move amendments in Committee to convert this from a 1980s bill into a 2008 world's best practice bill.

The Hon. HELEN WESTWOOD [3.58 p.m.]: I support the Food Amendment (Public Information on Offences) Bill 2008. As previous speakers today have said, public access to information about the performance of food businesses—particularly food law breaches—has emerged as a significant issue in recent times. In response, the Government—through Minister Macdonald—has announced a number of initiatives and commenced work to address the public's right to know. As the Minister told the House, that has been done in consultation with the food industry, local government, consumer advocacy groups and other stakeholders. I was particularly pleased to see that the Local Government and Shires Associations of New South Wales were

involved in the consultation process. Those consultations concluded with the agreement that the main aim of any public notification system should be to provide information to aid consumers' choice with the longer-term aim of helping to raise standards across the food industry.

It is important to note that this legislation is an Australian first. It will enable consumers to take compliance history into account when deciding where to eat or shop. It will also improve and streamline existing powers to publish convictions and allow for the publication of uncontested serious food safety penalty notices issued and fair dealing and reporting of these matters to promote public interest in, and awareness of, food safety matters. It is not intended to publish minor offences that do not inform the public about food safety performance matters. This legislation will also provide an incentive to the food industry to boost its performance.

It is important that the House notes that we are talking about the food industry, not only restaurants. Dr John Kaye referred only to restaurants, but this legislation affects abattoirs, factories and supermarkets that partly prepare food as well as restaurants and takeaway food outlets. This legislation will apply to the entire food industry. These laws will also enhance the public's knowledge about food safety breaches without being unfair to food businesses. The net effect is improving consumer information and industry's food safety performance.

In supporting this bill I note in particular the attention that has gone into ensuring that the new register of penalty notices contains all the information the public would expect in this new and important resource. It is quite a comprehensive list of details to be included. It includes the name of the person served with a penalty notice and, if relevant, the person's trade name. Where the person is a company, chief executive officers and directors of the company can also be named. The register will also contain the details of the penalty notice, including the penalty amount and any details of the alleged breach.

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

QUESTIONS WITHOUT NOTICE

OPERATION VIEW PUBLIC RISK AND LIABILITY

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Attorney General, and Minister for Justice. To what potential liabilities has the Minister for Police exposed New South Wales taxpayers as a result of the decision to implement Operation View, which actively encourages members of the public to film a crime if they witness one and then send the material to a police website? Will the Attorney outline to the House what measures are being put in place to protect members of the public from potential risks or liabilities that arise when they act on the police Minister's encouragement and film a crime to send to the police website?

The Hon. Tony Kelly: Point of order: The question is seeking an opinion.

The Hon. Michael Gallacher: It is asking a question about liabilities. It is not asking for an opinion.

The PRESIDENT: Order! I will allow the question.

The Hon. JOHN HATZISTERGOS: The question does seek an opinion, Mr President.

The Hon. Michael Gallacher: Point of order: I hate to take a point of order so early but the Attorney is challenging your determination. Mr President, I ask you draw him back to the question.

The Hon. JOHN HATZISTERGOS: I do not have any problem answering the question. The honourable member is seeking my views on potential liabilities the Minister may be exposed to. That clearly seeks an opinion. As I have said on a number occasions, I am very well qualified to give opinions. There was a time when I used to give extensive opinions.

The Hon. Michael Gallacher: I would like to buy you at my price and sell you at yours.

The Hon. JOHN HATZISTERGOS: You could not afford me. I am very expensive. I am not aware of the full details of the matter to which the honourable member refers. And I am unable to offer him the advice he is seeking.

SCHOOL ENROLMENT AND ATTENDANCE INITIATIVES

The Hon. PENNY SHARPE: I direct my question to the Minister for Education and Training. Will the Minister inform the House about measures the Government is taking to improve the rates of attendance of children at school?

The Hon. JOHN DELLA BOSCA: Earlier today the Premier and I announced an initiative aimed at ensuring that all children in New South Wales get an education and regularly attend school. The vast majority of parents accept their responsibility and give their children a great start to a life of learning. A tiny minority of parents fail to enrol their children or fail to regularly send them to school, and currently they can be fined. The new system is a more active approach from government and enlists support from the wider community and community organisations. It allows swift and effective action to deal with that tiny minority of parents who need assistance and encouragement as well as the even smaller number of students who, despite the best efforts of their parents, steadfastly refuse to go to school.

The Government's new approach will promote the use of mediation and alternative dispute resolution to allow the Department of Education and Training, other government agencies and responsible members of the community to work with parents and children to address the reasons why children are not enrolled at or regularly attend school. The Department of Education and Training will be given the option of seeking a court order to require a parent to enrol their child in school or take reasonable steps to ensure their child regularly attends. The department will draw on the resources of government and the broader community to provide targeted support to families to improve attendance. The department will also identify situations where counselling or other forms of support could help a family deal with the underlying causes and will give more help to parents who have done everything in their power to get wilfully disobedient children over 12 to go to school. Legal protection will be given to friends, family, neighbours and others in the community when they advise the Department of Education and Training they suspect a child is not enrolled in or attending school.

The main focus of this new scheme is remedial, recognising that non-enrolment or non-attendance can be caused by a range of factors, including parents who cannot cope with their responsibilities because of an addiction, mental health issues or other issues including simple social isolation or an inability to interact with the education system, which they may have inherited from their earliest personal experiences in childhood. We are not talking about a child not wanting to go to school because they have a test or have not done their homework or other occasional acts of truancy. We are talking about children aged over 12 who chronically and wilfully refuse to go to school. This presents a concern not only because of the importance of education in a child's life but because disengagement from school is a precursor to juvenile crime and other forms of social dysfunction.

Under the present system, if a parent can prove their child is disobedient, the court can do nothing to address the issue. Under the new system the court will be able to deal directly with the child and use a range of positive strategies to achieve enrolment or improve attendance. No punitive measures will be used against children under this scheme. However, there is a strong punitive element, including heavy fines, and in extreme cases jail for second offenders, for parents who flout the courts and the law. I make no apologies for that. While I anticipate that imprisonment will only be imposed on very rare occasions, it is essential that powers of sufficient magnitude are available to deal with those parents who deliberately seek to evade their responsibility to educate their children to their children's lifelong detriment. This is a serious issue

The Hon. Michael Gallacher: You can't even get jail for armed robbery in this State.

The Hon. JOHN DELLA BOSCA: The Leader of the Opposition thinks this is a funny matter. It is a serious issue and warrants a serious response. Education is an essential element in anyone's development as a valued, contributing member of society. If we fail to ensure our children attend school, we erode the very foundations for our continued success as a society. These new laws will strengthen those foundations and are another step in the Iemma Government's commitment to ensure the best education for all our children.

SPIT BRIDGE WIDENING OPTIONS

The Hon. DUNCAN GAY: My question without notice is directed to the Minister for Roads. When considering the widening of the Spit Bridge, did the Minister's department put forward more than one option for

the widening of the bridge? In choosing the preferred option, did the Minister and his predecessors choose the option that gave the greatest benefit to road users of the Spit Bridge, or did they and the Minister choose and support an option that his department's research indicated had the least merit and weakest justification for delivering the greatest benefits to users of the Spit Bridge?

The Hon. ERIC ROOZENDAAL: I refer to my previous answers in relation to the Spit Bridge.

The Hon. DUNCAN GAY: I ask a supplementary question. The Minister has not given any previous answers. Will he please answer the question?

The Hon. ERIC ROOZENDAAL: On numerous occasions the issue of the Spit Bridge has been canvassed in this place but, for the benefit of the honourable member, the Spit and Military Road have been identified in the Government's urban transport statement for improvements. As I have advised the House previously, a working group comprising the Roads and Traffic Authority, State Transit, the Ministry of Transport and the office of the Coordinator General of Infrastructure has been set up to investigate initiatives to improve traffic flow on the corridor. As the honourable member well knows, the previous project did not stack up in its final analysis, and, of course, this Government always acts for the best benefit of the people of New South Wales. That is why we have this working group looking at that important corridor and at ways to improve that corridor.

I note that the honourable member from the other House tried to run it recently in one of his typical publicity stunts and was beaten by one of the public transport buses by 15 minutes. That is why this Government has made public transport a priority and why we have made public transport bus corridors a major priority on a number of networks, including Victoria Road. We have the Iron Cove Bridge upgrade. We are also looking to improve public transport on Military Road, as well as the improvements we have made to that important Lane Cove corridor. We are committed to improving public transport and getting a better outcome for road users.

ACTION FOR BIKES—BIKEPLAN 2010

Ms LEE RHIANNON: I direct my question to the Minister for Roads. Will the Minister inform the House of the progress on the Roads and Traffic Authority's Action for Bikes—BikePlan 2010 considering that this report stipulates that two of the cycleways—one from Chatswood to Warringah Mall and the other from the Sydney Harbour Bridge to Warringah Mall—will be completed by 2009? Can the Minister inform the House of any progress reports on these two projects and if local bicycle groups and councils have been consulted? When will work on this project commence, as it is supposed to be completed next year, and are detailed maps or plans available? If local bike groups and local councils have not been consulted, will the Minister commit to ensure that this happens before the project commences?

The Hon. ERIC ROOZENDAAL: I have recently become the owner of a bike, a nice 27-speed bike, which was a gift from my wife for my birthday. She included a helmet as well, as it is very important for people to wear helmets. On becoming the owner of a bike I decided to check how many kilometres of cycleways we have in New South Wales and I am advised that we have over 3,900 kilometres of cycleways in New South Wales for cyclists. In 1999 the New South Wales Government committed \$251 million over 10 years to deliver an average of 200 kilometres of cycling facilities per year.

I am pleased to advise that the Government has provided an average of 233 kilometres of cycling facilities each year since 1999, which exceeds the projections. A further \$15 million of works are to be completed this financial year. I am advised that the Roads and Traffic Authority is directly funding bicycle-specific programs valued at \$7.6 million. These will deliver cycling-specific infrastructure, education and promotion, including more than \$3 million to match local government contributions for 93 local bicycle projects.

The Hon. Michael Gallacher: Can't you just see Eric in lycra tights?

The Hon. ERIC ROOZENDAAL: Actually, I have some bike shorts and I look very nice in them too. The Roads and Traffic Authority is also providing facilities for the use of cyclists as part of major road construction projects. Such facilities include both sealed shoulders and paths shared with pedestrians to the value of \$7.4 million in the 2007-08 year. The Government is committed to building off-road shared paths wherever practicable when new roads are built and to link these with existing cycleways wherever possible. One of the most recent cycleways that the Government has introduced is the Epping Road cycleway, which is an

excellent piece of infrastructure, as part of the final aspects of the completion of the Lane Cove Tunnel and expanded Gore Hill Freeway. The Government remains committed to improving cycling for all the community around New South Wales.

Ms LEE RHIANNON: I ask a supplementary question. Does the Minister's inability to answer the question about the Roads and Traffic Authority's Action for Bikes—BikePlan 2010 mean that he has never heard about it, or he is not committed to it, or it is not proceeding?

The PRESIDENT: Order! That is not a supplementary question.

V AUSTRALIA AIRLINES SYDNEY HEADQUARTERS

The Hon. HENRY TSANG: My question is directed to the Minister for State Development. Could the Minister please inform the House what the New South Wales Government is doing to increase overseas investment in Sydney?

The Hon. IAN MACDONALD: I thank the honourable member for his timely question and ongoing interest in the economic prosperity of our great State. In fact, only yesterday I joined the Premier and Sir Richard Branson for the announcement that Virgin Blue had selected Sydney as the operational headquarters for V Australia, its new international airline. It is great news for the people of New South Wales. We are showing the world that under the Iemma Government this State is open for business. This announcement shows a real contrast between the Government and the Opposition. One need only read the front page of this morning's *Sydney Morning Herald* to see it. The Opposition should be thanking us. We have knocked their internal squabbles out of the headlines for them.

Whilst members opposite are naval gazing and squabbling over control of their own party branches, we are getting on with the job of delivering economic growth and opportunity for the State. Virgin Blue's \$44 million investment is a massive vote of confidence in this State and its workforce. The operational headquarters will include an aircraft simulator and cabin crew training facility, which will allow V Australia to conduct its Boeing 777 pilot and cabin crew training here in New South Wales.

The Hon. Duncan Gay: Are they going to allow you to fly up the front?

The Hon. IAN MACDONALD: I hope so. All up this announcement means 1,000 new jobs for New South Wales and includes positions as diverse as pilots, flight crew and ground staff. The announcement has also reconfirmed our status as Australia's global city and main international tourism and aviation gateway. The announcement creates an additional 500,000 tourist beds and around \$76 million of additional visitor spending a year for Sydney and outer regions. I am pleased to advise that Virgin has agreed to spend an average of \$1 million per year for five years on an international marketing campaign so numbers of new visitors to our State could be even higher. This is nothing less than a big economic win that will benefit the whole of New South Wales. Virgin has made a very wise decision to base its headquarters here in New South Wales.

Our State boasts a strong infrastructure network and a workforce that is well educated and multilingual. We have the largest and most diverse economy in Australia. We generate a third of the nation's gross domestic product and we have a third of its population at 6.8 million. But, importantly, we also boast a Government that is out there promoting the State to the world, a Government that is actively seeking new opportunities for business and job seekers. It is this attitude that proved the difference.

We were able to show Virgin that Sydney was the place for them and I pay tribute to the Department of State and Regional Development [DSRD]. The DSRD team did a terrific job in selling the benefits of Sydney ahead of rivals Melbourne and Brisbane. The department's investment division superbly coordinated the effort. It involved Tourism New South Wales and the department's policy and resources division and communications team. Successes like this are the fruits of our Government's State Plan, and our endeavour and determination to get this business into New South Wales, with great benefits for the people of New South Wales.

The Hon. Duncan Gay: How much is it going to cost?

The Hon. IAN MACDONALD: It is easy for members opposite to say, "How much is it going to cost?" We wanted them here. We set out to get them. They wanted them in Melbourne and Brisbane but we got them here. They sit there worrying about minor matters when an extra \$76 million per year will be coming into this economy. What a dropkick mob this Opposition is.

BELANGLO STATE FOREST LICENSED HUNTING

Mr IAN COHEN: I address my question to the Minister for Primary Industries. Can the Minister explain on what basis he is satisfied that hunting of game animals in the Belanglo State Forest does not adversely impact on public safety? How does he propose the Game Council will supervise whether game hunters are complying with the conditions of their licence if police and forest authorities refuse to attend to complaints of illegal firearm use in the forest? Can the Minister assure the House that he has complied with section 20 of the Game and Feral Animal Control Regulation and that written notice of the proposed declaration was given to the Moss Vale Rural Lands Protection Board?

The Hon. IAN MACDONALD: The question continues the member's obsessive campaign in relation to the Game Council and the fact that over the last few years since the introduction of the Act we have had 13,000 hunting days in State forests and public land in New South Wales, which, incidentally, has seen the elimination of many thousands of feral animals that prey not only on animals within our forests but also upon neighbouring landholders' properties. One can see from the list that thousands of foxes have been killed, which is a great thing for the environment and for all the small marsupials that they target in the Australian environment.

The Hon. John Della Bosca: What about wombats?

The Hon. IAN MACDONALD: I do not think they chase after wombats. However, the responsible hunters, with restricted licences to hunt in New South Wales State forests, have played a great conservation role. I would have thought the Greens would finally get around to the point of view that the conservation of Australian marsupials, particularly small marsupials, is subject to the food-gathering activities of introduced animals, such as foxes.

The Hon. Christine Robertson: What about quolls?

The Hon. IAN MACDONALD: Quolls, the lot. I hope that at some stage the Greens will see the light on this issue. I hope they will see this as a very good culling activity that is ensuring we reduce the numbers of feral animals in our parks to levels that will mean our native animals can be relieved of the pressure that introduced animals have created. In relation to the specific claims, I will have a look at the Belanglo claim. I have heard a little about the issue. I am sure that the proper procedures have been followed in relation to the Act. The Game Council is an incredibly responsible organisation and it has carried out its activities with due diligence. I will report back to the House on the Belanglo aspect in the near future.

TREASURY SEMINAR PARLIAMENTARY CLOSED-CIRCUIT TELEVISION FOOTAGE

The Hon. GREG PEARCE: I direct my question to the Treasurer. Have Treasury officials succeeded in identifying the bureaucrat who is alleged to have leaked the information that only \$16.5 billion is available for road and rail capital spending, other than borrowing, to 2021? Was the person identified as a result of the improper use of the Parliament's CCTV video recordings? What instructions did the Treasurer give in relation to the matter, and what action has he taken since?

The Hon. MICHAEL COSTA: The Hon. Greg Pearce's question is interesting. I presume he is referring to a newspaper article that appeared last week purporting to represent the undertakings at an internal Treasury corporate planning day. If that is the case, all I can say to the honourable member is that it is a matter for the Secretary of Treasury, and I am sure that, knowing the Secretary of Treasury as I do, he will act appropriately.

DEFENCE INDUSTRY REGIONAL BUSINESS ROUNDTABLE

The Hon. TONY CATANZARITI: My question is addressed to the Minister for Regional Development. Can the Minister provide an update on what the Iemma Government is doing to secure defence industry spending for New South Wales?

The Hon. TONY KELLY: I thank the Hon. Tony Catanzariti for his interest in the first regional New South Wales defence industry roundtable. On a number of occasions in this House I have spoken about the Iemma Government's determination to compete for a lion's share of the Federal Government's projected \$100 billion defence spending. I am pleased to report to the House that yesterday we took a big step forward towards that goal with the inaugural meeting of the defence industry roundtable.

The focus of yesterday's meeting was the issues and opportunities for defence and defence-related industries in regional New South Wales. The roundtable included representatives from local government, economic development agencies, regional defence bases, the Department of Defence, and defence industry associations. The former head of the Australian Defence Forces, General Peter Cosgrove, also participated, addressing the roundtable in his position as Chairman of AgustaWestland (Australia). I know the participants appreciated the tremendous insight General Cosgrove was able to provide into how the defence department works, and particularly his emphasis on how contracts with the defence department can enhance regional economic development. I want to place on record our sincere thanks to General Cosgrove for his willingness to make himself available yesterday.

This roundtable initiative reflects the Iemma Government's determination to grow investment, encourage job creation, and increase prosperity in New South Wales. I believe the defence industry has an important role in regional economic development, particularly in areas surrounding defence bases, such as Tamworth, Wagga Wagga, Singleton, Nowra, Richmond, Queanbeyan, Port Stephens and Newcastle.

Feedback from the roundtable participants simply confirmed the economic opportunities available to regional communities in procurement, as well as the significant opportunities available through the ongoing maintenance and supply. About \$22 billion a year is spent by the defence industries. In the past the Government has offered substantial incentives and assistance for defence projects, ranging from early-stage research and development to business development, internationalisation and securing major projects, and we will continue to do so when the economic case stacks up.

Certainly the New South Wales Government is keen to continue supporting businesses to export into international markets through trade missions and export programs. For example, the Iemma Government provided support to nine New South Wales-based companies to exhibit on the Team Australia pavilion at the Singapore Airshow last month. This included businesses from Tamworth and Newcastle. The participating New South Wales companies, which issued contracts worth \$0.5 million at the show, have already reported anticipated sales of over \$3 million as a result of their attendance at the show.

The New South Wales Government will continue to promote local capability at trade shows, including the upcoming defence and industry 2008 event in July. Our challenge is to develop a long-term strategic approach that will allow local and State authorities to partner with local businesses to compete for defence contracts. One clear message that came across during the roundtable was the need for regional businesses to be proactive not only in engaging defence but also in how to prepare effectively for defence contract tenders.

The New South Wales Government is taking an active role in preparation for any defence contracts, with a support program that will maintain and monitor day-to-day interactions between the business development managers in each of our regions, the regional development boards, and any businesses with an interest in defence contracts. The next phase of the roundtable process will see local forums held with local and State Government authorities along with businesses interested in defence tenders. The New South Wales Government will also report back to the group in six months, at the next roundtable.

LONG BAY CORRECTIONAL COMPLEX HOSPITAL LOCK-IN HOURS

Ms SYLVIA HALE: I address my question to the Minister for Justice. Are patient lock-in hours being extended in the Long Bay correctional facility hospital? Will the change result in patients being locked in from 3.30 p.m. each day, instead of at 9.00 p.m. as is currently the case? Is it the intention to extend the lock-in hours indefinitely, at both Long Bay and the new forensic facility? How will extended lock-in hours assist patients with mental illness in their rehabilitation? Does the Minister share the view of the New South Wales Nurses Association that extended lock-in hours will exacerbate patients' illnesses, as well as lead to a decline in the quality of care?

The Hon. JOHN HATZISTERGOS: I am aware of public statements that have been placed on the website regarding the lock-down hours at the new Long Bay Prison Hospital. I am advised that the daily routine will change at Long Bay Hospital to a system that allows inmates to be out of cells between the hours of 8.45 a.m. and 12 noon, and 12.30 p.m. and 3.45 p.m. These inmates are patients, not able-bodied offenders. Some of the patients also suffer from mental illness. The department advises me that the reduction in out-of-cell hours will allow a team of correctional officers to be on duty after 4.00 p.m., readily and immediately available to Justice Health.

Currently in the existing Long Bay Prison Hospital both custodial and Justice Health staff are on static posts, meaning they are unable to move about the centre freely after 4.00 p.m. In the new Long Bay hospital this will not be the case. After 4.00 p.m. nine correctional officers and a senior correctional officer will be able to move freely across the correctional centre for both Justice Health and the running of the hospital. This means that whatever event occurs within the hospital, staff will be able to respond to Justice Health, visiting doctors, and any other contingency that may arise.

It is important for honourable members to understand that the new model has been formulated in conjunction with Justice Health, which is the Government authority that provides health services to inmates and detainees within the New South Wales criminal justice system. In early March 2008, Assistant Commissioner Brian Kelly and General Managers Jeanine McGlenn and Karen Boyko met with Justice Health executives and their chief executive officer, Ms Babineau, to discuss custodial staffing of the new hospital.

The current staffing model is the result of successful negotiations with Justice Health. Following the meeting, Ms Babineau wrote to the commissioner on 19 March stating that the new staffing model would "reassure staff of the timely health interaction afforded to inmates". The claims by the Crikey website and Justice Action are not evidence-based. I am advised that, in fact, the only available evidence relating to out-of-cell hours is favourable to the new system. In pods 19 and 20 at the Mental Health Screening Unit of the Metropolitan Remand and Reception Centre there has been a change from extended out-of-cell hours to an 8.00 a.m. to 4.00 p.m. operation. I am told that since the inception of these reduced hours there has been a marked reduction in serious incidents. In addition, the reduced out-of-cell hours frees up staff, providing more staff presence generally for greater supervision and care of inmates in conjunction with Justice Health.

The responses by Justice Action and the Crikey website ignore a very important point. There will be two new hospitals built on the Long Bay complex: a new 85-bed facility that will replace the existing Long Bay Hospital and will provide general medical care; and the Long Bay Forensic Hospital, scheduled to open in October 2008, which will provide 135 beds and specific care and state-of-the-art facilities to mental health patients. The new forensic hospital will cater to inmates currently housed in the old hospital who are deemed to be forensic patients, and will be managed by Justice Health. The two new hospitals will provide services to three distinct categories of inmates: aged and rehabilitation, medical-surgical and mental health.

In addition to the new facility, construction began in 2005 to build a 10-bed mental health screening unit and a 9-bed clinic for female inmates at the Silverwater Women's Correctional Centre. These facilities have been completed. Construction of a new 40-bed mental health screening unit for male inmates at the Metropolitan Remand and Reception Centre at Silverwater has also been completed and is operating successfully. The department also operates acute crisis management units for offenders who are at risk of self-harm, and has stringent and intensive risk intervention procedures to ensure that any inmates who may be at risk of self-harm or suicide are managed appropriately and expeditiously. The Government will continue to provide innovative programs aimed at assisting offenders with mental health problems. Any suggestion that the Department of Corrective Services has deliberately set out to endanger mental health patients is unfounded. [*Time expired.*]

Ms SYLVIA HALE: I wish to ask a supplementary question. The bulk of my question was directed at the impact upon patients of the extended lock-in hours. They will only be out of their cells for seven hours per day. Has the Attorney General undertaken any studies into the impact on people of their being locked up? The Attorney General's answer dealt with the administrative ease but not the impact on prisoners with mental health conditions.

The Hon. Don Harwin: Point of order: The supplementary question contained argument and should be ruled out of order.

The PRESIDENT: Order! The supplementary question is out of order.

AUTOPSY COMPLETION DELAYS

The Hon. JENNIFER GARDINER: My question is directed to the Attorney General, and Minister for Justice. What is the Government doing to reduce the chronically long delays in completing autopsies at the Glebe Institute of Forensic Medicine and the Westmead Morgue? Is the Minister aware that upon the retirement of the remaining non-metropolitan forensic pathologist, who is located at Dubbo, all autopsies will be carried out in Sydney? In addressing the problem, will the Government give consideration to ensuring that at least one forensic pathologist is based in non-metropolitan New South Wales so as to alleviate the wait times for grieving relatives in country areas before funerals can be conducted?

The Hon. JOHN HATZISTERGOS: This issue directly affects the Minister for Health, who is the Minister responsible for the engagement of forensic pathologists. I will make a number of points about delays in post-mortems and then refer the bulk of the question to the Minister for Health. I am aware there have been some delays in the provision of post-mortem examination reports and I acknowledge the effect that these delays have had on those who have lost loved ones. The Coroner's Court has faced delays with post-mortem reports mainly because of a shortage of forensic pathologists. The State Coroner has worked closely with the Department of Health to develop strategies for reducing delays, including recruiting suitably qualified forensic pathologists from overseas. The Department of Health has now recruited several qualified overseas forensic pathologists to the Department of Forensic Medicine at Glebe. Due to staff turnover, both the Glebe and Westmead mortuaries are currently operating without a full complement of pathologists. Both facilities have been actively recruiting suitably qualified pathologists from within Australia and overseas.

The State Coroner has also instigated a raft of system changes in procedures. These are having an effect. Since the appointment of the new State Coroner in April 2007 the Glebe Coroner's Court has reduced the number of pending matters by around two thirds. In January 2007 there were 3,940 pending coronial files at Glebe. By January 2008 that figure had been reduced to 1,230 pending files. But more needs to be done, and that is why the Coroner's Court is currently being reviewed in respect of case management practices and internal and external interaction with other government agencies, such as the Department of Health and the New South Wales Police Force, and with respect to the Coroner's Act 1980. The review will help identify ways to increase the efficiency of the Coroner's Court and reduce delays. I will refer the balance of the question to the Minister for Health.

F3 TRAFFIC MANAGEMENT PLAN

The Hon. HELEN WESTWOOD: My question is directed to the Minister for Roads. Can the Minister update the House on the Government's new traffic management plan for the F3 freeway?

The Hon. ERIC ROOZENDAAL: I commend the member for her interest in this important matter. I am pleased to inform members that the Roads and Traffic Authority has developed a new traffic management plan for the F3 that will get traffic moving faster on the freeway after major closures and emergencies. We have taken a fresh look at the F3 with a new \$28-million plan to allow traffic onto the side of the freeway that is not blocked when an incident occurs that stops traffic flow. Major truck crashes on the F3 earlier this year highlighted the need to take a new approach to how we manage traffic on the F3, which is used by more than 70,000 vehicles per day.

The Premier asked the Roads and Traffic Authority to come back with a new plan for dealing with emergencies and major traffic delays. Under a new contra-flow plan traffic will be diverted to the opposite side of the F3 during major incidents that block the freeway, diverting motorists around crash scenes or bushfires that affect only one section of the road; 17 crossover points will be upgraded and two more crossover points constructed to allow traffic to be safely swapped to the opposite side of the freeway, which is the major route north from Sydney; a major communications upgrade will see 16 extra electronic and changeable message signs installed on the freeway and at major interchanges to get traffic information to motorists faster; an extra seven traffic cameras will monitor the F3, bringing to 29 the number of live feeds to the state-of-the-art Transport Management Centre and allowing traffic controllers to react faster to incidents; an extra two web cameras will monitor the F3, providing a total of five live camera images covering the F3 on the Roads and Traffic Authority website; in conjunction with the State Emergency Service, the Roads and Traffic Authority will arrange supplies of bottled water that can be distributed quickly to stranded motorists in the event of extended delays; the Roads and Traffic Authority will set up small depots at strategic points along the F3 to house traffic management equipment, which allow a faster response in the event of major emergencies and delays—

The Hon. Michael Costa: A good initiative Eric!

The Hon. ERIC ROOZENDAAL: Thank you, Treasurer. A special emergency hot desk will be set up in the Roads and Traffic Authority's Transport Management Centre dedicated to dealing with incidents on the F3. The F3 is 127 kilometres long, cuts through mountains, passes through bushland, and crosses gorges, the Hawkesbury River and Mooney Mooney Creek. The new plan is concentrated on the section of the F3 between Wahroonga and Ourimbah, where traffic volumes are heaviest and most incidents occur. The Roads and Traffic Authority is already working on implementing the new plan, which will be funded from the Iemma Government's record \$3.6 billion roads budget. In fact, the first stage of the plan was in place for the Easter holiday break, with six crossover points available in the case of an emergency. The Roads and Traffic Authority

will now upgrade 11 other crossover points and construct two more, so traffic can move to the opposite side of the freeway and past crash scenes. The plan improves our capability to respond to incidents on the F3 faster and to keep motorists informed of what is happening. This is another example of the Iemma Government's commitment to improving road safety and keeping traffic moving around our busy New South Wales road network.

ENERGY CONSULTATIVE REFERENCE COMMITTEE

Dr JOHN KAYE: My question is directed to the Treasurer. Will the Government implement all 33 recommendations of the Unsworth Energy Consultative Reference Committee? If not, which recommendations will not be implemented and why will those particular recommendations not be implemented?

The Hon. MICHAEL COSTA: Dr John Kaye has to be given full marks for initiative, but he is not going to get a pre-response to the Unsworth review. The Government will respond in due time to the recommendations put forward by the Unsworth review.

The Hon. Melinda Pavey: What is due time?

The Hon. MICHAEL COSTA: Due time is when we are ready, and not when the Greens want it. I was very pleased with the process that was undertaken in the review. It established once and for all that the decision made by the Government on electricity reform was consistent with the Australian Labor Party's policy—as we expected it would be. We spent many hours working through our policy position to ensure that it met all of the stakeholder concerns. Barrie Unsworth and his team have done a terrific job in reviewing a number of issues that the Government will consider, particularly in relation to consumer protection. These very important issues require an appropriate response. I thank the members of the review team, Harry Herbert and Jeff Angel. Jeff Angel is strongly supportive of the Government's reform program. He has earned the ire of the Greens because he supports the Government's strategy. I note that Dr John Kaye and others have been out there slugging the Total Environment Centre. I am pleased to see that on this issue at least some elements of the environment movement realise the incorrect position of the Greens.

[*Interruption*]

What an outrageous comment by Dr John Kaye! Just because Jeff Angel has a different view from his on an environmental issue, he attacks him. Jeff Angel has taken a sensible position on this matter. He and I do not agree on many issues. In fact, he wrote to Bob Carr asking that I be thrown out of Cabinet because I did not support his extreme view on global warming. Leaving that aside, Jeff Angel supports the Government's position on this issue and the Greens are now busily attacking him and trying to undermine him. I am not here to protect Jeff Angel, but I do make the point that this bona fide process has reached a number of recommendations that the Government will respond to in due time.

MR MIKE BAILEY AND THE DEPARTMENT OF LANDS

The Hon. MATTHEW MASON-COX: My question without notice is directed to the Minister for Lands. Does the Minister recall telling the media this week that the failed Labor candidate for North Sydney, Mike Bailey, had been "hired by the Department of Lands and not by the Minister's office"? Is the Minister aware that this comment is in direct conflict with what Premier Morris Iemma told the media yesterday, when he said that Mike Bailey is "working on Mr Kelly's personal staff"? Will the Minister now end the misinformation and inform the House of the exact details of the \$12,500-a-month job his Government has given the failed Labor candidate for North Sydney?

The Hon. TONY KELLY: Under ministerial guidelines, agencies are able to provide a departmental liaison officer to my office to provide strategic advice and liaise between the department and my office. The Department of Lands secured the services of Mike Bailey as a contractor with specialist media and communications skills on a three-month contract, which ends in April 2008. Mike Bailey is a respected industry professional with a wealth of experience across a range of portfolios and is a valuable addition to the team at the Department of Lands and my office.

The Hon. Michael Gallacher: He's a weatherman.

The Hon. Duncan Gay: He's a weatherman and a former Labor candidate.

The Hon. TONY KELLY: He has also taught at a media communications school. As I said, Mike Bailey is well respected. The Government has appointed many people and will continue to do so. I will refer to a small list that I have. I appointed John Jobling, a former Opposition Whip.

The Hon. Duncan Gay: Point of order: My point of order relates to relevance. The question referred to the employment of a former Labor candidate and the contradiction between the comments made by the Minister and Premier.

The PRESIDENT: Order! I understand the point of order. The Minister will be generally relevant.

The Hon. TONY KELLY: And in doing so I will respond to some interjections about appointments made by the Minister for Primary Industries. For example, the Minister appointed Gary West and John Ryan, a former New South Wales Opposition spokesman.

The Hon. Michael Gallacher: Point of order: The previous point of order by the Deputy Leader of the Opposition was very clear. The question referred to the discrepancies between comments made by the Premier and the Minister. The Minister is yet to clarify the circumstances that led to this appointment.

The PRESIDENT: Order! I understand the point of order. I ask the Minister to be generally relevant.

The Hon. TONY KELLY: I will go on: Ian Sinclair, Richard Bull, Peter Collins, Ian Armstrong, Kerry Chikarovski, Nick Greiner, John Fahey and Alan Stockdale have all been appointed by the Government. Let us not forget that I appointed Lucy Turnbull, the wife of a former Federal Liberal Minister, as an administrator to Tweed. They are all suitable people—

The Hon. Michael Gallacher: Point of order: The Opposition is not arguing the suitability of these people. We ask the Minister to clarify the discrepancy—

The PRESIDENT: Order! That is a debating point. The Minister will continue to be generally relevant.

The Hon. TONY KELLY: Not only does the Government appoint former Nationals and Liberal members and candidates; the Opposition does also. Stuart St Clair, who lost his seat to Tony Windsor, found refuge as chief of staff to former Deputy Prime Minister John Anderson; Peter Phelps, the failed Liberal candidate for Drummoyne, ended up working for the Howard Government; and Anthony Roberts served as a staffer for John Howard before being elected to the lower House in this State.

LAW WEEK 2008

The Hon. KAYEE GRIFFIN: My question without notice is addressed to the Attorney General. What is the latest information on initiatives being undertaken during Law Week 2008?

The Hon. JOHN HATZISTERGOS: I am pleased to inform the House that this week is Law Week, which is an annual event aimed at cultivating community understanding of the law and its importance in society. The Law Society of New South Wales plays a central role in coordinating Law Week by working with stakeholder agencies and providing opportunities to run local community activities across the State. The events are designed to raise awareness of legal issues and create a better understanding in the community of how to access the justice system and protect the individual rights of citizens. This year Law Week has a road safety theme aimed at the youth of New South Wales. The Motor Accidents Authority, the major sponsor of the Schools in Parliament program in Law Week 2008, has a simple but vital message to young people—that is, Arrive Alive. I pay tribute to my colleague the Hon. John Della Bosca, the Minister for Education and Training, for his agency's support of Law Week 2008.

Road safety is an important issue for young drivers in our communities. A number of the activities during Law Week focus on the legal ramifications of potentially fatal and illegal driving behaviours, such as drink-driving and speeding. Across the State, school students will participate in mock trials that will highlight how the legal system works and the many implications for people who break the law. Many courthouses will be open for public tours, and a plethora of community events will be held to create opportunities for us all to expand our understanding of the rule of law and the positive role law plays in our society.

In addition to the many events being conducted by a wide range of organisations across the State, the Attorney General's Department is running 52 events in 22 locations. Such events include will-making seminars, forums on law making, question and answer sessions on guardianship, art exhibitions, lectures and debates. Hardworking local court staff, solicitors, magistrates, police, ambulance officers and numerous other agencies have contributed their time to make such events a huge success. Our law and justice system remains a mystery to many. That is why interacting with young people and the broader community in such ways helps to demystify a system that is in place to serve the people of New South Wales.

I will briefly focus on one event in Law Week, which I had the pleasure of participating in yesterday. The question of capacity as a legal term—how it is defined, how to decide whether a person has the capacity to make decisions—is not an easy one. Sometimes this decision has to be made to protect the rights and dignity of the person involved and there are people in New South Wales who are charged with making this difficult decision. Yesterday I launched an important resource that will be indispensable in helping people to define and assess capacity. The Capacity Toolkit is the culmination of feedback received from hundreds of people who have been involved with someone whose decision-making ability has been thrown into question. They have requested more information on capacity and the development of principles and guidelines.

The Attorney General's Department has responded accordingly with the creation of the Capacity Toolkit, a valuable resource that will help protect the rights of people whose capacity to make a decision is in question and will assist community workers, families, carers, government employees and other professionals in deciding whether a person has the capacity to make informed decisions. The Capacity Toolkit is designed to uphold the independence of those who are capable of making informed choices and to ensure assistance is given to people whose decision-making ability is severely impaired. I congratulate all those who have contributed to the Capacity Toolkit and thank the many stakeholders who have assisted in its development.

GARDASIL VACCINATION

Reverend the Hon. Dr GORDON MOYES: I ask the Attorney General, representing the Minister for Women, and Minister Assisting the Minister for Health (Cancer), a question without notice. Is the Minister aware that the Gardasil vaccine, which is used to protect young women from developing the human papilloma virus and cervical cancer, is administered in three separate doses several months apart? Is the Minister aware that many women may not return for the second and third doses because of fainting, dizziness, seizures and pain reported after the first dose? Is the Minister aware that as of 7 March there have been 775 adverse reactions to Gardasil reported to the Therapeutic Goods Administration? Could the Minister indicate what proportion of women in New South Wales who qualify to have this vaccine have had the whole course of three doses administered? What measures are in place to reassure women that it is both safe and important to complete all three doses of the Gardasil vaccine?

The Hon. JOHN HATZISTERGOS: I will refer the matter to the Minister to obtain an answer and advise the House in due course.

CLASSROOM UNFLUED GAS HEATERS

The Hon. ROBYN PARKER: My question without notice is directed to the Minister for Education and Training. Is the Minister aware of complaints from parents of students at Blackheath Public School that unflued gas heaters are causing students to fall asleep during classes and that there are increased levels of asthma? Why has the New South Wales Government not removed unflued gas heaters from schools following the recommendation agreed to by Labor members in the 2006 inquiry into air pollution in the Sydney Basin that the sale of such heaters be banned, and the Government's own enHealth brochure, which advises people to minimise exposure to unflued gas heaters? Why has the New South Wales Government not followed other States in removing these heaters from classrooms?

The Hon. JOHN DELLA BOSCA: The most recent advice I have relating to the health effects of unflued gas heaters was issued on 27 November last year by the enHealth Council, which I think the Hon. Robyn Parker is alluding to. The publication is entitled "The Health Effects of Unflued Gas Heater Use in Australia". The monograph reports health effects related to the older blue flame heaters but makes no comment on low emission—low NO_x—unflued gas heaters other than to suggest further research is warranted.

The Department of Education and Training will liaise closely with other government agencies, including the Department of Commerce, the Department of Housing and NSW Health, regarding the content of

the monograph. The Department of Education and Training has been progressively replacing its older blue flame unflued gas heaters since 1989, and established a gas heater replacement program in 1990 to ensure that emission levels of nitrogen dioxide from unflued gas heaters are below the levels recommended by health authorities. As at December 2006 more than 80 per cent of gas heaters installed in New South Wales public schools were the low NOx type, and for 2007-08 a further \$3 million has been allocated to replace an additional 2,000 heaters.

The Hon. Duncan Gay: But what about a cold place like Blackheath?

The Hon. JOHN DELLA BOSCA: There are many cold places in New South Wales, as the member well knows. The department has been working with NSW Health since 2000 to monitor the ongoing performance of the replacement low NOx heaters that have been installed in schools. Every year as the cooler months approach, the department issued a reminder to schools on ventilation guidelines and appropriate procedures for using gas heaters. Information is also available on the department's intranet site for all staff to access. I undertake to get the Hon. Robyn Parker some specific information about the replacement of the blue flame gas heaters at Blackheath school—

The Hon. Duncan Gay: Isn't it better to try to have them replaced?

The Hon. JOHN DELLA BOSCA: I am answering the member's question. I undertake to get the Hon. Robyn Parker some specific information about the replacement of the blue flame gas heaters at Blackheath school with low NOx heaters or equivalent heaters. Otherwise, in general, the department will continue to monitor the safe use of gas heaters and provide advice to schools, as appropriate, to ensure the health, safety and comfort of our students and teachers in New South Wales.

The Hon. ROBYN PARKER: I ask the Minister a supplementary question. If these unflued gas heaters are so harmless, why has the Department of Education and Training advised teachers to open windows in order to provide further ventilation? And, particularly in an area like Blackheath, how does the Minister plan to keep the children warm?

The Hon. JOHN DELLA BOSCA: I will not canvass the department's specific advice other than to repeat my undertaking to the Hon. Robyn Parker that I will get information about this and come back to her quickly. In my introductory remarks I said that the monograph she referred to was in relation to the older blue flame heaters. The department's policy, as I think I made clear in my answer, is to phase out all the older blue flame gas heaters.

READING RECOVERY PROGRAM

The Hon. LYNDA VOLTZ: My question is directed to the Minister for Education and Training. Could the Minister update the House on the latest information on the Government's excellent Reading Recovery Program in New South Wales public schools?

The Hon. JOHN DELLA BOSCA: I commend the honourable member for her interest in this matter.

The Hon. Michael Gallacher: I was going to take a point of order there. The question contains argument.

The Hon. JOHN DELLA BOSCA: Does it?

The Hon. Michael Gallacher: Yes. She said, "excellent". That is argument.

The Hon. JOHN DELLA BOSCA: That is not argument. One word cannot be an argument.

The Hon. Michael Gallacher: It is.

The Hon. JOHN DELLA BOSCA: The Leader of the Opposition should return to philosophy; he has no erudition. It has been very difficult to get the level of public interest and attention about the success of Reading Recovery. It is very good news with regard to what is happening in New South Wales public education and education at large but, unfortunately, it is very difficult to attract the attention of the media and some of the critics of education to this program. I can inform the House that the latest results reveal that 86 per cent of students successfully complete the program and are able to perform at a level expected of year 1 students in reading and writing.

In 2007, 7,311 students from 826 schools across New South Wales completed the program. Of those students, 86 per cent have caught up to the literacy level of their classmates and now no longer need to take part in the specialist program. That is a remarkable figure, given that these students are the ones who needed the most help—those who were struggling. Since 1996, 63,000 year 1 students with difficulty learning to read and write have caught up with their classmates thanks to the specialised program. They now have had their literacy and numeracy instated to a level that will allow them to keep up with the progress of their education.

An analysis of the 2006 Basic Skills Tests literacy results indicate that for year 3 students who successfully completed the Reading Recovery program in previous years, 82 per cent performed at band 2 or higher, with 38 per cent at band 3 or higher. For year 5 students who successfully completed the program, 89 per cent performed at band 3 or higher. These results show that early intervention pays off and students are achieving top results thanks to the Reading Recovery program.

Individual assessment by a trained Reading Recovery teacher identifies students for the program. Through Reading Recovery each student receives daily intensive high-quality teaching for 30 minutes over an average period of 12 to 20 weeks. Lessons are individually tailored and are provided one-to-one by a trained Reading Recovery teacher. A typical Reading Recovery lesson involves reading familiar books, rereading the previous day's book while the teacher takes a running record, practising letter identification, breaking words apart, writing stories and attempting to read a new book. Reading Recovery teachers also assist students returning to the classroom with ongoing monitoring and literacy support.

This is a highly successful program, with another 250 teachers starting their training this year. This will bring the total number of Reading Recovery teachers in public schools to 1,000. Reading Recovery teachers are currently being trained by 31 tutors who guide the implementation of the program into schools, providing valuable support and help to teachers. Reading Recovery teachers receive intensive training in the assessment of students, and the explicit and systematic teaching of reading, spelling and writing strategies to meet individual student needs is a fundamental part of the program.

The success of the Reading Recovery program has led to its expansion as part of the Iemma Government's \$81 million Best Start election commitment. Fifty of the new Reading Recovery teachers currently being trained are part of this commitment to provide intensive assistance to the State's youngest students. By investing early and helping these children catch up in the early years of primary school they have a much higher chance of developing literacy and reading skills. This program is about giving students the best start in their education. The Iemma Government is delivering on its commitment to provide all students in New South Wales with a quality education.

HIGH COURT OF AUSTRALIA GAMBLING DECLARATION

Reverend the Hon. FRED NILE: I direct my question to the Minister for Primary Industries, representing the Minister for Racing and Gaming. Has the High Court of Australia declared unconstitutional Western Australian legislation that outlawed the operations of Betfair betting exchanges because it imposed protectionist burdens on interstate trade and therefore contravened section 92 of the Constitution? Will the New South Wales Government seek a review of this High Court decision to clarify that interpretation of the Constitution because it was never the intention of the framers of the Constitution to provide special protection for gambling as a form of interstate trade? Is gambling a form of interstate trade when nothing is traded except money? How will this High Court decision affect the operations of Betfair in New South Wales?

The Hon. IAN MACDONALD: I have a detailed understanding of the issues the member has raised, but I will refer the question to the Minister responsible and get a reply. It is difficult to review a High Court decision; I am not sure there is a review process. It was a declaratory statement, but I will obtain a reply for the member.

The Hon. JOHN DELLA BOSCA: If members have further questions, I suggest that they place them on notice.

BELANGLO STATE FOREST LICENSED HUNTING

The Hon. IAN MACDONALD: Earlier today the Hon. Ian Cohen asked me a question about whether the Moss Vale Rural Lands Protection Board was advised of the intention to declare Belanglo State Forest for

licensed conservation hunting. I can advise the House that the Moss Vale Rural Lands Protection Board has in fact been advised in writing of the intention to declare Belanglo State Forest for licensed hunting. I understand that customised control measures will be introduced to manage hunting in certain state forests, including Belanglo State Forest. I can also advise the House that the Game Council intends to expand its Bush Alert program to respond to illegal hunting and other criminal activities. This is a community-based, bush surveillance program that encourages licensed hunters, property owners and other forest users to report details of any suspicious activities.

DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

GRAIN HAULAGE

On 26 February 2008 the Hon. Robert Brown asked the Minister for Primary Industries a question without notice regarding grain haulage. The Minister for Primary Industries provided the following response:

I am advised that Pacific National's decision with respect to its export grain haulage operations is not yet known. This will be determined by commercial negotiations between industry participants that are currently underway. The Government is keeping informed of these negotiations.

ATTENTION DEFICIT HYPERACTIVITY DISORDER MEDICATION

On 26 February 2008 Reverend the Hon. Fred Nile asked the Attorney General, representing the Minister for Health, a question without notice regarding attention deficit hyperactivity disorder medication. The Minister for Health provided the following response:

Research studies indicate that the rates for ADHD in the general population are highest for children.

To ensure that children's health care adheres to the highest standards of management of ADHD the NSW Government established the Special Review Committee for ADHD in children and adolescents in NSW. The aim was to determine whether clinical practice, including the use of stimulant medication, for the assessment, diagnosis and management of ADHD is in accordance with NSW Health Criteria for the Diagnosis and Management of ADHD in Children and Adolescents.

The Report of the Special Review Committee documents that the prescribing rate for stimulant medication in NSW was found to be no more prevalent than that in Australia as a whole and perhaps even less common. It also does not appear excessive given the population prevalence of ADHD in the community. The Special Review Committee was not mandated to take public submissions.

The report can be found at:

http://www.ccc.health.nsw.gov.au/pdf/specialreports/adhd_080211.pdf

HUNTERS HILL LAND AND WATER CONTAMINATION

On 4 March 2008 the Hon. Robert Brown asked the Minister for Primary Industries a question without notice regarding Hunters Hill land and water contamination. The Minister for Primary Industries provided the following response:

I asked my Department to investigate this matter and I have been advised that, to date, NSW DPI has not been notified of any potential problem with fish from the alleged spillage of radioactive waste in the Hunters Hill area of the harbour. As water pollution is a matter for the Department of Environment and Climate Change any further information on this issue should be directed to my colleague the Hon Verity Firth, MP Minister for Climate Change and the Environment.

NSW FOR KIDS CAMPAIGN

On 4 March 2008 Reverend the Hon. Dr Gordon Moyes asked the Minister for Primary Industries, representing the Minister for Tourism, a question without notice regarding the NSW for Kids Campaign. The Minister for Tourism provided the following response:

The NSW for Kids Campaign encourages Tourism and activity outdoors in NSW destinations, it does not encourage obesity.

The partnership between Tourism NSW and McDonald's will support domestic tourism by providing children with free entry to more than 80 attractions throughout NSW.

If all 1.2 million offers are taken up it will provide a significant boost to domestic tourism—and introduce a new generation to the multitude of wonderful attractions NSW has on offer.

The NSW for Kids campaign will provide an introduction to the many educational and outdoor activities NSW has to offer and provide an opportunity for families to visit NSW tourist attractions at a lower cost.

McDonald's Australia has launched a new Happy Meal Choices menu, which offers healthier eating options. McDonald's has also received the Heart Foundation Tick in February 2007.

ALCOPOPS FLAVOURED ALCOHOLIC DRINKS

On 5 March 2008 Reverend the Hon. Dr Gordon Moyes asked the Minister for Primary Industries, representing the Minister for Gaming and Racing, a question without notice regarding Alcopops flavoured alcoholic drinks. The Minister for Gaming and Racing provided the following response:

Yes.

The new liquor laws which commence on 1 July 2008 will allow action to be taken to declare specified liquor products to be undesirable liquor products, to restrict or prohibit the sale or supply of undesirable liquor products and to restrict or prohibit the undesirable promotion of liquor.

HOMELESSNESS

On 26 February 2008 Reverend the Hon. Dr Gordon Moyes asked the Minister for Roads, representing the Minister for Community Services, a question without notice regarding homelessness in New South Wales. The Minister for Community Services provided the following response:

The Department of Community Services is a key agency within the Partnership Against Homelessness through the Supported Accommodation Assistance Program (SAAP). This program, which is an important component of this Government's response to homeless people and women and children affected by domestic violence, provides vital services for people who are homeless—or at risk of becoming homeless—through nearly 400 non-government services around NSW. It is jointly funded by State and Commonwealth governments and administered in NSW by the Department of Community Services. This financial year the SAAP budget is almost \$120 million.

Unfortunately, the previous Federal Government made the decision not to provide further growth funding under the current SAAP agreement. NSW continues to work with peak representative bodies to plan how viable, effective services can continue to be provided to those who need them most. It is hoped that the priority placed on homelessness by the new Prime Minister will result in a change in the Commonwealth's position on this issue.

The NSW Government has established a working group to develop a proposal for a statewide homelessness strategic framework with the intention of defining how best the NSW Government can help homeless people and provide direction for future strategies.

Work is occurring through a staged process to map current services and agree upon results and strategies. Key NSW stakeholders are being consulted as part of this process and will have input into the development of the proposal to provide directions for improving the effectiveness of the service system.

The NSW Government is aware of initiatives being pursued by the Rudd Government in relation to Homelessness. This includes commissioning a Green Paper on Homelessness by May 2008 and developing a White Paper, with a plan for action, by August 2008. Work at the national level also includes an initiative called 'A Place to Call Home' which is a five-year plan to establish up to 600 new houses and units for families and individuals who are homeless. NSW welcomes the opportunity to work together with the Commonwealth to implement these initiatives and address the issue of homelessness.

My recent attendance at the Housing Ministers Conference, chaired by the Federal Minister for Housing, the Hon Tanya Plibersek MP on 14 March 2008, to discuss issues of homelessness, reflects the commitment of the NSW Government to continue to work across agencies and with the Commonwealth to find solutions to this.

Questions without notice concluded.**NATIONAL PARKS AND WILDLIFE (LEACOCK REGIONAL PARK) 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. John Hatzistergos.

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.**ADJOURNMENT**

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [5.04 p.m.]: I move:

That this House do now adjourn.

HOUSEHOLD DEBT

The Hon. MICHAEL VEITCH [5.04 p.m.]: I will address the House today about the concerning levels of household debt in Australia. Households incur debt; it is how most of us buy our own home, a new car and undertake tertiary study. However, some people are incurring debt in the day-to-day running of their household; that is, paying bills and buying groceries. Australians have become increasingly comfortable with debt and, worryingly, record levels of personal debt. Personal debt in Australia hit \$1 trillion in 2006. If that seems staggering, Dr Steve Keen from the University of Western Sydney says the levels of personal debt as a proportion of the economy are now twice what they were in the 1930s. He goes further by saying that people are now under more financial stress than they have been at any time since the peak of the Great Depression. Despite the financial stress—or perhaps because of it—all forms of debt in Australia are on the increase. Home loans, other property loans, personal loans, car loans, higher education contribution scheme and credit card debt are all on the rise.

The historical view of debt levels in Australia tells an interesting story. When we consider the severe financial hardship during the Great Depression, when debt levels were rather high, it is easy to understand why households were borrowing money. They did so to live, to keep food on the table and to keep a roof over their heads. Following the Great Depression, the household trend was to save. Households put part of their income away on a regular basis, creating a nest egg of savings. Levels of household savings were very high, probably due to parents reinforcing the point of how bad things were during the Depression and the need to save to have money in reserve should things not go to plan. However, at some point in the past few decades, the stories of the Great Depression have been well and truly lost. The days of household saving for a rainy day seem to have disappeared as well.

As many have suggested, Australians are walking a debt tightrope. Their household income is allowing them to repay the debt—just. Should that household experience a sudden job loss, or illness, or even time away from work due to childbirth, there is nothing to fall back on. There is no safety net, no nest egg. That is why it is so important for households not to get into such enormous debt. It seems fairly basic: Do not spend more than is earned and put aside some money in case things do not go to plan. People appear to me to be living extravagantly these days. Generally speaking our lifestyles have become increasingly extravagant. Our houses are bigger and better than the houses in which we grew up. We are also driving around in fancier cars, and often the latest model. In fact, our households have multiple cars, multiple television screens and multiple computers, and our children are attending more expensive and exclusive schools. Everything we do is done bigger and better than our parents did.

Members should consider their homes. Not that long ago the average home had three bedrooms, but the average home now has 4.5 bedrooms. When I was growing up no-one in my family or anyone else I knew had his or her own bedroom. We all shared a bedroom with our brothers and/or sisters. These days it would be difficult to find brothers or sisters sharing a bedroom. Our parents' generation saw the general availability of motor vehicles, but they were still not available to everyone. Growing up I knew of many families who did not own a motor vehicle or who had a second-hand vehicle that was many years old. I struggle to think of any family or even any adult who does not now have a car. Families now have multiple motor vehicles. A family without two cars now is considered unusual. More and more houses are being built with three-car garages. We seem to be living increasingly extravagant lives.

This trend cannot continue. We must display personal responsibility and we need governments to display responsibility in dealing with burgeoning household debt levels. If economics has taught us anything, it is that following every boom is a bust, following every peak is a trough and following every period of growth is a period of decline. The economy cannot continue growing forever. One day—whether it is sooner or later—this country will go into recession. When that happens, households with record levels of debt will not be able to absorb the impact of a recession. It is true that if governments attempt to reduce levels of household debt through any means, it will reduce aggregate demand. A large decline in aggregate demand will push the economy into recession, and we all know what the impact will be. We must teach financial responsibility to our children. The next generation must not live as extravagantly as the current generation is living. After all, higher levels of savings will be better for our economy and for all working families.

SOUTHERN HIGHLANDS RAIL SERVICES

The Hon. MARIE FICARRA [5.08 p.m.]: I will speak about the state of the Southern Highlands rail services. I am pleased to inform the House about the recent campaign conducted by residents of Wollondilly and

the Southern Highlands to get an improved service. Despite being part of the main thoroughfare that connects Sydney with Canberra and Melbourne, the Southern Highlands line is the only rail line out of Sydney that is not electrified. While residents of the Illawarra, Central Coast and the Blue Mountains all have electrified services that go directly to Central Station, Wollondilly and Southern Highlands residents must use the CityRail diesel Endeavour carriages and are usually forced to change trains at Campbelltown or Macarthur.

To add insult to injury the Labor Government recently cut peak hour rail services to the extent that no direct service from the Southern Highlands to the central business district arrives during the morning peak hour. Courtney Dunn, an 18-year-old Picton resident, recently contacted me. Courtney started working in the central business district after finishing high school at the end of last year. Like many residents of Picton and the Wollondilly shire, Courtney relies on public transport to get to and from work each day and, along with many people from Sydney's outskirts, she spends a considerable amount of time commuting. Since beginning her job in January, Courtney became frustrated by the state of the rail service when, in a little over a month of working in the central business district, the evening rail service that she catches from Campbelltown to Picton was cancelled on six different occasions.

Unlike some people who are willing to put up with a poor rail service that has been compounded by many years of neglect, Courtney is a young woman who is ready to fight for her local community and has set out on a campaign to get a better deal for Southern Highlands commuters. Within a day of deciding to do something about the rail service, Courtney got over 50 people to sign a petition for better train services and had contacted the local newspaper, the *Wollondilly Advertiser*, to voice her concerns. The *Wollondilly Advertiser* has since run a number of stories about the poor train services to the Southern Highlands and is getting behind the campaign for improvements, and more local residents are signing Courtney's petition by the day. My colleague in the other place, the member for Goulburn, Pru Goward, has been working for a better deal for Southern Highlands rail commuters and I know that she has encouraged Courtney in her efforts.

One thing that particularly frustrates Courtney and many other Southern Highlands commuters is the lack of services in the morning peak hour. There are currently only two services for the morning peak hour and both these services terminate at Campbelltown, meaning commuters are forced to change trains. During her campaign, Courtney has found that many residents have just given up on the Southern Highlands line and are either driving to work or driving to Campbelltown station. With poor services like this it is no wonder that so many commuters feel this way and it adds to the stress on their local roads in peak hour.

The Labor Government was elected on a promise of better services, not cuts, but the people of Wollondilly have seen exactly the opposite in the past 12 months, let alone the previous 12 years. Thankfully the local Wollondilly community is standing up to the Labor Party and its complete neglect of the area. The Labor member for Wollondilly, in particular, has been very silent when it comes to advancing the cause of commuters. Locals do not want another inquiry, another committee or another report into the matter; they just want more reliable train services. I look forward to the election of an O'Farrell Liberal Government in 2011 and a better deal for Southern Highlands commuters and for New South Wales overall.

TIBETAN SELF-DETERMINATION

Mr IAN COHEN [5.12 p.m.]: In a 2005 article, Ms Rebiya Kadeer, a Uyghur human rights defender boldly stated:

I am a terrorist. I would argue that I'm not, but because the Chinese Government says I am a terrorist, it must be true.

A matter of weeks ago I harboured this so-called terrorist in this very Parliament. Ms Rebiya Kadeer, a Nobel peace prize nominee, an internationally recognised human rights defender and democratic leader of the Uyghur people, served six years in prison for questioning repressive Chinese policies. Ms Kadeer—whose two sons are currently imprisoned as a result of her critique of the Chinese regime—forewarned that Chinese authorities would attempt to quell popular, non-violent uprisings by various minorities under the justification that these groups were terrorists, murderers and violent revolutionaries.

During her visit to Parliament Ms Kadeer outlined the systematic and egregious violations of human rights including the banning of Uyghur language in schools and subjection to compulsory unpaid labour called hashar. Ms Kadeer knows the Chinese military *modus operandi* well. On 14 March, protests began in the Tibet autonomous region on the anniversary of a failed 1959 uprising against Chinese rule. The Chinese National

Peoples Party quickly suggested a sinister collusion between violent Dalai separatists and Uyghur people of East Turkestan who currently reside in the north-western Xinjiang region of China. China's newspaper the *Peoples' Daily* stated:

The Dalai clique has also strengthened collusion with East Turkistan terror organisations and planned terror activities in Tibet.

Therefore, I stand here as a member of the Dalai clique, an East Turkestan terrorist, a Falun Gong and Christian minority subversive. I will be subversive and tomorrow night will attend the Falun Gong Chinese cultural extravaganza at the cultural centre in Sydney. The Dalai Lama and his followers, Falun Gong, Christian minorities and Uyghur Muslims are only a threat to a corrupt and repressive institutional organisation developed by the Chinese Government from revolutionary times—which, incidentally, I have supported in the past. These groups are not violent separatists. Their aspirations are for freedom or, more accurately, freedom from religious persecution, unpaid labour, forced abortions, torture, political imprisonment and arbitrary government expropriation of their land.

Repackaging the repression of legitimate political movements that seek fundamental human and cultural rights as a fight against terrorism is a sad misappropriation of the term and a gross manipulation of the truth. Such rhetoric is beyond fantastical and our political representatives should not for one moment buy into its sentiment. With the Beijing Olympics just over the horizon many hold to the hope that the Games will have a modernising effect on the nation, translating to increased institutional transparency and a strengthened rule of law. Paradoxically, recent events show the reverse trend. French philosopher Bernard-Henri Levy recently described the effect of the new Chinese Olympic identity on Chinese human rights in the following way:

The facelift the Chinese Government hoped to achieve hasn't worked. In fact, the only tangible result has been an increase in human rights violations.

Rather than staging false press releases to create a veneer of national harmony, efforts need to focus on securing the sustainability and longevity of China by acknowledging and accommodating cultural diversity. The catalyst for claims to self-determination is the oppression of basic human rights. Trampling of minorities rightfully opens the door to succession. In this sense China can control and determine the future of its territorial integrity in the way it manages cultural and religious minorities. A dilution of China's territorial integrity will be the price of its inability to accommodate the economic, religious and cultural rights of its minorities.

Denying fundamental rights to culture and self-determination as outlined in article 27 of the International Covenant on Civil and Political Rights is at odds with a nation forging ahead with rapid economic modernisation and development. China cannot with one hand champion a commitment to international diversity and human advancement as embodied in the spirit of the Olympic Games and then deny and suppress basic human rights with the other. It is hypocrisy of epic proportions. The reactions of the Chinese Government in the lead-up to the Beijing Olympics will be a significant historical crossroads for the future of the Government. I only hope that the Chinese Government can combine the egalitarian philosophies of the people and the rich traditional cultural tapestry that is also an integral part of the Chinese nation.

Requests that China exercise restraint in its response to Tibetan protests have clearly fallen on deaf ears. The softly-softly approach that aims to balance trade implications with moral concerns must fade into the background. Australia must play a role in modernising China's approach to human rights abuses. Only when China embraces its minorities and values their basic human rights can we support the Olympic Games and the spirit that the Games embody.

GROCERY PRICES INQUIRY

The Hon. LYNDIA VOLTZ [5.17 p.m.]: Following direction from the Federal Government the Australian Competition and Consumer Commission commenced today in Sydney its formal inquiry into grocery prices. Over the past few years food inflation has been higher than the average inflation rate. There is considerable evidence to suggest that Australian food inflation has been higher than the world average. The Federal Government has instructed the commission to take a broader approach to its inquiry and ensure all aspects of the chain are included—from the farm gate to the checkout counter. The inquiry is to consider the current structure of the grocery industry at the supply, wholesale and retail levels, including mergers and acquisitions by the national retailers; the nature of competition and the pricing practices in the grocery industry; and factors influencing efficient pricing of inputs along the supply chain.

Some questions, specific in nature, should be put to the inquiry. These questions centre on the relationship between major supermarket chains and large manufacturers. What the two major supermarket

chains need to address as part of this inquiry is that in order to have a product accepted and maintained does the manufacturer have to comply with a demand to pay an annual fee for in-store activity? How many millions of dollars per week do the chains reap from major manufacturers for the various gondola ends, side wings, dispensers, shelf firelighters and checkout displays, et cetera, described as in-store activity? Why is this promotional activity fee enshrined in trading terms by the major supermarket chains? When this activity fee was introduced, did it follow hard on the heels of the ruling out of new line fees when the Trade Practices Act deemed them illegal some time ago? Why do big manufacturers fall in with this in-store activity charge as part of their trading terms, and what other charges are involved in this in-store activity? For example, do manufacturers pay extra for things such as stock allocations? Are supermarket chain category buyers set a personal target over and above the moneys that they must extract from manufacturers for this in-store activity?

With relation to profit margins, do major chain category buyers demand a specific gross margin for products in that category and have any products been rejected for this reason? Additionally, how is this gross profit margin arrived at? Why is the base line number imposed on a whole category? Are margins being artificially manipulated? Is it also a fact that if a product does not need a hurdle rate set by the chain it is headed for deletion, unless the manufacturer buys more shelf display time via an activity fee? How is this hurdle rate set? To what uses is it put? Is it used as a club to extract more manufacturer moneys?

The big question that arises out of all this is: How does this cosy preserve of supermarket chains and big manufacturers impact on the cost paid by Australian shoppers for supermarket items? This is of some concern to me. Is it time to subject the big supermarket chains and big manufacturers to close scrutiny to ensure that the benefits of true competition and ethical cost structures are passed on to the Australian shopper? At the end of the day, consumers need transparency and confidence that they are getting a fair deal from a competitive grocery industry. While major supermarkets in an increasingly concentrated industry continue to come to terms of trade with major manufacturers whilst smaller competition is priced out of the shelves, the question must be asked: what is the knock-on effect to the Australian shopper?

ISOLATED CHILDREN'S PARENTS ASSOCIATION

The Hon. ROBYN PARKER [5.21 p.m.]: I am sure all members of Parliament take every opportunity to witness the different lifestyles of people in the community. Recently I attended the New South Wales annual conference of the Isolated Children's Parents Association, which gave me a chance to understand issues facing parents and children in isolated areas. I was able to walk briefly in their shoes but certainly not to experience in depth the challenges they face on a daily basis trying to get an education for their children, getting them to school or accessing information technology, something that many city people take for granted.

The conference, which was held at Hillston, was superb, particularly the level of research undertaken by delegates, the way in which they delivered their papers and their overall presentation. The conference was a credit to local organisers Sally Watson and Christine Gaudion, President David Cameron, Vice-President Alison Campbell and former President Sue Gordon. The association has a great reputation as a lobby group. I remember 10 years ago working for a senator, who said to me with some admiration, "The Isolated Children's Parents Association is in Canberra today." It was a formidable lobby group then and it still is today. Sadly, many issues facing the Human Rights and Equal Opportunity Commission inquiry into rural and remote education as far back as 2000 are still being argued.

For example, on the availability of education, the inquiry found that secondary education, in particular, was very difficult to access. Also, rural children with a disability faced major challenges accessing education while the affordability of education for families in rural areas was a major concern. Those issues raised in 2000 are still pertinent today and many of these families are battling to find a level playing field while also suffering the effects of a seven-year drought. Many of these families do not have reliable access to information technology when many education systems and curriculum rely heavily on such access. How can these children have a level playing field when they do not have mobile phone access, the telephone is out of order for several weeks at a time and there is little or no access to information technology?

In addition, isolated schools face challenges with respect to enrolment numbers, concerns about employment of teachers and whether the Government's new arrangements will ensure that children in isolated and rural schools have access to qualified teachers. These families were seeking assurances in this respect. In attendance at the conference was my colleague in the other place the member for Murray-Darling, Mr John Williams. No Government representative was present, although two rows of departmental bureaucrats were there and hopefully they listened to the issues raised because clearly there is not a level playing field.

Parents spoke about the need for adequate facilities, safe transport to and from school and distance education. The Louth branch of the association moved a motion for appropriate accredited training to be provided for home tutors now that distance education centres have access to satellite technology. Also, a motion was passed that more funding be given to rural schools. For example, one-teacher schools require principals to undertake administrative work, teach and communicate with parents. Many motions of great value to the association were moved. I spoke about the Higher School Certificate helpline and at the end of the conference the association moved a motion that rural children, in particular those in year 12 and in isolated areas, need a human voice on the end of the phone.

John Oxley got it wrong when he said that Hillston was uninhabitable and useless for all purposes of civilised man. The Hillston community is wonderful and it was a delight to be in the town. The conference was very well organised and I was pleased for a moment to walk in the shoes of members of the Isolated Children's Parents Association and understand some of the issues facing them.

VIETNAM VETERANS POST-TRAUMATIC STRESS DISORDER TREATMENT

EAST TIMOR DEVELOPMENT ASSISTANCE

Ms LEE RHIANNON [5.26 p.m.]: On a number of occasions the member Mr Charlie Lynn has made exaggerated statements about what happened to Australian soldiers who served in Vietnam on their return home. Mr Lynn has misled the House in his statements about this aspect of Australian history. Many Vietnam veterans give a very different story to what Mr Lynn puts forward. My own memories of this period are that the then Australian Government, the RSL and society as a whole did not recognise these soldiers. There was no welcome home; no thank you for the service they had been involved in. By the time the soldiers returned, there was widespread shame about this war through all levels of Australian society.

Protesters did not target soldiers returning from Vietnam. There may have been isolated incidents but there was no protest tactic of the anti-war movement to target soldiers, as Mr Lynn makes out. Vietnam veterans have written and spoken about their personal trauma that resulted because they were not officially recognised by Australian society due to the embarrassments associated with our role in the Vietnam War. Many veterans still live with post-traumatic stress disorder, PTSD, caused by the war and in some cases exacerbated by what they faced on returning home. I understand that a number of Vietnam veterans are calling for Australian trials to be undertaken to establish the benefits of methylenedioxymethamphetamine, MDMA, also known as ecstasy, combined with therapy to help those living with post-traumatic stress disorder.

Recently Mr Tony Chaunavel, a Vietnam veteran, wrote to me about this issue. Tony suffers the effects of post-traumatic stress disorder and ended up in a depressed, suicidal state. He was discharged as unfit for military service. Although he was initially in good health, eventually Tony became totally and permanently incapacitated. He tried to obtain therapy but could not find any treatment that overcame the condition. He spent time at a post-traumatic stress disorder ward, which provided a break and allowed the condition to go underground for a time, but it returned and he was prescribed antidepressants such as Prozac, which he found to have unpleasant side effects.

Tony's experience is not an isolated one. According to the United States national centre for post-traumatic stress disorder, up to 30 per cent of combat veterans in that country suffer from the condition at some point in their lives. Tony has provided me with information about trials of this drug. Currently trials are being conducted in the United States of America using MDMA for post-traumatic stress disorder. United States soldiers traumatised by fighting in Iraq and Afghanistan are to be offered the drug to help free them of flashbacks and recurring nightmares.

Scientists behind the trial in South Carolina think the feelings of emotional closeness reported by those taking the drug could help the soldiers talk to therapists about their experiences without triggering anxiety because it appears to act as a catalyst to help people move through whatever has been blocking their success in therapy. Several victims of rape and sexual abuse with post-traumatic stress disorder for whom existing treatments are ineffective have been given MDMA since the research began last year.

Similar trials have also been conducted in countries such as Spain and Israel and appear to indicate the benefit of the use of the drug as part of a therapeutic approach to helping people suffering post-traumatic stress disorder. I urge Mr Lynn to drop his misplaced allegations about events more than 30 years ago and work for a trial of MDMA in Australia. I would be happy to work with him to achieve that.

A group of Australian writers, academics and non-government organisation workers have written an open letter to incoming Prime Minister Kevin Rudd calling for Australia to increase its development assistance to East Timor. The letter initiated by Dr Tim Anderson, a senior lecturer in political economy at Sydney university, points out that Cuba—which, unlike Australia, is neither a rich country nor a neighbour of East Timor—gives much greater aid in human capacity building and calls on Australia to match Cuba's generosity. I was pleased to sign the letter along with the other signatories. Cuba currently has 300 health workers in East Timor, including 230 doctors. There are also 800 Timorese medical students in Cuba, with 1,000 scholarships being offered. Dr Andersen noted that, while Australia is willing to spend hundreds of millions of dollars on a military intervention that is increasingly unpopular in East Timor, the number of tertiary scholarships offered to Timorese students is a mere eight. He said:

Even by AusAID's accounting methods, which value the scholarships at \$90,000 each, this—

the eight scholarships—

is a drop in the bucket compared to the military intervention.

I understand the Cuban program will soon be extended to the Solomon Islands and possibly to Papua New Guinea and Vanuatu.

AUSTRALIA 2020 SUMMIT

The Hon. HENRY TSANG (Parliamentary Secretary) [5.31 p.m.]: I am pleased to report that two members of the New South Wales-Asia Business Council have been selected to take part in the Australia 2020 Summit to be convened by Prime Minister Rudd in Canberra on 19 and 20 April 2008. They are: Ms Tamerlaine Beasley and Mr Neville Roach, AO. Both Ms Beasley and Mr Roach have strongly supported the New South Wales Government in its efforts to promote trade and investment opportunities and will make a valuable contribution to the summit. I congratulate the Prime Minister on this worthy initiative to help generate ideas to address the long-term challenges facing our nation. I would also like to congratulate Premier Morris Iemma on his support of the New South Wales-Asia Business Council.

Selection to the Australia 2020 Summit is but one example of the many talents of the members of the New South Wales-Asia Business Council. As business people from a wide range of sectors, with extensive experience and expertise across Asian trade destinations vital to New South Wales, the members of the council have a lot to offer. Apart from meeting four times a year, council members, members of Asian business chambers and the Asian media will visit and promote the Newcastle-Hunter region in early May. The Hunter is one of Australia's economic powerhouses, accounting for more than 32 per cent of the State's exports. The region has a varied industrial base, with fast-growing services and commercial sectors. The visit will help to discover the potential of the Hunter region as a destination for business, trade and investment, winemaking, education, tourism and recreation. I thank the Minister for State Development, the Hon. Ian Macdonald, who attended the first meeting of the council in March 2008. The Minister and the Government look forward to working with the council and wish to encourage members to bring international business relations issues to the attention of the New South Wales Government. The Premier is keen to generate increased business investment in New South Wales, which is a priority of the State Plan, and the council has an important role to play in this.

[Time for debate expired.]

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 Wednesday 2 April 2008 at 11.00 a.m.
