



LEGISLATIVE COUNCIL

QUESTIONS AND ANSWERS

No. 51

TUESDAY 4 MAY 2004

(The Questions and Answers Paper published for the first sitting day in each week will contain, by number and title, all unanswered questions, together with questions to which answers have been received on the previous sitting and any new questions. On subsequent days, new questions are printed, as are questions to which answers were received the previous day. Consequently the full text of any question will be printed only twice: when notice is given; and, when answered.)

Notice given on date shown

Publication of Questions	Answer to be lodged by
Q&A No. 42 (Including Question Nos 922 to 950)	13 April 2004
Q&A No. 43 (Including Question Nos 951 to 952)	14 April 2004
Q&A No. 44 (Including Question Nos 953 to 973)	15 April 2004
Q&A No. 45 (Including Question Nos 974 to 979)	20 April 2004
Q&A No. 46 (Including Question Nos 980 to 986)	21 April 2004
Q&A No. 47 (Including Question Nos 987 to 1007)	22 April 2004
Q&A No. 48 (Including Question Nos 1008 to 1019)	04 May 2004
Q&A No. 49 (Including Question Nos 1020 to 1023)	05 May 2004
Q&A No. 50 (Including Question Nos 1024 to 1064)	06 May 2004
Q&A No. 51 (Including Question Nos 1065 to 1076)	07 June 2004

9 MARCH 2004

(Paper No. 42)

*922 ENERGY AND UTILITIES—WATER RESTRICTIONS FOR BUSINESSES—Revd Mr Nile asked the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands) representing the Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer) and Minister Assisting the Premier on the Arts—

- (1) (a) Is 'Big' business exempt from current water restrictions?
- (b) If so, why?
- (2) (a) Is 'Small' business being severely affected by water restrictions?
- (b) If so, what action are you taking to assist small industry groups such as NSW Turf Growers Associations, Nursery and Garden Industry, Irrigation Association of Australia, etc by relieving their water restrictions?

Answer—

- (1) (a) and (b) No. All businesses are subject to water restrictions. Exemptions are available for some business use. These exemptions can be viewed on Sydney Water's website www.sydneywater.com.au.
- (2) (a) and (b) Water restrictions have been designed to achieve a reduction in demand for water. Many small businesses have been granted exemptions with specific conditions that provide a balance between reducing their demand for water and maintaining their business operations.

The NSW Turf Growers and Nursery and Garden Industry have been granted exemptions from water restrictions in order to maintain their businesses.

An 8-week exemption has also been granted for the establishment of new lawn, plants and vegetation cover.

*923 COMMUNITY SERVICES—SAFE TRANSPORT FOR ABORIGINAL TEENAGERS—Revd Mr Nile asked the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth—

- (1) (a) Do Aboriginal teenagers get into conflict with the NSW Police Officers when travelling back at night to Redfern from the city entertainment areas such as Darling Harbour and George Street theatres?
- (b) If so, will your department provide funds for an 18 seat bus which can be used by the Redfern Aboriginal Elders to collect these teenagers and convey them safely to their homes in Redfern?

Answer—

- (1) (a) and (b) The Government is not aware of any specific conflict between the groups in the context provided. However, the Redfern Aboriginal Resource Centre and South Sydney Youth Services Streetbeat project provide a late night transport service (a sixteen-seat bus) for Aboriginal Young people in inner-city Sydney.

The service was an initiative of the NSW Police. Other NSW Government partners in the project have included the Department of Aboriginal Affairs and the Casino Community Benefit Fund. The Getting It Together Scheme, an initiative of the NSW Drug Summit managed by DoCS, supports the service with \$146,112 annual funding.

This transport service is well promoted; it has an 1800 free call number for young people to contact the bus and regularly scheduled stops in Darling Harbour and George Street.

I am advised that in the year ending 30 June 2003, Streetbeat assisted 3,746 young people.

*924 INDUSTRIAL RELATIONS—POLICE PROTECTIVE CLOTHING AND EQUIPMENT—Revd Mr Nile asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast—

- (1) Were approximately 40 NSW Police officers injured during the Redfern riot on Sunday 15th February 2004?
- (2) How many of their injuries were due to the lack of correct protective clothing or equipment?
- (3) What action is being taken to provide the correct clothing and equipment to Police officers?

Answer—

- (1) to (3) This is a matter primarily within the Minister for Police's portfolio responsibilities and as such should be referred to the Minister in the other House.

With ongoing inquiries into this matter, it is not appropriate for me to pre-empt the outcomes of those investigations or to make assumptions as to the factors leading to any injuries suffered by Police Officers attending the Redfern riot.

*925 POLICE—ABORIGINAL LIAISON OFFICERS IN REDFERN—Mr Hatzistergos asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

What steps is the Government taking to employ and allocate NSW Police Aboriginal Liaison Officers to patrol the Redfern area especially the streets and lanes of 'the Block'?

Answer—

NSW Police has advised me that four Aboriginal Community Liaison Officer positions are allocated to the Redfern Local Area Command.

*926 POLICE—MURDER OF JUANITA NIELSEN—Ms Rhiannon asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

- (1) Are the NSW Police currently investigating the disappearance and alleged murder of Juanita Nielsen?
- (2) Is new information on Juanita Nielsen's death contained in the book "Killing Juanita", and also covered in a report on the 7.30 Report of February 16 2004?
- (3)
 - (a) Will you reveal who has been interviewed by the NSW Police in relation to the new information on the death of Juanita Nielsen?
 - (b) If not, why not?
 - (c) If so, what are the names of the people interviewed by the NSW Police in this new investigation into the disappearance of Juanita Nielsen?

Answer—

- (1) to (3) NSW Police has advised me that this matter is the subject of an ongoing investigation. Accordingly it is not appropriate for me to comment further at this time.

*927 TRANSPORT SERVICES—RAIL LINE USAGE—Ms Rhiannon asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests)—

(1) Can you provide detailed data for 2003 on the patronage on the following lines:

(a) the Southern Highlands line:

- (i) monthly;
- (ii) weekly; and
- (iii) average daily?

(b) the Carlingford line:

- (i) monthly;
- (ii) weekly; and
- (iii) average daily?

(c) the Cumberland line:

- (i) monthly;
- (ii) weekly; and
- (iii) average daily?

(d) the Richmond line:

- (i) monthly;
- (ii) weekly; and
- (iii) average daily?

(2) On how many days in 2003 did buses replace trains on:

(a) the Southern Highlands line;

(b) the Carlingford line;

(c) the Cumberland line;

(d) the Richmond line?

(3) How does this compare to the average across the network?

Answer—

I am advised:

(1) (a) the Southern Highlands line:

- (i) monthly: 61,400
- (ii) weekly: 15,400
- (iii) average daily: 2,800.

(b) the Carlingford line:

- (iv) monthly: 82,500
- (v) weekly: 20,600
- (vi) average daily: 3,700.

(c) the Cumberland line:

- (vii) monthly: 159,600
- (viii) weekly: 39,900
- (ix) average daily: 7,200.

(d) the Richmond line:

- (x) monthly: 391,700
- (xi) weekly: 97,900

(xii) average daily: 17,600.

- (2) Buses replace train services for two main reasons, to cover emergency or unplanned situations and to cover planned trackwork and essential maintenance.

The bulk of essential maintenance and planned network upgrades is done in holiday periods, on weekends or at night when minimal numbers of commuters are travelling.

Unplanned and emergency situations include the impact of adverse weather conditions, privately operated freight train failure, fatalities and police operations.

The majority of these incidents require bussing for one to two hours, meaning rail services continue for most of the day.

During 2003 buses replaced train services:

- (a) On 136 occasions on the Southern Highlands line. 93 occasions related to emergency situations, in particular the closure of the Menangle rail bridge for repairs. 43 days were a result of planned trackwork.
 - (b) On 13 occasions on the Carlingford line. Three occasions related to emergency situations and 10 days were a result of planned trackwork.
 - (c) On 29 occasions on the Cumberland line. 19 occasions related to emergency situations and 10 days were a result of planned trackwork.
 - (d) On 30 occasions on the Richmond line. 16 occasions related to emergency situations and 14 days were a result of planned trackwork.
- (3) In 2003, the average number of occasions on which buses replaced trains for emergency or unplanned situations across the network's 15 lines was 28.

The average number of days on which buses replaced trains for planned trackwork and essential maintenance across the network's 15 lines was 42.

*928 TRANSPORT SERVICES—ACTION FOR TRANSPORT 2010—Ms Rhiannon asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests)—

- (1) With regards to the North-West Rail Link joining Epping to Castle Hill that was foreshadowed in Action for Transport 2010:
- (a) What stage is that line at now?
 - (b) What is the new estimated completion date?
 - (c) Is it likely that this line will ever be built?
 - (d) If so, will it be publicly funded?
- (2) With regards to the Hornsby to Newcastle High Speed Rail that was foreshadowed in Action for Transport 2010:
- (a) What stage is that line at now?
 - (b) What is the new estimated completion date for both stages of the line:
 - (i) Stage 1 to Warnervale; and
 - (ii) Stage 2 (the remainder)?

- (c) Is it likely that this line will ever be built?
- (d) If so, will it be publicly funded?
- (3) With regards to the Sutherland to Wollongong High Speed Rail that was foreshadowed in Action for Transport 2010:
- (a) What stage is that line at now?
- (b) What is the new estimated completion date?
- (c) Is it likely that this line will ever be built?
- (d) If so, will it be publicly funded?
- (4) With regards to the Hurstville to Strathfield Railway Line that was foreshadowed in Action for Transport 2010:
- (a) What stage is that line at now?
- (b) What is the new estimated completion date?
- (c) Is it likely that this line will ever be built?
- (d) If so, will it be publicly funded?
- (5) With regards to the Liverpool Y Link that was foreshadowed in Action for Transport 2010:
- (a) What stage is that project at now?
- (b) What is the new estimated completion date?
- (c) Is it likely that this line will ever be built?
- (d) If so, will it be publicly funded?

Answer—

- (1) The Government is continuing with the detailed planning necessary for the delivery of the North West Rail Link from Epping to Castle Hill and Rouse Hill. Studies examining engineering design, geotechnical conditions, patronage forecasts, alternative modes and alignments, land use and property matters, and environmental assessment are expected to be completed by the end of 2004.

Funding options will be examined as part of the ongoing feasibility study analysis of the North West Rail Link.

- (2) A considerable amount of investigation into transport infrastructure has been conducted since 1998, examining ways to improve the rail corridor between Sydney and Newcastle.

Detailed analysis of this project since this time has determined that the high speed rail alignment is more expensive than originally anticipated, due to the difficult nature of the corridor, including:

- The river crossing;
- Steep terrain; and
- The need for a considerable amount of tunnelling.

The Government is committed to providing improved rail services for the Central Coast and Newcastle regions. As part of this commitment 40 Outer-Suburban carriages are under construction to increase peak period services from 2006.

Under the Rail Clearways Plan the Government has committed to two projects that will improve reliability and capacity for Central Coast and Newcastle commuters. These are the \$6 million additional platform at Berowra and the \$30 million additional platform at Hornsby, both of which will relieve congestion in the corridor.

- (3) In 2003 a Rail Improvement Thirroul Tunnel Study investigated the operational, environmental and engineering constraints of a proposed Thirroul Tunnel and identified other potentially more cost-effective options that included track realignments and short tunnels.

The Government is committed to providing improved rail services to the Illawarra Region. As part of this commitment 40 Outer-Suburban carriages are under construction to increase peak period services from 2006. Under the Rail Clearways Plan the Government has committed to two projects that will improve reliability and capacity for Illawarra commuters. These are:

- Construction of the Bondi Junction turnback and stabling facility by 2005 at a cost of \$55million (this will allow more services per hour to run from the Illawarra line)
- Duplication of the Cronulla line – costing in excess of \$100 million.

These initiatives will reduce congestion for Wollongong/South Coast commuters travelling to Sydney.

- (4) Work for the new Metropolitan Strategy for Sydney will involve strategic transport planning and include consideration of the *Action for Transport 2010* commitments. Consideration of the proposed Hurstville-Strathfield Railway and possible alternatives will be included in this work.
- (5) This project has been superseded by the Rail Clearways program (namely the Bankstown Rail Clearway) that will deliver improved passenger outcomes compared to the Liverpool Y Link, without adding to the complexity of the rail network's operational patterns.

As part of the Rail Clearways Plan the Government has committed to two projects that will improve reliability and capacity for Liverpool commuters. These are:

- Construction of the Liverpool turnback at a cost of \$50 million
- Construction of the Lidcombe turnback at a cost of \$50 million
- 2 Additional Tracks between Sydenham and Erskineville – \$190 million

*929 EDUCATION AND TRAINING—TAFE ENROLMENTS—Ms Rhiannon asked the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth representing the Minister for Education and Training and Minister for Aboriginal Affairs—

- (1) How many students enrolled in TAFE in NSW in semester 1, 2003?
- (2) How many Full Time Equivalent students enrolled in TAFE in NSW in semester 1, 2003?
- (3) How many students enrolled in TAFE in NSW in semester 1, 2004?
- (4) How many Full Time Equivalent students enrolled in TAFE in NSW in semester 1, 2004?

Answer—

- (1) 352,645.
- (2) 104,881.

- (3) and (4) Enrolment data for 2004 is not yet available as TAFE NSW has continuous enrolments throughout the year. Early enrolment figures show continuing demand for places.

*930 MINERAL RESOURCES—LAKE COWAL—Ms Rhiannon asked the Minister for Agriculture and Fisheries representing the Minister for Mineral Resources—

- (1) Now that Barrick Gold has announced commencement of construction of the gold mine at Lake Cowal, will the Minister outline what route(s) the vehicles transporting cyanide to the mine will take?
- (2) Which towns and communities will the cyanide pass through?
- (3) What, if any, emergency procedures have been put in place to safeguard these communities in the event of cyanide transport accidents and cyanide spills?

Answer—

- (1) and (2) This is yet to be determined. Condition 5.4 (b)(i) of development requires a precommissioning study to be carried out of “the routes to be used for the movement of vehicles carrying hazardous materials to or from the proposed development”.
- (3) A comprehensive emergency plan and safety management system are required under conditions 5.4(b)(ii) and 5.4(b)(iii) of the Development Consent.

*931 TRANSPORT SERVICES—SCHOOL BUS SERVICES—Ms Rhiannon asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests)—

- (1) Are the 8.10am and 8.35am services of the 536 from Chatswood so full by the time they get to Lane Cove that school children can't get on, causing these children to be regularly late for school?
- (2) (a) Will you consider putting more services on this route, or allocating a dedicated school bus?
(b) If not, why not?
- (3) Is the bus taking these school children back to Chatswood in the afternoon, namely dedicated school service No .628, dangerously overcrowded?
- (4) (a) Will you consider putting an extra school bus service on the 628 route in the afternoon?
(b) If not, why not?

Answer—

I am advised:

- (1) There are no reports of any school children being left behind at Lane Cove by either the Route 536 bus service that departs Chatswood at 7.55 am (arriving at Lane Cove at 8.13am) or the service that leaves Chatswood at 8.20am (arriving at Lane Cove at 8.38am).

Two complaints have been received about the operation of the 536 service on 31 March 2004.

One complaint concerned a bus failing to stop for a student at the corner of the Pacific Highway and Mowbray Road at 7.30 am. The bus was carrying 36 passengers at the time and was not fully loaded.

The other complaint concerned the 7.55 am service which was running approximately 25 minutes late that day due to heavier than usual traffic conditions and was fully loaded.

- (2) State Transit will continue to monitor patronage levels on these bus services to ensure the services provided remain adequate.
- (3) There are no indications the 628 school special in the afternoon has excessive patronage levels. Since Friday 27 February 2004 the average number of students on the bus service has been 29. The buses on this route have a capacity of 50 to 60 people.

- (4) State Transit will continue to monitor patronage levels on this bus service to ensure the services provided remain adequate.

*932 MINERAL RESOURCES—COMMUNITY CONSULTATIVE COMMUNITY —Ms Rhiannon asked the Minister for Agriculture and Fisheries representing the Minister for Mineral Resources—

- (1) (a) Has the Minister for Mineral Resources scrapped the existing Community Consultative Committee and requested a new one be created?
- (b) If so, why?
- (2) What has been the cost of operating and administering the Community Consultative Committee to date?
- (3) Will Bickham Coal Company be allowed to process its 25,000-tonne coal sample at the Rix's Creek Coal Mine?
- (4) Do the consent conditions for Rix's Creek Coal Mine state that the Rix's Creek Mine may only process coal from its own mine?
- (5) (a) Did you grant approval to the Bickham Coal Mine project after it was assessed as a Part 5 approval, and not under the original plan as a Part 4?
- (b) If so, why?
- (6) When will the Special Investigation into Coal Mining in the Upper Hunter Valley, which you announced on January 19, take place?
- (7) Why is it happening after you approved the Bickham Coal Mine sample, which your Department has described as a "mini-mine"?

Answer—

- (1) (a) Under the special conditions of the approval for the bulk sample a new Community Consultative Committee will be established to review the performance of the bulk sampling activity and environmental monitoring.
- (b) See answer to (1)(a).
- (2) \$10,725.
- (3) Rix's Creek Coal Mine will seek modification to its development consent from the Department of Infrastructure, Planning and Natural Resources to receive and process coal from the Bickham Bulk Sample.
- (4) There is no condition in the Rix's Creek Coal Mine development consent limiting Rix's Creek to processing coal from its own operation only.
- (5) (a) Approval was given to the bulk sample activity under part 5 of the *Environmental Planning and Assessment Act 1979*. The Bickham Bulk Sample activity is to be carried out under an Exploration Licence.
- (b) See answer to 5(a).
- (6) The Government's strategic investigation into the potential impacts of extending mining activity into this region has commenced. This investigation is being coordinated by my colleague, the Minister for Infrastructure and Planning, through the Department of Infrastructure, Planning and Natural Resources.

- (7) The Bickham Bulk Sample activity is being carried out under an Exploration Licence. The strategic investigation will be completed prior to consideration being given to any future full scale mining proposal in the region.

*933 ROADS—TOXIC SPILL ON GREAT WESTERN HIGHWAYS—Ms Rhiannon asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Roads and Minister for Housing—

- (1)
 - (a) Will you review the effectiveness of the regulatory regime surrounding the transport of toxic chemicals after the toxic spill on the Great Western Highway east of Lithgow on February 25, 2004?
 - (b) If not, why not?
- (2)
 - (a) Will compensation be paid to farmer Peter Gray and his neighbours, who are suffering headaches and other symptoms, and have been told not to use water from dams on their farms near the crash site?
 - (b) If not, why not?
- (3) Is there a need for more highway-based enforcement and monitoring of:
 - (a) Truck speeds; and
 - (b) Truck cargo?

Answer—

- (1) and (2) These are matters for my colleague, the Minister for the Environment.

- (3) (a) While the enforcement of light and heavy vehicle speeds is the responsibility of the NSW Police, the Roads and Traffic Authority (RTA) has implemented or is developing initiatives to address heavy vehicle speeding and these are detailed below:

Point to Point speed enforcement trial

The RTA is developing a point-to-point speed enforcement trial using Safe-T-Cam and fixed digital speed camera technology on the Pacific Highway and on the M4 Motorway in Western Sydney. Point to point speed enforcement will be able to determine whether a vehicle has exceeded the legal speed limit(s) for a specific section of road. Point to point speed enforcement has the potential to significantly reduce road accidents and fatalities on recognised 'black lengths' of roadway by enforcing the speed that vehicles can travel over a specific distance.

3 Strikes scheme

The RTA also administers the 3 Strikes scheme, which was introduced in July 1998 to encourage heavy vehicle operators to take greater responsibility for the actions of their drivers. Essentially, whenever a heavy vehicle is detected speeding at 15 km/h or more over the posted or heavy vehicle limit, the RTA will record a 'strike' against the vehicle. If 3 strikes are recorded within a 3 year period, the RTA will act to suspend the registration of the vehicle for a period of 28 days.

The RTA will act to suspend the registration of the vehicle for an additional 3 months if a fourth (or subsequent) strike is recorded. By applying sanctions against the registered operator, in addition to the infringements issued to the driver, the scheme is aimed at:

- Reducing the overall level of heavy vehicle speeding;
- Informing heavy vehicle operators that their vehicle has been detected travelling at excessive speeds;

- Encouraging heavy vehicle operators to educate their drivers to comply with set speed limits;
- Encouraging heavy vehicle operators to take greater responsibility for the actions of their drivers;
- Encouraging heavy vehicle operators to set realistic schedules for their drivers.

Signposting on the State Road system clearly advises road users of the need for caution and the presence of steep grades. Signposting on the Great Western Highway generally, and in the Mount Victoria area in particular advises road users of conditions and of the need to exercise caution.

Car-mounted digital speed cameras

I recently directed the RTA to trial the operation of car-mounted digital speed cameras, to further enforce speed limits on our roads in a strategic way. The RTA cameras will enforce heavy vehicle speeding, and they will be used primarily on known trucking routes.

The cameras will be mounted inside a range of different types of vehicles, and they will not be obvious to passing motorists. The location of the speed camera cars will not be signposted – they will be able to be deployed anywhere, at any time. This means that if any heavy vehicle is speeding, it will run the risk of being detected by these new camera cars.

RTA examiners already play an important role in terms of heavy vehicle regulation through licensing, weight measurement, and fatigue management. This is just a natural extension of their role which will serve to complement the role of the NSW Police. The NSW Police will still be responsible for the enforcement of speeding for all vehicles and the Infringement Processing Bureau will still be responsible for processing all fines.

Two cameras will be operational for a three-month trial commencing at the end of May. No fines will be issued during this time. A taskforce will oversee the trial of the cameras and report back to me with recommendations regarding their further use.

- (b) Although the RTA undertakes the inspection of vehicles for proper load restraint it does not have responsibility for the transport of dangerous goods materials. This is a function of WorkCover and the Department of Environment and Conservation. The RTA manages the compliance of heavy vehicles, their drivers, owners and operators via Road Transport law through a series of initiatives. Two key sites where compliance is enforced are at the RTA's heavy vehicle checking stations and also at roadside inspection sites.

The RTA has approximately 320 Inspectors employed across the State and the typical activities performed include mechanical roadworthiness inspections, logbook checks, registration and licence checks, weight measurement, load restraint inspections and checks to ensure compliance with route and access permits and guidelines.

In addition, on the Great Western Highway, the RTA has a heavy vehicle checking station located at Mount Boyce, intercepting both east and westbound vehicles. Another checking station is also located at Bell on Bells Line of Road. These two facilities play an integral role in ensuring heavy vehicles transporting goods from Sydney to the Greater West meet road transport requirements, especially load restraint.

*934 ROADS—BRUXNER HIGHWAY—Ms Rhiannon asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Roads and Minister for Housing—

- (1) Are you aware that on the Wollongbar section of the Bruxner Highway Alstonville bypass (section 11), there is an area of Big Scrub Rainforest remnant that is slated for destruction?
- (2) Are you aware that forest remnant (near 1035 Bruxner Hwy, Wollongbar) contains two Moreton Bay Fig Trees and a Red Cedar, all of which are hundreds of years old?

- (3) Did the Environmental Impact Statement (EIS) for the bypass fully assess this site, including an evaluation of the Red Cedar and four other large old trees?
- (4) Did the EIS for this bypass include a fauna study?
- (5) Are you aware that these Moreton Bay Trees are prime habitat for the critically endangered Coxen's Fig Parrot?
- (6) Are you aware that there is a Federally funded program to plant these and other fig trees in the Northern Rivers to assist with the protection of this bird species?
- (7) Did the EIS consultants confer with the Nulingar Land Council (Lismore) which overlaps in this area with the Jali Land Council (Ballina)?
- (8) Are you aware that the Bungalong Nation Elders consider all large Moreton Bay Fig trees as sacred, and that the sheltered space between the buttress roots were used as birthing sites?
- (9) Are there other options for the bypass that do not involve further destruction of the remaining rainforest, which amounts to less than 1 per cent of its pre-1788 size?
- (10) Who has authority over Site 11 at present?

Answer—

- (1) Section 11 was assessed in accordance with the Environmental Impact Assessment process. It is isolated from adjoining remnants by cleared pasture, roads and urban areas.
- (2) Yes. The trees are located in Section 11, however, the age of the trees has not been determined.
- (3) Yes. The environmental assessment and associated documents included the assessment of the two Fig trees and the large Red Cedar tree. The Roads and Traffic Authority (RTA) was advised on 10 March 2004 that the Red Cedar tree was removed by the property owner, the previous weekend.
- (4) Yes. In addition, further studies were undertaken as a result of design changes.
- (5) No recorded Coxen's Fig Parrot have been identified. Habitat assessments were carried out based on available habitat in relation to all threatened species known to occur in the locality.
- (6) The Subtropical Farm Forestry Association has advised that the Big Scrub Rainforest Landcare Group grows figs and distributes them as tubestock to farmers for planting.
- (7) The National Parks and Wildlife Service and the Jali Aboriginal Lands Council have been working with the RTA on the design of the project and will continue to be involved during the construction phase. Extensive consultation has been undertaken as part of the environmental assessment for the project. The Environmental Impact Statement for the bypass was placed on public display in September, 1998. No submissions were received from the Nulingar Land Council.
- (8) The Bundalong Nation Elders have not approached the RTA or National Parks and Wildlife Service formally with regard to the Morton Bay Fig Trees
- (9) As part of the development phase of this project, the RTA considered three corridor options and two variations. These were placed on public display and advertised. The RTA is continuing to refine the route within the approved road corridor.
- (10) As at 15 March 2004, the trees were located on private property.

*935 INFRASTRUCTURE AND PLANNING AND NATURAL RESOURCES—M4 EAST SHORT TUNNEL OPTION—Ms Rhiannon asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Infrastructure and Planning and Minister for Natural Resources—

- (1) Does the M4 East extension project, in particular the 'short tunnel option', represent a retreat from the Government's policy of preserving the unique heritage of Haberfield?
- (2)
 - (a) Has your Department studied the impact of the M4 East 'short tunnel' on the heritage suburb of Haberfield?
 - (b) If so, what were the findings?
 - (c) Did this study look at the effect of the tunnel's heavy vehicle traffic on the historic houses?
 - (d) If so, what were the findings?
 - (e) If no such study has been done, when will such research occur?
- (3)
 - (a) Has your Department studied the impact on Darlinghurst's historic houses of the Eastern Distributor?
 - (b) If so, what were the findings?
- (4)
 - (a) What research has been done on the potential damage to properties in Northcote Street as a result of the short tunnel option?
 - (b) What were the findings of this research?
 - (c) If no research has been done on the potential damage to properties in Northcote Street, will such research be undertaken?

Answer—

- (1) to (4) The M4 East extension and Eastern Distributor projects are initiatives of the Roads and Traffic Authority and accordingly, fall under the responsibility of the Hon Carl Scully MP in his capacity as Minister for Roads.

The Minister for Infrastructure and Planning and Minister for Natural Resources has advised, however, that the Heritage Office has made a submission to the RTA, following the release of its options study for the M4 East extension project for public comment in December last year. Among other things, the submission outlines the concerns that the Heritage Office has with the potential heritage impacts of the short tunnel option on the suburb of Haberfield.

It is expected that these concerns will be thoroughly considered and addressed prior to the project progressing to the Environmental Impact Statement stage.

*936 PLANNING—FAGAN PARK—Ms Hale asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Infrastructure and Planning and Minister for Natural Resources—

- (1) Has the Minister received the draft Plan of Management for Fagan Park, as adopted by Hornsby Shire Council on 10 December 2003?
- (2) When does the Minister expect that he will make a determination on the draft Plan of Management?
- (3) Is the Minister aware of community objections to the draft Plan of Management arising from the provision for "informal horse riding" as an activity within the park?

- (4) (a) Is the Minister aware of legal advice gained by the Friends of Fagan Park that the references to horse riding in the draft Plan of Management are inconsistent with the original Deed of Gift establishing the park?
- (b) If so, what consideration has the Minister given to this legal advice?
- (c) If not, will the Minister seek a briefing on this legal advice before making a determination on the draft Plan of Management?
- (5) (a) Has the Minister taken legal advice as to whether the draft Plan of Management is consistent with the original Deed of Gift?
- (b) Will the Minister do so before approving the draft Plan of Management?
- (6) (a) In consideration of the draft Plan of Management has the Minister taken into consideration the potential effects of nutrients and weed infestation from manure on the endangered Turpentine Ironbark ecological community in Fagan Park?
- (b) If not, will the Minister seek advice from appropriate officers before making a determination on the draft Plan of Management?
- (7) What measures will the Minister put in place to ensure that the provision for “informal horse riding” in the draft Plan of Management is not extended in the future to allow an exclusive equestrian facility in the park?

Answer—

- (1) No.
- (2) I am advised that the Department of Lands is still reviewing the submissions received in respect of the draft plan of management. I have been advised that the Department’s recommendations will be submitted to me by mid May 2004.
- (3) Yes.
- (4) I am advised that the Department of Lands is reviewing the legal advice submitted by the “Friends of Fagan Park”, and that the department’s submission to the Minister will include comment on this legal advice.
- (5) I will defer my decision on the need to seek legal advice until I have reviewed the department’s submission.
- (6) The Department of Lands has advised that specialists with expertise in soil management did provide input into developing the draft plan of management and that the planned equestrian activities are removed from the endangered Turpentine Ironbark ecological community and suitable riparian set-backs are proposed.
- (7) Under the *Crown Lands Act 1989*, if a plan of management is adopted, all operations undertaken on or in relation to the affected Crown reserve must accord with the provisions of that plan. Any alteration to the provisions of the adopted plan will require further community consultation and formal adoption of an amended plan.

*937 HEALTH—MENTAL HEALTH SERVICES FOR PRISONERS—Ms Hale asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast representing the Minister for Health—

- (1) Is the Minister aware of the results of the report “Mental Illness Amongst NSW Prisoners”, published by the NSW Corrections Health Service, which shows that over 38% of men in prison have substantial mental health illnesses?

- (2) What specific strategies are in place to stop people with mental health issues from revolving back through the prison system?
- (3) In relation to each of the strategies mentioned in question 2:
- (a) What are the performance indicators for those strategies?
 - (b) What results have they demonstrated over the last three years?
 - (c) What bodies or officers have responsibility for carriage of these programs?

Answer—

I have been advised by the Hon Morris Iemma MP, Minister for Health, that the answer to the Honourable Member's question is:

- (1) Yes
- (2) The Corrections Health Service commenced the Community Court Liaison Service in 2002. This service now operates in 14 local courts in regional and metropolitan centres within New South Wales. The aim of the service is to divert mentally ill people from custody into community treatment. Experienced and qualified mental health clinicians advise the court on treatment alternatives available and arrange transfer of care to community mental health providers.

People who are on remand entering custody undergo a targeted health screening at the point of entry. Particular focus is given to assessing people for mental illness and once identified, mental health treatment is initiated or recommenced.

In partnership with the Department of Corrective Services, Corrections Health Service has been planning for a 40 bed Mental Health Screening Unit within the Metropolitan and Remand Reception Centre at Silverwater to provide services to males in custody and is to commence operation in June 2004. A similar unit for females is planned for the Mulawa Correctional Centre due to commence in late 2005.

Corrections Health Service also has responsibility to implement a Statewide Forensic Mental Health Directorate. The directorate will coordinate statewide clinical pathways for forensic mental health beds across all inpatient facilities in New South Wales, the Forensic Hospital planned for the Long Bay site and, a community forensic service providing expertise to community based mental health services.

- (3) (a) to (b) For the period April 2002 and October 2003, 59% of people assessed by the Community Court Liaison Service were successfully diverted from custody to community mental health services. Of these, 78% of referrals from court to mental health inpatient units for assessment resulted in the patient being admitted. This represents a significant improvement from the 2001 pilot program which had an admission rate of less than 30%.

The 2001 Corrections Health Service Inmate Mental Health Survey reports that 95% inmates suffering from a psychotic illness were correctly identified at the point of reception and appropriate treatment was provided.

- (c) The bodies responsible for ensuring services are provided to prevent mentally ill people entering custody are Corrections Health Service in partnership with the Attorney General's Department and the Department of Corrective Services.

*938 HEALTH—OFFICIAL VISITORS PROGRAM—Ms Hale asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast representing the Minister for Health—

- (1) What reasons have been provided for housing the Official Visitors program at the Centre for Mental Health?

- (2) Which government and non-government agencies and organisations were consulted in relation to this decision?
- (3) (a) Was consideration given to locating the Official Visitors program in a more independent location such as the Ombudsman's Office or the Health Care Complaints Commission?
(b) If so, what reasons were given for rejecting these options?
- (4) What is the 2003/04 budget for the Official Visitors program?
- (5) Within this budget, what allocation is made for:
 - (a) wages;
 - (b) training; and
 - (c) travel and other incidental costs?
- (6) Is this allocation sufficient to ensure that Official Visitors carry out their responsibilities thoroughly?
- (7) (a) Has the Principal Visitor's working year been increased by 1.5 days?
(b) Will this increase be sufficient to ensure that Official Visitors carry out their responsibilities thoroughly?

Answer—

I have been advised by the Hon Morris Iemma MP, Minister for Health, that the answer to the Honourable Member's question is:

- (1) The expertise and infrastructure available within the Centre for Mental Health has effectively supported the Official Visitors Program since 1988.
- (2) There have been several reviews addressing Official Visitors, including the 1991 Independent Expert Committee on the Establishment of a Mental Welfare Authority and the 1992 Mental Health Act Implementation and Monitoring Committee. These reviews included input from mental health stakeholder organisations and the community.
- (3) (a) The 1991 Independent Expert Committee on the Establishment of a Mental Welfare Authority recommended the formation of a separate Official Visitor organisation.
(b) This option was rejected as it would have limited the resources and skills available to the Program, creating possible disadvantages for the Program from being isolated.
- (4) The Centre for Mental Health budget contains an annual provision for the Official Visitors Program. The amount varies from year to year according to need.
- (5) and (6) (a) Wages and related costs are met by the Centre for Mental Health, and vary from year to year according to Program needs.
(b) Training costs for Official Visitors are met from the annual provision for the Program, sufficient to provide induction training and an annual conference for all Official Visitors.
(c) Travel and other incidental costs for Official Visitors are met from the annual provision for the Program as required.
- (7) (a) No.
(b) N/A.

*939 **DISABILITY SERVICES—ACTIVE LINKING INITIATIVE**—Ms Hale asked the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth—

Will funding for the successful Active Linking Initiative be continued after June 2004?

Answer—

Yes. Following a review of the program, the Government announced on 18 March 2004 that the Active Linking Initiative would continue past June 2004.

*940 **HEALTH—DUAL DIAGNOSIS PATIENTS**—Ms Hale asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast representing the Minister for Health—

- (1) Is the Minister aware of the recommendations of the Pezutti Report in relation to the 50-70% of people with mental health problems who also have concurrent substance abuse problems ie, a dual diagnosis?
- (2) In relation to the recommendations of the Pezutti Report:
 - (a) Which of these recommendations have been implemented?
 - (b) What has been the cost of this implementation?
 - (c) What outcomes have been demonstrated?
- (3) What, if any, consideration has the Minister given to reintroducing an integrated service program for people with MISA (Mental Illness Substance Abuse), ie dual diagnosis, as recommended by the Pezzutti Report? (recommendation 68, p186)
- (4) What other programs does the Department undertake which specifically target people with a dual diagnosis?
- (5) What programs relevant to NSW residents is the Minister aware of which are undertaken by other Departments or agencies?
- (6)
 - (a) Is the Minister aware of the a Best Practise model recommended by Maree Harris in her recently completed Churchill scholarship report on international best practise models for clients with a dual diagnosis?
 - (b) If not, will the Minister obtain a briefing on these recommendations?
 - (c) If so, does the Minister anticipate that these recommendations will be put into effect in NSW?

Answer—

- (1) and (2)
 - (a) to (c) The recommendations of the Select Committee Report have been referred to the Implementation Taskforce for monitoring. The Implementation Taskforce has been established to oversee the implementation of the recommendations and is chaired by Dr Brian Pezzutti. Costs and outcomes of the implemented recommendations will be overseen by the Implementation Taskforce.
- (3) to (5) The Centre for Mental Health and the Centre for Drugs and Alcohol are working closely on issues related to dual diagnosis. There are a number of programs both undertaken and funded by Area Health Services, which specifically target people with a dual diagnosis. In addition, there are an extensive range of programs and partnerships between agencies and other Departments which target people with a dual diagnosis. The Housing and Accommodation Support Initiative is one example of a program operating in nine areas of NSW and targets people with a dual diagnosis.

- (6) (a) to (c) The Advisory Committee on Best Practice Service Delivery for People with Mental Health and Substance Use Disorders (the Committee) was formed after a meeting between the Premier and Sr Harris on 17 December 2001.

The Committee developed a Report with recommendations to be put into effect in New South Wales. The Report is currently being considered by the Premier and, if approved it will be referred to myself as Minister for Health; and

- referred to the Special Minister for State;
- referred to the Chair of the Human Services Cabinet Committee;
- referred to the Minister for Housing;
- used as a reference by the Taskforce implementing the Government response to the Parliamentary Inquiry into Mental Health; and
- reviewed in conjunction with the Report of the Parliamentary Inquiry into the *Inebriates Act 1912*.

Sr Harris' work highlights some promising international initiatives which will be considered for application in NSW.

*941 HEALTH—MENTAL HEALTH TASK FORCE—Ms Hale asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast representing the Minister for Health—

- (1) What is the work of the Mental Health Task force, set up by Government in response to recommendations to the Mental Health Inquiry?
- (2) How many times has the Mental Health Task force met since it was established in December 2003?
- (3) What reports, recommendations, or other actions has the Mental Health Task force finalised since December 2003?
- (4) (a) What programs, investigations, research or other projects are currently being carried out by the Mental Health Task Force?
(b) When are these expected to be completed?
- (5) (a) Does the Mental Health Task Force report on its progress and to whom?
(b) Are these reports publicly available?
- (6) How is representation on the Taskforce determined and what is the rationale for those appointments?
- (7) What are the reasons for the absence of community, NGO or consumer representation on the Taskforce?

Answer—

I have been advised by the Hon Morris Iemma MP, Minister for Health, that the answer to the Honourable Member's question is –

- (1) to (4) (a) to (b) inclusive. The Taskforce's function is to monitor the implementation of the *NSW Government Response to the Select Committee Inquiry into Mental Health Services*. The first quarterly meeting of the Mental Health Implementation Taskforce has already been held.
- (5) to (7) inclusive. Membership of the Implementation Taskforce, its terms of reference, reporting requirements and related issues have been determined.

The Implementation Taskforce was appointed by and reports directly to the Minister for Health through the Chair, Dr Brian Pezzutti.

The Implementation Taskforce includes NGO, consumer and carer representation.

*942 JUSTICE—OFFICIAL VISITORS PROGRAM—Ms Hale asked the Minister for Justice, and Minister Assisting the Premier on Citizenship—

- (1) What reasons have been provided for housing the Official Visitors program at the Centre for Mental Health?
- (2) Which government and non-government agencies and organisations were consulted in relation to this decision?
- (3)
 - (a) Was consideration given to locating the Official Visitors program in a more independent location such as the Ombudsman's Office or the Health Care Complaints Commission?
 - (b) If so, what reasons were given for rejecting these options?
- (4) What is the 2003/04 budget for the Official Visitors program?
- (5) Within this budget, what allocation is made for
 - (a) wages;
 - (b) training; and
 - (c) travel and other incidental costs?
- (6) Is this allocation sufficient to ensure that Official Visitors carry out their responsibilities thoroughly?
- (7)
 - (a) Has the Principal Visitor's working year been increased by 1.5 days?
 - (b) Will this increase be sufficient to ensure that Official Visitors carry out their responsibilities thoroughly?

Answer—

This question relates to Official Visitors appointed by the Minister for Health under the *Mental Health Act 1990*. I note that the Honourable Member has asked an identical question of the Minister for Health.

*943 INFRASTRUCTURE AND PLANNING—SYDNEY HARBOUR FORESHORE AUTHORITY —Mrs Forsythe asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Infrastructure and Planning and Minister for Natural Resources—

- (1) For each lease on land formerly under the control of the Sydney Cove Redevelopment Authority please provide:
 - (a) The name in which the lease is held and address of the property;
 - (b) The term of the lease;
 - (c) The annual rent payable;
 - (d) The date at which the lease was signed;
 - (e) Whether the term of any lease was varied after it was signed.
- (2) On page 65 of the Sydney Harbour Foreshore Authority Annual Report 1997-1998, 2 leases were the subject of extension of the term of the lease. Which leases were they?

- (3) For each lease on land under the control of the Sydney Harbour Foreshore Authority, please provide:
- (a) The name and address of the property;
 - (b) The term of the lease;
 - (c) The annual rent payable;
 - (d) The date at which the lease was signed;
 - (e) Whether the term of any lease was varied after it was signed.
- (4) For each of the 32 consultants engaged by the City West Development Corporation in the period 1997-1998 and engaged at less than or equal to \$30,000 please provide:
- (a) The name of the consultant;
 - (b) The nature of the work undertaken;
 - (c) The value of the consultancy.
- (5) For each of the 73 contractors identified in the City West Development Corporation Annual Report 1997-1998 and engaged by the City West Development Corporation in the period 1997-1998 please provide:
- (a) The name of the contractor;
 - (b) The nature of the work undertaken;
 - (c) The value of the contract.
- (6) Were any other contractors employed in the period 1997-1998 by City West Corporation? If so, please provide:
- (a) The name of the contractor;
 - (b) The nature of the work undertaken;
 - (c) The value of the contract.
- (7) (a) In relation to consultancies valued at over \$30,000 engaged by City West Development Corporation in the period 1997-1998, was each the subject of a competitive tender?
- (b) If not, what was the process?
- (8) For each of the 54 consultants engaged by the City West Development Corporation in the period 1998-1999 and engaged at less than or equal to \$30,000 please provide:
- (a) The name of the consultant;
 - (b) The nature of the work undertaken;
 - (c) The value of the consultancy.
- (9) For each of the 14 consultants engaged by the Sydney Cove Redevelopment Authority in the period 1998-1999 and engaged at less than or equal to \$30,000 please provide:
- (a) The name of the consultant;
 - (b) The nature of the work undertaken;
 - (c) The value of the consultancy.

- (10) For each of the 21 consultants engaged by the Sydney Harbour Foreshore Authority in the period 1998-1999 and engaged at less than or equal to \$30,000 please provide:
- (a) The name of the consultant;
 - (b) The nature of the work undertaken;
 - (c) The value of the consultancy.
- (11) Were any contractors engaged by any of the three agencies listed above during the period 1998-1999? If so please provide:
- (a) The name of the contractor;
 - (b) The nature of the work undertaken;
 - (c) The value of the contract.
- (12) (a) For each consultant engaged by any of the three agencies in the year 1998-1999 at over \$30,000, was each the subject of a competitive tender?
- (b) If not, what was the process?
- (13) (a) For each consultant engaged by the Sydney Harbour Foreshore Authority for work over \$30,000 in the period 1999-2000, was each the subject of a competitive tender?
- (b) If not, what was the process?
- (14) For each consultant engaged by the Sydney Harbour Foreshore Authority in the period 1999-2000 to undertake work valued at less than \$30,000 please provide:
- (a) The name of the consultant;
 - (b) The nature of the work undertaken;
 - (c) The value of the consultancy.
- (15) Were any contractors engaged by the Sydney Harbour Foreshore Authority during the period 1999-2000? If so please provide:
- (a) The name of the contractor;
 - (b) The nature of the work undertaken;
 - (c) The value of the contract.
- (16) (a) For each consultant engaged by the Sydney Harbour Foreshore Authority for work over \$30,000 in the period 2000-2001, was each the subject of a competitive tender?
- (b) If not, what was the process?
- (17) For each consultant engaged by the Sydney Harbour Foreshore Authority in the period 2000-2001 to undertake work valued at less than \$30,000 please provide:
- (a) The name of the consultant;
 - (b) The nature of the work undertaken;
 - (c) The value of the consultancy.

- (18) Were any contractors engaged by the Sydney Harbour Foreshore Authority during the period 2000-2001? If so please provide:
- (a) The name of the contractor;
 - (b) The nature of the work undertaken;
 - (c) The value of the contract.
- (19) (a) For each consultant engaged by the Sydney Harbour Foreshore Authority for work over \$30,000 in the period 2001-2002, was each the subject of a competitive tender?
- (b) If not, what was the process?
- (20) For each consultant engaged by the Sydney Harbour Foreshore Authority in the period 2001-2002 to undertake work valued at less than \$30,000 please provide:
- (a) The name of the consultant;
 - (b) The nature of the work undertaken;
 - (c) The value of the consultancy.
- (21) Were any contractors engaged by the Sydney Harbour Foreshore Authority during the period 2001-2002? If so please provide:
- (a) The name of the contractor;
 - (b) The nature of the work undertaken;
 - (c) The value of the contract.
- (22) (a) For each consultant engaged by the Sydney Harbour Foreshore Authority for work over \$30,000 in the period 2002-2003, was each the subject of a competitive tender?
- (b) If not, what was the process?
- (23) For each consultant engaged by the Sydney Harbour Foreshore Authority in the period 2002-2003 to undertake work valued at less than \$30,000 please provide:
- (a) The name of the consultant;
 - (b) The nature of the work undertaken;
 - (c) The value of the consultancy.
- (24) Were any contractors engaged by the Sydney Harbour Foreshore Authority during the period 2002-2003? If so please provide:
- (a) The name of the contractor;
 - (b) The nature of the work undertaken;
 - (c) The value of the contract.

Answer—

The diversion of public resources necessary to answer this question is not justifiable due to the extremely large scope and period of time covered by the question.

*944 ENVIRONMENT—BRUXNER HIGHWAY—Mr Cohen asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

- (1) Is there on the Wollongbar section of the Bruxner Highway Alstonville bypass (section 11), an area of Big Scrub Rainforest remnant that is slated for destruction?
- (2) Does the forest remnant (near 1035 Bruxner Hwy, Wollongbar) contain two Moreton Bay Fig Trees and a Red Cedar, all of which are hundreds of years old?
- (3) Did the Environmental Impact Statement for the bypass fully assess this site, including an evaluation of the Red Cedar and four other large old trees?
- (4) Did the EIS for this bypass include a fauna study?
- (5) Are the Moreton Bay Trees prime habitat for the critically endangered Coxen's Fig Parrot?
- (6) Is there a Federally funded program to plant these and other fig trees in the Northern Rivers to assist with the protection of this bird species?
- (7) Did the EIS consultants confer with the Nulingar Land Council (Lismore) which overlaps in this area with the Jali Land Council (Ballina)?
- (8) Do the Bungalung Nation Elders consider all large Moreton Bay Fig trees as sacred, and that the sheltered space between the buttress roots were used as birthing sites?
- (9)
 - (a) Have other options been considered for the bypass that do not involve further destruction of the remaining rainforest, which amounts to less than 1 per cent of its pre-1788 size?
 - (b) If not, why not?
- (10) Who has authority over Site 11 at present?

Answer—

I am advised that the appropriate level of environmental and archaeological assessment was undertaken in planning the Alstonville bypass. The proposal was subject to assessment under Part 5 of the *Environmental Planning and Assessment Act 1979* and, as such, required the approval of the Minister for Planning.

As no Species Impact Statement was required, the Department of Environment and Conservation had no concurrence role in the project. However, the department provided advice regarding natural and cultural heritage issues to the RTA during the preparation of the Environmental Impact Statement for the project.

I am advised the Environmental Impact Statement for the proposal noted that a number of non-threatened large rainforest trees such as Moreton Bay Figs would be removed.

The bypass proposal was approved by the Minister for Planning on 27 February 2003 subject to 68 conditions, ten of which pertain specifically to flora and fauna management.

*945 AGRICULTURE—GE CANOLA TRIALS—Mr Cohen asked the Minister for Agriculture and Fisheries—

- (1)
 - (a) Do protocols exist for GE canola trials in NSW?
 - (b) If not, why not?
- (2)
 - (a) Is there a general set of industry produced principles, which have not been agreed upon by all industry players?
 - (b) If not, why not?

- (3) (a) Does evidence worldwide show that GE contamination is inevitable?
- (b) If so, will the Government guarantee that any non GE farmer who is contaminated be adequately compensated?
- (4) Will you guarantee that no non-GE farmer will have to bear any costs if harvests or shipments are lost or damages are incurred as a result of any trial the Minister approves under a moratorium order?
- (5) How do you intend to ensure that post-trial cropping areas are fully restored to their pre-trial conditions?

Answer—

- (1) and (2) NSW Agriculture advises that there has been a lot of effort put in by a lot of people nationally over the past three or four years to identify the impact which herbicide tolerant crops will have on the farming systems of southern Australia. This process was initiated by the Plant Industries Committee, which is a sub-committee for the Primary Industries Standing Committee. It was developed further by working groups of government officers and industry representatives in south-eastern, and Western Australia. Finally, the Gene Technology Grains Committee, an even broader based industry group, took over the task, and developed a set of principles covering the issues which this process had identified.

In addition, the proponents of GM canola trials have developed a detailed set of protocols for pre-farm and on-farm management of GM canola, which minimise the risk of escape of GM canola from a trial site.

- (3) (a) and (b) No other country has made a serious attempt to maintain segregated production and handling and transport streams of GM and non-GM crop products.
- (4) I believe that the risks of escape of GM canola from the trials I propose to approve in 2004 are minimal, and that the risk of economic loss are even smaller, due to the conditions I will impose on the conduct of the trials, and the fact that insurance cover is available.
- (5) The exemption order will impose the appropriate conditions.

*946 POLICE—MR GREG FISHER—Revd Mr Nile asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

- (1) Has the Department of Public Prosecutions dropped drug charges against Mr Greg Fisher due to mishandling of Evidence?
- (2) What action is the Government taking to ensure that this individual is properly processed under the law for any breaches of that law?
- (3) What steps is the Government taking to ensure that this course of events will not happen again in the future?

Answer—

- (1) to (3) I refer the Honourable Member to the Attorney General, within whose portfolio the Director of Public Prosecutions sits.

*947 POLICE—RESTRICTED PREMISES ACT—Revd Mr Nile asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

- (1) Was the 'restricted Premises Act' used for the first time last week to declare a Kings Cross cafe 'restricted' and liable for search at anytime without warrant?
- (2) Why hasn't this action been taken previously by Police to reduce the supply of drugs to the area and help stamp out prostitution, the exploitation of Asian women and the sex slave trade?

Answer—

NSW Police has advised me:

- (1) Yes.
- (2) Police in Kings Cross Local Area Command employ a number of enforcement strategies to combat crime.

*948 INDUSTRIAL RELATIONS—ILLEGAL IMMIGRANTS —Revd Mr Nile asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast—

- (1) Is the Government aware that illegal immigrants are being exploited in the New South Wales workforce?
- (2) (a) Were 200 New South Wales employers caught using illegal immigrants last financial year?
(b) If so, Was the only disciplinary action undertaken by the Government to issue “warning notice”?
- (3) Why has the Government been so soft on the employers?

Answer—

- (1) The issue of illegal workers is an exclusive Commonwealth responsibility under section 51(xix) of the Australian Constitution. The Federal Government has enacted the Federal *Migration Act 1958* and the *Migration Reform Act 1992* under this constitutional power. The responsible Minister is Senator the Hon Amanda Vandstone, Minister for Immigration, Indigenous and Ethnic Affairs.

The NSW Government has no constitutional scope to enact laws prohibiting the employment of a person who is not lawfully permitted to work in Australia.

- (2) (a) The NSW Government is not aware of the total number of illegal immigrants detained by the Federal Department of Immigration, Indigenous and Ethnic Affairs last financial year.
(b) Not applicable.
- (3) As answered in (1) above, the NSW Government has no constitutional power to enact laws in relation to illegal migration.

*949 SPECIAL MINISTER OF STATE—HIV STUDIES—Revd Mr Nile asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast—

- (1) Is the Minister aware that the “European Journal of Public Health” (Volume 13, Issue 3, September 2003, pp252-258) published a comparative study of Denmark, Norway and Sweden in their methods of dealing with HIV infection which found that “HIV counselling and testing more effective than legal access to needles and syringe/needle exchange programs”?
- (2) Will the Government consider these findings and rethink its own needle distribution exchange program and the medically supervised injecting centre at Kings Cross?

Answer—

- (1) Yes.
- (2) The journal article referred to in the question is a European study of data recorded during 1991–1996. It has only a limited relevance to Australian and NSW programs. Moreover the authors note its observations are not conclusive and accordingly recommend further investigation. (p 254 and p 257)

The NSW Government and Australian Governments are working in partnership and under national strategies which tackle the issue of HIV infection through comprehensive approaches to reduce the risk of transmission of HIV and blood-borne viruses associated with injecting drug use. This includes HIV testing, HIV counselling, and needle and syringe programs.

I am advised that the *National HIV/AIDS Strategy 1999-2000 to 2003-2004* provides a national strategy for HIV prevention programs.

Under the umbrella of this strategy, an 'HIV Testing Policy' has been developed by the Australian National Council on AIDS and Related Diseases (ANCARD) and the Intergovernmental Committee on AIDS and Related Diseases (IGDCARD). This policy notes that testing for the presence of HIV infection, in association with appropriate counselling and peer support, is critical in the diagnosis, in facilitating early intervention as a management strategy for the disease, and in minimising transmission of HIV.

NSW Health circular No 92/20 entitled 'Guidelines for counselling associated with HIV antibody testing' supports this national policy, and notes that HIV testing is part of a broader strategy of HIV prevention and support which includes HIV counselling as an essential element.

Needle and syringe programs are also a recognised and important component of the *National HIV/AIDS Strategy* which states that "continued support for needle and syringe programs, from all levels of government, is essential".

The evidence supporting the value of needle and syringe programs in Australia was demonstrated in 2002 by a Commonwealth funded study entitled 'Return on Investment in Needle and Syringe Programs in Australia'. This study was jointly released by the Australian National Council on Drugs, chaired by Major Brian Watters, and the Australian National Council on AIDS, Hepatitis C and Related Diseases. It reported that in the ten years between 1990 and 2000, the investment in the needle and syringe program (NSPs) in Australia resulted in 25,000 cases of HIV avoided; 21,000 cases of Hepatitis avoided; over 4,500 lives saved by 2010; and an estimated return of between \$2.4 billion – \$7.7 billion on an investment of \$150 million.

Major Watters stated at the time that "the importance and value of NSPs has been more than demonstrated by the release of this report today. It is hope that this will further enhance the public's awareness of the purpose and value of NSPs."

The Australian and NSW Governments are continuing to work together to tackle the HIV problem through increased education, counselling and referral services provided through funding under the 1999-2000 Council of Australian Governments (COAG) Illicit Drug Diversion Initiative – Supporting Measures Relating to Needle and Syringe Programs.

*950 ATTORNEY GENERAL—VICTIM'S COMPENSATION TRIBUNAL—Mr Breen asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

- (1) (a) Does the Annual Report of the Victim's Compensation Tribunal (the Annual Report) contain a Financial Statement on the operations of the fund, or a statement of source and application of funds, drawn up in accordance with normal accounting principles?
- (b) If not, what is the reason for this omission?
- (2) (a) The Annual Report discloses (p 5) an accrual of over \$19 million at 30 June 2002. Was this paid in 2002-03, and, if so, how did this impact the budget for 2002-03?
- (b) What was the position of accruals at 30 June 2003?
- (3) The Annual Report (p 10) mentions the proportion of total compensation awards paid in respect of only some compensable injuries:

- (a) Please provide a table to show the breakdown by category of compensable injury (under the 1996 Act) of the \$60.59 million awarded during 2002-03.
- (b) Please express this in dollars and as a percent of total awards. What is the reason that this information was presented only in part in the Annual Report?
- (4) The Annual Report (p.4) discloses that \$3.14 million was restituted from offenders in 2002-03. The Report (p.5) also has a bar chart showing compensation paid annually since inception of the Fund.
 - (a) Please provide a statement showing restitution from offenders each year since inception of the Fund.
 - (b) Why does the Report fail to provide this information?
- (5) The Annual Report (p.5) discloses that the budget allocation for Victims Services for 2002-03 was \$67 million.
 - (a) What is the budget allocation for 2003-04?
 - (b) Please provide a statement showing the annual and cumulative amounts advanced to the Fund by Treasury since inception of the Fund.
 - (c) Why does the Report fail to provide this information?

Answer—

- (1) (a) and (b) No. The Victims Compensation Tribunal of NSW Chairperson's Report is a report on the work of the Tribunal and the compensation assessors in accordance with section 83(1) of the *Victims Support and Rehabilitation Act 1996* (the Act).

The Chairperson and the Victims Compensation Tribunal are independent, established under the Act and the Chairperson's report is made in accordance with the terms of the Act and in a manner judged appropriate by the Chairperson.

The financial statements of the Victims Compensation Fund appear as part of the Consolidated Financial Statements published in the Attorney General's Department Annual Report.
- (2) (a) The \$19 million accrual as at 30 June 2002 was paid out in the 2002/03 financial year.
(b) \$13.328 million.
- (3) (a) and (b) Information in the form requested is not recorded by the Victims Compensation Fund.

The Chairperson's Report only mentioned injuries where the amount of compensation awarded falls within a set range. Most awards of compensation relate to these types of injuries.
- (4) (a) and (b) This information is available from each annual Chairperson's Report.
- (5) (a) and (b) Information relating to budget allocations for the current and previous years can be accessed through the NSW Treasury website – Budget Papers.
(c) Refer to Question 1.

10 MARCH 2004

(Paper No. 43)

*951 AGRICULTURE—AGRICULTURAL EDUCATIONAL AND RESEARCH FACILITIES—Mr Gay asked the Minister for Agriculture and Fisheries—

- (1) (a) Following the closure of Shannon Vale Field Station at Glen Innes, part of Pearces Creek Research Station near Wollongbar, and the Murwillumbah Tick Office, does the NSW Department of Agriculture propose to close more research stations and agricultural education facilities over the next 2 years?
- (b) If so, which research and education facilities are subject to further closures or partial rationalisations?
- (2) What is the NSW Department of Agriculture's projected expenditure for upgrading existing agricultural research facilities in 2004-2005?

Answer—

- (1) (a) NSW Agriculture advises that none of these three properties are research stations. As the custodian of public funds for research and education services to the agriculture sector in New South Wales, the NSW Department of Agriculture has a continuing responsibility to improve the efficiency of its research and information facilities.
- (b) Not applicable.
- (2) NSW Agriculture advises the projected expenditure for upgrading existing agricultural research facilities in 2004-2005 will not be known until the NSW State Budget is announced in June 2004.

*952 FISHERIES—INDIGENOUS FISHING STRATEGY—Mr Gay asked the Minister for Agriculture and Fisheries—

- (1) (a) Did 10 Aboriginal communities, ATSIC, the Indigenous Fishermen's Association and the Indigenous Strategy Working Group reject the Government's Indigenous Fishing Strategy?
- (b) If so, why and how did it become NSW Government policy?
- (2) (a) How much of the \$1.6 million allocated to the implementation of this Strategy has been spent so far?
- (b) Please itemise each expense to date.
- (3) In relation to the Strategy, how much money did Caspinal Consultants receive?
- (4) How were Caspinal Consultants appointed to work on this Strategy?
- (5) What are the credentials of Caspinal Consultants to justify this firm's appointment?
- (6) Is Caspinal Consultants being paid from the \$1.6 million allocated to the Strategy?
- (7) How were Aboriginal communities consulted on the Strategy?
- (8) What consultations have you had with the Attorney-General's Department in relation to the Indigenous Fishing Strategy?
- (9) (a) Did you reject an application for funding from the Indigenous Fishing Strategy for an upcoming Aboriginal conference on fishing issues?
- (b) If so, why?
- (10) Once the latest round of fees are in place, and the management plans are implemented, what will be the average total of NSW Government imposed fees and charges on commercial fishing businesses?
- (11) Has the NSW Government investigated cost savings for the industry?

- (12) Has the NSW Government or NSW Fisheries investigated outsourcing data entry work?
- (13) In real terms, how much funding has been spent on Fisheries' research for each year since 1995?
- (14) (a) Are Fisheries' inspectors permitted to use Fisheries' vehicles to travel between their home and workplace?
(b) If so, how many Fisheries officers are permitted to do this?
- (15) Do Fisheries inspectors have use of these vehicles outside of work time?
- (16) (a) Was a Fisheries vehicle involved in an accident in Narooma recently?
(b) If so, did any charges stem from this accident?
- (17) (a) Did your Director-General reject an application for funding from the Indigenous Fishing Strategy for an upcoming Aboriginal Elders' conference on fishing issues?
(b) If so, why?
- (18) Did the Director-General state to one of the organisers of this conference that this is what "you get for going political"?

Answer—

- (1) (a) to (b) No. Indigenous communities and organisations have supported the introduction of an Indigenous Fisheries Strategy (IFS) in New South Wales. The NSW Government received 378 individual submissions and feedback from community meetings held on the draft strategy during the consultation process. Some Indigenous individuals and groups expressed concern and provided constructive criticism on the draft strategy, which was carefully considered by the Government prior to the release of the final strategy. The Government is now working with the IFS Working Group and Indigenous communities on implementing the IFS.
- (2) (a) to (b) The \$1.6 million has been allocated to implement a variety of important projects that benefit the Indigenous community. Money has been allocated to establishing the IFS Working Group, employing Indigenous staff, funding projects that promote Indigenous participation in fisheries and providing cultural awareness training for NSW Fisheries staff.
- (3) to (4) Caspinal Consultants were chosen following a competitive selection process. Of the four companies who submitted detailed proposals Caspinal Consultants were chosen as the most appropriate company to provide cultural awareness training. I am advised that they were contracted to receive \$31,460 to conduct training for NSW Fisheries staff and Fishery Advisory Committees.
- (5) Caspinal Consultants has extensive experience in teaching and lecturing on the traditional and cultural customs of Aboriginal people at the primary, secondary, TAFE and university level. They have delivered cross-cultural awareness training to a wide range of NSW Government agencies and Local Council's.
- (6) Yes.
- (7) The Indigenous Fisheries Strategy was prepared following 5 years of extensive consultation with Indigenous communities and representatives. Over 1,500 copies of the draft strategy were distributed to Aboriginal communities and 25 community meetings were held across regional New South Wales.
- (8) I have advised the Attorney-General of concerns about a report on Indigenous fishing prepared by the NSW Aboriginal Justice Advisory Council. I will continue to work with my colleague to seek positive resolution of these issues.
- (9) (a) to (b) I am advised that no application for funding has been received by my office. However, I am aware that an application for funding from Aboriginal and Torres Strait Islander Services for the

Aboriginal State Conference was received by the Director-General of NSW Fisheries on 23 March 2004.

- (10) The Government is working with commercial fishers to develop a fair and transparent cost recovery framework. I am advised that NSW Fisheries will be consulting with industry in more detail later this year.
- (11) Yes. The Government has examined public/private management models, which enable industry to outsource or undertake activities themselves. Savings are also passed onto the abalone and lobster fisheries in accordance with the principals identified by the Independent Pricing And Regulatory Tribunal.
- (12) Yes. Data entry for the recreational fishing fee is currently outsourced.
- (13) Approximately \$74 million has been spent by NSW Fisheries on research from 1995/96 to 2002/03.
- (14) (a) Policies regarding the use of departmental motor vehicles are outlined in the *NSW Fisheries Motor Vehicle Policies And Procedures Manual*. Only in exceptional circumstances are staff permitted to use official vehicles for driving to and from work. These include where an officer is performing duties in the field with the use of a motor vehicle and it is more practical to proceed home upon completion of the work instead of driving to the work location, when it is more convenient for an officer to proceed to duty directly from home on the following day at a location away from their normal work location, and when an officer is required to be available for emergency call out patrols.
- (b) This number is dependent upon work rosters, the commencing locations of officers patrol shift and the number of officers available for emergency call out at the time
- (15) No.
- (16) (a) Yes.
- (b) Yes, two charges are before the court.
- (17) (a) to (b) I am aware that an application for funding from Aboriginal and Torres Strait Islander Services for the Aboriginal State Conference was received by the Director-General of NSW Fisheries on 23 March 2004. A decision on the application has not been made.
- (18) The Director-General of NSW Fisheries has advised that he did not make this statement.

11 MARCH 2004

(Paper No. 44)

*953 INFRASTRUCTURE AND PLANNING—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Infrastructure and Planning and Minister for Natural Resources—

- (1) How many square metres of office space does the department have?
- (2) (a) What is the annual cost of power to use this space?
- (b) How does this cost compare to the optimum levels in terms of benchmarks issued by the Property Council of Australia?
- (3) (a) Does the department rate the buildings under Australian Buildings Greenhouse Rating scheme?

- (b) If so, what is the average star rating?
- (4) (a) Does the department use any energy management monitoring systems to monitor the usage on a continuous basis on the base building and on various services such as air-conditioning, light and power to ensure that energy is not wasted and optimum use is obtained?
- (b) If not, why not?

Answer—

- (1) to (4) NSW Government agencies base their office accommodation requirements on the procedures established in Premier's Memorandum 99-06 "Government Office Accommodation Reform Program" and the "Government Office Accommodation Workplace Guidelines".

These documents are available through the internet at:

http://www.premiers.nsw.gov.au/pubs_dload_part4/prem_circs_memos/pre_memos/1999/m99-06.html
and <http://www.gamc.nsw.gov.au/docs/OAW-Management.pdf>

The management of energy by government agencies is guided by the Government Energy Management Policy. This policy contains certain guidelines and benchmarks that assist agencies to achieve better energy management results. Across the public sector total building energy costs fell by 5.3 percent between the base year 1995-96 and 2001-02, yielding a savings of more than \$7.4 million.

On 30 March 2004 the Government announced that public sector agencies would be rated against the Australian Building Greenhouse Rating (ABGR) Scheme by the end of 2004.

By July 2006 all new government buildings are to achieve a 4.5 star rating and all existing buildings will achieve a 3-star rating where cost effective (or 4 stars for major upgrades) and all existing government tenancies are to achieve 4 stars where cost effective (4.5 stars for fit outs and refurbishments).

In addition, public sector tenants will give preference to premises where the base building has at least 3 stars under the ABGR scheme and will require disclosure of the base building rating when seeking information for leasing purposes.

*954 MINERAL RESOURCES—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Minister for Agriculture and Fisheries representing the Minister for Mineral Resources—

- (1) How many square metres of office space does the department have?
- (2) (a) What is the annual cost of power to use this space?
- (b) How does this cost compare to the optimum levels in terms of benchmarks issued by the Property Council of Australia?
- (3) (a) Does the department rate the buildings under Australian Buildings Greenhouse Rating scheme?
- (b) If so, what is the average star rating?
- (4) (a) Does the department use any energy management monitoring systems to monitor the usage on a continuous basis on the base building and on various services such as air-conditioning, light and power to ensure that energy is not wasted and optimum use is obtained?
- (b) If not, why not?

Answer—

- (1) to (4) NSW Government agencies base their office accommodation requirements on the procedures established in Premier's Memorandum 99-06 "Government Office Accommodation Reform Program" and the "Government Office Accommodation Workplace Guidelines".

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In addition, public sector tenants will give preference to premises where the base building has at least 3 stars under the ABGR scheme and will require disclosure of the base building rating when seeking information for leasing purposes.

*955 REGIONAL DEVELOPMENT—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands) representing the Minister for Regional Development, Minister for the Illawarra and Minister for Small Business—

- (1) How many square metres of office space does the department have?
- (2)
 - (a) What is the annual cost of power to use this space?
 - (b) How does this cost compare to the optimum levels in terms of benchmarks issued by the Property Council of Australia?
- (3)
 - (a) Does the department rate the buildings under Australian Buildings Greenhouse Rating scheme?
 - (b) If so, what is the average star rating?
- (4)
 - (a) Does the department use any energy management monitoring systems to monitor the usage on a continuous basis on the base building and on various services such as air-conditioning, light and power to ensure that energy is not wasted and optimum use is obtained?
 - (b) If not, why not?

Answer—

- (1) to (4) NSW Government agencies base their office accommodation requirements on the procedures established in Premier's Memorandum 99-06 "Government Office Accommodation Reform Program" and the "Government Office Accommodation Workplace Guidelines".

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In addition, public sector tenants will give preference to premises where the base building has at least 3 stars under the ABGR scheme and will require disclosure of the base building rating when seeking information for leasing purposes.

*956 FAIR TRADING—DEPARTMENT'S ENERGY USAGE—Dr Chesterfield-Evans asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast representing the Minister for Fair Trading and Minister Assisting the Minister for Commerce—

- (1) How many square metres of office space does the department have?
- (2)
 - (a) What is the annual cost of power to use this space?
 - (b) How does this cost compare to the optimum levels in terms of benchmarks issued by the Property Council of Australia?
- (3)
 - (a) Does the department rate the buildings under Australian Buildings Greenhouse Rating scheme?
 - (b) If so, what is the average star rating?
- (4)
 - (a) Does the department use any energy management monitoring systems to monitor the usage on a continuous basis on the base building and on various services such as air-conditioning, light and power to ensure that energy is not wasted and optimum use is obtained?
 - (b) If not, why not?

Answer—

- (1) to (4) NSW Government agencies base their office accommodation requirements on the procedures established in Premier's Memorandum 99-06 "Government Office Accommodation Reform Program" and the "Government Office Accommodation Workplace Guidelines".

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In addition, public sector tenants will give preference to premises where the base building has at least 3 stars under the ABGR scheme and will require disclosure of the base building rating when seeking information for leasing purposes.

*957 JUSTICE—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Minister for Justice, and Minister Assisting the Premier on Citizenship—

- (1) How many square metres of office space does the department have?
- (2) (a) What is the annual cost of power to use this space?
(b) How does this cost compare to the optimum levels in terms of benchmarks issued by the Property Council of Australia?
- (3) (a) Does the department rate the buildings under Australian Buildings Greenhouse Rating scheme?
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(b) If not, why not?

Answer—

- (1) to (4) NSW Government agencies base their office accommodation requirements on the procedures established in Premier's Memorandum 99-06 "Government Office Accommodation Reform Program" and the "Government Office Accommodation Workplace Guidelines".

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In addition, public sector tenants will give preference to premises where the base building has at least 3 stars under the ABGR scheme and will require disclosure of the base building rating when seeking information for leasing purposes.

*958 TOURISM AND SPORT AND RECREATION, AND WOMEN—DEPARTMENTS' ENERGY USE—Dr Chesterfield-Evans asked the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth representing the Minister for Tourism and Sport and Recreation and Minister for Women—

- (1) How many square metres of office space do your departments have?
- (2) (a) What is the annual cost of power to use this space?

- (b) How does this cost compare to the optimum levels in terms of benchmarks issued by the Property Council of Australia?
- (3) (a) Does the department rate the buildings under Australian Buildings Greenhouse Rating scheme?
- (b) If so, what is the average star rating?
- (4) (a) Does the department use any energy management monitoring systems to monitor the usage on a continuous basis on the base building and on various services such as air-conditioning, light and power to ensure that energy is not wasted and optimum use is obtained?
- (b) If not, why not?

Answer—

- (1) to (4) NSW Government agencies base their office accommodation requirements on the procedures established in Premier's Memorandum 99-06 "Government Office Accommodation Reform Program" and the "Government Office Accommodation Workplace Guidelines".

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In addition, public sector tenants will give preference to premises where the base building has at least 3 stars under the ABGR scheme and will require disclosure of the base building rating when seeking information for leasing purposes.

*959 HEALTH—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast representing the Minister for Health—

- (1) How many square metres of office space does the department have?
- (2) (a) What is the annual cost of power to use this space?
- (b) How does this cost compare to the optimum levels in terms of benchmarks issued by the Property Council of Australia?
- (3) (a) Does the department rate the buildings under Australian Buildings Greenhouse Rating scheme?
- (b) If so, what is the average star rating?
- (4) (a) Does the department use any energy management monitoring systems to monitor the usage on a continuous basis on the base building and on various services such as air-conditioning, light and power to ensure that energy is not wasted and optimum use is obtained?
- (b) If not, why not?

Answer—

I have been advised by the Hon Morris Iemma MP, Minister for Health, that the answer to the Honourable Member's question is:

- (1) to (4) NSW Government agencies base their office accommodation requirements on the procedures established in Premier's Memorandum 99-06 "Government Office Accommodation Reform Program" and the "Government Office Accommodation Workplace Guidelines".

These documents are available through the internet at:

http://www.premiers.nsw.gov.au/pubs_dload_part4/prem_circs_memos/prem_memos/1999/m99-06.html
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In addition, public sector tenants will give preference to premises where the base building has at least 3 stars under the ABGR scheme and will require disclosure of the base building rating when seeking information for leasing purposes.

*960 ATTORNEY GENERAL AND ENVIRONMENT—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

- (1) How many square metres of office space do your departments have?
- (2)
 - (a) What is the annual cost of power to use this space?
 - (b) How does this cost compare to the optimum levels in terms of benchmarks issued by the Property Council of Australia?
- (3)
 - (a) Does the department rate the buildings under Australian Buildings Greenhouse Rating scheme?
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Answer—

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In addition, public sector tenants will give preference to premises where the base building has at least 3 stars under the ABGR scheme and will require disclosure of the base building rating when seeking information for leasing purposes.

*961 AGRICULTURE AND FISHERIES—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Minister for Agriculture and Fisheries—

- (1) How many square metres of office space does the department have?
- (2)
 - (a) What is the annual cost of power to use this space?
 - (b) How does this cost compare to the optimum levels in terms of benchmarks issued by the Property Council of Australia?
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 - (b) If not, why not?

Answer—

- (1) to (4) NSW Government agencies base their office accommodation requirements on the procedures established in Premier's Memorandum 99-06 "Government Office Accommodation Reform Program" and the "Government Office Accommodation Workplace Guidelines".

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In addition, public sector tenants will give preference to premises where the base building has at least 3 stars under the ABGR scheme and will require disclosure of the base building rating when seeking information for leasing purposes.

*962 POLICE—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

- (1) How many square metres of office space does the department have?
- (2)
 - (a) What is the annual cost of power to use this space?
 - (b) How does this cost compare to the optimum levels in terms of benchmarks issued by the Property Council of Australia?
- (3)
 - (a) Does the department rate the buildings under Australian Buildings Greenhouse Rating scheme?
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 - (b) If not, why not?

Answer—

- (1) to (4) NSW Government agencies base their office accommodation requirements on the procedures established in Premier's Memorandum 99-06 "Government Office Accommodation Reform Program" and the "Government Office Accommodation Workplace Guidelines".

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In addition, public sector tenants will give preference to premises where the base building has at least 3 stars under the ABGR scheme and will require disclosure of the base building rating when seeking information for leasing purposes.

*963 SPECIAL MINISTER FOR STATE—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast—

- (1) How many square metres of office space does the department have?
- (2)
 - (a) What is the annual cost of power to use this space?

- (b) How does this cost compare to the optimum levels in terms of benchmarks issued by the Property Council of Australia?
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- (b) If not, why not?

Answer—

- (1) to (4) NSW Government agencies base their office accommodation requirements on the procedures established in Premier's Memorandum 99-06 "Government Office Accommodation Reform Program" and the "Government Office Accommodation Workplace Guidelines".

These documents are available through the internet at:

http://www.premiers.nsw.gov.au/pubs_dload_part4/prem_circs_memos/prem_memos/1999/m99-06.html
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In addition, public sector tenants will give preference to premises where the base building has at least 3 stars under the ABGR scheme and will require disclosure of the base building rating when seeking information for leasing purposes.

*964 EDUCATION—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth representing the Minister for Education and Training and Minister for Aboriginal Affairs—

- (1) How many square metres of office space does the department have?
- (2) (a) What is the annual cost of power to use this space?
- (b) How does this cost compare to the optimum levels in terms of benchmarks issued by the Property Council of Australia?
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Answer—

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*965 GAMING AND RACING—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Minister for Agriculture and Fisheries representing the Minister for Gaming and Racing—

- (1) How many square metres of office space does the department have?
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 - (a) What is the annual cost of power to use this space?
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*966 COMMUNITY SERVICES—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth—

- (1) How many square metres of office space does the department have?
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 - (a) What is the annual cost of power to use this space?
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In addition, public sector tenants will give preference to premises where the base building has at least 3 stars under the ABGR scheme and will require disclosure of the base building rating when seeking information for leasing purposes.

*967 PREMIER—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Treasurer, Minister for State Development, and Vice-President of the Executive Council representing the Premier, Minister for the Arts and Minister for Citizenship—

- (1) How many square metres of office space does the department have?
- (2)
 - (a) What is the annual cost of power to use this space?
 - (b) How does this cost compare to the optimum levels in terms of benchmarks issued by the Property Council of Australia?
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 - (b) If not, why not?

Answer—

The Premier has advised of the following answer:

- (1) to (4) NSW Government agencies base their office accommodation requirements on the procedures established in Premier's Memorandum 99-06 "Government Office Accommodation Reform Program" and the "Government Office Accommodation Workplace Guidelines".

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In addition, public sector tenants will give preference to premises where the base building has at least 3 stars under the ABGR scheme and will require disclosure of the base building rating when seeking information for leasing purposes.

*968 JUVENILE JUSTICE—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast representing the Minister for Juvenile Justice, Minister for Western Sydney and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)—

- (1) How many square metres of office space does the department have?
- (2)
 - (a) What is the annual cost of power to use this space?
 - (b) How does this cost compare to the optimum levels in terms of benchmarks issued by the Property Council of Australia?
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In addition, public sector tenants will give preference to premises where the base building has at least 3 stars under the ABGR scheme and will require disclosure of the base building rating when seeking information for leasing purposes.

*969 TREASURY—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Treasurer, Minister for State Development, and Vice-President of the Executive Council—

- (1) How many square metres of office space does the department have?
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 - (a) What is the annual cost of power to use this space?
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Answer—

I have been advised of the following answer:

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In addition, public sector tenants will give preference to premises where the base building has at least 3 stars under the ABGR scheme and will require disclosure of the base building rating when seeking information for leasing purposes.

*970 LOCAL GOVERNMENT—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands)—

- (1) How many square metres of office space does the department have?
- (2) (a) What is the annual cost of power to use this space?
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*971 **ROADS AND HOUSING—DEPARTMENT'S ENERGY USE**—Dr Chesterfield-Evans asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Roads and Minister for Housing—

- (1) How many square metres of office space do your departments have?
- (2)
 - (a) What is the annual cost of power to use this space?
 - (b) How does this cost compare to the optimum levels in terms of benchmarks issued by the Property Council of Australia?
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*972 ENERGY AND UTILITIES, SCIENCE AND MEDICAL RESEARCH—DEPARTMENT'S ENERGY USE—
Dr Chesterfield-Evans asked the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands) representing the Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer) and Minister Assisting the Premier on the Arts—

- (1) How many square metres of office space do your departments have?
- (2)
 - (a) What is the annual cost of power to use this space?
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*973 TRANSPORT—DEPARTMENT'S ENERGY USE—Dr Chesterfield-Evans asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests)—

- (1) How many square metres of office space does the department have?
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 - (a) What is the annual cost of power to use this space?
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Answer—

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16 MARCH 2004

(Paper No. 45)

*975 FORESTRY—FORESTRY VEHICLES—Mr Cohen asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Infrastructure and Planning and Minister for Natural Resources—

- (1) Will the Minister investigate noisy forestry truck transport using country roads from 1.15 am?
- (2) Are there currently any late night restrictions on heavy vehicle transport, to minimise disturbing sleep of neighbours?
- (3) Will the Minister consider a curfew of heavy forestry vehicles on back roads before 6.00 am?

Answer—

- (1) The compliance of the general truck transportation industry with vehicle noise restrictions is regulated by the Department of Environment and Conservation.
- (2) There are no powers under the Forestry Act for the imposition of such restrictions concerning forestry operations. Questions regarding general heavy vehicle restrictions might be directed to the Minister for Roads.
- (3) No. Timber haulage contractors pay normal road user charges and fuel taxes on their vehicles and have the right to use public roads in accordance with motor traffic regulations.

In the case of log haulage from State managed native forests and plantations, State Forests' *'Good Neighbour'* policy encourages haulage contractors to voluntarily modify their operations when community concerns over issues like noise, dust and safety are reported. On many occasions, logging routes can be planned or modified to avoid potential trouble spots like schools, bus routes and residential areas and measures are taken to reduce dust and noise levels wherever practicable.

*976 TRANSPORT—WHEELCHAIR ACCESSIBLE TAXIS—Mr Gallacher asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests)—

- (1) How many wheelchair accessible taxi plates have been issued in New South Wales?
- (2) How many wheelchair accessible taxi plates are currently in use?

Answer—

I am advised:

- (1) 428 wheelchair accessible taxi-cab (WAT) licences are currently on issue in New South Wales.
- (2) 403 WAT licences are currently in use in New South Wales.

In addition, there are currently 16 wheelchair accessible vehicles operating on standard taxi-cab licences in country areas.

There is no limit set on the number of WAT licences in New South Wales. WAT licences are available at any time from the Ministry of Transport at a cost of \$1,000 for Metropolitan areas and for free in Country NSW.

*978 AGRICULTURE—GE CANOLA CROPS—Mr Breen asked the Minister for Agriculture and Fisheries—

- (1) Has the Minister been advised by NSW Agriculture that farmers could be liable for economic loss arising from the unintended, unsolicited and unwanted presence of GE canola in their crops?

- (2) Is it unacceptable for producers of GE canola to expect farmers to be held liable for copyright breach, when it is the GE canola crops that have contaminated the farmers' crops through no action of the farmers?
- (3) (a) Will the Minister introduce legislation expeditiously to give legal protection to farmers who risk being sued for copyright breach in the event of accidental contamination by GE canola?
- (b) Will the Minister ensure this legislation is passed and proclaimed before allowing any large scale commercial GE canola crops?
- (4) Is it preferable to introduce legislation now to protect farmers in New South Wales, rather than risk contamination which may force farmers to defend themselves in the law courts at a later date?

Answer—

- (1) and (2) NSW Agriculture advises that there has been considerable effort nationally over the past three or four years to identify the impact which herbicide tolerant crops will have on the farming systems of southern Australia and to develop a set of principles covering the issues which this process had identified.

This process was initiated by the Plant Industries Committee, which is a sub-committee for the Primary Industries Standing Committee and has involved significant industry representation.

- (3) (a) and (b) No, I have received a written undertaking that it has never been, nor even will be, Monsanto's policy to sue for inadvertent contamination of crops.
- (4) See answer to 3.

*979 AGRICULTURE—GE CANOLA COMPENSATION SCHEME—Mr Breen asked the Minister for Agriculture and Fisheries—

- (1) Will the Minister introduce a compensation scheme for farmers whose crops are contaminated against their wishes by GE canola?
- (2) If so, will the compensation scheme be in place before the go ahead is given to a commercial GE canola crop?
- (3) Has the Minister or the advisory council consulted with industries that may be affected by GE contamination such as the pork, dairy, feedlot, fish farming and honey industries?
- (4) (a) Will the Minister consult with these industries before giving the go ahead to a commercial crop of GE canola?
- (b) If not, when will the Minister consult with these industries?

Answer—

- (1) and (2) No, I do not intend to introduce any such scheme at this time.

NSW Agriculture advises that the issue of liability for economic loss arising from unintended presence of GM canola in non-GM canola has been considered by the New South Wales Agricultural Advisory Council on Gene Technology, in its consideration of the joint application for approval to conduct trials of GM canola in New South Wales in 2004.

The Council has heard submissions from a number of stakeholders on this matter, including from the proponents of the trials.

A great deal of work has been done over several years to identify the risks of unintended escape of GM material from trials, and from crops. Once these areas were identified, protocols and procedures were developed to reduce those risks to a minimum.

The protocols spread over the full spectrum of pre-farm, on-farm and post-farm operations, and include seed production and delivery of seed to farms, sowing and harvesting, including machinery and equipment hygiene, buffer zones to minimise pollen drift, and then the handling and transport of harvested seed off the farm.

Some of this work has been assisted by research, the most notable being by the CRC for Weed Management which examined the extent of cross pollination between nearby crops of canola.

The outcome of this effort is that it is fair to say that the risks of contamination have been minimised in theory.

These theories could be tested by practical field trials.

- (3) The New South Wales Agricultural Advisory Council on Gene Technology has consulted with a large number of stakeholders through its deliberations. One of its members, the NSW Farmers Association, also represents a vast array of farming industries, including pork, dairy and feedlot.

As Minister for Agriculture and Fisheries, I have had, and continue to have, regular consultation with members and stakeholders of all of those industries listed. I am informed that all of those industries will all be able to avoid any interaction with the proposed 2004 trials, including the honey industry. Beekeepers need only asked farmers whether they have a GM canola trial on their property.

- (4) See the answer to (3).

17 MARCH 2004

(Paper No. 46)

- *980 EDUCATION—HUNTERS HILL HIGH SCHOOL—Dr Chesterfield-Evans asked the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth representing the Minister for Education and Training and Minister for Aboriginal Affairs—

Will the \$2.2 million promised to Hunters Hill High for their new hall be allocated in this year's budget?

Answer—

The Government will honour its commitment to provide a hall at Hunters Hill High School.

- *981 HEALTH—MENTAL HEALTH SUPPORT SERVICES—Ms Hale asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast representing the Minister for Health—

- (1)
 - (a) Is funding to community-based mental health support services in New South Wales the lowest of all States and Territories at \$76.92 per capita compared to the national average of \$81.76?
 - (b) Will the Minister guarantee that an additional \$32.1 million is allocated to this vital area in the coming New South Wales Budget to make up this shortfall?
- (2) Has the Department of Health failed to deliver on numerous community-based mental health support services programs, despite the allocation of specific funding?
- (3)
 - (a) Have Area Health Services failed to take responsibility for funding disability support or community-based psychosocial programs claiming that they have not been funded to do so by the Department of Health?
 - (b) If so, will the Minister give a commitment to rectify this situation before the next Budget?

Answer—

- (1) to (3) I am advised that the information the Member has quoted does not refer to community-based mental health support services. This information provided actually refers to per capita gross recurrent expenditure and is four years old.

The 2003/04 State Budget provides over \$715 million for mental health services. This is an increase of \$90 million on last year and the mental health budget has doubled since this Government came into office in 1995. These additional resources are delivering:

- more direct care staff in inpatient and community services;
- more than 300 new beds of which more than 200 are in rural and regional areas;
- 118 supported accommodation places;
- permanent appointments of Aboriginal mental health workers; and
- expansion of the early psychosis program; and
- additional mental health nurses in emergency departments.

In addition, the recent mini-budget allocated a further \$241 million towards mental health services over the next four years. Further resources will be allocated to a range of acute, sub-acute and community based mental health services.

Area Health Services fund and provide a wide range of services, which specifically target people with mental illness.

*982 INFRASTRUCTURE AND PLANNING—FORMER AUSTRALIAN DEFENCE INDUSTRIES SITE—Ms Hale asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Infrastructure and Planning and Minister for Natural Resources—

- (1) (a) Does flood risk modelling for the proposed Regional Environment Plan (REP) for the former Australian Defence Industries site at St Mary's site assume that no further development will be undertaken in the upstream catchments that would increase the risk of flooding?
- (b) If so, does the Minister consider this to be a realistic assumption?
- (c) If so, will the Minister request that the modelling for the REP be revised to incorporate a range of likely development scenarios in the catchment?
- (2) Is the Minister confident that the proposed REP has given sufficient consideration to the potential cumulative flooding effects on the site due to the location of the site at the juncture of two major creeks (South Creek and Ropes Creek)?
- (3) (a) What requirements are there for compensatory flood storage to overcome the impacts of site filling given that no provision is shown on the plans for the site?
- (b) If there are no such requirements, what measures is the Minister relying upon to ensure that risks of flooding have been adequately mitigated?

Answer—

- (1) (a) The expert flood risk modelling undertaken as part of the work for Sydney Regional Environmental Plan (SREP) No 30 – St Marys – factors in future development in upstream catchments, with the assumption that such development will be supported by appropriate flow retention works, as will be required of development within the ADI site itself. The purpose of the flow retention is to limit peak flow to pre-development conditions.
- (b) The Department of Infrastructure, Planning and Natural Resources has informed the Minister that it considers the above assumption to be realistic.

- (c) Not applicable.
- (2) See answer to questions 1 (a) and (b).
- (3) (a) Compensatory flood storage is a matter for the consent authority at such time as a development proposal is under assessment.
- (b) See answer to questions 1 (a) & (b) and 3 (a).

*983 INFRASTRUCTURE AND PLANNING—PENRITH LAKES SCHEME—Ms Hale asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Infrastructure and Planning and Minister for Natural Resources—

- (1) (a) Has the Department of Infrastructure, Planning and Natural Resources been advised that flooding at the Penrith Lakes Scheme is inevitable and the Government could be held liable for death or injury of residents as a result of such flooding?
- (b) If so, when did the Minister first become aware of this advice?
- (c) (i) If so, had the Minister tried to keep this advice secret?
- (ii) If so, why?
- (d) If so, what steps has the Minister taken to act on this advice?
- (2) (a) Will the Minister accept recommendations from the State Emergency Services and scale back the development from 5,355 houses to the recommended 3,500 houses?
- (b) If not, why not?
- (c) Will the Government lose money already invested in the project if the number of houses is scaled back to 3,500?

Answer—

At this stage of the planning process there has not been a final decision taken on the future extent of urban development at the Penrith Lakes site. The department is preparing for exhibition of a draft amendment to Sydney Regional Environmental Plan (SREP) No. 11 to enable public comment on the proposal. A final decision about the proposal and the quantum of development on the site will be made after the conclusion of the exhibition period, when all submissions have been considered and final investigations undertaken.

*984 INFRASTRUCTURE AND PLANNING—PLANNING REVIEW TASKFORCES—Ms Hale asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Infrastructure and Planning and Minister for Natural Resources—

- (1) When will the following reports from the Planning Review Taskforces be made publicly available:
 - (a) State Planning Policies,
 - (b) Major Development,
 - (c) Masterplans,
 - (d) Section 94,
 - (e) Ministerial Consent?

- (2) Why have these reports not been released in accordance with the relevant reporting dates on the Department of Infrastructure, Planning and Natural Resources (DIPNR) website?
- (3) Will the public have the opportunity to make submission on these reports before they are finalised?
- (4)
 - (a) Given that the Taskforces are heavily dominated by the Government and the development industry, what mechanism is in place to ensure community and environment representation in the review process?
 - (b) What is the process and timeline for this community input?
- (5) What is the status of the SEPP5 and PlanFIRST reviews?

Answer—

- (1) The recommendations of the reports will be made publicly available soon.
- (2) The Department of Infrastructure, Planning and Natural Resources is developing a Government response to the various planning reviews. This response will include a consolidated reform package that draws together priority recommendations from the Taskforce reviews and an implementation program. The recommendations of the Taskforce reviews will be publicly released with this Government response.
- (3) and (4) Public submissions were sought on the terms of reference for the Taskforce reviews, and the Taskforces also undertook targeted consultation with community and environment groups on key issues. My department is undertaking further targeted consultation over the next month as part of developing the Government response to the reviews.
- (5) The SEPP 5 and PlanFirst reviews have reported.

*985 INFRASTRUCTURE AND PLANNING—GRAPHIC WORLD, MARRICKVILLE—Ms Hale asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Infrastructure and Planning and Minister for Natural Resources—

- (1)
 - (a) Has the Minister approved the Development Application for an extension to Graphic World at Marrickville?
 - (b) If so, on what date did the Minister give approval?
 - (c) If so, on what date did the Minister office notify:
 - (i) Marrickville Council?
 - (ii) The public?

Answer—

- (1)
 - (a) Yes. Minister Beamer granted the consent on this occasion.
 - (b) 11 March 2004.
 - (c) Notice to both the Council and general public was given on 22 March 2004. This action was administered by the Department of Infrastructure, Planning and Natural Resources.

*986 INFRASTRUCTURE AND PLANNING—GREENHAVEN RETIREMENT VILLAGE, COLLAROY—Ms Hale asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Infrastructure and Planning and Minister for Natural Resources—

Regarding the fire hazard reduction clearing in bushland near the Veterans Retirement Village at Greenhaven Retirement village, Collaroy:

- (1) The vegetation on the public land in question is classified as Sydney Coastal Swamp Forest Complex and is declared under the *Threatened Species Conservation Act*:
 - (a) What provision will be made to resolve these conflicting land uses?
 - (b) How will the requirements of the *Threatened Species Conservation Act* in respect of this forest be met considering the intention to remove some of the trees and to use the forest as fire protection for this development?
- (2)
 - (a) Is there a conflict between complying with the *Rural Fires Act* and the *Environmental Planning and Assessment Act* and the *Threatened Species Conservation Act* in this case?
 - (b) How will the Government resolve the incompatible requirements of these pieces of legislation?

Answer—

- (1) and (2) I refer the Honourable Member to the answer provided to Question No. 794 regarding this development. It is the responsibility of Warringah Council, as consent authority, to ensure that relevant legislation has been addressed as a result of any need to undertake hazard reduction clearing as a requirement of development consent.

18 MARCH 2004

(Paper No. 47)

*987 ABORIGINAL AFFAIRS—MORRISSET HOSPITAL LAND—Mr Pearce asked the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth representing the Minister for Education and Training and Minister for Aboriginal Affairs—

- (1)
 - (a) Was Mr Robert Leece or his twin brother Mr John Leece involved in any way in the land transfer of the former Morriset Hospital land, valued at approximately \$60 million, from the NSW Aboriginal Land Council?
 - (b) Is any aspect of this transfer currently being investigated by any government body?
 - (c) If so, why?

Answer—

- (1)
 - (a) to (c) The former Morriset hospital land was not transferred from the NSW Aboriginal Land Council, it was claimed by and transferred to Koopahtoo Local Aboriginal Land Council (Koopahtoo LALC) under the *Aboriginal Land Rights Act 1983*. A public hearing commenced on 11 February 2004 by the Independent Commission Against Corruption (ICAC) to investigating the Koopahtoo LALC's dealings with the former Morisset hospital land.

The report of an investigator I appointed to Koopahtoo LALC on 1 October 2002 highlighted possible corrupt conduct in relation to dealings with the Morriset land. I referred this matter to ICAC. The Department of Aboriginal Affairs is continuing to assist ICAC in relation to its investigation.

*988 COMMERCE—HUNTER REGION LAND TRANSACTIONS—Mr Pearce asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast—

- (1) (a) Has a Mr Robert Leece been involved in any land transactions on behalf of the New South Wales Government in the Hunter region?
- (b) If so, how many land transactions has he been involved in since 1995?
- (c) If Mr Leece was involved in these transactions was it as a public servant or consultant to the New South Wales Government?
- (d) If so, what was his remuneration for the work carried out?

Answer—

There is no record of Mr Robert Leece having been commissioned by the Department of Public Works and Services or the Department of Commerce to be involved in any land transactions on behalf of the New South Wales Government in the Hunter region.

*989 TRANSPORT—RAIL SAFETY—Dr Wong asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests)—

- (1) Does the Minister recognise that there is a legitimate concern about rail safety and security?
- (2) Amidst heightened commonwealth counter-terrorism and strategic planning when can New South Wales expect a more updated and comprehensible disaster/incident management plan for New South rail networks?

Answer—

I am advised by the Rail Corporation:

RailCorp and NSW Police remain in constant close contact over the national threat assessment.

In preparation for the 2000 Olympics the then StateRail introduced a range of new security measures which have been maintained including:

- Removal of rubbish bins from key stations and restrictions on public locker usage;
- Training for station staff in special procedures used for assessment of suspicious packages; and
- Improved security measures at access points, particularly at critical infrastructure and controlling facilities such as signalling boxes.

RailCorp has a network incident management plan which allows it to respond to all levels of emergencies and incidents on the rail network – 24 hours a day.

The plan allows the organisation to escalate its response, depending on the situation.

Staff in each of the operational areas – trains, stations and infrastructure – work to their respective plans under the main plan.

RailCorp's plan is aligned with the NSW Disaster Plan [known as Displan], which is co-ordinated by the State Emergency Management Committee.

Following September 11 and Bali, new security procedures were introduced to minimise the threat of a terrorist attack on Sydney's rail system and respond to any change in the national threat alert.

The steps taken include:

- Increased Transit Officer numbers. There are currently 385 specially trained Transit Officers and their numbers will increase to 600 by December;

- Transit Officers receive training in counter-terrorism measures. This training is reviewed on an on-going basis to reflect the current security environment;
- In addition, there are 300 dedicated full-time NSW Police attached to the Transit Police Unit;
- Restricted access to key locations, including tunnels on the CBD underground network; and
- A trial of guard dogs to patrol train stabling yards.

Regular testing of emergency plans is ongoing through desktop and field exercises.

At least six field exercises were held last year at major stations involving Police, Ambulance and Fire Brigades. These exercises have simulated up to six scenarios, and involved more than 700 staff.

This included the simulation of a gas incident during Operation Shield at Olympic Park station last December.

Staff are regularly tested on station emergency planning including evacuations.

Staff training has been developed and provided to key staff for dealing with suspicious items, bomb threats and to raise security awareness in general.

RailCorp reviews its incident management plans on a regular basis to ensure it remains appropriate for current circumstances.

*990 INDUSTRIAL RELATIONS—RHODES PENINSULA—Ms Rhiannon asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast—

What involvement does WorkCover have with the decontamination of the former Union Carbide site at Rhodes Peninsula, or any other contaminated land on that peninsula?

Answer—

WorkCover does not have a direct role in the decontamination of the former Union Carbide site at Rhodes Peninsula, or any other contaminated land on that peninsula.

WorkCover ensures that appropriate health and safety management systems are in place and functioning effectively through site inspections, which are undertaken in the course of its normal inspectorial activities.

*991 ENVIRONMENT—RHODES PENINSULA—Ms Rhiannon asked Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

- (1) (a) Has Meriton requested Government financial assistance to fund the total or partial decontamination of the former Union Carbide site at Rhodes Peninsula?
- (b) If so, how much has been requested?
- (2) (a) Has any money been provided to Meriton or any other company for decontamination of the former Union Carbide site at Rhodes Peninsula?
- (b) If so:
 - (i) Who to?
 - (ii) How much?
- (3) What involvement does WorkCover have with the decontamination of the contaminated lands on Rhodes Peninsula?
- (4) What involvement does the Department of the Environment have with the decontamination of the contaminated lands on Rhodes Peninsula?

- (5) (a) Are any other NSW Government departments involved with the decontamination of the contaminated lands on Rhodes Peninsula?
- (b) If so, which departments?

Answer—

- (1) No.
- (2) The Department of Environment and Conservation has not provided financial assistance to Meriton or any other company for decontamination of the former Union Carbide site.
- (3) Refer to the Special Minister for State, Minister for Industrial Relations, Minister for Industrial Relations, Assistant Treasurer and Minister Assisting the Premier for the Central Coast.
- (4) DEC has had input into the planning process to ensure that the land is remediated to a standard compatible with the respective proposed uses. The DEC will be responsible for issuing and administering any necessary licences for the remediation and soil treatment works under the *Protection of the Environment Operations Protection Act 1997* and the *Environmentally Hazardous Chemicals Act 1985*. It will also ensure that areas found to be contaminated in such a way as to pose a significant risk of harm to human health or to the environment, as assessed under the *Contaminated Land Management Act 1997*, are appropriately addressed.
- (5) Questions relating to other government agencies should be directed to their respective Ministers.

*992 TRANSPORT—RURAL BRANCH LINES—Ms Rhiannon asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests)—

- (1) When will the Government make a decision on the future of the 15 rural branch lines studied in the recent report by the Grain Industry Advisory Committee?
- (2) (a) Does the Government have a strategy or policy that guides its decisions on the closure or re-opening of rural branch lines?
- (b) If so, can you outline what the strategy or policy is?

Answer—

I am advised:

The Grain Infrastructure Advisory Committee (GIAC) was commissioned in February 2003 to review future road and rail infrastructure for the grain industry. GIAC presented its “Report on Rail/Road Options for Grain Logistics” to the Ministry of Transport on 4 February 2004. The NSW Government also invited comment on the report and submissions closed on 31 March 2004. Following a review of the submissions by the Ministry of Transport, the Government will develop its response.

*993 TRANSPORT—RAIL SERVICES TO SCONE, MUSWELLBROOK AND DUNGOG—Ms Rhiannon asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests)—

- (1) (a) Will weekend rail services to Scone, Muswellbrook and Dungog continue to run according to the normal timetable throughout the rest of this year?
- (b) If not:
- (i) What changes will be made, and when?
 - (ii) Why are these changes to be made?
 - (iii) Are these changes to be temporary or permanent?

(iv) If they are temporary, how long will they last?

- (2) Are there plans now under consideration to cancel any or all of New South Wales' XPT services in the next 12 to 24 months?

Answer—

I am advised:

- (1) There are no planned changes to service levels for trains to Scone, Muswellbrook and Dungog, however, trains may leave at slightly different times to enable easier connections for passengers.
- (2) As announced on 6 April as part of the State Government's Mini-Budget, two additional air conditioned coach services will replace the one daily passenger train between Casino and Murwillumbah.

The \$5 million in annual savings from the changes will be used to improve frontline health, education and community services in the region.

Other CountryLink services will be subject to reforms in pricing, concessions and service delivery to address CountryLink's cost structure.

*994 TRANSPORT—MV TRADER—Ms Rhiannon asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests)—

- (1) What is the current status of the insurance of the MV Island Trader, which operates between Yamba and Lord Howe Island?
- (2) Does the MV Island Trader have adequate insurance to cover oil spills?
- (3) Are you aware that one of the Special Conditions of the Protection and Indemnity Insurance provided by British Marine Luxembourg (BML) sets out that the insurance is "subject to survey at the owners' expense by a BML-appointed surveyor within 60 days of attachment"?
- (4) What is the current survey position of the MV Island Trader?

Answer—

I am advised by the Waterways Authority:

The MV Island Trader carries insurance for hull and machinery current to 5 October 2004.

The MV Island Trader carries \$(US)500M Protection and Indemnity (P&I) insurance current to 1 February 2005.

The MV Island Trader holds a Certificate of Survey issued by the Waterways Authority current to 30 August 2004.

The vessel has also recently undergone separate and independent hull and machinery and P&I surveys and these have been forwarded to the relevant underwriters. These surveys are for insurance purposes.

These two surveys occurred within 60 days of the date on the P&I policy.

*995 TRANSPORT—PARRY REPORT—Ms Rhiannon asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests)—

- (1) Does the Parry Report state that the public subsidy to CountryLink is 14 cents per passenger-kilometre and the public subsidy to CityRail is 20 cents per passenger-kilometre?

(2) (a) Does the Parry Report single out the CountryLink subsidy for particular criticism as unsustainable?

(b) If so, why?

Answer—

I am advised:

The Parry Report is available on the Ministry of Transport's website at www.transport.nsw.gov.au/ministerial-inquiry.

The Parry Report examines the sustainability of public bus, rail and ferry services in NSW, as well as investigating decision criteria and options for future funding of public transport.

*996 MINERAL RESOURCES—BARRABA WOODSREEF MINE—Ms Rhiannon asked the Minister for Agriculture and Fisheries representing the Minister for Mineral Resources—

(1) (a) Is the Government still negotiating with Pacific Magnesium for a contract to clean up, and extract magnesium from, the tailings at the Barraba Woodsreef Mine?

(b) If so, at what stage are the negotiations?

(2) If this project does not go ahead, what action will the Government take to remediate the Woodsreef site and reduce the risk to the local community of asbestos inhalation?

Answer—

(1) (a) There are no active negotiations between the Government and Pacific Magnesium on this matter.

(b) See (1) (a).

(2) The Government plans to undertake sediment and erosion control works at the site through the Derelict Mines Program.

*997 ROADS—PACIFIC HIGHWAY BYPASS AT KEMPSEY—Ms Rhiannon asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Roads and Minister for Housing—

(1) (a) What studies have been done of the impact of the proposed Pacific Highway bypass at Kempsey on the Macleay River floodplain and the ecosystems it supports?

(b) What were the findings of those studies?

(2) (a) What studies have been done of the impact of the eastern option on the colony of flying foxes in the East Kempsey Wetlands?

(b) What were the findings of those studies?

(c) Do any studies recommend a delay to the project so that further studies can be carried out?

(3) (a) What studies have been done of the impact of the eastern option on the habitat of the Golden Bell tree frog in the land around Crescent Head Road and elsewhere in the East Kempsey Wetlands?

(b) What were the findings of those studies?

(c) Do any studies recommend a delay to the project so that further studies can be carried out?

- (4) What will be the impact of the eastern option on the community in Bruce's Lane?
- (5) What will be the impact of the eastern option on Frederickton?
- (6) What consultation has been done with the residents of:
 - (a) Bruce's Lane?
 - (b) Frederickton?
- (7) Do you acknowledge that there is significant community opposition to the proposed routes of the bypass, particularly the eastern option?
- (8) What is your time frame for making a decision on the route of the bypass?
- (9) What consultation will the Minister and the RTA undertake with the residents during that remaining time?

Answer—

As part of the preferred route selection process for the Kempsey to Eungai Pacific Highway upgrading project, ecological, geotechnical, flooding, groundwater/hydraulics, water quality, agricultural, economic and engineering studies have been undertaken. The studies indicated that the eastern route represents the best possible balance between social, ecological, engineering and cost factors, while continuing to provide for the future transport needs of local communities.

A decision will be made on the final alignment of the preferred route following a complete review of all submissions from the preferred route display, as well as consideration of the outcomes of consultations and investigations undertaken.

The RTA's ongoing consultation with directly affected residents and the community in general will be an important part of the final phase of the environmental assessment process for this project. The consultation methods used to date along with a new flooding input group (including representatives from the community and Kempsey Shire Council) will be utilised to ensure that the community is properly informed about the project and has adequate opportunity to have further input to the next phase of the project's development.

*998 POLICE—SEXUAL ASSAULT ALLEGATIONS AGAINST CANTERBURY-BANKSTOWN RUGBY LEAGUE TEAM—Ms Rhiannon asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

- (1) In relation to the claims of sexual assault involving members of the Canterbury-Bankstown Rugby League team, why were those players suspected of perpetrating the crime allowed to return to Sydney before they were interviewed by the police?
- (2) In sexual assault cases:
 - (a) Is it usual police practice to interview the accused as soon as possible after the crime?
 - (b) If so, was there a deviation from this practice?
 - (c) If so, why?
- (3)
 - (a) In sexual assault cases where there is more than one suspect, is it usual police practice to question the suspects separately, in order to prevent the suspects collaborating to produce a joint version of events?
 - (b) If so, was there a deviation from this practice?
 - (c) If so, why?

Answer—

- (1) to (3) NSW Police has advised me that this matter is the subject of an ongoing investigation. Accordingly it is not appropriate for me to comment further at this time.

*999 PREMIER—MEDICAL RESEARCH AND COMPENSATION FOUNDATION—Revd Mr Nile asked the Treasurer, Minister for State Development, and Vice-President of the Executive Council representing the Premier, Minister for the Arts and Minister for Citizenship—

With regard to the announcement of the Special Commission of Inquiry into the establishment of the Medical Research and Compensation Foundation, will the terms of reference:

- (1) Examine all the impacts of the alleged blow-out in asbestos liability claims?
- (2) Include all parties, including the NSW Government, which along with other manufacturers constitute 85% of liabilities associated with asbestos?

Answer—

The Premier has advised:

The terms of reference for the Special Commission of Inquiry require it to inquire into and report on:

- (i) the current financial position of the Medical Research and Compensation Foundation (“MRCF”), and whether it is likely to meet its future asbestos related liabilities in the medium to long term;
- (ii) the circumstances in which MRCF was separated from the James Hardie Group and whether this may have resulted in or contributed to a possible insufficiency of assets to meet its future asbestos related liabilities;
- (iii) the circumstances in which any corporate reconstruction or asset transfers occurred within or in relation to the James Hardie Group prior to the separation of MRCF from the James Hardie Group to the extent that this may have affected the ability of MRCF to meet its current and future asbestos related liabilities; and
- (iv) the adequacy of current arrangements available to MRCF under the Corporations Act to assist MRCF to manage its liabilities, and whether reform is desirable to those arrangements to assist MRCF to manage its obligations to current and future claimants.

*1000 PREMIER—REDFERN RIOT—Revd Mr Nile asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

Following the Redfern Riot, NSW Police officers requested that the Premier address five issues so that they may execute their duties more effectively.

What is the Premier’s response to the request for:

- (1) A new station opposite Redfern Railway?
- (2) A permanent full-time operational support group?
- (3) A full-time Robbery Unit?
- (4) Legislation to be changed so that throwing rocks at Police incurs a custodial sentence?

Answer—

- (1) to (4) There are a number of reviews relating to this issue, including the Upper House Parliamentary Inquiry. It would therefore be inappropriate for me to comment at this stage.

*1001 HEALTH—SELECTIVE SEROTONIN REUPTAKE INHIBITORS (SSRIS)—Revd Mr Nile asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast representing the Minister for Health—

- (1) Are New South Wales children taking ‘Selective Serotonin Reuptake Inhibitors’ (SSRIs) that have been banned overseas according to the Federal Therapeutic Goods Administration?
- (2) Do scientific studies show that the SSRIs do not help children and only increase the risk of suicide?
- (3) What is the Minister willing to do in order to protect New South Wales children?

Answer—

- (1) In December 2003, the UK Committee on the Safety of Medicines (CSM) advised doctors that the use of Selective Serotonin Reuptake Inhibitors (SSRIs) for depression in children and adolescents was “contraindicated” (rather than banned). The CSM found that the clinical benefits did not outweigh the risk of side effects. Only the use of Fluoxetine (Prozac) was supported.

I am advised that there are known instances in New South Wales of SSRIs being prescribed for children although the manufacturer’s recommend that they not be used for children and adolescents with depression.

- (2) This issue is still being investigated internationally as evidence of increased suicide risk is not robust, with studies lacking clear definitions of “attempted suicide”. Since 1990 three significant studies of SSRIs in children and adolescents have showed SSRIs to be generally safe and effective treatments for child and adolescent depression.

I am advised that children with depression are a high suicide risk group. I am further advised that more than 4000 children world wide have been treated with SSRIs with no directly related suicides recorded.

The clinical trial evidence in children and adolescents is being analysed further, but seems to suggest that the increase in rate of suicidal thoughts and behaviour is low, and variable between studies.

- (3) The Australian Adverse Drug Reactions Advisory Committee (ADRAC) is an independent body of clinicians that advises the Therapeutic Goods Administration on the safety of medicines. In March 2004 ADRAC issued a statement highlighting the need for caution in the use of SSRIs in children with depression while noting that the product information for two SSRIs (Paroxetine and Venlafaxine) states that they are not recommended for children and adolescents with depression. I am advised that children and adolescents with depression currently treated with SSRIs should not have their medications ceased abruptly.

Whilst the Commonwealth is responsible for the regulation of these products, NSW Health has already notified all Area Health Services and the Child and Adolescent mental Health Services Network of the ADRAC advice.

*1002 PREMIER—COMMONWEALTH GRANTS COMMISSION—Revd Mr Nile asked the Treasurer, Minister for State Development, and Vice-President of the Executive Council representing the Premier, Minister for the Arts and Minister for Citizenship—

- (1) What is the connection between the Commonwealth Grants Commission and the Federal Government?
- (2) What is the procedure of how GST is attributed to New South Wales?

- (3) What amount does New South Wales receive from GST revenue?

Answer—

The Premier has advised of the following answer:

- (1) The Commonwealth Grants Commission was established by the Commonwealth Government. Its members are appointed by the Commonwealth Government. It reports to the Commonwealth Minister for Finance and Administration and it operates under terms of reference provided by that Commonwealth Minister.
- (2) In connection with the introduction of the GST in 2000, the Commonwealth and the States and Territories entered into the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations. In summary, the States and Territories agreed to abolish many state taxes and restrict their ability to raise additional revenue in return for payment to the States and Territories of all GST revenue.

The Commonwealth is using GST revenue to fund its General Purpose Payments to the States and Territories. Over time, as GST revenue grows, States and Territories will receive higher General Purpose Payments than they would have expected to receive without the GST. New South Wales, however, is yet to receive any additional payments as a result of the GST. While all other States and Territories will be receiving larger Commonwealth grants because of the GST from 2004-05, New South Wales is not expected to receive any larger grants until 2006-07.

It should also be noted that, while the GST is indeed a growth tax, other Commonwealth revenue is growing more quickly than the States and Territories' revenue, including the GST. The share of national revenue that the Commonwealth retains is actually increasing, while the share of national revenue being paid to the States and Territories is forecast to decline from 42 percent in 1998-99 to 39 percent in 2006-07.

The division of the GST revenue between the States and Territories is determined by the Commonwealth Treasurer after considering the advice of the Commonwealth Grants Commission. As a result of the Commonwealth Treasurer's latest determination, which applies from 2004-05, New South Wales will receive \$376 million less in 2004-05 than it would have received under the previous determination.

As the Treasurer stated in delivering the mini-Budget on 6 April 2004, the annual subsidy from New South Wales to other States and Territories is now \$2.9 billion for 2004-05. That is, while New South Wales contributes 37 percent of the nation's GST revenue, the Commonwealth gives back to New South Wales only 28 percent of that revenue.

- (3) See (2) above.

*1003 PREMIER—BIOSECURITY AUSTRALIA—Revd Mr Nile asked the Treasurer, Minister for State Development, and Vice-President of the Executive Council representing the Premier, Minister for the Arts and Minister for Citizenship—

- (1) Has Biosecurity Australia changed its position on imported Philippine Bananas and cleared the fruit for import in its recent report?
- (2) Has the Queensland plant virologist Professor James Dale condemned the report and stated that Australia will be exposed to the 'Bract Mosaic' virus?
- (3) What impact could this virus have on New South Wales farmers and industry?

Answer—

The Premier has provided the following answer:

Biosecurity Australia is a part of the Australian Government's Department of Agriculture, Fisheries and Forestry and is responsible for quarantine policy.

I am advised by the Minister for Agriculture, the Hon Ian Macdonald MLC, that in June 2002, Biosecurity Australia released a draft report on the Import Risk Analysis of a proposal to import fresh Philippine bananas. That draft report did not support the importation. In February 2004, Biosecurity Australia released a revised draft Import Risk Analysis and reversed its earlier position by proposing to allow the importation of Philippine bananas.

The Minister advises that Professor James Dale, a scientist at the Queensland University of Technology, has criticised the risk analysis and its conclusions regarding the potential risks associated with the banana bract mosaic virus in imported Philippine bananas.

NSW Agriculture advises that the banana bract mosaic virus could reduce banana yields by up to 40 percent, with major economic consequences for banana growers.

*1004 SPECIAL MINISTER OF STATE—DRUG SUMMIT RECOMMENDATIONS—Revd Mr Nile asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast—

- (1) In 2003, could only 40 out of 166 people who entered the Drug Court drug rehabilitation program get through the first phase?
- (2) Out of the 910 participants in five years could only 102 make it through all three phases and graduate as 'drug free'?
- (3) As the Drug Court process has been extended, what steps is the Government taking to ensure that the Drug Court is more successful with a higher level of 'drug free' graduates?

Answer—

The Adult Drug Court commenced operations in 1999 under the *Drug Court Act 1998*.

I am advised by the Attorney General's Department that as at the end of March 2004:

- 107 of the 936 offenders entering the program had graduated;
- 121 others were able to demonstrate strong prospects for rehabilitation and received a non-custodial sentence at program exit;
- 136 offenders were still participating in the program; and
- 65 of the 166 offenders entering the program in 2003 had entered Phase 2 of the program and that this number will further increase over time.

A comprehensive evaluation of the Drug Court conducted by the Bureau of Crime Statistics and Research found that the program:

- compared well to custodial alternatives;
- proved more cost-effective than imprisonment and equally cost-effective in delaying the onset of further offending; and
- reduced illicit drug use.

In response to the evaluation, three sets of changes were implemented in 2002 to improve the efficiency and cost-effectiveness of the program which consisted of:

- legislative changes through the *Drug Court Amendment Act 2002*;
- administrative changes; and
- Drug Court Policy changes.

The Government and the Drug Court will be continually looking at more ways to improve the program.

I am advised by the Attorney General's Department that the Drug Court is continually looking to improve its performance through enhanced collaboration between program agencies, analysis of other Australian and overseas programs and refinement of program policies and practices.

I am also advised by the Attorney General's Department that the Bureau of Crime Statistics and Research is currently undertaking further research into the predictors of program success and failure in the Drug Court. Findings from this research will be considered to improve the program.

***1005 INDUSTRIAL RELATIONS—TRADE UNIONS—**Revd Mr Nile asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast—

- (1) Will New South Wales workers who refuse to join trade unions be forced to pay a “bargaining agent fee” of around \$350 a year?
- (2) Is the Minister aware that unions are planning to take a test case to the NSW Industrial Relations Commission to have the fees incorporated into state workplace law?
- (3) Does the Government support this policy?

Answer—

- (1) Where there are clauses in agreements that require the payment of bargaining agents fees, such fees will have to be paid by non-union members. These collective agreements have been voted for by a majority of the employees at the workplace.
- (2) I understand that the Electrical Trades Union (NSW Branch) is contemplating making an application to the NSW Industrial Relations Commission to mount a special case to include bargaining fee clauses in a number of enterprise agreements.
- (3) Current industrial mechanisms allow for the provision of a bargaining fee in an enterprise agreement, if agreed between the parties to an agreement.

***1006 PREMIER—EXTRADITION OF GORDON WOOD—**Revd Mr Nile asked the Treasurer, Minister for State Development, and Vice-President of the Executive Council representing the Premier, Minister for the Arts and Minister for Citizenship—

- (1) Is it a fact that the Premier said yesterday that he believed “there was a very good prima facie case” for Gordon Wood to be extradited back to Australia to face charges over the murder of Caroline Byrne?
- (2) Has the Director of Public Prosecution's office claimed that because of the lack of resources it will take 12 months to study the extensive Police brief on this matter?
- (3) Will the Government ensure the DPP has the resources to finalise this case as a matter of urgency, within 14 days?

Answer—

The Premier has provided the following answer:

- (1) to (3) I direct the Honourable Member to the answer provided by the Attorney General on 17 March, to the Honourable Member's question on notice number 977, which deals with largely the same subject material.

*1007 ATTORNEY GENERAL—ADVERTISING FOR PERSONAL INJURY CASES —Revd Mr Nile asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

- (1) (a) Have more than 30 New South Wales solicitors broken State law under Section 38JA (1) of the *Legal Profession Amendment (Advertising) Act 2003*, by advertising for personal injury cases?
- (b) If so, have these solicitors received only a warning, pending the outcome of the Maurie Stack Supreme Court challenge?
- (2) Can we expect other State laws being placed on hold whilst solicitors, in some cases those charged under these laws, debate their validity?

Answer—

- (1) (a) There are a number of New South Wales solicitors presently being investigated by the Office of the Legal Services Commissioner for breaches of the Legal Profession Amendment (Personal Injury Advertising) Regulation 2003.
- (b) The Legal Service Commissioner's investigation continues into the conduct of all legal practitioners about whom a complaint has been initiated pursuant to the Legal Profession Amendment (Personal Injury Advertising) Regulation 2003. None of those matters has been dismissed and the matters will proceed to prosecution in the event that the Commissioner is satisfied in accordance with the statutory test established in section 155 (2) of the *Legal Profession Act 1987*.
- (2) No.

30 MARCH 2004

(Paper No. 48)

*1008 ROADS—PACIFIC HIGHWAY, NORTH GOSFORD—Mr Gallacher asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Roads and Minister for Housing—

In relation to the approximately eight kilometre section of the Pacific Highway from North Gosford to Ourimbah (at the junction with the F3 Freeway):

- (1) How many daily vehicle movements occur on this section of the highway?
- (2) What specific work has been carried out on this section of the highway in the past three years to improve traffic flow?
- (3) How many accidents have been reported on this section of the highway in the last three years?
- (4) (a) What specific works are planned for this section of the highway for this financial year?
- (b) What is the value of this proposed expenditure?
- (5) What are the Government's long-term plans for improvements to this section of the Pacific Highway?

Answer—

The Average Annual Daily Traffic (AADT) volume of the Pacific Highway at Narara is 25,712 (as at 2001). The AADT of the Pacific Highway at Ourimbah south of the F3 Freeway is 20,674 (as at 2001). Specific work carried out on this over the past three years includes provision of dual carriageways between Renwick Street and Brooks Avenue at Wyoming, pedestrian improvements from MacDonalds Road to Chamberlain Street at Lisarow, safety works and bus bays at Argyle Avenue, Narara, safety works and bus bays at Kent Street, Niagara

Park, intersection improvements at Burns Road at Ourimbah (Federal Blackspot funding) and intersection improvements at Teralba Street, Lisarow. Specific work for this financial year includes pedestrian improvements at Cut Rock Creek, Lisarow.

*1009 FISHERIES—RECREATIONAL FISHING HAVENS—Mr Jenkins asked the Minister for Agriculture and Fisheries—

- (1) (a) Has the Fishing License Fee been used to buy out and prevent commercial fishing in the Recreational Fishing Havens (RFH)?
- (b) If so, how does the Minister assess the monetary value of such activities and how much of that will flow back to benefit the recreational fishing community?
- (2) What guarantee will the Minister give that more of the RHF's will not be opened up to commercial fishing?
- (3) Is it still necessary to hold a current fishing license to fish in the now commercial fishing areas?

Answer—

- (1) (a) The Government has bought out 251 commercial fishing entitlements with funds from the recreational fishing fee to establish the 30 Recreational Fishing Havens and to ensure that commercial fishing pressure does not increase in areas that remain open to commercial fishing.
- (b) The discussion papers that canvassed the options for Recreational Fishing Havens in 2001 estimated there was the potential for a net economic benefit to a region from their creation. For example, it was anticipated that the Botany Bay Recreational Fishing Haven would result in an increase in recreational fishing activity and expenditure, which would more than offset the \$600,000 generated by commercial trawling and hauling. It was estimated that a 5% increase in expenditure would amount to \$700,000 and that a 10% increase in expenditure would amount to \$1,350,000.
- (2) Following an agreement between local commercial and recreational fishers the boundaries of the Richmond River Recreational Fishing Haven were recently changed resulting in a net increase in the area closed to commercial fishing. There will be no widespread changes to the boundaries of Recreational Fishing Havens and any minor changes will only be considered if there is broad community consensus at a local level.
- (3) Yes.

*1010 NATURAL RESOURCES—WATER MANAGEMENT PLANS—Mr Cohen asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Infrastructure and Planning and Minister for Natural Resources—

For each of the river systems where a Water Management Plan has been gazetted:

- (1) What is the over allocation in each system?
- (2) What is the over allocation after the deduction of any environmental flow allocation?

Answer—

- (1) It is taken that the Honourable Member is referring to the level of licensed entitlements in each water source, compared to the extraction limits defined by the respective water sharing plans. In most water sources, the licensed entitlement (sum of share components specified in licences) will exceed the extraction limit. This is because the extraction limit is generally specified as a long-term average annual volume, while the licence share components are related to the maximum volume that a licence holder

could extract in any individual year. The latter figure will generally be the larger because of the effects that climatic variability have on water availability and demand.

Furthermore, many water users treat much of the share components of their licences as a buffer against drought and reduced water availability. In some years, water users may also suppress their planting and/or irrigation in response to low commodity demands or prices. In combination, these factors will mean that actual water diversions will be considerably less than the total share components of licences in many years.

The following table provides a comparison of licensed volume and plan extraction limits for the regulated rivers. Relatively few unregulated rivers have extraction limits established and hence comparisons cannot be made for those rivers.

Water source	Total access licence volume (ML)	Plan extraction limit (ML)	Ratio of licensed volume to extraction limit
Gwydir	707,000	388,000	182%
Namoi	374,000	238,000	157%
Macquarie-Cudgegong	739,000	392,000	189,000
Lachlan	648,000	305,000	212%
Murrumbidgee	2,993,000	1,925,000	155%
Murray	2,779,000	1,811,000	153%
Lower Darling	299,000	137,000	218%
Hunter	249,000	217,000	115%

- (2) Environmental water allocations are catered for in the water sharing plans as the first priority and are factored in before the determination of the plan extraction limits.

*1011 TREASURY—WATER MANAGEMENT PLANS—Mr Cohen asked the Treasurer, Minister for State Development, and Vice-President of the Executive Council—

- (1) What is the cost or estimated cost on current values to the Government of having to buy back 18% of water for environmental flows in each of the river systems where a water management plan has been gazetted?
- (2) What would be the cost of buying back what are known as ‘sleeper and dozer’ licences in each of the river systems where a water management plan has been gazetted?

Answer—

I have been advised of the following answer:

- (1) The Government believes that the Water Sharing Plans, which commence on 1 July 2004, will provide significant water savings for the environment. The Government has not committed to reduce the current level of extractions below the extraction limits imposed by the Water Sharing Plans.

However, on a hypothetical calculation it is estimated that the cost of buying 18% of extraction limits would involve the purchase of approximately 1,500 to 1,600 gigalitres of entitlement at a cost of about \$1.7 billion, assuming an average cost of \$1,100 per megalitre.

- (2) ‘Sleeper and dozer’ licences are difficult to define as most licences with unused water transfer the unused component whenever possible. There is no distinction between the unit cost of purchasing entitlement from ‘sleeper and dozer’ licences or from fully active licences in river systems. See question (1) above.

It is broadly estimated that 5 to 10 % of entitlement could be considered as ‘sleeper and dozer’. Thus the hypothetical cost of purchasing this entitlement would be approximately \$500 million to \$1 billion.

Again the Government has not committed to reduce the current level of extractions below the extraction limits imposed by the Water Sharing Plans by the purchase of entitlement from “sleeper and dozer” licences.

*1012 JUSTICE—PRIVATISED PRISONS—Ms Rhiannon asked the Minister for Justice, and Minister Assisting the Premier on Citizenship—

(1) Does the Government plan to privatise the following prisons:

- (a) Kempsey?
- (b) The women’s prison at Windsor?
- (c) The proposed prison for Wellington?

(2) When will the Kempsey Correctional Centre open?

(3) When will the women’s prison at Windsor open?

Answer—

- (1) The Member is referred to my press release dated 3 March 2004.
- (2) Refer to the answer to Question on Notice No 1020 (2) in the Legislative Assembly.
- (3) Details of the official opening of Dillwynia Correctional Centre will be announced in due course.

*1013 TREASURY—INFRINGEMENT PROCESSING BUREAU—Ms Rhiannon asked the Treasurer, Minister for State Development, and Vice-President of the Executive Council—

(1) Was there a technical malfunction in the computer system of the Infringement Processing Bureau (IPB) in 2003 that resulted in a number of traffic fines being issued twice?

(2) If so:

- (a) How many people paid their fine twice?
- (b) Was the second payment accepted by the IPB?
- (c) Have all affected people received refunds?

Answer—

I have been advised of the following answer:

(1) There was no technical malfunction in the computer system of the Infringement Processing Bureau (IPB) in 2003 that resulted in a number of traffic fines being issued twice. However for some offences that occurred between 23 October and 24 November 2003, the Roads and Traffic Authority (RTA) sent duplicate digital camera data to the IPB, and eighty (80) duplicate infringements were issued.

Immediately the problem was identified, the IPB took action to cancel all of the second infringements.

(2) Of those infringements identified as being issued twice:

- (a) Only one person paid both infringements.
- (b) In this case when the second payment was received, the system identified that this amount was to be refunded.

- (c) The refund for this matter has been processed and a cheque has been forwarded to the person concerned.

*1014 MINERAL RESOURCES—PILLIGA STATE FOREST —Ms Rhiannon asked the Minister for Agriculture and Fisheries representing the Minister for Mineral Resources—

- (1) Is it correct that natural gas reserves must be at least 95% pure to have commercial quality?
(2) What percentage of purity is the gas that is being surveyed in the Pilliga State Forest?

Answer—

- (1) No. Natural gas reserves do not have to be 95% pure to have commercial value. Natural gas can be commercial with a significantly lower content of methane. Pipeline authorities require natural gas which is added to their pipelines to have a specified heating value. This is achieved by natural gas producers adding small amounts of other gases to their gas to increase its heating value. Natural gas with methane contents as low as 40% or even less, are still commercial as they can be used to generate electricity.
(2) Exploration for coal seam methane in the Pilliga State Forest is indicating reserves of gas with concentrations of methane approximately between 80-90%. This gas is potentially commercial as it can be used for electricity generation or after treatment, it can be added to natural gas pipelines.

*1015 ENVIRONMENT—SYDNEY HARBOUR TUNNEL CORPORATION—Ms Rhiannon asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

- (1) Is Sydney Harbour Tunnel Corporation (SHTC) pumping polluted water from the Harbour Tunnel into Sydney Harbour?
(2) If this practice is no longer occurring, when did SHTC stop pumping polluted water from the Harbour Tunnel into Sydney Harbour?
(3) If this practice is still occurring, how often is polluted water being pumped out into Sydney Harbour, and at what times of day?
(4) If the practice is only occurring during the evening hours, why is that so?
(5) If the practice is still occurring, have any studies been undertaken with regard to the impact this polluted water is having on the Harbour ecosystem?
(6) If such a study has been undertaken, what are the results of the study?
(7) If such a study was carried out, what organisation or company undertook that study?

Answer—

- (1) The Sydney Harbour Tunnel Corporation is not pumping polluted water from the Harbour Tunnel into Sydney Harbour.
(2) Sydney Harbour Tunnel Corporation ceased discharge of water which had seeped into the tunnel from surrounding sandstone on 23 December 2003.
(3) to (7) Not applicable.

*1016 POLICE—OFF DUTY POLICE OFFICERS—Ms Rhiannon asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

- (1) Are off-duty police officers allowed to work for private organisations?
- (2) If so:
 - (a) Are off-duty police officers who work for private organisations allowed to wear their police uniform while undertaking privately paid work?
 - (b) Are off-duty police officers who work for private organisations allowed to exercise police powers while undertaking privately paid work?

Answer—

NSW Police has advised me:

- (1) Yes, subject to approval under the NSW Police Secondary Employment Policy and Guidelines.
- (2)
 - (a) No.
 - (b) No. However, during the course of secondary employment there may be occasions when a police officer may need to recall himself or herself to duty as a police officer, to deal with a situation which arises.

*1017 POLICE—SODIUM CYANIDE—Ms Rhiannon asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

- (1)
 - (a) Is the Minister aware that nearly 8 tonnes of sodium cyanide was hijacked from a truck in central Mexico in May 2002?
 - (b) Is there a risk of a similar incident occurring involving the sodium cyanide being transported on the roads and rail network of New South Wales for use in the proposed gold mine at Lake Cowal?
- (2) Does sodium cyanide pose a significant risk to the people of New South Wales if it were to be used in a terrorist attack?

Answer—

- (1)
 - (a) Yes.
 - (b) The WorkCover Authority of New South Wales regulates the transport of dangerous goods. I suggest the Honourable Member's question is more appropriately addressed to the Minister for Commerce, within whose portfolio the Authority resides.
- (2) The use of any chemical agent during a terrorist attack poses a risk.

*1018 GAMING AND RACING—STAR CITY EMPLOYEES—Ms Rhiannon asked the Minister for Agriculture and Fisheries representing the Minister for Gaming and Racing—

- (1) Did a poll taken by the Liquor, Hospitality and Miscellaneous Workers Union of Star City employees find that 65% of Casino workers said they has been verbally assaulted and 30% had had their vehicles damaged in two nearby car parks?
- (2) Did this poll find that many Star City Casino workers fear that they will be attacked when they leave the Casino?
- (3)
 - (a) Is the Casino obliged to provide a safe working environment for its staff?

If so, should this include:

- (b) supplying airport style metal detectors to screen all visitors to the Casino;
 - (c) the Casino employing sufficient staff in its surveillance department so suspicious behaviour can be more readily detected?
- (4) Should staff have the right to park their car in the Casino car park to avoid confrontations outside the Casino?

Answer—

(1) to (4) All employers are obliged to provide a safe and healthy working environment for their workers.

Occupational health and safety legislation seeks to secure and promote the health, safety and welfare of all people wherever work is undertaken. The legislation provides a risk management framework which involves the identification of all hazards to which an individual may be exposed at a workplace. Once identified, risks arising from those hazards must be assessed and appropriate measures taken to eliminate and or control those risks. This process must be undertaken in consultation with employees.

Specific workplace issues, such as staff parking facilities, are, appropriately, not a matter for legislation and should be referred to the individual employer concerned.

Precise questions about a Liquor, Hospitality and Miscellaneous Workers Union poll should be directed to the union.

*1019 INDUSTRIAL RELATIONS—STAR CITY EMPLOYEES—Ms Rhiannon asked the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast—

- (1) Did a poll taken by the Liquor, Hospitality and Miscellaneous Workers Union of Star City employees find that 65% of Casino workers said they has been verbally assaulted and 30% had had their vehicles damaged in two nearby car parks?
- (2) Did this poll find that many Star City Casino workers fear that they will be attacked when they leave the Casino?
- (3) (a) Is the Casino obliged to provide a safe working environment for its staff?

If so, should this include:

- (b) supplying airport style metal detectors to screen all visitors to the Casino;
 - (c) the Casino employing sufficient staff in its surveillance department so suspicious behaviour can be more readily detected?
- (4) Should staff having the right to park their car in the Casino car park to avoid confrontations outside the Casino?

Answer—

(1) to (4) All employers are obliged to provide a safe and healthy working environment for their workers.

Occupational health and safety legislation seeks to secure and promote the health, safety and welfare of all people wherever work is undertaken. The legislation provides a risk management framework which involves the identification of all hazards to which an individual may be exposed at a workplace. Once identified, risks arising from those hazards must be assessed and appropriate measures taken to eliminate and or control those risks. This process must be undertaken in consultation with employees.

Specific workplace issues, such as staff parking facilities, are, appropriately, not a matter for legislation and should be referred to the individual employer concerned.

Precise questions about a Liquor, Hospitality and Miscellaneous Workers Union poll should be directed to the union.

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(Paper No. 49)

1020 POLICE—MR ALAN HATHAWAY—Ms Rhiannon asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

*1021 ATTORNEY GENERAL—MR ALAN HATHAWAY—Ms Rhiannon asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Attorney General and the Minister for the Environment—

- (1) In light of the Opposition's statements regarding Wagga Wagga Magistrate Mr Pearce in the matter of Alan Hathaway and the Wagga Wagga Police, do you support, and continue to have confidence in, your judiciary?
- (2) Will you lodge a complaint with the Police Commissioner about the conduct of the police involved in this case?

Answer—

- (1) Nothing has come to my knowledge about this matter that would in any way undermine my support for and confidence in the judiciary.
- (2) No. The Magistrate has already referred the matter to the Police Integrity Commission.

*1022 JUSTICE—GOULBURN CORRECTIONAL CENTRE—Ms Rhiannon asked the Minister for Justice, and Minister Assisting the Premier on Citizenship—

- (1)
 - (a) Have inmates of the Goulburn Correctional Centre's HRMU who have sought information from the prison library on issues relating to court appeals, remand and other legal matters, been denied access to the information they sought?
 - (b) If so, why?
- (2) How many inmates at Goulburn Correctional Centre's HRMU have enrolled in TAFE Open Training and Education Network (OTEN) courses in each of the past 3 years?
- (3)
 - (a) How many inmates at Goulburn Correctional Centre's HRMU have been denied permission to enrol in OTEN TAFE courses in each of the past 3 years?
 - (b) What reasons were given for refusing such permission?
- (4)
 - (a) Have inmates of Goulburn Correctional Centre's HRMU complained that they are being denied access to:
 - (i) Appointments with education officers?
 - (ii) TAFE renewal forms?
 - (iii) Stationery for educational purposes?
 - (iv) Legal Aid?
 - (b) If so, what action is being taken to address these complaints?

Answer—

The Department of Corrective Services advises me:

- (1) (a) No.
(b) Not applicable.
- (2) The HRMU opened in September 2001, therefore figures for all of the past three (3) years are not available.

All applications must be recommended by the Education Officer and approved by the Deputy Governor, HRMU.

- (3) (a) This information is not kept.
(b) Not applicable.
- (4) (a) There is no record of the complaints referred to against the Department of Corrective Services.
(b) Not applicable.

*1023 TREASURY—PROPERTY TAX—Mr Harwin asked the Treasurer, Minister for State Development, and Vice-President of the Executive Council—

- (1) In relation to real property subject to the premium property tax under the *Premium Property Tax Act 1998 (NSW)* how many properties were valued above:
 - (a) the \$1,234,000 threshold in 2000;
 - (b) the \$1,319,000 threshold in 2001;
 - (c) the \$1,414,000 threshold in 2002;
 - (d) the \$1,680,000 threshold in 2003?
- (2) In relation to real property subject to the premium property tax under the *Premium Property Tax Act 1998 (NSW)* please provide a breakdown by postcode of properties which were valued:
 - (a) above the \$1,234,000 threshold in 2000;
 - (b) above the \$1,319,000 threshold in 2001;
 - (c) above the \$1,414,000 threshold in 2002;
 - (d) above the \$1,680,000 threshold in 2003?
- (3) In relation to real property subject to the premium property tax under the *Premium Property Tax Act 1998 (NSW)* in the latest year for which statistics are available:
 - (a) What is the average land size (in square meters) of properties above the relevant threshold?
 - (b) How many properties above the threshold for that year are immediately adjacent to the water front?
 - (c) How many properties above the threshold for that year are listed as an item of cultural or natural heritage?

Answer—

I have been advised of the following answer:

- (1) (a) to (d) The Office of State Revenue has advised that the number of properties valued above the premium property thresholds for the years 2000 to 2003 are as follows”

Year	Threshold	Number of Properties
2000	\$1,234,000	1,953
2001	\$1,319,000	1,434
2002	\$1,414,000	1,356
2003	\$1,680,000	1,324

- (2) (a) to (d) The Office of State Revenue does not keep records relating to the number of properties subject to premium property tax by postcode.
- (3) (a) to (c) The Office of State Revenue does not keep records relating to size, position or heritage status of properties subject to premium property tax

1 APRIL 2004

(Paper No. 50)

*1024 TRANSPORT—TARANA TO OBERON RAIL LINE—Ms Rhiannon asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests)—

- (1) (a) Does Carter Holt Harvey annually transport some 40,000 20-foot containers of its product through the World Heritage Area of the Blue Mountains?
- (b) If so, what consideration have you given to reopening the Tarana to Oberon rail line?
- (2) (a) Will the following signal boxes be closed:
- (i) Lithgow Coal Stage?
- (ii) Orange East Fork?
- (iii) Orange Box?
- (iv) Dubbo A&B Frames?
- (v) Parkes Signal Box?
- (b) If so, when will each be closed?
- (4) What are your plans for the following railway workshops:
- (a) Bathurst?
- (b) Goulburn?
- (5) Why aren't the following lines used for general freight:
- (a) Kandos?
- (b) Mudgee to Gulgong?
- (c) Blayney to Cowra?
- (6) (a) Will the Government finance or part finance a freight/container terminal at Bathurst?

- (b) If not, why not?

Answer—

I am advised by RailCorp:

- (1) RailCorp is not aware of the tonnages moved by Carter Holt Harvey; this question should be referred to Carter Holt Harvey.

In the mid to late 1990s the Government worked with the developers of the paper mill to identify potential reinstatement options. At the time, the mill owner would not commit to the long-term use of rail transport.

- (2) The above mentioned signal boxes (excluding Lithgow Coal Stage) formed part of a RIC rationalisation project that commenced in late 2003. The Glenbrook Inquiry report recommended centralising network control functions.
- (4) RailCorp has no significant plans for the Bathurst and Goulburn railway workshops. They will continue to largely operate as they currently do.
- (5) The NSW Government has funded the re-opening of these lines for rail traffic. Unfortunately the general freight operators have not taken advantage of this opportunity.
- (6) Freight/container terminals are properly a decision for private sector freight operators.

1025 ATTORNEY GENERAL—OVERSEAS SATELLITE TELEVISION BROADCASTER—Revd Mr Nile to ask the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

*1026 JUSTICE—OVERSEAS SATELLITE TELEVISION BROADCASTERS—Revd Mr Nile asked the Minister for Justice, and Minister Assisting the Premier on Citizenship—

- (1) (a) Are overseas satellite television broadcasters exploiting loopholes in Australian censorship laws to beam 24-hour pornography channels to New South Wales homes for as little as \$5 a week?
- (b) Does this explicit content include graphic scenes of gang rape?
- (2) (a) Do you acknowledge that this pornographic content poses unacceptable conditioning stimuli for New South Wales citizens?
- (b) Do you acknowledge that this stimuli may lead to further cases of abuse and rape in this state?
- (3) What action will you take to remove such material from our airways?

Answer—

This question does not relate to the Justice portfolio.

*1027 JUSTICE—PAEDOPHILIA CHATROOMS—Revd Mr Nile asked the Minister for Justice, and Minister Assisting the Premier on Citizenship—

- (1) Are paedophiles disseminating pornography depicting children as young as four through chatrooms and message boards such as 'The Shaowz'?
- (2) (a) Will you set up a task force to crack down on this area of media?
- (b) If not, why not?

Answer—

This question does not relate to the Justice portfolio.

- 1028 ATTORNEY GENERAL—PAEDOPHILE CHATROOMS—Revd Mr Nile to ask the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—
- 1029 ENERGY AND UTILITIES—WASTEWATER SERVICES—Mr Cohen to ask the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands) representing the Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer) and Minister Assisting the Premier on the Arts—
- 1030 INFRASTRUCTURE AND PLANNING, NATURAL RESOURCES—CROWN LEASEHOLD LAND—Mr Cohen to ask the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Infrastructure and Planning and Minister for Natural Resources—
- 1031 ATTORNEY GENERAL—LAWS TO PROTECT UNBORN CHILDREN—Revd Mr Nile to ask the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—
- 1032 POLICE—MR GARY REDDING—Revd Mr Nile to ask the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Minister for Police—
- 1033 COMMUNITY SERVICES—REGULATIONS UNDER THE CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) ACT—Mr Ryan to ask the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth—
- 1034 COMMUNITY SERVICES—CHILD ABUSE HELPLINE—Mr Ryan to ask the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth—
- 1035 COMMUNITY SERVICES—SUBSTANTIATION RATES FOR CHILD ABUSE REPORTS—Mr Ryan to ask the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth—
- 1036 AGEING, DISABILITY SERVICES AND HOME CARE—ACCESS SYSTEM WAITING LISTS—Mr Ryan to ask the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth—
- 1037 AGEING, DISABILITY SERVICES AND HOME CARE—HOME CARE SERVICES—Mr Ryan to ask the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth—
- 1038 DISABILITY SERVICES—CONSUMERS OF DISABILITY ACCOMMODATION SERVICES—Mr Ryan to ask the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth—
- 1039 COMMUNITY SERVICES, AGEING, DISABILITY SERVICES AND HOME CARE—MEMORANDUM OF UNDERSTANDING —Mr Ryan to ask the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth—
- 1040 DISABILITY SERVICES, AGEING AND HOME CARE—LOCAL AREA COORDINATORS—Mr Ryan to ask the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth—
- 1041 DISABILITY SERVICES, AGEING AND HOME CARE—BUDGET—Mr Ryan to ask the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth—

- 1042 INDUSTRIAL RELATIONS—SEXUAL HARASSMENT IN THE WORKPLACE—Revd Mr Nile to ask the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast—
- 1043 EDUCATION AND TRAINING—ENROLMENT TRENDS—Ms Rhiannon to ask the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth representing the Minister for Education and Training and Minister for Aboriginal Affairs—
- 1044 ENERGY AND UTILITIES—WAMBO—Ms Rhiannon to ask the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands) representing the Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer) and Minister Assisting the Premier on the Arts—
- 1045 ENERGY AND UTILITIES—SYDNEY WATER—Dr Chesterfield-Evans to ask the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands) representing the Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer) and Minister Assisting the Premier on the Arts—
- *1046 ENVIRONMENT—STORMWATER PLAN—Mr Cohen asked the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—
- (1) How many Stormwater Plans have been received by the Department of Environment and Conservation from Sydney Water and when?
 - (2) For each plan what environmental protection issues are addressed?
 - (3) How many Stormwater Management Plans have been updated?
 - (4) (a) How many staff are currently dedicated to monitoring compliance with these Stormwater Management Plans?
 - (5) (b) What is the budget for this unit?

Answer—

The Environment Protection Authority, now part of the Department of Environment and Conservation, required Sydney Water to assist councils to prepare stormwater plans in catchments where Sydney Water owns stormwater assets. These stormwater plans address stormwater quality and stream restoration. Councils have provided 16 plans that include stormwater actions to be implemented by Sydney Water. These plans were received in 1999.

The DEC monitors updates to these plans and advises that one of these plans has been fully updated and most of the remaining plans have been partially revised. The Stormwater Unit's administration budget is \$540,000 for 2003/2004.

- 1047 POLICE—SCHOOL CADETS' ACCESS TO FIREARMS—Ms Rhiannon to ask the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Minister for Police—
- 1048 EDUCATION—SCHOOL CADETS' ACCESS TO FIREARMS—Ms Rhiannon to ask the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth representing the Minister for Education and Training and Minister for Aboriginal Affairs—
- 1049 TREASURY—WAMBO—Ms Rhiannon to ask the Treasurer, Minister for State Development, and Vice-President of the Executive Council—

1050 FAIR TRADING—BUILDING LICENCES—Dr Chesterfield-Evans to ask the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast representing the Minister for Fair Trading and Minister Assisting the Minister for Commerce—

*1051 JUSTICE—AEGAN LODGE HOSTEL —Revd Mr Nile asked the Minister for Justice, and Minister Assisting the Premier on Citizenship—

- (1) With regard to the Aegan Lodge hostel Land and Environment Court case, have Police investigations shown a number of affidavits presented in the case to be forgeries?
- (2) Does the Land and Environment Court have a process to check the authentic of affidavits prior to handing down decisions?
- (3) Are the Police investigating the source of these forgeries and what penalties are enforceable for such conduct?
- (4)
 - (a) Has the ICAC declined to take the matter on?
 - (b) If so, why?

Answer—

This question does not relate to the Justice portfolio.

1052 POLICE—AEGAN LODGE HOSTEL—Revd Mr Nile to ask the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

1053 INDUSTRIAL RELATIONS—FATHERS—Revd Mr Nile to ask the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast—

1054 COMMUNITY SERVICES, AGEING, DISABILITY SERVICES, AGEING AND YOUTH—DEPARTMENTAL EMPLOYEES—Mr Ryan to ask the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth—

1055 ENERGY AND UTILITIES—SYDNEY WATER ENVIRONMENTAL PLAN—Mr Cohen to ask the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands) representing the Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer) and Minister Assisting the Premier on the Arts—

1056 HEALTH—INDUSTRIAL ACCIDENTS—Ms Hale to ask the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast representing the Minister for Health—

1057 HEALTH—PORT KEMBLA HOSPITAL—Ms Hale to ask the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast representing the Minister for Health—

1058 HEALTH—3G MOBILE PHONE TOWERS—Ms Hale to ask the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast representing the Minister for Health—

*1059 PLANNING AND INFRASTRUCTURE—3G MOBILE PHONE TOWERS—Ms Hale asked the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Infrastructure and Planning and Minister for Natural Resources—

- (1) (a) Has the Planning NSW document entitled Draft Telecommunications Guidelines, which was available for public comment in August 2002, been updated?
- (b) If so, is the updated version available publicly?
- (c) If not, when will it be available?
- (2) (a) What is the timeframe and process for the review of Draft Telecommunications Guidelines?
- (b) When will the public be given the opportunity to comment on the updated guidelines?
- (c) Will the review look at the specific issue of 3G tower location, given that the network for this technology is much more intensive than traditional mobile phone technology?

Answer—

- (1) (a) No. Following the public exhibition, the Department of Infrastructure, Planning and Natural Resource determined that those guidelines did not adequately address all aspects of the issues and is now working on a new approach as part of a whole of government strategy.
- (b) Not applicable.
- (c) Not applicable.
- (2) (a) See answer to 1 (a) above.
- (b) Targeted consultation will be undertaken in developing the new approach.
- (c) Yes, along with other community, design and environmental issues relating to mobile telecommunication infrastructure.

1060 LOCAL GOVERNMENT—LOCAL GOVERNMENT ELECTIONS VOTE COUNTING—Ms Hale to ask the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands)—

1061 LANDS—3G MOBILE PHONE TOWERS IN PUBLIC PARKS—Ms Hale to ask the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands)—

1062 ENERGY AND UTILITIES—SALE OF SYDNEY WATER LAND—Ms Hale to ask the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands) representing the Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer) and Minister Assisting the Premier on the Arts—

1063 EDUCATION—MOBILE PHONE TOWERS—Ms Hale to ask the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth representing the Minister for Education and Training and Minister for Aboriginal Affairs—

1064 PREMIER—3G MOBILE PHONE TOWERS—Ms Hale to ask the Treasurer, Minister for State Development, and Vice-President of the Executive Council representing the Premier, Minister for the Arts and Minister for Citizenship—

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1065 **DISABILITY SERVICES—PUTTING CHILDREN FIRST POLICY**—Revd Mr Nile to ask the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth—

- (1) Is the failure of the “Living in the Community – Putting Children First” policy causing additional undue grief for the families already struggling to cope with severely disabled children?
- (2) If so, what is the time frame for the ‘plan’ of action that the Minister has in place to deal with this failure?
- (3) Does the ‘plan’ endeavour to bring department services in line with the “Putting the Children First” policy or is there some other goal?
- (4) Will the Minister ensure that any ‘plan’ or policy implementation commits the Department to develop a State-wide system of intensive family support services, in-home care arrangements and specialist foster and shared care, as deemed necessary by community disability advocacy organisations?

1066 **POLICE—NIMBIN MARDIGRASS FESTIVAL**—Revd Mr Nile to ask the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

- (1) Is the NSW Police Service experiencing difficulties in dealing with the drug culture in Nimbin?
- (2) Was the recent ‘MardiGrass’ and ‘Cannabis Law Reform’ weekend held in Nimbin labelled an “irresponsible flaunting of the law” by the Chief Executive of the Queensland Drug and Alcohol Foundation?
- (3) Is the Minister aware that non-participating citizens, including the National Party MP Ian Causley had been approached in the street to purchase marijuana?
- (4) What action did the NSW Police Service take in enforcing state law during this ‘Mardigrass’ festival?
- (5)
 - (a) Where any charges laid?
 - (b) If not, why not?

1067 **ENERGY AND UTILITIES—TRANSGRID PROPOSED TRANSMISSION LINE IN CENTRAL WEST NSW**—Mr Cohen to ask the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands) representing the Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer) and Minister Assisting the Premier on the Arts—

In relation to the TransGrid proposal to construct a 330kv transmission line between Wollar and Wellington in Central West New South Wales:

- (1) What studies has TransGrid undertaken to show that 330kv is the best option over a 132kv line?
- (2) Is the project in line with the New South Wales planning system and the Minister’s requirement for Demand Management to be a priority from the networks?
- (3) Does the Wollar to Wellington line have the capacity to be uprated to 500kv?
- (4) What is the current total capacity of the line to the area now?
- (5) What is the current secure capacity of the line to the area now?
- (6) How many hours per year, for each of the next ten years, is it predicted that the total and secure capacity will be exceeded?
- (7) By how many MWs per year for each year for the next ten years, is it predicted that the total and secure capacity will be exceeded?

- (8) How many MWs of demand reduction is the \$10 million Sydney CBD Demand Management Fund expected to deliver?
- (9) How many MWs of demand reduction could \$70 million deliver in NSW's Central West?
- (10) What specific investigations has TransGrid undertaken into the following areas for NSW's Central West:
 - (a) Distributed Generation?
 - (b) Demand Management?
 - (c) Cogeneration?
 - (d) Gas Generation?

1068 PRIMARY INDUSTRIES—EXPORTING WOODCHIPS—Mr Cohen to ask the Minister for Primary Industries—

- (1) Is State Forests (NSW) planning to establish a new wood chip market for the public forests of north-east New South Wales which will export through the Port of Brisbane?
- (2)
 - (a) Does this contradict the Premier's commitment that export woodchipping would end by the year 2000?
 - (b) If so, how?
 - (c) If not, please explain the areas of correlation?
- (3)
 - (a) Have any contracts been signed for export woodchips sourced from north-east New South Wales to be shipped through the Port of Brisbane?
 - (b) If so, for what:
 - (i) Volume?
 - (ii) Duration?
- (4) Has State Forests (NSW) entered into any long-term contracts for salvage logs that is greater than five years?

1069 ENERGY AND UTILITIES—COAL FIRED ELECTRICITY—Mr Cohen to ask the Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands) representing the Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer) and Minister Assisting the Premier on the Arts—

- (1) Why is the NSW Government planning to increase coal fired electricity in the State by extending the Mt Piper Power Station at Lithgow?
- (2) Why is Transgrid planning to build a 330kv transmission line from Wollar to Wellington at the cost of \$70 million to the taxpayer when a gas powered generator based at Wellington could provide the same level of reliability with less CO2 emissions?

1070 TRANSPORT—RAIL NETWORK'S COMMUNICATION SYSTEM—Revd Dr Moyes to ask the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests)—

- (1) Is the Minister aware that it has been three years since Peter McInerney, following the Glenbrook disaster, called for a single radio network for all trains operating within New South Wales instead of the current four separate systems?

- (2) (a) Why hasn't this urgently needed communication system has not been introduced?
- (b) What is being done to fast track the introduction of an integrated system of communication on the rail network to ensure a safer system?

1071 ROADS—OBSCURING OF NUMBER PLATES—Ms Rhiannon to ask the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests) representing the Minister for Roads and Minister for Housing—

- (1) Has there been a tenfold increase since 1997 in the number of motorists obscuring their number plates to avoid detection by speed cameras?
- (2) Are there any plans to increase the fine for obscuring a number plate?

1072 EDUCATION AND TRAINING—ADULT AND COMMUNITY EDUCATION IN MULLUMBIMBY—Ms Rhiannon to ask the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth representing the Minister for Education and Training and Minister for Aboriginal Affairs—

- (1) What is the estimate of the number of people under the age of 21 in Mullumbimby that are not currently employed or in formal education?
- (2) Would these people benefit from a "Youth at Risk" program?
- (3) Why have no funds been allocated to Adult and Community Education in Mullumbimby to run a "Youth at Risk" program?
- (4) Will you instigate an investigation into the educational needs of "Youth at Risk" in Mullumbimby?

1073 ENVIRONMENT—"LEARNING FOR SUSTAINABILITY" PROGRAMS—Ms Rhiannon to ask the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Attorney General and Minister for the Environment—

- (1) What funds have been allocated to the "Learning for Sustainability" program in the current budget year?
- (2) (a) How many "Learning for Sustainability" programs were run this year?
- (b) In what locations?
- (3) (a) Are there any plans to increase the availability of this important program?
- (b) If so, what are they?

1074 COMMERCE—OH&S SMOKING AND LICENSED VENUES—Ms Rhiannon to ask the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast—

- (1) (a) Are you using WorkCover's power to introduce indoor smoking bans?
- (b) If not, why not?
- (2) How does the voluntary "Share the Air" policy in licensed venues protect workers from passive smoking exposure?
- (3) (a) Do you agree that WorkCover has a statutory obligation to follow up second-hand smoke complaints in smoky bars by using existing powers to issue notices/orders to employers who continue to expose staff to tobacco smoke toxins?

- (b) If so, will you take action on this important public health issue by asking your colleague the Industrial Relations Minister to enforce the *Occupational Health and Safety Act* consistently in all workplaces, including licensed venues?

1075 HEALTH—PUBLIC HEALTH SMOKING AND LICENSED PREMISES—Ms Rhiannon to ask the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast representing the Minister for Health—

- (1) How does the voluntary “Share the Air” policy in licensed venues protect workers from passive smoking exposure?
- (2) Do you agree that WorkCover has a statutory obligation to follow up second-hand smoke complaints in smoky bars by using existing powers to issue notices/orders to employers who continue to expose staff to tobacco smoke toxins?
- (3) What action will the Minister take on this important public health issue to assist the Minister for Industrial Relations to enforce the *Occupational Health and Safety Act* consistently in all workplaces, including licensed venues?

1076 POLICE—INVESTIGATION INTO THE DEATH OF EDDIE MURRAY—Ms Rhiannon to ask the Minister for Justice, and Minister Assisting the Premier on Citizenship representing the Minister for Police—

- (1) In its recent investigation into the death of Eddie Murray, did the Police Integrity Commission (PIC), after notifying all of the police involved that Mr Murray’s exhumation had revealed that he had a fractured sternum, offer those police the opportunity to change their story?

If so:

- (a) Did any of the police do so?
- (b) Did you or the PIC expect that if police had stuck to their story for two decades, that any change to the officers’ story would occur simply because they were “offered an opportunity”?
- (2) (a) Did the PIC accept that a former police officer who claimed to have a good recollection of the events of the day Eddie Murray was found dead also claim not to remember whether he was the first person to enter the cell after the death of Eddie Murray?
- (b) If so, what was the PIC’s justification for accepting this apparent inconsistency, namely that someone with an excellent recollection failed to recall such an important detail?
- (3) Is the following list a complete inventory of documentation gathered by the PIC during its 3-year inquiry into the death of Eddie Murray?
 - The Inquest Brief;
 - A transcript of evidence from the inquest;
 - The Coroner’s report from the inquest;
 - Sections of the Report of the Royal Commission into Aboriginal Deaths in Custody;
 - Post-exhumation medical reports of Eddie Murray;
 - Some photographs from the New South Wales second autopsy of Eddie Murray;
 - A book on the Eddie Murray case, ‘Too Much Wrong’;
 - A review by NSW Police Internal Affairs recommending a further investigation into Eddie Murray’s death;
 - Advice from the Counsel for NSW Police dated 18 April 2000 recommending that the PIC conduct a further investigation;
 - A report from Dr Ranson, a specialist in forensic medicine and pathology;
 - A report from Associate Professor Graham Starmer, a specialist in pharmacology;
 - A report from Professor Paul Mullen, a specialist in forensic psychiatry;
 - A final advice prepared by Senior Counsel of the PIC.

- (4) Did the PIC's investigations in the Eddie Murray case meet the objectives of the *Police Integrity Commission Act 1996* to investigate and prevent police corruption and to protect the public interest by preventing and dealing with police misconduct?
- (5) Do you consider that the PIC investigation into Eddie Murray's death met the PIC's stated objective of giving the New South Wales public confidence in the NSW Police force and the agencies charged with overseeing police?
- (6)
 - (a) Did the then NSW Attorney-General, Terry Sheehan in a letter dated 1 June 1987 to the then Member for Pittwater state "if any fresh information or evidence came to light in relation to the death of Edward Murray it would be acted upon"?
 - (b) If so, is the Minister satisfied that this commitment has been met?
- (7)
 - (a) Did the then Police Minister the Hon. Paul Whelan inform the Murray family on 24 August 2000 that if the PIC declined to investigate Eddie's matter that it would not be "the end of the road"?
 - (b) Did Mr Whelan also state he wanted "to find the truth as quickly as possible"?
 - (c) Did Mr Whelan also state that he "will want to know why" if the case is not being resolved?
- (8) Do you intend to uphold the promises made to the Murray family by Attorney General Sheehan in 1987 and Police Minister Whelan in 2000, representing the NSW Government, and ensure that this matter is finally investigated to the satisfaction of all concerned?

John Evans
Clerk of the Parliaments