

LEGISLATIVE ASSEMBLY

Thursday, 19th September, 1991

Mr Speaker (The Hon. Kevin Richard Rozzoli) took the chair at 10.30 a.m.

Mr Speaker offered the Prayer.

PETITIONS

Hunter Region Health Services

Petitions praying that the House take action to ensure that there will be no cuts to the delivery of health care services in the Hunter region that would result in the closure of public hospitals and or health services, received from **Mr Face, Mr Hunter, Mr Martin, Mr Mills and Mr Price**.

Family Relief Bill

Petition praying that the House give financial relief to families in New South Wales during the present difficult economic conditions and pass the Family Relief Bill to ensure that household charges do not increase each year by more than the latest increase in the consumer price index, received from **Mr E. T. Page**.

St Joseph's Hospital

Petitions praying that the Minister for Health Services Management intervene to save St Joseph's Hospital from closure and that the necessary funding and support staff be provided to allow it to continue to operate as a public hospital, received from **Mr Nagle, Mr Shedden, Mr Yeadon and Mr Ziolkowski**.

Royal Agricultural Society Showground

Petition praying that the House will prevent the sale by the Government of foreshore and public parklands, including the Royal Agricultural Society Showground, the E. S. Marks Athletic Field and part of Moore Park, and that residents be included on their administrative bodies, received from **Ms Moore**.

Woolloomooloo Finger Wharf

Petition praying that public money not be wasted demolishing the structurally sound finger wharf and establishing a walkway on the western side of Woolloomooloo Bay but instead that basic renovations be carried out on the wharf and an integrated multimedia arts centre be established, received from **Ms Moore**.

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Sydney Harbour Foreshores

Petition praying that the House stop the sale of publicly owned land on the foreshores of Port Jackson and its waterways, including that currently leased from the Maritime Services Board, and retain such land in public ownership; acquire for the public foreshore land whenever the opportunity arises; and optimise public access to the foreshore, received from **Ms Moore**.

Woollahra Traffic

Petition praying that the House take all necessary steps to reduce the traffic volume in Ocean Street, Woollahra, and that Ocean Street be returned to a safe and pleasant street consistent with residential neighbourhood values, received from **Ms Moore**.

Paddington Traffic

Petition praying that the House remove clearway conditions from Oxford Street, Paddington, received from **Ms Moore**.

Walker Estates

Petition praying that the Government preserve the Walker estates, including Yaralla, for public use, received from **Ms Moore**.

Royal Hospital for Women

Petition praying that the House provide funding to the Royal Hospital for Women to ensure that it maintains its leadership role in women's health care, received from **Ms Moore**.

Cooks River Pollution

Petition praying that the House take steps to restore the Cooks River to its original condition, received from **Ms Moore**.

Unanderra Police Station

Petition praying that the Government and Minister for Police and Emergency Services reappraise the staffing formula for Unanderra police station and upgrade the staffing-manning level to at least six officers, received from **Mr Rumble**.

Jervis Bay Marine Reserve and National Park

Petition praying that the House call for the establishment of a Jervis Bay Marine Reserve and National Park protecting the waters and total catchment area of Jervis Bay, received from **Mr Hatton**.

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AUDITOR-GENERAL'S REPORT

Mr Speaker laid upon the table the report of the Auditor-General, 1991, volume 2.

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

DEPARTMENT OF AGRICULTURE RELOCATION

Mr CARR: My question without notice is directed to the Premier, Treasurer and Minister for Ethnic Affairs. Was the original cost of relocating the Department of Agriculture \$21 million? Has this figure now blown out to around \$38 million? Given an overrun of \$17 million compared to the Minister's alleged saving of \$17 million, will the Premier urgently order a Treasury inquiry? Will the Premier ensure that Treasury's future recommendations for cost control are adopted?

Mr GREINER: Essentially, as my colleague the Minister for Agriculture and Rural Affairs usually says, the Leader of the Opposition is wrong, wrong and wrong again.

[Interruption]

Mr GREINER: Did I refer to the wrong Minister?

[Interruption]

Mr SPEAKER: Order! I call the honourable member for Coogee to order. I call the honourable member for Mount Druitt to order.

Mr GREINER: I am happy to get a detailed response on this question for the House.

STATE AUTHORITIES SUPERANNUATION BOARD INVESTMENTS

Mr LONGLEY: Is the Minister for Industrial Relations and Minister for Further Education, Training and Employment aware of observations made by the Auditor-General and the State Authorities Superannuation Board? What action is the Government taking to address the concerns outlined by Mr Robson in his annual report?

Mr FAHEY: Honourable members would be aware that the State Authorities Superannuation Board is the third largest superannuation fund in this country. State Super, like a lot of superannuation funds, has been adversely affected by the Australian recession and, in particular, by the collapse of commercial property and share markets. It has suffered also a loss on overseas investment mainly as a result of adverse movements in the foreign exchange rate. It is no secret that central business district
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property prices have fallen by about 30 per cent in the past two years. Further falls are expected this financial year. Superannuation funds normally hold a quarter to one-third of their assets in real property. State Super is no exception. The downturn in commercial property values has been fully reflected in State Super's accounts by its decision to revalue its entire property portfolio at the end of the year. The result is a loss in property income of \$372 million in 1990-91 compared with a gain of \$435 million the previous year.

The other area of loss is overseas investments. State Super has been investing in overseas share markets since 1986 so as to diversify its asset portfolio. Overseas investments constitute 14 per cent of the board's total investments which is on a par with other Australian superannuation funds. The market-value of the board's overseas investments fell from \$1,463 million to \$1,419 million in State Super's financial year to the end of March 1991, notwithstanding a \$50 million investment overseas. The loss was due to a combination of adverse movements on the foreign share and exchange markets. The previous year the income from overseas investments was \$148 million. In the third quarter of last year the Gulf War had a significant impact upon the exchange rate and the value of the Australian dollar compared with the value of other currencies. The \$55 million loss on currency movements in 1990-91 is more than offset by foreign exchange gains of \$86 million in the two previous years and \$13 million so far this financial year. Australian shares and short-term interest-bearing securities also yielded reduced income, but income from loans to semi-government and local government authorities and loans to co-operative housing authorities rose strongly. Overall the net income from investments was only \$83 million compared to \$1,220 million the previous year.

The Auditor-General in his report, which was tabled in this House today, makes some observations in relation to audit. He indicates that there was an analysis of the foreign exchange dealings and he makes reference to the fact that it was generally known that a

counterpart dealer in the bank concerned was the spouse of the board's foreign exchange dealer. That matter was raised with the board. I should emphasise, and I am sure most honourable members would be aware of this, that the board comprises equal numbers of employee and employer representatives. The employee representatives include such people as the secretary of Labor Council, Mr Easson, a Mr Grant and also the secretary of the Australian Railways Union, Jim Walsh. The board reviewed that particular matter. It determined that the dealer's relationship brought no disadvantage to the board and, indeed, the losses were proportionately less for transactions with the particular bank involved than with other banks. The relationship was known to the board. Both the board and the bank independently reviewed that relationship. I might add that the relationship no longer exists as the dealer is no longer employed by the board, his employment having been terminated for reasons other than the observations set out in the Auditor-General's Report.

The State Authorities Superannuation Board is a New South Wales Government authority guaranteed by the New South Wales Government. We all know that New South Wales has a triple A rating. The defined benefits schemes offered by the board to its members are guaranteed by the State. Its operations are independent of the Government, with the result that the board and management take full responsibility for

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the performance of the board. With the increased economic difficulties facing Australia, it is imperative that State Super be reorganised to reflect the normal conventions of administration of superannuation funds whereby the roles of stewardship and management of funds are completely separate. I am sure many honourable members would be aware that the Government has been examining this matter for some time. During the past 12 months various proposals have been the subject of a campaign by the union movement which has expressed some unfounded concern that an attempt was being made to reorganise the State Super board to the disadvantage of members. I assure honourable members that as the Minister, I am not the slightest bit interested in disadvantaging any members of State superannuation funds and no member of the Government has taken that approach.

However, it is possible to separate the roles of stewardship and management only if the board's role is confined to that of a trustee and the organisation's role to that of a funds manager. The board as trustee would then monitor and not control funds management. That would ensure that the necessary checks and balances were in place to best safeguard the interests of the taxpayer, who is the guarantor, and the superannuation fund members, who are the beneficiaries. The Government sought to put State Super on such a basis but, as I have indicated, opposition by trade unions and the Labor Party has stalled progress on this front. I should indicate that in the past few months I have had discussion with the secretary of the Labor Council. It is clear to both of us that we both want to achieve the objectives of restructuring the board and obtaining expertise for the investment of funds of the State Authorities Superannuation Board. We are close to bringing about a change which will result in minor amendments to the existing Act being introduced in to this Parliament. That will be a bipartisan approach because we both have the same objective. I might add that such an arrangement of separating the trustee role and the management role exists at Commonwealth Government level. The sooner the investment performance of the State Super Board is independently oversighted and scrutinised by a board of trustees completely independent of those fulfilling the management role, the better it will be for all concerned.

Later,

Mr FAHEY: Earlier today during question time the honourable member for Pittwater asked me a question relating to superannuation. In my reply I informed the House that the relationship between foreign exchange dealers was known to the board. Subsequent to that response I have been informed that the relationship was known to the full-time president of the board rather than the full board and therefore my answer may have been misleading to the House.

DEPARTMENT OF AGRICULTURE RELOCATION

Mr MARTIN: My question without notice is to the Minister for Agriculture and Rural Affairs. Is the Minister aware of a consultant's report which criticises the original design of the Department of Agriculture head office in Orange? Did the report say it would not suit the needs of the Minister's department and that its design did not provide for any fire protection or emergency lighting? How much did it cost taxpayers to have these design faults rectified? What was the total cost of the building?

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Mr ARMSTRONG: I am delighted that agriculture suddenly has emerged as a topic of interest to the Opposition.

[Interruption]

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

Mr ARMSTRONG: Unfortunately of course, as is usual, the Opposition has this absolutely wrong. What the Opposition does not appreciate is that the Government does not own the building. The taxpayers are not putting one cent into the construction of the building; it is a lease-back deal.

[Interruption]

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

Mr ARMSTRONG: That is why it is one of the soundest moves made by this Government and by any government department with regard to decentralisation. It has been made at absolute minimal cost to the taxpayers of New South Wales.

[Interruption]

Mr SPEAKER: Order! I call the honourable member for Bankstown to order. There is far too much audible conversation in the Chamber. Members will cease interjecting and be silent while the Minister for Agriculture and Rural Affairs gives his answer.

Mr ARMSTRONG: I suggest that the shadow spokesman on agriculture, the honourable member for Port Stephens, should re-read his information, wherever he gets it from, and learn what this is all about. I am only too happy to arrange a briefing for him so that he will have a rudimentary understanding of how the process has evolved.

NEW SOUTH WALES ECONOMIC RECOVERY

Mr PHOTIOS: My question without notice is directed to the Premier, Treasurer and Minister for Ethnic Affairs. Has Treasury advised on the outcome for economic recovery in New South Wales? If so, what will be the impact of the recovery on the Budget?

Mr GREINER: I thank the honourable member for Ermington for his question. The young people from Dundas who are in the public gallery today can be very proud of the contribution that the honourable member will make not only at a local level but in this House, and for many years to come.

[Interruption]

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

Mr GREINER: There is no doubt, as everyone knows, that New South Wales, along with the rest of Australia, has been subject to the worst recession in Australia in

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60 years. The reality is that the human as well as the economic damage caused by the Federal Government's deliberate strategy to create a recession in Australia transcends that of any economic downturn since the Great Depression of 1931. In that context I inform the honourable member for Ermington and the House of Treasury advice to me this week as follows:

A month ago, in the face of bad news on employment and a decline in GDP, there may have been fears that the economy was moving deeper into recession.

This month, following record growth of employment in August; strong rises in dwelling approvals, new vehicle registrations, and retail sales in July; and news that GDP measured on a production basis rose by 0.3 per cent in the June quarter; some may feel that the recession is now behind us. Both ideas are wrong.

The economy is in the upswing phase of the business cycle, but there is still a lot of bad news to come, particularly on the labour front. It is not credible that 83,000 people were made redundant in July but that 105,000 new jobs were created in August. The employment figures must contain a lot of statistical "noise" and cannot be taken literally. They do suggest, however, that the decline in employment may have bottomed out. Employment is likely to fall from the August level, but hopefully will not decline below the recent trough in July.

Unfortunately it cannot also be claimed that unemployment has reached a peak. The number of people unemployed rose in August despite the apparent strong rise in employment and is likely to rise further in months when employment growth is weak.

New South Wales continues to perform better than the other States. It still leads the 5 State average in six out of nine monthly indicators and fourteen out of fifteen quarterly indicators. However the gap between NSW and the other States has narrowed, particularly in the labour market statistics. To some extent that may simply be due to the fact that economic activity in some of the States is beginning to bottom out at a very low level compared to NSW.

That completes the Treasury advice as it relates to the question asked by the honourable member for Ermington. The Budget will of course include detailed forecasts as to projections for economic activity in New South Wales. Not surprisingly, they will show that New South Wales will continue to outperform the rest of Australia, and will do so in a very significant way. In general terms I say to the House that we do not expect an overall economic activity upturn until about March or April of next year. We expect housing activity, particularly in the greater Sydney area, to turn up more quickly. Conversely, we expect non-residential construction activity and property transactions to remain very depressed for a long time into the future. In terms of the Budget, for the first time we will publish forward revenue estimates in the Budget. Perhaps not surprisingly, they will show significant strength in contracts and conveyancing stamp duties over the next couple of years, but offset by a very significant fall in land tax of the order of \$200 million to \$300 million reflecting the valuations resulting from the collapse of the commercial, non-residential property market in the current year. Overall, State government revenues are related more to asset values than to economic activity. The impact of the two factors will result in a long, shallow upturn in economic activity. We will have the slowest recovery from recession that there has been from any of the cyclical downturns in memory. At the same time as the slow recovery in economic activity there will be an even slower recovery

in asset values, predominantly property asset values. That means that recovery in State revenues, not only in New South Wales but also in other States, will be even slower than the recovery in economic activity.

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As I outlined in the July financial statement, the Government's aim is to keep the total financial result or financing requirement stable at around \$1 billion for this and the next two years. That compares to about \$930 million or \$960 million in the year that has just finished. This will enable net debt to be contained and our very strong credit rating to be maintained. It is worth noting that there are only two States in Australia and only five of the 50 States of the United States of America which have a triple A credit rating. The importance of maintaining that credit rating is much more than symbolic; it is to do with maintaining the very high level of business and consumer confidence that continues in New South Wales compared with everywhere else around Australia where there are Labor governments. Of course, to achieve what we are talking about in terms of containing net debt and maintaining the credit rating involves a whole range of things, including continued expenditure restraint and privatisation of some government financial institutions over the next couple of years.

That is a summary of where we are. As background to the Budget I say that we will maintain the quality of services in the Budget. At the same time we will maintain the pace and quality of financial management and public sector reform, and we will do the appropriate things to look after the disadvantaged. On the other hand, there is clearly no room for expansion or for new spending initiatives except by reallocation of existing resources as the Government is doing in health and in other areas on an entirely appropriate basis. I guess the short answer to the question of the honourable member for Ermington is that there is a long, hard road ahead for the whole of Australia as a result of the damage that has been done by the Hawke-Keating policies but New South Wales will continue to outperform the rest of Australia. This Government certainly will continue to set a strong and decisive direction to protect the people of New South Wales from the worst ravages of the recession and equally to ensure that their children inherit a State which is the best managed and in the best financial position of any State in Australia. I take the opportunity to lay upon the table of the House the Public Accounts for 1990-91.

Ordered to be printed.

DEPARTMENT OF AGRICULTURE RELOCATION

Mr KNIGHT: I address my question to the Minister for Agriculture and Rural Affairs. Did senior officers of his department attend a two-day Price Waterhouse seminar at Leura last year to discuss the relocation of the Department of Agriculture to Orange? Were a further eight workshops conducted to cover subjects such as: dispelling rumours and phantom notice board attachments, coping with cold weather and culling accumulated rubbish?

[Interruption]

Mr SPEAKER: Order! The honourable member for Campbelltown will give us the benefit of his question.

Mr KNIGHT: Given that the first of the seminars alone cost \$40,000 will the Minister tell the House how many of the successful graduates of this exciting program he has since transferred back to Sydney?

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Mr ARMSTRONG: Today it appears that the Opposition is seeking to make a concerted effort to give recognition to agriculture, and once again I welcome that. I welcome also the opportunity to extol some of the virtues of relocating the head office of the Department

of Agriculture from McKell House, Sydney to Orange. It is on public record that when the relocation was first announced the present Leader of the Opposition welcomed it but the then shadow spokesman for agriculture bagged it. We are still not too sure whether the Opposition supports or opposes the move. However, we do know the Leader of the Opposition supports it. I welcome that and thank him for his ongoing support. That is the brightest thing he has done - and he has not done too many bright things. The question of the honourable member for Campbelltown calls for considerable detail. I suggest that the question would be well placed on notice, and I look forward to giving him a detailed answer.

PORT KEMBLA GOVERNMENT LAND TENDER

Mr DOWNY: My question without notice is directed to the Minister for State Development and Minister for Tourism. What action is the Minister taking with respect to tenders for a casting basin site on government land at Port Kembla? Will the Minister assure the House that the tendering process will give all applicants an equal chance?

Mr YABSLEY: At this stage I must recognise the involvement of the honourable member for Wollongong in this issue and acknowledge that the new member for Wollongong, who is now a member of the Legislative Assembly, has joined also the ranks of the economic and political boofheads who sit opposite.

[Interruption]

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

Mr YABSLEY: The honourable member's performance on this issue has to be seen and heard to be believed. I realise that members of the Opposition take the people of the Illawarra for granted and do not feel any need to read the *Illawarra Mercury*. I point out for their benefit that last Monday's edition of the *Illawarra Mercury* carried an article in which the honourable member for Wollongong called on the Government to give preferential treatment to a consortium applying for a lease on Maritime Services Board land in Port Kembla. The honourable member for Wollongong claimed that this Government's supposed inaction threatened the consortium's plans to establish a ship repair industry there. If the honourable member for Wollongong had taken the trouble to do even the most rudimentary homework, he would have discovered that the land he is referring to is not even yet available for lease.

[Interruption]

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

Mr YABSLEY: Yet the present lease over the land where the honourable member wants to see the fast track made available to a particular consortium.

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[Interruption]

Mr SPEAKER: Order! There is far too much interjection from both sides of the House. The Minister will be heard in silence.

Mr YABSLEY: The lease on that land still has a year to run. Is the honourable member suggesting that we should evict the existing tenants from that land in order to satisfy his particular fast track requirements? Let me offer the honourable member for Wollongong some advice.

[Interruption]

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

Mr YABSLEY: He should be on notice that he will not get away with the big lie stories he has been peddling to the *Illawarra Mercury* and this nonsense will be exposed for the fraud that it is. In the article the honourable member suggests that the consortium's inability.

[*Interruption*]

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

Mr YABSLEY: - to fund a feasibility study are grounds for special treatment. It is the classic Labor Party beatup - no facts, no research, no thought, no substance and full of lies. As I understand the situation, the consortium itself is not seeking preferential treatment or to condone these heavy-handed Labor Party tactics. Despite the honourable member once again getting his facts wrong, his line of argument is clearly utter nonsense. If the consortium could not afford a feasibility study, how on earth would it be able to afford to establish a \$700 million ship repair industry? The Maritime Services Board and the Illawarra Ports Authority are in the process of winding up the present legal lease to the Port Kembla land, but clearly it cannot be put out for tender until it becomes vacant. In other words, that is a conventional, normal run-of-the-mill commercial procedure. The Government is not about to turn it on its head in order to achieve the objectives sought by the honourable member. I assure the honourable member that when the Maritime Services Board land is put out for competitive tender, the tender will be exactly that: it will be competitive. All applicants will be given an equal opportunity in accordance with normal procedures. We are not a government that governs by a wink and a nod, as was the case when the former Labor Government was in office.

[*Interruption*]

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

[*Interruption*]

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

Mr YABSLEY: This Government respects the sort of commercial procedures that government needs to follow in order to resolve questions of tendering and other sensitive commercial matters. The involvement of Opposition members in this and other matters has been done with all the finesse of Joan Kirner doing ballet in a china shop.

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[*Interruption*]

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

Mr YABSLEY: The Leader of the Opposition is now getting precious. We know that every morning when he gets up he looks in the mirror and says, "Mirror mirror on the wall who has the best hair transplant of all?" The reason the honourable member for Broken Hill is still on the backbench is that the mirror says, "It is the member for Broken Hill".

[*Interruption*]

Mr SPEAKER: Order! I ask the House to come to order, but I also ask the Minister for State Development and Minister for Tourism to return to the question that was asked and complete his answer as quickly as possible.

[Interruption]

Mr YABSLEY: I was just.

Mr SPEAKER: Order! The Minister for State Development and Minister for Tourism will ignore the interjections and will address himself only to the answer.

Mr YABSLEY: This Government respects proper and established commercial procedures. It is not a government that does things by a wink and a nod. The normal commercial procedures in relation to the land at Port Kembla will apply. The honourable member would do well to understand that this is how things should be done.

DEPARTMENT OF AGRICULTURE RELOCATION

Mr BECKROGE: My question without notice is directed to the Minister for Agriculture and Rural Affairs. Is it a fact that only about 10 per cent of the 500 staff of the Department of Agriculture agreed to relocate to Orange? Did the Minister's executive officer, David Bell, express concern that as a result of the move the department was "severely depleted and was having difficulty meeting its functional requirements"? Is it true that senior officers of the department reported that their sections could not meet statutory obligations because of staff shortages caused by the relocation?

Mr ARMSTRONG: The relocation of the head office of the department, embodying just over 490 positions, is on target. Those positions will be relocated to Orange by the end of this year. The relocation is about one month ahead of schedule. There has been absolute minimum dislocation. I compliment approximately 190 officers who are filling the positions already established in Orange. It is one of the most successful relocations undertaken by any department.

[Interruption]

Mr SPEAKER: Order! I call the Minister for Conservation and Land Management to order.

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Mr ARMSTRONG: - to the extent that the Victorian Labor Government has consulted with my department and those who developed the Orange project. The Victorian Government is using the project as its model to relocate the head office of its department to Bendigo in Victoria. That Government has employed the Orange city council as a consultant in order to emulate the successful formula used by the New South Wales department. The move has been so successful that a number of private enterprise organisations, such as Pullman and Associates, one of the major divisions of ICI Australia Limited, and Dalgety Ethics, the computer technology division of Dalgetys, have already relocated to Orange and others are in the process of moving their businesses to Orange. Orange is rapidly being acknowledged, to use the words of the former Labor mayor, as the agri-business centre of Australia. There is no doubt that the Opposition is on extremely thin ice if it attempts to make any sort of tin-pot political capital out of that relocation. It is significant that the Labor Party would obviously try to mount some form of weak attack on this project. It forgets that during the 12 years it was in government one of its contributions to agriculture - so it said - was probably the construction of the export terminal at Port Kembla, which was a job creation activity for the South Coast. The wheatgrowers of New South Wales were left to pick up the bill in respect of that \$200 million legacy, but this Government wrote it off. The former Labor Government incurred the debt and left it to the wheatgrowers of New South Wales.

[Interruption]

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

Mr ARMSTRONG: The Opposition's contribution to agriculture, so far as relocation and decentralisation were concerned, was to incur a massive debt that the wheat producers of this State had to bear. I suggest that the Opposition would do well to follow the lead set by its leader when this relocation announcement was made about two years ago. He welcomed the decision. I look forward to his continuing support.

FOREST AND TIMBER RESOURCES INQUIRY

Mr COCHRAN: I address my question without notice to the Minister for Conservation and Land Management. Did the draft report of the Resource Assessment Commission following its inquiry into forest and timber resources state that it could not find any large areas of forest managed on a sustainable yield basis? If so, what action is being taken to implement a sustainable yield plan for forests controlled by the New South Wales Forestry Commission?

Mr WEST: The honourable member for Monaro has an obvious interest in this matter. I thank him for the assistance he has given to me, particularly in relation to the management of forests in the southeast to ensure that the right balance is achieved between conservation and timber interests. The Resource Assessment Commission got it wrong. In fact, when it comes to the Forestry Commission, even our own Public Accounts Committee got it wrong. It seems that the Forestry Commission is the whipping boy for everyone who has a concern about the environment. Perhaps in the past it has been the baddie, but today I can say that it is squeaky clean, a highly

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professional organisation that is totally committed to the industry and to the environment. The honourable member is correct in his understanding that the report of the Resource Assessment Commission said it could not find large areas of forest in Australia managed on a sustained yield basis. That is what it said in its draft report but I am confident that by the time the final report is issued it will acknowledge the proper practices adopted by the New South Wales Forestry Commission. A sustained yield policy for our native forests has operated for many years.

Basically sustained yield means that each year one can grow the same amount of trees that one cuts. It means that we can harvest our forests for ever. Timber is a renewable source and we are renewing it. To achieve sustained yield in our forests the volume of high quality or so-called quota sawlogs in each of the 56 forest management areas must first be established. It is then possible to calculate annual growth. Logging is then matched to growth. A good example of that occurring is in the Kendall forest, south of Port Macquarie. That forest has been harvested for timber production for more than a century. Recent studies have shown that careful regulation of the rate of harvest has maintained these forests in a healthy and diverse condition. In the past 30 years, for instance, one million cubic metres of sawlog timber has been harvested from these forests, yet the volume standing in the forest today is approximately the same as it was at the beginning of that period. The Resource Assessment Commission got it wrong when discussing the sustained yield issue in New South Wales because it relied on total sawlog production figures from published annual reports rather than data for the quota sawlogs which underpins the sustained yield policy. Consequently it arrived at a continually increasing post-war demand trend. This approach gives a misleading impression. The rise in total production has occurred because of better utilisation through technological development, market shifts and harvesting of regrowth areas.

A different picture emerges when these high quality logs are separated out and treated in the same way that underlies the sustained yield policy. Production peaked in about the early 1960s and has been reduced towards sustainable levels throughout subsequent years. The harvesting rate for higher quality logs has reduced 47 per cent since the 1964 peak and in 1990

was about the same as it was in 1946, even though the net productive forest area has increased significantly. Consistent with the commission's policy, quota sawlog cut on ecologically sustainable principles is in force in 44 forest management areas. That is 83 per cent of the State's total yield of quota sawlogs. Within four years 95 per cent of the quota cut will be at a sustainable level. Full sustained yield will follow soon after. The strategy adopted by the Forestry Commission for achieving full sustained yield from native forest areas has been to adjust historical allocations in a planned, strategic manner. We will maintain that approach.

Honourable members should understand that these measures relate to allocation ceilings. In fact, with the economic downturn and related factors, the actual quota harvest over the last four years averages no more than 8 per cent above sustainable levels statewide. In practice we are getting closer to sustained yield than the allocation ceilings would suggest. I take this opportunity to indicate that yesterday I was able to announce a major expansion of environmental impact statements on a number of North Coast forests and that impacts on the entire policy. The program being undertaken by the commission is the most comprehensive environmental assessment of forestry

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activities ever carried out in Australia. Apart from the five forest areas already subject to environmental impact statements the commission will soon engage consultants to prepare studies on the Grafton, Casino and Kempsey forest management areas. Next year we will go into the Tenterfield region, then the Gloucester-Chichester area and later into the Walcha-Nundle forest management areas. Environmental impact statements are under way at Duck Creek, Mount Royal, Dorrig, Wingham and Glen Innes. We are using the best scientific knowledge available. Flora, fauna and archeological experts have been contracted for the extensive surveys which will underpin the assessments. The Forestry Commission is not only working to the letter of the law, it is also now working very much to the spirit of the law.

ANSAIR BUS CONTRACT AND RELOCATION TO TAMWORTH

Mr LANGTON: My question without notice is directed to the Minister for Transport. Who instigated the Minister's meeting with Sir Peter Abeles on 20th August? What other aspects of the bus tender were discussed apart from the possible relocation of Ansaair to Tamworth? Had the State Transit Authority not made a decision on the tender at the time of the meeting? Will the Minister table the minutes of the meeting?

Mr BAIRD: The answer to the first part of the question is that he instigated the meeting. The answer to the second part is that no other matters were discussed, apart from his intention to close down Eastwest operations in Tamworth. As to the tabling of the minutes of the meeting, there were no minutes taken. Mr Moore-Wilton, the Director-General of the Department of Transport, was at the meeting.

LOCUST PLAGUE

Mr RIXON: Is the Minister for Agriculture and Rural Affairs aware of reports in the past few days of locusts hatching in plague proportions across northern areas of the State? What effect would a major locust plague have on the State's rural economy and what action can be taken to assist primary producers?

[Interruption]

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

Mr ARMSTRONG: I thank the honourable member for Lismore for his question because he understands what agriculture is all about. This morning's attempt by the Opposition to give some recognition to agriculture has been totally negative. In not one question has it addressed the economic conditions or physical conditions of agriculture in New

South Wales. Opposition members are not in the slightest bit concerned about the good health or order of agriculture.

[*Interruption*]

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

Mr ARMSTRONG: Opposition members are seeking to score a few cheap political points, but they fail. Theirs is a pathetic attempt at recognition of rural New
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South Wales or of agricultural matters. The present Opposition is probably one of the weakest we have seen in this Parliament; it is certainly the weakest in the 10 years I have served here to this day. This is the most pathetic effort I have seen by any Opposition to pretend it knows a little about agriculture. It is unfortunate for the good health of agriculture that those Opposition members in the last Parliament who knew a bit about agriculture have been moved out of those areas. The former member for Riverstone at least had a fundamental understanding of agriculture. Now we are given this fishy horticulturalist, or something, as some sort of shadow spokesman. Crikey, you have to wake him up each morning and tell him how to spell the word.

Government members continually raise matters relating to agriculture, aware that rural industries are in crisis from the effects of drought, international subsidies, and the destructive policies of the Federal Labor Government. If a locust plague eventuates, it will severely affect livestock and cropping and, most important, the environment. The last major plague in New South Wales occurred in 1984. The damage bill exceeded \$5 million, plus control costs of a further \$3 million. We must bear in mind that losses are not confined to farms; they affect associated production and service industries. The advice of the department at this stage is that the problem has not yet reached the proportions of the 1984 plague. However, hatchings that have been reported across the northern part of the State in the past few days have already affected six rural lands protection board areas - Wialda, Moree, Narrabri, Tamworth, Coonamble and Coonabarabran. In the Narrabri region alone 39 landholders have reported substantial hatchings of locusts. The worst affected areas are in the northeast of Boggabri and the Croppa Creek district near Wialda. Egg beds are estimated to stretch over an area 500 kilometres by 300 kilometres, from Goondiwindi to Forbes. Hatchings are expected to follow a southerly sequence, ending by mid-October. The most intensive hatchings are likely to occur late this week and early next week, depending on how warm weather conditions may be.

A single swarm of locusts may contain several million insects, each capable of eating its own body weight in feed each day. The Government is concerned especially about the effect that locusts may have on the winter wheat plantings. Honourable members on this side of the House would know that New South Wales cereal crops, and in particular the wheat crop, are under stress as a result of seasonal conditions. Any damage sustained from a grasshopper plague could well wipe out the remaining vestiges of crops in some of the dryer parts of the State. With a lack of rain many crops are failing. Locusts may well wipe out the marginal wheat areas along the western belt, such as Nyngan, which would suffer perhaps worst of all with this plague coming after poor returns over several recent seasons.

[*Interruption*]

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

Mr ARMSTRONG: So far as preparations are concerned, the Department of Agriculture, the Australian Plague Locust Commission and rural lands protection boards have made preparations during the winter season.

[*Interruption*]

Mr SPEAKER: Order! I call the honourable member for Keira to order. I call the Minister for Sport, Recreation and Racing and Minister Assisting the Premier to order.

Mr ARMSTRONG: These preparations include numerous training and advisory meetings with staff and landholder, and the preparation of insecticide supplies. The department is involved in a number of actions, including efforts concentrating on controlling the insect before it reaches maturity and flies out to other areas. Rural land protection boards will provide insecticides free of charge to landholders. I emphasise that the chemicals are biodegradable and break down rapidly once used, so that there is an absolutely minimal effect on the environment. I have instructed the director-general of the department to make available the full resources of the department in the hope of containing the hatchings so that we do not have another plague of the proportions of the 1984 plague. The department, the Australian Plague Locust Commission and rural lands protection boards will co-operate with aerial control of swarms, where required, in late October and early November. I am calling on landholders to report any hatchings promptly and undertake control of nymphal bands. Failure to act promptly now will establish breeding patterns and lead to a major problem throughout spring and summer. Economic damage from locust plagues now would be especially severe in view of depressed incomes, especially with lower wheat crop yields, due to drought and depressed prices. This year few farmers will even cover their cost of production. The last thing New South Wales needs is a plague locust outbreak. The Department of Agriculture will do everything it can to assist landholders in containing what is an unfortunate natural phenomenon in New South Wales.

JOHN HUNTER HOSPITAL SERVICES

Mr MILLS: My question without notice is directed to the Minister for Health Services Management. Is the Government planning to close 40 per cent of the paediatric beds at the newly opened John Hunter Hospital? What other clinical services at John Hunter Hospital will be closed for budgetary reasons? Why is the \$21 million claimed to be saved by closing Wallsend District Hospital not being applied to maintaining vital health services in the Hunter?

Mr PHILLIPS: I have outlined a number of times in this House the saga of mismanagement in the Hunter and the reasons that forced me to sack the board and the chief executive officer.

[Interruption]

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

Mr PHILLIPS: Part of that determination was to close Wallsend hospital.

Mr Mills: Without loss of services?

Mr SPEAKER: Order! The honourable member for Wallsend has asked a question and should listen to the answer.

Mr PHILLIPS: Part of that announcement was to close Wallsend hospital.

[Interruption]

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

Mr PHILLIPS: - because of the \$20 to \$30 million blowout in the budget. That area health service, with 8.3 per cent of the population, and with 10 per cent of the health budget,

wanted another top up of \$20 million to \$30 million. Wallsend hospital literally is minutes down the road from the newest state-of-the-art, 500-bed high-tech teaching hospital in Australia; not much further down the road is the Mater hospital; and not much further down the road again is Newcastle hospital.

[*Interruption*]

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

Mr PHILLIPS: Members representing Newcastle and other electorates in that district thought they could force the Government to establish in the Hunter a new 500-bed, state-of-the-art teaching hospital without that having any impact on the network of services in the Hunter. Those members suggested seriously that the 100 John Hunter Hospital beds that were not opened owing to lack of money should stay closed and that Wallsend hospital, just minutes down the road, should stay open. I cannot think of a more irresponsible proposal. Despite the fact that services were to be transferred and none would be lost, members representing the Hunter have done everything possible to maximise the pain felt by Hunter communities. Their despicable and outrageous lies about those services have caused pain and anxiety for people of the Hunter. What is the result? An excellent administrator is doing an outstanding job in coming to grips with the significant health problems in the Hunter. Opposition members should not have praised the former incompetent management but should have incited the people of Newcastle to tar and feather them and drive them out of town. I am talking about the sacked Hunter health administration.

The Hunter Area Health Board, which had responsibility for delivering health services, was found to have an ongoing litany of instances of mismanagement, including a \$20 million to \$30 million budget blowout. Opposition members want to take amounts like that from the people of this State to fund incompetent management in the Hunter. I will not stand for that. Wallsend hospital is closed, in spite of pickets around it and the many attempts by Opposition members to maximise the community's pain. Finally, the unions and the health industry in the Hunter realised that the decisions being made were right and had to occur. The Opposition said that hundreds of beds would be lost on the closure of Wallsend hospital. The net loss, in fact, on the closure of the 200-bed Wallsend hospital, was nine beds. All those services were transferred to other hospitals and health care providers in that area. Improved services will be delivered to the people of the Hunter more efficiently without spending an extra \$20 million. I will raise with the Hunter administrator the question asked by the honourable member for Wallsend, though judging by the lies the honourable member tells continually about this issue I cannot place great faith in the information he has provided. I will raise that with the administrator and ensure that the honourable member receives a satisfactory answer. The honourable member knows as well as I do that I have asked him a number of times:

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"Do you have total access to the administrator? Is he giving you the information you need?" The honourable member for Wallsend has said constantly that he is totally satisfied about those matters. I hope the honourable member has asked the administrator these questions and has got the right answers.

JOINT COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Mr GREINER (Ku-ring-gai), Premier, Treasurer and Minister for Ethnic Affairs [11.26]:
By leave, I move:

That, in view of the comments on the Independent Commission Against Corruption made by the honourable member for Londonderry in the Legislative Assembly on 12 September, 1991, the Parliamentary Joint Committee on the Independent Commission Against Corruption inquire into and report to both Houses upon:

1. The procedures and structures for the management and control of Independent Commission Against Corruption investigations and operational activities;
2. the relationship between the Independent Commission Against Corruption and other agencies involved in investigating or prosecuting corruption;
3. the Witness Protection facilities available to those assisting the Independent Commission Against Corruption with its investigations.

In carrying out the Inquiry the Committee shall have regard to any matters that may prejudice pending criminal proceedings as confidential matters which, accordingly, should be dealt with in private.

In conducting the Inquiry the Committee shall have due regard to the terms of S.64(2) of the Independent Commission Against Corruption Act 1988.

As I indicated to the House last week when the honourable member for Londonderry was raising a series of specific matters that have been dealt with through the appropriate processes of the system of justice and some matters that go to the way in which the ICAC and other organisations and agencies conducted the investigations into the matters that he was raising, I am very proud of the ICAC and what it has done. It has once and for all changed the culture, which we inherited from the Labor Party, of this State being as crook as Rookwood. But that does not mean that the ICAC is immune from proper scrutiny. Indeed, the parliamentary committee to which this reference is to be made is part of that notion of the availability of proper scrutiny, not of particular operations but rather of the way in which the ICAC operates and how it operates in relation to other agencies and so on.

This particular set of circumstances having occurred a year or 15 months ago, one would hope that any deficiencies identified would have been attended to. That does not, in my opinion, exclude the necessity for the public to continue to have the highest level of confidence in the ICAC and its operations and indeed in its relationship with the police and other similar law enforcement agencies. I think this is an entirely appropriate way of dealing with the matter. It has been discussed with Mr Temby, who of course will be pleased to co-operate. I am sure that the committee, under the chairmanship of the honourable member for Cronulla, will do a very sound job. Meanwhile, the system of justice will continue with respect to the matters that the Director of Public Prosecutions indicated would proceed. At the end of those cases, if further steps are necessary, the Government will ensure that they are taken.

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Mr WHELAN (Ashfield) [11.28]: No matter how well meaning the Premier's motion is - and I thank the Leader of the Government for letting me have a copy of the resolution, which I received this morning at five past nine - I have grave doubts about its legal efficacy. The parliamentary joint committee, on which I have the privilege of serving, is vested under section 64(1) of the Independent Commission Against Corruption Act with the following functions:

- (a) to monitor and to review the exercise by the Commission of its functions;
- (b) to report to both Houses of Parliament, with such comments as it thinks fit, on any matter appertaining to the Commission or connected with the exercise of its functions to which, in the opinion of the Joint Committee, the attention of Parliament should be directed;

Under section 64(1)(e) the parliamentary committee has these functions:

- (e) to inquire into any question in connection with its functions which is referred to it by both Houses of Parliament, and report to both Houses on that question.

My understanding is, after discussion with the honourable member for Londonderry, that he has agreed privately to appear before the joint committee this afternoon. Though the motion of the Premier is well meaning, it does not comply with the provisions of section 64(1)(e). Matters can be referred to the committee only on the resolution of both Houses of Parliament. Therefore, it is not possible for any person to give evidence without a resolution from both Houses. The upper House will meet next Tuesday, and provided there is nothing else wrong with the motion

it would not be in anyone's interests to appear before the committee. Section 50 of the Act relates to the obligation of the commission so far as the protection of witnesses is concerned. The Premier has highlighted, with the wording of his motion, those matters that the committee is not empowered to investigate. The joint committee is not empowered to investigate any matter relating to specific conduct. The Premier is in error if he suggests that the matters raised by the honourable member for Londonderry and the details of allegations made should be discussed within the veiled and secret confines of a meeting of the Joint Committee of the Independent Commission Against Corruption. The committee cannot investigate a matter relating to particular conduct.

Mr Greiner: Why do you not ask someone for advice before you utter such nonsense?

Mr WHELAN: Why do you not ask someone? Why do you not seek proper legal advice?

Mr Greiner: Why don't you?

Mr SPEAKER: Order! The Premier will stop interjecting and the honourable member for Ashfield will direct his remarks through the Chair.

Mr WHELAN: You do not have to accept my advice, and I would not give you any.

Mr SPEAKER: Order! The honourable member for Ashfield is flouting my ruling. He will direct his remarks through the Chair.

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Mr WHELAN: I apologise. The Premier interrupted me. Section 64(2) relates to the severe limitations on the joint committee. There is nothing contained in the motion of the Premier about a joint reference. The motion will have to be amended. The Premier made no mention of the fact that there would be a joint reference, from both Houses of Parliament, to the committee. He did not explain the severe limitations that are imposed on the committee. This is an attempt by the Government to deflect the matter away to a parliamentary committee. The Premier is attempting to deflect the matter for examination by a committee when he knows full well that the prospects of the committee's inquiring into the matters raised by the honourable member for Londonderry are nil.

Mr Greiner: That is complete rubbish. You do not know what you are talking about.

Mr SPEAKER: Order! The Premier will have the opportunity to reply at a later stage.

Mr WHELAN: The prospects are nil, because of the severe restrictions provided by section 64(2). Different rules apply, of course, if the joint committee took it upon itself to investigate the matter. But this is a reference to the committee. I suppose the Premier will amend his motion so that the reference will be from both Houses. My understanding is that the motion is ultra vires the Independent Commission Against Corruption Act.

[Interruption]

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

Mr WHELAN: Ultra vires means that if any member gives evidence, he or she will lose protection, including that relating to the defamation laws. If the Government does not believe what I say, I suggest it seek advice from Queen's Counsel, as I do. Why cannot this great and learned Attorney General contribute to debate? He is still at the College of Law. I have raised a number of serious matters. My first concern is the loss of protection from defamation. Second, the Premier's motion is inconsistent in that there is no mention of a reference from the upper House. He has not said that the motion will be moved when the upper House sits next

Tuesday. I remind honourable members again of the restrictive provisions of section 64(2). How many people attended this luncheon? There were two officers of the Independent Commission Against Corruption, at least two Federal police officers, the defendant and two of his cohorts, and members - we do not know how many - of the New South Wales police force. The effect of the allegations of the honourable member for Londonderry is that at this luncheon there were three baddies and at least five goodies, but no one can produce any evidence. I ask the chairman of the committee, the honourable member for Cronulla, whether he believes the committee will be able to ascertain why there were flaws in the evidence collection process. I am sure his answer will be no. The provisions of section 64(2) prevent any such investigation. The Act refers only to functions of the joint

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committee. For the reasons I have referred to the Opposition opposes the motion. I move:

That the motion be amended by leaving out all words after the word "That" with a view to inserting instead -

In view of the motion, notice of which was given this day, that the Parliamentary Joint Committee on the Independent Commission Against Corruption obtain advice as to the -

(a) statutory compliance of the motion with the Independent Commission Against Corruption Act 1988 as amended and whether it is ultra vires the Act; and

Mr Moore: What have you got to hide?

Mr WHELAN: I have nothing to hide.

[*Interruption*]

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

Mr WHELAN: The amendment continues:

(b) whether persons giving evidence will be afforded total legal protection especially against defamation.

I have absolutely nothing to hide, just as the Government has nothing to hide. The upper House does not meet again until next Tuesday, and until that meeting this motion will have no effect. I suggest that in the meantime the Government seek advice. If I have made a mistake, I will stand in this Parliament and apologise. It is as simple as that. The Government has until Tuesday to acquire that information. If I am wrong, I will apologise; but I am absolutely right.

Mr NAGLE (Auburn) [11.43]: Mr Speaker.

[*Interruption*]

Mr SPEAKER: Order! The honourable member for Auburn sought the call. I have discretion whom I call, and I called the honourable member for Auburn.

Mr NAGLE: This Parliament does not have the power.

[*Interruption*]

Mr SPEAKER: Order! The honourable member for Auburn has the call.

Mr NAGLE: This Parliament does not have the power to refer this matter to the Committee on the Independent Commission Against Corruption in its committee capacity; it has the power to refer any matter to any committee so long as the legislation that creates the committee gives it the power to deal with the matter that the Parliament refers to it. In my

humble opinion, the powers set out in section 64 of the Independent Commission Against Corruption Act 1988 make the Premier's motion ultra vires. Section 64(1)(a), which is the only section that relates to matters to be dealt with by the Committee on the Independent Commission Against Corruption, after the words, "The functions of the joint Committee are as follows", reads:

- (a) to monitor and to review the exercise by the Commission of its functions;

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That is not to investigate. But to limit that, subsection (2) reads:

(2) Nothing in this Part authorises the Joint Committee -

- (a) to investigate a matter relating to particular conduct; or
- (b) to reconsider a decision to investigate, not to investigate or to discontinue investigation of a particular complaint; or
- (c) to reconsider the findings, recommendations, determinations or other decisions of the Commission in relation to a particular investigation or complaint.

That subsection specifically narrows the scope in which the Committee on the Independent Commission Against Corruption can investigate these sorts of matters. As the honourable member for Ashfield has said, the Premier's motion has its good points, but there is a problem with the first paragraph of the motion, which calls upon the committee to investigate the procedures and structures for the management and control of Independent Commission Against Corruption investigations and operational activities. I should like the Premier to inform honourable members where section 64(1) gives the Parliament the right to refer matters to the Committee on the Independent Commission Against Corruption. The narrow confines of section 64(1) allow the committee to investigate matters of its own motion and of its own volition only, not by reference from this Parliament. The Parliament has the right to refer matters to the Independent Commission Against Corruption itself but not to the Committee on the Independent Commission Against Corruption. That, in itself, makes the Premier's motion ultra vires the powers of this Parliament. It is worth considering the powers that the committee has. It may be said that the committee can proceed with the inquiry, but questions may arise as to whether the matter falls within paragraph (a) or paragraph (d) of section 64(1). Paragraph (d) reads:

- (d) to examine trends and changes in corrupt conduct, and practices and methods relating to corrupt conduct, and to report to both Houses . . .

That is a narrow confine. The committee is still trying to come to terms with what it can do. The upshot of referring a matter to a committee that does not have the power to deal with it yet elects, on the motion of the Premier, to proceed within the narrow compass that it has under section 64(1) is that the evidence given to the committee that relates to matters that may be of a defamatory nature of an officer of the Independent Commission Against Corruption, of police officers, or of people involved in the investigation, wherever they come from, could create a great deal of difficulty. Recently, the Committee on the Independent Commission Against Corruption was faced with a similar situation, and it sought advice. It asked the Crown Solicitor to answer three questions, which, for the information of honourable members, were:

(1) What defences are available to the Committee in seeking the Commission's response to matters . . . raised?

(2) Does the Defamation (Independent Commission Against Corruption) Amendment Act 1989 provide the Committee with a defence of absolute privilege when seeking the Commission's response to matters such as those raised by [people]?

(3) Does the Defamation (Independent Commission Against Corruption) Amendment Act 1989 provide the Committee with a defence of absolute privilege in putting to Mr Temby the specific questions . . . ?

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The response received from Mr Knight, the Assistant Crown Solicitor, is lengthy, but I shall refer to some aspects of it so that honourable members will understand the confused nature of his advice on where the committee stood. He referred to section 17K of the Defamation Act 1974, which relates to matters arising under the Independent Commission Against Corruption Act 1988. That section provides that if there is an inquiry before the commission and the commission's officers are carrying out their functions in regard to those inquiries, absolute privilege will attach to the commission. Mr Knight continued:

It will be seen that sub-sec. (2) of s.17K limits the application of s.17K. It applies in relation to any hearing before the ICAC and "any other matter relating to the powers, authorities, duties or functions of the commission".

That is not of the Committee on the Independent Commission Against Corruption but of the commission itself. Mr Knight then said:

After some consideration I do not consider that the meaning of "any other matter" is coloured by the preceding word "hearing" so that the absolute privilege only applies where some function of the commission is being exercised which calls forth the publication, such as the receipt of complaints or the process of investigation. Had that been the intention it would have been an easy matter to so provide.

I disagree with that opinion, because I have looked at section 17K and it refers directly to hearings before the Independent Commission Against Corruption of corruption and to matters ancillary to that investigation leading the commission to commence an inquiry. The Assistant Crown Solicitor continued:

It is possible to argue.

Honourable members will realise that he is referring to defamation proceedings and people who do not have absolute or qualified privilege being sued and losing their assets if they are found to have defamed someone:

- however, that s.17K does not apply to such matters. The argument would be that it only applies in the context of some power, authority, duty or function of the commission being exercised, i.e. some action on the part of the commission has called forth or provided the occasion for the publication . . . the commission must be in train.

Mr Knight then referred to section 109(2) of the Independent Commission Against Corruption Act, which reads:

(2) In proceedings for defamation in relation to any hearing before the Commission or any other matter relating to the functions of the Commission, there is a defence of absolute privilege for a publication to or by the Commission or the Commissioner or to any officer of the commission as such an officer.

Again, the section says nothing about the Committee on the Independent Commission Against Corruption being protected when listening to or speaking about defamatory matters. I disagree with Mr Knight when he says:

I think -

He does not say absolutely:

- that there is no justification for limiting the other matters referred to in s.17K to those analogous to a hearing under the ICAC Act.

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The Act always refers to the word hearing and to ancillary investigatory matters by the commission, not by the committee. The Assistant Crown Solicitor then said:

If I am wrong in concluding that absolute privilege would exist I consider that there would be a defence of qualified privilege.

Qualified privilege is set out in section 22(1), which reads:

(1) Where in respect of matter published to any person -

- (a) the recipient has an interest or apparent interest in having information on some subject;
- (b) the matter is published in publishing to the recipient in the course of giving to him information on that subject; and
- (c) the conduct of a publisher in publishing that matter is reasonable in the circumstances,

there is a defence of qualified privilege for that publication.

In the decision of *Adam v. Ward*, reported in 1917 Appeal Cases at page 334, Lord Atkinson said:

. . . where the person who makes a communication has an interest, or a duty, legal, social or moral, to make it to the person to whom it is made, and the person to whom it is so made has a corresponding interest or duty to receive it.

Evidence which may be given to the Committee on the Independent Commission Against Corruption by the honourable member for Londonderry may not fall within those types of duties. In regard to the second question Mr Knight said:

I think the better view is that s.17K would provide a defence of absolute privilege.

But the issue is whether that defence would succeed. It may be the better view, but who wants to be tied up week after week in the Supreme Court of New South Wales? Who expects to pay modest legal fees to barristers in order to prove that someone has not been defamed? My constituent had to pay \$63,000 when he lost a defamation case. In addition, he had to pay \$108,000 in legal costs. One important issue faces the Committee on the Independent Commission Against Corruption. I wish to read the whole of the opinion.

Mr SPEAKER: Order! I remind the honourable member for Auburn that standing orders preclude him from reading large sections from opinions, regardless of their source. It is his duty to paraphrase the sentiments contained in those opinions. He can read small extracts but I will not allow him to read, verbatim, large sections of those opinions.

Mr NAGLE: Mr Knight, in his concluding remarks, said:

It is not clear what function, if any, the Committee thought it would be exercising in asking for a response or in posing questions.

I am not prepared to say, however, that as part of its function to monitor and to review the exercise by the Commission of its functions the Committee cannot ask questions of the Commission. It is not clear that the Committee must always proceed in relation to its functions by means of formally taking evidence.

Mr Knight continued:

What is clear, however, is that the Committee is not authorised by Part 7 to "investigate" a matter relating to "particular conduct" (s.64(2)(a)) or to reconsider decisions

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re investigation of a "particular complaint" (s.64(2)(b)) or reconsider findings etc. in relation to a "particular investigation or complaint".

I think there is a strong argument that s.64(2)(a) is confined to the particular corrupt conduct within the meaning of the ICAC Act but I concede the draftsman chose not to use the defined term "corrupt conduct".

This opinion was given by a senior and very experienced counsel. In my opinion he has not come to terms with saying yea or nay. He has not said whether we should go outside the narrow confines of section 64 and investigate matters for which we really do not have a charter.

He does not say whether we would be protected from members of the community who ask probing, defamatory or slanderous questions. It is a dangerous situation. There is little doubt that in section 64, subsection 2, paragraphs (a) and (b) are confined to investigations under the Independent Commission Against Corruption Act and to complaints about corrupt conduct. What would happen if this Parliament referred the conduct of a judge to the Standing Committee upon Parliamentary Privilege? The argument would be: how could a committee of this Parliament look into the conduct of a judge? This motion states that when there is a dispute all inquiries must be referred to the committee. The motion should be worded in such a way that it protects those people giving evidence. It should ensure that they have absolute privilege and that the evidence they give falls within that specified by the committee. This Parliament should be able to widen the limitations contained in section 64 of the Act. In that way everyone would be protected, including members of the committee.

It is not clear whether the committee must always proceed in a formal way in the calling of evidence. In monitoring and reviewing the functions of the Independent Commission Against Corruption it may well be established that the committee has a statutory duty to attract qualified privilege. The committee may well attract qualified privilege, but which honourable member would really want to test that in the courts? If the committee has power to attract qualified privilege, it should be clear and concise, so that we know where we stand. We would not want to see the honourable member for Gosford having to give defamatory evidence about one of his constituents. The parliamentary committee should not be asked to investigate the conduct of the Independent Commission Against Corruption in carrying out its investigations. We need to define clearly the powers of this Parliament. If Mr Temby decided not to be co-operative - the Premier says that he has been co-operative - this motion could be challenged in the Supreme Court. The matter would be referred to the committee and the committee would need to be given wider powers.

Until such time as this defamation aspect is resolved the honourable member for Londonderry should be very careful in the future when giving any evidence. The honourable member for Ashfield asked the Parliament to agree to obtaining independent advice that would enable us to say with clarity, "This is where we stand". If there is any ambiguity or if any problem is evident as a result of the role played by the committee, we could then ask this Parliament to redefine or widen its powers and to amend section 17K of the Defamation Act to protect not only members of the committee but also all witnesses who appear before it. I support the amendment moved by the honourable member for Ashfield.

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Mr KERR (Cronulla) [11.58]: I support the motion moved by the Premier, Treasurer and Minister for Ethnic Affairs. I advert to some of the matters mentioned by the Premier relating to the Independent Commission Against Corruption. This Government has a great deal of pride in the Independent Commission Against Corruption - a body which is completely independent of the Executive. All honourable members know the history of this State in relation to organised crime - a matter on which I and members of the Government campaigned before the 1988 election. What state was New South Wales in before the 1988 election? A former Chief Magistrate, a member of the judiciary, was in gaol. The honourable member for South Coast will remember that a former Deputy Commissioner of Police - who may well have become Commissioner of Police and who was selected by a former Premier of this State, Mr Wran, over a number of other police officers - was demoted to the rank of sergeant after a hearing before the Police Tribunal, and allowed to retire on a pension.

Mr Whelan: Try to talk about the motion.

Mr KERR: I am talking about the motion. It is important that these matters be raised. It is obvious that the honourable member for Ashfield does not want to hear about these matters, but they are important to the people of New South Wales. A former Minister for Corrective Services was also in gaol. Representatives of the Legislature, the Executive and the judiciary

were all involved in corruption; that is why we needed the Independent Commission Against Corruption. This matter was not even an issue at the last election. It had been remarked on by Senator Loosley, Senator Richardson and Mr Wran, but Opposition members did not take up their call to arms and offer to repeal the Independent Commission Against Corruption Act. Does the honourable member for Ashfield wish to repeal the Independent Commission Against Corruption Act?

Mr Whelan: The honourable member for Cronulla should read the motion.

Mr KERR: Does the Opposition wish to repeal the Independent Commission Against Corruption Act?

Mr Whelan: Will the Government agree to the amendment, yes or no?

Mr SPEAKER: Order! The honourable member for Cronulla needs no assistance from members on the other side of the Chamber.

Mr KERR: If I might be allowed to continue, the joint parliamentary committee was set up to monitor the Independent Commission Against Corruption because that body was given wide powers. It was important that the representatives of the people be in a position to monitor the procedures of the committee. Members of all parties who have taken part in the deliberations of the joint parliamentary committee are entitled to feel proud of the manner in which they have carried out their duties. A number of reports have been presented by the committee of which the honourable member for Ashfield was a member.

Mr Whelan: A very good committee.

Mr KERR: "A very good committee" says the honourable member for Ashfield. I remind him of some of the work that he undertook. I remind him of the
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report of the committee on public versus private hearings. The committee reported also on the procedures of the Independent Commission Against Corruption in relation to witnesses. By way of advertisement the committee asked people to relate their experiences with the Independent Commission Against Corruption. It could be said that by adopting that procedure the committee ran the risk of defamation or other legal proceedings. However, the committee did not have the honourable member for Auburn as its legal adviser; it went ahead and did its public duty. I think the honourable member for South Coast and the honourable member for Ashfield would agree that that was a good report which led to a number of procedures being adopted by the Independent Commission Against Corruption for the protection of the people of New South Wales. That report ensures that there is no potential for the reputation of the Independent Commission Against Corruption to be tarnished. It is important that the Independent Commission Against Corruption should act as a model for the remainder of Australia and that it get it right.

I am concerned about the claim made by the honourable member for Londonderry and I will return later to deal with investigations carried out by the Independent Commission Against Corruption. Last week the honourable member for Londonderry made serious allegations in this House. Those allegations were of concern to all of us because, no matter what may be our political spectrum, the honourable member for Londonderry is our colleague and he is entitled to carry out his duties as a member of Parliament. Last night I spoke to the honourable member for Londonderry, the honourable member for Auburn and the honourable member for South Coast. We agreed on a procedure to examine the three issues contained in the Premier's motion. The honourable member for Ashfield asked how the committee could resolve some of the issues. The committee will examine alleged mechanical defects in the Independent Commission Against Corruption investigation. The honourable member for Londonderry understood that.

Mr Gibson: You asked for times, dates, names and statements.

Mr KERR: Absolutely. The honourable member for Londonderry understood that the committee could not inquire into whether there had been corrupt conduct or the guilt or innocence of the people involved. People are entitled to the presumption of innocence.

Mr Whelan: Correct.

Mr KERR: Correct, as the honourable member for Ashfield says. The allegations made by the honourable member for Londonderry relate to events which allegedly took place 14 months ago. Institutions, like individuals, are on a learning curve and are always susceptible to improvement. The honourable member for Londonderry now says that the officers with whom he is dealing at the Independent Commission Against Corruption are first-rate. The way in which the Independent Commission Against Corruption has been dealing with this matter has changed.

Mr Gibson: But it was still the Independent Commission Against Corruption 14 months ago.

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Mr KERR: The point I wish to make is that, if mistakes were made 14 months ago, the committee wants to know why and how those mistakes were made. The committee wants to ensure that they are not repeated and that competent professionals are dealing with these matters, the competent professionals that the honourable member for Londonderry now says are dealing with his allegations. We all hope that degree of competence and professionalism will continue. That is why I met the members of the committee last night. It is still possible for the committee to investigate this matter of its own motion. However, the motion moved by the Premier is the better course. The allegations of the honourable member for Londonderry are not matters merely for the parliamentary committee; they are matters that concern both Houses of this Parliament. The Government has no objection to referring the matter to the upper House because members of the Legislative Council are also colleagues of the honourable member for Londonderry. The committee sought an advice from the Crown Solicitor and has accepted and acted upon that advice. The honourable member for Auburn has quoted from it. That advice was given to the commissioner and there has been no dispute in relation to it. The honourable member for Auburn now says he disputes that advice. The Government has tried to act fairly and honourably in relation to this matter.

Mr Nagle: No doubt.

Mr KERR: The honourable member for Auburn says "No doubt", and that should be put on the record. The Government has tried to behave impeccably. The honourable member for Ashfield claims that he was informed of this motion at five minutes past nine this morning. The House did not sit until 10.30 a.m. It is a pity that, if there were any doubts, they could not have been conveyed to the Government. I say that because we should now be debating the Industrial Relations Bill. The objective is not in dispute. We all want to protect any information the honourable member for Londonderry gives the committee and all of us want to protect the members of the committee.

Mr Newman: Why not do it directly?

Mr KERR: Does the honourable member for Cabramatta say that he is not so sure of that?

Mr Whelan: It is a shame you did not tell me at 6.30 last night when you passed the motion. It might have been a different proposition.

Mr KERR: The honourable member for Ashfield interjected and said, "It is a pity you did not tell me at 6.30". No motion was passed by the committee at 6.30. The honourable member for Auburn and the honourable member for South Coast were present and can confirm that.

Mr Whelan: Seven o'clock?

Mr KERR: I do not think any member of the committee, including myself, has acted dishonourably.

Mr Whelan: Be honest, read this document to the Parliament.

Mr KERR: That document was given to all members.

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Mr Whelan: "Gibson to give evidence today." Tell the truth.

Mr SPEAKER: Order! The honourable member for Ashfield has already spoken in the debate.

[Interruption]

Mr SPEAKER: Order! The honourable member for Ashfield has no right to interject in that way. He knows full well that the honourable member for Cronulla has the call.

Mr KERR: May I deal with a matter raised by the honourable member for Ashfield. There was an arrangement made with the committee for the honourable member for Londonderry to give evidence. Some members of the Opposition were on that committee. There was no secret about it. It was not my agenda; it was the committee's agenda. Does the honourable member for Londonderry have any complaint about that? I completely deny that there was any secret agenda.

Mr Whelan: The honourable member for Auburn was going to help him prepare for that.

Mr KERR: Yes, and there is no secret about that. The honourable member for South Coast can confirm that I asked the honourable member for Londonderry to seek the advice and counsel of the honourable member for Auburn prior to appearing before the committee to ensure that his rights were protected. I am responding to the interjection of the honourable member for Ashfield at length because he alleged that I lied. I completely refute that.

Mr Nagle: And he did.

Mr KERR: The honourable member for Auburn says "He did". I do not believe that I can be criticised in any way, shape or form because of the way I have attempted to deal with this matter. It is important that the matter be dealt with by the whole of the House. No one has suggested who would institute this defamation litigation that has been referred to. The committee has a number of defences available to it. I do not intend to read the advice. I suspect it is available to all members of the House, and it is certainly available to all members of the committee. I refer honourable members to paragraphs 3.6, 3.8, 3.9, 3.10, 4, 5.2 and 5.3 of the Crown Solicitor's advising. At all times as chairman of the committee I have sought to ensure that all members of the committee know exactly what is happening, that the rights of all members of the House are protected, and that nothing is done secretly. If there is any criticism of the way I have behaved.

[Interruption]

Mr KERR: The honourable member for Auburn now says there is no criticism. Does the honourable member for Ashfield say there is any criticism?

Mr Nagle: Only that you did not tell anyone what you were doing; and that you told me not to tell them.

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Mr KERR: What was done last night was available to the honourable member for Ashfield. The Government has sought to involve the whole of the House, and has given the honourable member for Ashfield prior information about this.

Mr Whelan: This morning.

Mr KERR: This morning, because the terms had to be drafted. The Attorney General's Department and the Director of Public Prosecutions had to be consulted. It is a matter for the Executive as to what happens. The Executive has sought to involve the whole Parliament, so that all members' rights are protected. I believe this is a very creditable motion. It seeks to ensure that a grave matter is looked at in the most serious way possible. If there is any means by which the Independent Commission Against Corruption can be improved, it should be done. That is what we all ought to be about. We ought to ensure also that any problems or technicalities are raised early, so that we can talk now about matters such as industrial relations. That is what should have been done. All the members of the committee, of whatever political persuasion, were on notice. Let us not have any synthetic controversy about what is happening. This matter transcends partisanship. It involves the rights of a member of this House. Any member of this House could be involved in such a matter. We must ensure that investigations conducted by the Independent Commission Against Corruption are carried out professionally and by the people best equipped to do so. The honourable member for Londonderry says that that is what is happening now. If it did not happen 14 months ago, we want to know why, and we want to ensure that a similar situation does not arise again. This is not a witch hunt; we are not out for anyone's blood. We want to ensure that the Independent Commission Against Corruption does what it was set up to do.

Mr HATTON (South Coast) [12.13]: As every honourable member knows, the bipartisan nature of organised crime has been documented during the past 20 years or more in this Parliament. We should put to rest any point-scoring on that basis. Senior members of political parties on both sides of this House, and other people, were involved in organised crime. We can set that aside. The Independent Commission Against Corruption was set up in response to that. I completely support the chairman of the Committee on the Independent Commission Against Corruption. Today we are witnessing petty point-scoring. If there is a legal problem that prevents the honourable member for Londonderry from receiving as much protection as he requires from the committee, the members of the committee should have raised their concerns in that regard with the chairman of the committee. If the members of the committee thought that the Crown Solicitor's advice on this matter was not sufficient, they should have acted in the proper way. I see this exercise as an attempt to grandstand, and I do not appreciate it.

I have served on the committee under the present chairman and I have been happy with the way the committee has conducted itself. When in doubt the committee has always taken legal advice, as it did on this occasion. I do not see any problem with the amendment, and I am happy to support it. Of course, if we are to take a belt and braces approach and are concerned about what might happen, we should obtain additional advice. The fact is that we obtained advice, and I believe that the honourable member for Londonderry was given proper advice by the chairman in my presence. He was advised to consult with a barrister, as also was the honourable member for Auburn,

so that he could be properly looked after, as it were. This matter is above partisan politics. A member made a serious allegation that his life had been threatened, that blood had been splattered on his car and that he had been physically assaulted. Whenever such matters have been raised in this Parliament - I have raised similar matters - there has been a tremendous spirit of co-operation and every member of this House has stood behind the member concerned and given strong support in every possible way. That is exactly how this House behaved with regard to the matter raised by the honourable member for Londonderry. I do not believe that that action should have been depreciated in any way by dealing with this matter in the way in which it has been handled today. There is no need for vituperation in this matter; there is a great need for co-operation.

The Committee on the Independent Commission Against Corruption is a parliamentary overview committee. If it cannot look in a searching way at what was established as a creature of this Parliament - to see whether the ICAC has performed its functions in an efficient manner, whether its methodology is correct, whether it has behaved in a proper manner, and whether corruption may have been involved - there is no committee that can do so. We represent the people of New South Wales, but of course we cannot and we do not seek to re-examine ICAC investigations. We do not seek to get inside its investigations. We are not equipped or authorised under the Act to carry out such investigations. However, we can look at the ICAC's methodology, its relationship with other agencies, and its general efficiency and professionalism. We can consider whether there is such a thing as the witness protection program, as we have been led to believe there is, and whether that program was functioning at the time when it was desperately needed by the honourable member for Londonderry, to protect the interests and safety of certain people, and whether that program is in operation now.

The committee certainly can consider the allegation that a police officer's voice did not appear on tape, that bank notes to the value of \$12,000 were not marked, and that there was a lack of professionalism in trying to determine whether a number of senior police officers were involved in corruption. If we cannot do that, no organisation on earth can; and no one can convince me that the committee does not have the power and the absolute responsibility to undertake those considerations. The committee wants to know whether there were any deficiencies within the ICAC 14 months ago when this matter was investigated, with the result that the honourable member for Londonderry was so frustrated that he had to go from one agency to another and had to suffer threats and physical assault. The committee wants to know whether those deficiencies remain, whether the ICAC procedures can be improved and whether any matters should be referred to this House so that the Act can be changed, if necessary, to increase the committee's power or to improve the efficiency of ICAC. I strongly support the motion moved by the Premier, and I support the chairman of the committee. I am happy with the amendment that has been moved. However, I record my disappointment with the way in which this matter has been handled. It did not have to be handled this way. The honourable member for Londonderry should have been assured that absolute protection was available, if we wanted to take a belt and braces approach, although for mine I was quite happy with the Crown Solicitor's advice.

Mr COLLINS (Willoughby), Attorney General, Minister for Consumer Affairs and Minister for Arts [12.19]: I thank the Government speakers who have contributed

to this debate. As Attorney General I totally endorse the comments the honourable member for South Coast just made. This debate has been totally unnecessary. The time of the House has been wasted. I unreservedly endorse the point made by the honourable member for South Coast and Government speakers that the joint committee of this Parliament, the Committee on the Independent Commission Against Corruption, has authority. This Parliament created a joint committee to oversee certain activities of the Independent Commission Against Corruption. The honourable member for Cronulla is chairman of that committee. Without the slightest shadow of doubt, the committee has complete authority to investigate all of the matters that this

Parliament specifically now seeks to refer to it. It has power to investigate all those matters without any resolution of this House. The committee has the power to initiate all of the inquiries that are now before the House in the form of a motion moved by the Premier. The Act is very specific in relation to the power of the committee and so is the motion moved by the Premier. Regrettably, we have heard today from the honourable member for Ashfield and the honourable member for Auburn one of the most puerile, asinine contributions to a debate that we have ever heard in this Parliament.

Mr Longley: And that is saying something.

Mr COLLINS: That is saying something in relation to those two members in particular. It is a great indictment of the Opposition that the person that it has authorised to be the shadow attorney general should so badly attempt to sway the debate and delay the process which the honourable member for South Coast rightly said we should get on with. I repeat: the committee has the power to proceed, whether or not the motion is passed by the Parliament. For the Opposition to suggest that we would bring a motion of this kind before the Parliament without proper legal advice is to do a disservice to this Parliament, to my office and to those people who advise me, including the Crown Solicitor, the Solicitor General and the director-general of my department. We would not waste the time of this Parliament by putting forward a motion that did not have a specific purpose. A week ago the honourable member for Londonderry raised in this House extremely serious allegations. He was given every opportunity by the House to do so and was given the unanimous support of the House. It recognised his right to bring the allegations before the Parliament. We do not hesitate to strengthen the arm of the honourable member for Londonderry or any other member of this House in exercising the rights available to any member of the Parliament.

The motion says that in conducting the inquiry the committee shall have due regard to the terms of section 64(2) of the Independent Commission Against Corruption Act. There has been a lot of talk about that. Section 64(2) says that nothing in that part of the Act shall authorise the joint committee to investigate a matter relating to particular conduct in relation to a specific set of allegations in reviewing a specific case. This is set out in some detail. The motion of the Premier refers to a number of structural issues - substantive complaints made by the honourable member for Londonderry one week ago relating to the procedures and structures for the management and control of ICAC investigations, the relationship between the ICAC and other investigative bodies, and the witness protection facilities. In other words, it is an invitation by the Parliament to the joint committee of this Parliament, a creature with its own life and its own

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powers, to look at these matters as a matter of urgency and to look at the structural issues that have been raised by the honourable member for Londonderry.

The honourable member for Londonderry wants a number of issues pursued. He wants a number of investigations undertaken. Those are separate matters and the committee will recognise that it cannot deal with them beyond the structural questions, beyond the limitation of section 64(2). If the honourable member for Londonderry is able to bring forward substantial evidence in relation to any of the allegations made, this Government and I am sure every member of this Parliament would want to see the law take its course against anyone who has been guilty of corrupt conduct. I place that on the record again. We are determined to see the rights of the honourable member for Londonderry - the rights of any member - upheld. The Government would ask the Opposition to withdraw its amendment, because it is unnecessary. The amendment reads:

In view of the motion, notice of which has been given today, that the Parliamentary Joint Committee on the Independent Commission Against Corruption obtain advice as to the -

- (a) statutory compliance of the motion with the Independent Commission Against Corruption Act 1988 as amended and whether it is ultra vires the Act; . . .

Apart from the construction of the amendment thus far, the advice given to me - I hope soon to be able to tender written advice to the Parliament to confirm the verbal advice which the Government obtained before moving the motion - was clearly that it is within the power of the Parliament to pass such a motion. However, we do not even need to go that far: it is within the power of the committee to do this with or without such a resolution of the House. The second part of the badly misguided amendment of the Opposition refers to whether persons giving evidence will be afforded total legal protection, especially against defamation proceedings. Again, it is a very poorly drafted amendment. However, overlooking the construction of the amendment I refer honourable members to section 71 of the Independent Commission Against Corruption Act 1988 as amended. Section 71 states:

For the purposes of the Parliamentary Evidence Act 1901 and the Parliamentary Papers Supplementary Provisions Act 1975 and for any other purposes:

- (a) the Joint Committee shall be taken to be a Joint Committee of the Legislative Council and Legislative Assembly;
- (b) the proposal for the appointment of the Joint Committee shall be taken to have originated in the Legislative Assembly.

Mr Whelan: What does that mean?

Mr COLLINS: I am very glad to enlighten the honourable member for Ashfield. It seems that he does not understand any other legal concepts that bind this House. It means that the Parliamentary Evidence Act 1901 applies to the proceedings of the joint parliamentary committee on the Independent Commission Against Corruption. This means that the matter of protection, especially in relation to defamation, is already covered by the Parliamentary Evidence Act 1901, which in section 12 states:

No action shall be maintainable against any witness who has given evidence, whether on oath or otherwise, under the authority of this Act, for or in respect of any defamatory words spoken by him while giving such evidence.

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Mr Photios: Just apologise, Paul.

Mr SPEAKER: Order!

Mr COLLINS: We will come to the apology in a moment. The shadow attorney general has totally overlooked section 12 of the Parliamentary Evidence Act 1901 which explicitly covers exactly the sort of situation referred to in the Premier's motion now under debate. In other words, first, the Parliament has the power to pass this legislation and, second, the joint committee on the Independent Commission Against Corruption has the power to initiate investigations along the lines covered by this resolution. Therefore the debate mounted by this idiot masquerading as a spokesman on attorney general matters has totally wasted the time of this Parliament.

[*Interruption*]

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

Mr COLLINS: One must ask why this pathetic member, so desperate to jump on any passing political bandwagon, has delayed the deliberations of this House for about an hour. He has been assisted, regrettably, by the honourable member for Auburn who, I suspect, has been persuaded to join this feeble attempt by the honourable member for Ashfield to mount some sort of legal challenge to a resolution which is totally valid and is not necessary anyway. If the honourable member for Cronulla as chairman of the committee wanted to initiate proceedings along these lines, he does not require permission from this Parliament. Why has

the member for Ashfield foolishly delayed these proceedings? Why has he mounted this spurious debate to challenge the authority of the Parliament and the ICAC committee? I can only suspect that he is trying to discredit the Independent Commission Against Corruption and to discredit the activities of the joint committee on the Independent Commission Against Corruption of this Parliament. In addition to the apology the honourable member for Ashfield has promised and will no doubt give in eight minutes' time, this action will require another apology. The Government does not expect the honourable member for Ashfield to honour his commitment. I very much doubt the apology he has promised this House will be forthcoming. Earlier I referred to the verbal advice received before the Premier moved this motion. I am pleased to read a written advice from the Solicitor General which confirms the verbal advice already in our possession. That advisory document states:

Re Draft Terms of Reference For Inquiry by Parliamentary Joint Committee on the ICAC.

[*Interruption*]

Mr COLLINS: The honourable member for Ashfield is not satisfied with wasting the time of the House for an hour, he continues to interject and raise these feeble idiocies on the assumption that someone will listen and assume that this superannuated articulated clerk is actually trying to make some kind of legal point. I return to the advice of the Solicitor General:

I confirm advice previously given that:-

1. The motion attached if passed would comply with s64(1)(e) of the Independent Commission Against Corruption Act 1988 ("the ICAC Act").

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Mr Whelan: Fantastic.

Mr COLLINS: It is fantastic because it proves the honourable member has been a fool and has wasted the time of the Parliament. It further states:

The final sentence was in fact inserted at my suggestion in order to ensure compliance with s64(2) of that Act.

2. Witnesses who give evidence before the Joint Committee are absolutely privileged against liability in defamation: see ICAC Act, ss63 and 71, Parliamentary Evidence Act 1901, ss4(2), 12 and 14.

Keith Mason QC
Solicitor General
19 September 1991

I table that document. That should put an end to this feeble and mischievous attempt by the honourable member for Ashfield, aided by the now absent honourable member for Auburn. I can well understand why he has fled the Chamber because I, too, would wish to dissociate myself from this exercise in idiocy engaged in today by the Labor Party. I hope that now the Opposition has the common sense to withdraw its amendment and not further delay the Parliament's proceedings. I strongly commend the motion in its original terms and flatly reject the idiotic suggestion of the Labor Party.

Mr MOORE (Gordon), Minister for the Environment [12.35], in reply: On behalf of the Premier, I have little to add to the excellent demolition of the honourable member for Ashfield by the Attorney General, assisted by the advice of the Solicitor General. I simply make this offer: at the conclusion of this debate I will be happy to move suspension to permit the honourable member for Ashfield to speak for up to 10 minutes to make an apology to the House.

Amendment negatived.

Motion agreed to.

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

SESSIONAL ORDERS

Mr MOORE (Gordon), Minister for the Environment [12.39]: I move:

That the following Sessional Orders be adopted by this House:

Legislation Committees

That during the present session, unless otherwise ordered -

(1) Upon a motion being agreed to for the second reading of a Bill the Member having carriage of the Bill may, with the leave of the House, move forthwith and without notice, "That the (name of the Bill) be referred to a Legislation Committee for consideration and report to the House on such amendments as it considers should be proposed to the Committee of the Whole on that Bill".

(2) Such Committee shall comprise a maximum of six Members, of whom no more than three shall be Members representing the Government and no more than three shall be non-Government Members.

(3) The Chairman of the Committee shall be elected by the Committee and shall be a Government Member.

(4) A quorum shall consist of four Members.

(5) The Chairman shall exercise a deliberative vote and, in the event of an equality of votes, a casting vote.

(6) The Committee shall have leave to sit during the sittings or any adjournment of the House and have power to take evidence and call for persons, papers and things and to report from time to time.

(7) In all other respects the Committee shall be conducted in accordance with the Standing Orders relating to Standing and Select Committees.

(8) The Minister having portfolio responsibility for the Bill if enacted shall provide to the Committee such drafting and support services as requested by the Committee.

(9) On or before the date set down for the Committee to table its final report, such date being not longer than six months from the date on which the Committee was established, the Chairman of the Committee shall present to the Speaker in the House the final Report of the Committee and the Speaker shall set down its consideration in the Committee of the Whole as an Order of the Day for tomorrow.

If the House is not sitting at the time of report the Chairman shall forward such Report to the Speaker for report at the next sitting of the House.

(10) On presentation of the final Report of the Committee the Committee shall cease to exist.

Estimates Committees

(1) Upon the adjournment of debate after the Minister's second reading speech on the Appropriation Bill the House, on motion of the Minister shall appoint five Estimates Committees to be known as:

1. Human Services Estimates Committee;

2. Natural Resources and Environment Estimates Committee;

3. Economic Planning, Development and Infrastructure Estimates Committee;

4. Law and Justice Estimates Committee;

5. Machinery of Government Estimates Committee;

for the purpose of examining and reporting upon proposed expenditures from the Consolidated Fund for each organisational unit for each Minister listed in the tabled Estimates, and the corresponding clauses and schedules of the Appropriation Bill. Such proposed expenditure shall stand referred to the appropriate Committee.

(2) The resolution shall set out, in respect of each committee -

- (a) the names of the Members to be appointed, of whom five shall be Government Members, three shall be Opposition Members and one shall be an Independent Member nominated by the Leader of the Government;
- (b) the name of the Member to be Chairman;
- (c) the organisational units, and the corresponding clauses and schedules of the Appropriation Bill to be considered;
- (d) the maximum period of time allocated for consideration of each Estimate; and
- (e) the days, hours and place during which they shall meet.

(3) The Committees shall have power to send for and examine persons, papers, records and things and to report from time to time.

(4) The quorum of an Estimates Committee shall be eight Members provided that the Committees meet as Joint Committees at all times.

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(5) The Chairman of an Estimates Committee shall exercise a deliberative vote, and, in the event of an equality of votes, a casting vote.

(6) A Chairman may from time to time appoint another Member to act as Deputy Chairman and the Member so appointed shall act as Chairman when the Chairman is not present at a meeting of the Committee.

In the event of absence of both the Chairman and the Deputy Chairman, a Member of the Committee shall be elected by the Members present to act as Chairman for that meeting.

(7) The proceedings of the Committees shall be open to the public unless otherwise ordered by the Committees.

(8) In an Estimates Committee -

- (a) the responsible Minister shall be present at all times.
- (b) the Chairman shall call over each program area of each organisational unit for each Minister and declare the proposed expenditure open for examination.
- (c) the question shall be proposed for each organisational unit "That the Vote be recommended".
- (d) the proceedings of a Committee shall be recorded by the Clerk to the Committee, and such records shall constitute the minutes of the Committee, and shall be signed by the Clerk and the Chairman. The proceedings shall be tape recorded.

(9) Advisers who are present at an Estimates Committee to assist Ministers and the Presiding Officers (in the case of the Estimates of The Legislature) may not directly answer questions or otherwise address a Committee except with the approval and in the presence of a Minister or the Presiding Officers as the case may be.

(10) The proceedings of a Committee shall be regarded as proceedings of the Parliament.

(11) The Report of each Estimates Committee shall state whether the votes of each organisational unit in the Estimates and the corresponding clauses and schedules in the Appropriation Bill are recommended or otherwise.

The failure of an Estimates Committee to report on any part of the votes shall be deemed to be a report recommending the proposed expenditure.

(12) Upon conclusion of its deliberations and after the question on the second reading of the Appropriation Bill has been agreed to, the Chairman of each Estimates Committee, or a Member deputed by the Chairman, shall present the Committee's Report to the Speaker in the House.

The Reports shall be set down for consideration in Committee of the Whole House on the Appropriation Bill.

Consideration of a Report in the Committee of the Whole House shall be deemed to be consideration of those clauses and schedules of the Appropriation Bill referred to that Estimates Committee.

(13) A message informing the Legislative Council of the terms of the resolution and requesting its nomination of five of its members to participate on each Committee (of whom shall two be Government Members, two shall be Opposition members and one shall be a non-Government Member nominated by the Leader of the Government) shall forthwith be transmitted to the Legislative Council.

Procedure in Committee of the Whole House

(14) In a Committee of the Whole House -

- (a) the Chairman shall put the Question in respect of each Committee Report, "That the Report of the (name of the Committee) be adopted";
- (b) a Member may speak for a maximum of five minutes on each such Question and the Minister in reply may speak for a maximum of fifteen minutes;
- (c) those clauses and schedules of the Appropriation Bill not referred to an Estimates Committee shall be considered as one Question, "That the remaining clauses and schedules of the Bill be agreed to".

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(15) At the conclusion of proceedings in Committee of the Whole, the Chairman shall report to the Speaker that the Committee has or has not adopted the Reports from the Estimates Committees.

Unproclaimed Legislation

That during the present session, unless otherwise ordered -

Commencing from the first sitting Tuesday after the adoption of this Sessional Order and henceforth every fifteenth sitting day, the Speaker, pursuant to Standing Order 74, shall table a list of legislation remaining unproclaimed ninety days after assent.

Printing of Papers

- (1) That during the present session, unless otherwise ordered, so much of the Standing Orders be suspended as would preclude the adoption of the following procedure in relation to tabling of papers -
 - (a) Ministers shall table papers before Question Time on sitting Thursdays only or at other times by leave of the House.
 - (b) The Leader of the House, on the subsequent sitting Tuesday, shall give a Business of the House Notice of Motion regarding the printing of papers previously tabled.
 - (c) Consideration of such Notice of Motion shall be open to amendment and debate. Any Member speaking on such motion shall be limited to three minutes, including the Minister in reply.
 - (d) The Speaker may call the Minister in reply if the debate exceeds 30 minutes.
- (2) That the resolution of the House of 2 July 1991, appointing the Printing Committee be and is hereby rescinded.

Reports from Committees

That during the present session, unless otherwise ordered, Standing Order 372 be amended to read -

372 The Report and associated documents of any Committee appointed by the House shall be presented pursuant to Standing Order 74, or at any other time with the leave of the House provided that -

- (i) the Member presenting such report may move "That the document be printed" and may forthwith make a statement limited to 10 minutes;
- (ii) one other Member of that Committee with a dissenting view may, by leave, make a statement limited to 5 minutes;
- (iii) reports from any Committee shall be set down for consideration in the order in which they are presented as Orders of the Day "That the House take a note of the Report";
- (iv) such Orders of the Day shall have precedence on Thursdays pursuant to Standing Order 74 until 1.00 p.m.;
- (v) debate upon such motion shall be limited to 30 minutes. Any Member may speak to such motion for 5 minutes with the Question being put after 30 minutes.

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Questions on Notice

That during the present session, unless otherwise ordered, Standing Order 80 be amended to read:

Questions on Notice shall not be openly read but shall be delivered to the Clerk or handed to one of the Clerks-at-the-Table before Formal Business is entered upon as prescribed by Standing Order 74 provided that -

- (i) Members shall only be permitted to lodge four Questions on Notice during a sitting week, provided that the Leader of the Opposition shall be permitted to lodge 10 Questions on Notice during a sitting week.
- (ii) Ministers shall lodge Answers to Questions on Notice within 15 sitting days after the Question is first published and such answer shall be published forthwith.
- (iii) Should an answer to a Question on Notice not be received within 15 sitting days the Speaker shall forthwith draw the matter to the attention of the House and such Minister shall thereupon inform the House of the reason for non-compliance with this Sessional Order.
- (iv) Should the Minister having been heard in explanation not submit an answer within three sitting days the Speaker shall again inform the House and the Minister shall again be called, with such procedure continuing until a written answer is submitted.

The amendments proposed to the sessional orders of this Parliament in this motion - which will establish a framework for legislation committees, estimates committees, a method of informing the House as an interim process on unproclaimed legislation, a method providing for the Parliament to debate reports of committees of the Parliament, a reform to the question on notice answer process that will require Ministers to furnish a response to answers within 15 sitting days, and reforms to the printing of papers by the House - are the most significant sweep of procedural reforms of the Parliament that have taken place in the last half a century. It would be churlish of me not to acknowledge that considerable stimulus to and assistance in this process has been provided by the three Independent members. It has been part of a commitment that several Government members, including myself, have had for many years to make the Parliament a more functional, accountable and overseeing organisation.

In the 156 years since the advent of responsible government in this State the pendulum of power has moved slowly away from the Parliament towards the Executive Government. Many people would believe that this means the Parliament is or has been little more than a legislative sausage factory. The Government acknowledges the need for change and has worked constructively with three of the Independent members to that end. I wish to make it clear that although I do not seek to traverse the total detail of the measures contained in the five pages or more of resolutions that will become the new sessional orders, I shall address two matters. Given that this is the first stage - and only the first stage - of a radical overhaul of the way the Parliament is run, these proposed changes are experimental and I would expect will

evolve both in their written form and in the custom and practice applied to them by members and Ministers over many years. Indeed, in my view, as I have expressed privately to the honourable member for South Coast, we will not be true beneficiaries of these changes to the standing orders. Those who will truly enjoy the benefits of a return of powers to this Chamber will be members who are here in 15 or 20 years' time. We will merely be starting down the path that changes the rules. The attitudes and conventions will flow from that in the future.

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The provisions relating to unproclaimed legislation and legislation committees are merely interim provisions. The Government is working with the Independent members for a further expansion of the powers of reporting to require a once per session written report from Ministers relating to legislation that has been unproclaimed for more than 12 months. The question of support services for the legislation committees, the first of which is not expected to be established before late November, towards the end of the sittings of this session of Parliament, will be further refined as part of a consideration of budgetary matters for the Parliament, including the expenditure of savings made available through the reduction of the number of members of the House. These are far-reaching reforms that will go a long way to making my colleagues and me more accountable to the Parliament. I commend the motion.

Mr HATTON (South Coast) [12.44]: I thank the Government for these historic amendments to the sessional orders. I believe they will, and certainly should, be enshrined in the standing orders of this Parliament. The amendments deal with legislation committees, committee reports, questions on notice, estimates committees and unproclaimed legislation. I have been thrown out of this Parliament once only and that was during the Askin regime. I was fed up to the back teeth with seeing legislation being introduced and gunned through the Parliament without debate and without the opportunity to consult constituents and affected people. It was an absolute travesty. To draw that matter to the attention of the public I deliberately defied the Speaker. I called a press conference from a phone booth outside the Parliament. I was to see that trend persist for many years. The Parliament was abused by executive government no matter which party was in office. It was a wonder to me then, as it is now, that courts would spend hundreds of thousands of dollars arguing about a word or a clause in legislation when the legislation would go through this Parliament without proper analysis - legislation which put an onus on people, inflicted them with financial responsibilities and imposed penalties on them, was not debated.

Schoolchildren are taught that Parliament makes laws. It does not. The Executive Government makes laws, and the Parliament rubber stamps them. That practice will now change, thanks to this Government and to the historical balance of power situation, but I do not devalue the Government's response to this matter. At last we will have the opportunity to refer legislation for proper analysis by bipartisan committees that can call evidence from experts and other witnesses. The facilities will be there for drafting legislation and amendments. Reports will be brought back to the Chamber for discussion in Committee to ensure better law-making procedures. It is certainly to the advantage of government that that happen. It will enable teasing out of the problems that may cause an electoral backlash. It will give integrity to the legislative process, which cannot be achieved without legislation committees. Initially it will be an experiment and will deal with landmark legislation. This will be the beginning of a historic trend. It has also amazed me that for years a bipartisan select committee or standing committee of this House can spend hundreds of thousands of dollars in expenses travelling overseas and in Australia, hearing evidence under oath and delivering a comprehensive report - and generally speaking those committees do a good job - yet that report is not automatically debated in the Parliament, enabling backbench members to participate in a meaningful way.

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Debate of committee reports is crucial to give members and the people they represent an understanding and appreciation of what this committee system can and does do. In respect to estimates committees, schoolchildren are taught that Parliament monitors expenditure. It

does not. In recent years we have been given more information. This trend began during the administration of the former Treasurer and member for Wallsend, the late Ken Booth, and that practice has continued under the present Government. However, the fact is that the most important financial document in the parliamentary year, the Budget, is a fait accompli. In the 18 years that I have been a member of this Chamber it has never been amended. Backbench members have no input whatsoever. Occasionally government backbench members - but rarely Opposition members - can convince Ministers to include their suggestions in the Budget. They have no input on how the budget estimates for various departments are formulated or how estimates are justified - despite the fact that those estimates are the basis for expenditure of taxes collected from the people of New South Wales. Consequently, one of the most important procedures in this Parliament has been an absolute sham, certainly from my experience of this Parliament. It is less of a sham in the Federal Parliament, where estimates committees do operate.

The estimates committees structure being brought forward today is a toe in the water; it is an experiment. It will not do what I hope estimates committees will do in the future, and that is interview heads of departments, managers, and chief executives, and if necessary put them through the wringer under oath, find out exactly what is happening in that department, why there is waste and also receive positive feedback about how things can be improved, how we can trim wastage, prevent corruption, limit mismanagement and have proper management. Bipartisan estimates committees should be able to formulate estimates so that the Department of Health, for example, one of our major spenders, can deliver health services by way of the family medicine program, preventive medicine and so on, without having enormous budget blowouts in the future.

One could look at many expenditure items, and another would be education. It would be good to examine education expenditure in depth to see if we are getting value for the dollar in delivery of a properly-adjusted, well-educated individual who could take his or her place in society. This is a start; it is only a start, but a very important start. As for unproclaimed legislation, it has always amazed me that this Parliament can spend considerable time debating legislation; the Parliamentary Counsel can prepare legislation; the legislation can be amended and the publicity associated with it can lead the people of New South Wales to believe that something will happen, only to find that nothing happens because the legislation is not proclaimed. The list of legislation that has not been proclaimed is quite long. I understand that legislation has to go through this House before the real power - that is, the power that rests with the regulatory functions - can be put into the machinery of regulations. Delays occur because of difficulties encountered in framing regulations, but that is only a fraction of the problem. It may be sloth in the public service; it may be that the government of the day has scored the political points and the publicity and will not proclaim the legislation.

There may be a million reasons why legislation is unproclaimed, but at least under this proposal we will know what legislation is not proclaimed. Perhaps in the

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future, when we tidy up the procedures and catch up with the backlog, we will have an opportunity not only to hear the reasons but also to debate why legislation was not proclaimed. It will be of great benefit to Ministers because they will have parliamentary pressure on their public servants to get on with the job. These are historic reforms. They are the beginning of a process which I hope members of Parliament will take to heart. This Parliament belongs to them. It does not belong to the Executive Government and should reflect through the members the wishes of the people of New South Wales. That cannot be done unless the structures of this House allow it to be done.

Mr WHELAN (Ashfield) [12.53]: The Opposition concurs with much of what has been said by the Leader of the Government in this House by way of self-congratulatory remarks. He has taken on himself a great task and has fulfilled it ably. I want to make one exception relating to questions on notice, to which I will refer later. The establishment of legislation committees

and estimates committees is the result of the work of the Standing Orders and Procedure Committee which has worked very effectively. In particular members of Parliament will look forward to the operation of the legislation committees. I understand those committees will consider three bills. Honourable members, and in particular backbench members, who have an interest in a particular area, whether it be local government or some other area, will be able to have an in-depth discussion about the legislation. The Parliament will be the beneficiary because members with expertise in certain areas, whether law, local government, Aboriginal affairs or some other area, will have input into the legislation committee and thus have an on affect legislation that might be faulty or does not represent community interests.

Legislation committees are supported by the Opposition. The Opposition takes the same view so far as estimates committees are concerned. When the draft of the estimates committee proposal that we are considering was before the Standing Orders and Procedure Committee, it was indicated that they would operate on a trial basis. There is nothing in the motion relating to that and I imagine that many of the changes proposed in respect of estimates committees are on a trial basis. The Leader of the Government in the House was concerned at some time that the estimates committees of the New South Wales Parliament might have some of the disabilities that are associated with the Senate estimates committees. That is not to be the case. Though they will be on somewhat of a trial, exhaustive analysis has been undertaken as to what the estimates committees are likely to be doing.

As to unproclaimed legislation, the Opposition agrees that this information is already available from within existing resources of the Law Society or the Government. This proposal would enable members to keep track of unproclaimed legislation so that the promises that politicians make and introduce in legislative form will not be forgotten. If a bill is not proclaimed within 90 days of assent, the Speaker will advise the Parliament and, therefore, the people of New South Wales, that the legislation is unproclaimed. I come to the vexed issue of questions on notice. I look to one of my colleagues, who will speak if given the opportunity, to amend the motion about questions on notice. Though we all went in a spirit of good will to the Standing Orders and Procedure Committee to try to obviate the necessity for the bureaucracy of the

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Parliament to answer the vast number of questions on notice, we do not believe that the right approach is to restrict questions from backbench members of Parliament. I include all honourable members except Ministers. I include the Leader of the Opposition, who is restricted to asking 10 questions a week, and under the terms of the motion backbench members would be entitled to ask only four questions. The rationale for these changes can be found in the number of multiple questions that were asked by members of the coalition parties when they were in Opposition. At times some members had 20, 30 or 40 questions on notice. It is not so much the volume or multiplicity of questions that the Opposition finds offensive, nor is it offended by the fact that a backbencher will be limited to four questions. It is the quality of the answer that is given that is of major concern to the Opposition.

In the main questions on notice are seen by members as an exploration, a voyage into government bureaucracy, into a Minister's department. A member will be unable to imagine how much information can be extracted if permitted to ask only four questions a week relating to one Minister. This will have an impact on the Parliament and members of Parliament examining the workings of the bureaucracy. I do not necessarily mean that will be an examination of the Minister himself or herself, but under the Westminster system a Minister is primarily in charge of his or her department. The Opposition has grave reservations about the answers provided. Since the Parliament resumed some of the answers provided have been satisfactory, but some have been exceptionally unsatisfactory. Those that are unsatisfactory are those that the bureaucrats, or a Minister, have decided not to answer. My colleagues will give examples of where the Government has fallen down on this issue. The Opposition believed this would be a method by which Ministers and the bureaucracy could be called to account if an answer was not provided within 15 sitting days - and the 15 sitting days could

extend over three weeks, a month, or longer. Paragraph (iii) of the proposed sessional order for questions on notice states:

Should an answer to a Question on Notice not be received within 15 sitting days the Speaker shall forthwith draw the matter to the attention of the House and such Minister shall thereupon inform the House of the reason for non-compliance with this Sessional Order.

Paragraph (iv) of the proposed sessional order for questions on notice states:

Should the Minister having been heard in explanation not submit an answer within three sitting days the Speaker shall again inform the House and the Minister shall again be called, with such procedure continuing until a written answer is submitted.

Those proposed sessional orders provide that a Minister shall lodge an answer within 15 sitting days after the question is first published, and if an answer is not received in that time the Speaker shall draw that to the attention of the House. The Minister shall thereupon inform the House of the reason for non-compliance, and should the Minister not submit an answer within three sitting days after his explanation the Speaker shall again inform the House, and the Minister shall again be called, until a written answer is submitted. I point out, however, that there is no restriction on the quality or type of answer given. The questions on notice procedure will not benefit any member of Parliament if the Opposition is to continue to receive the type of answers given by Ministers during this session. The good will that has been built up in our attempts to streamline questions on notice will disappear. The parliamentary investigatory process will cease if it is the intention of the Government - though I cannot believe it is - to

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discourage questions on notice by not giving adequate answers. I do not think that is the Minister's intention.

The Opposition seeks compliance by a Minister in providing an answer that will give the questioner the information, or an analysis of it, that he or she requires. Government members understand what I am saying because they were the authors of questions on notice when in Opposition, and they used the question and answer paper most effectively. The proposed sessional orders will restrict every Opposition member and every non-ministerial Government member to asking a limited number of questions. The Opposition, however, is more seriously affected. The number of questions asked by Government backbenchers is relatively negligible because they have access to their Ministers in the party room. Government members who seek to ask tricky questions are not permitted to ask them. The proposed changes in the sessional orders about questions on notice will impact heavily on the Opposition as well as on Independent members of Parliament. One saving grace of restricting the number of questions asked by a member could be that one member could ask other members to ask additional questions and thus, by clubbing together, become entitled to more answers.

A Minister who fails properly to answer a question, however, faces no sanction. I am not placated by anything in the proposed sessional orders about questions on notice that will allay my fears that a Minister will not be able to give a written answer to the Speaker that the information is too costly to ascertain, on advice from the Minister's department. That would not be an adequate response. I am drafting a proposal to amend the proposed sessional order in relation to questions on notice. The Opposition is in agreement with the remaining features of the package moved by the Minister. As soon as that drafting is finalised I shall ask one of my colleagues to move that the question be amended by leaving out all words after "Questions on Notice" with a view to paragraph (i) being amended so that members be permitted to lodge questions on notice during a sitting week, paragraph (ii) being amended so that Ministers shall lodge answers to questions within 30 days, and that after the question is first published an answer shall be published forthwith. The Opposition proposes those amendments to develop a mechanism so that answers may be published when the Parliament is not sitting and to afford

those answers all requisite privilege. In that way the answers will be available and there will be a limitation within which Ministers and bureaucrats have to answer questions.

Further, the Opposition will propose an amendment to paragraph (iii) that, should an answer or a satisfactory answer to a question on notice not be received within 30 days - not 30 sitting days - the Speaker shall forthwith draw the matter to the attention of the House and the Minister shall thereupon inform the House of the reasons for non-compliance with the sessional order. The Opposition also seeks an opportunity for a member who has asked a question on notice to be given two minutes at that stage to ask the Minister for the reasons that the question has not been answered. It may well be that after the 30 day period information may come to the notice of the questioner which will be the basis of a further question by that member. If a Minister fails to answer a question on notice, the Parliament should be able to impose a sanction on the Minister to determine why the Minister has not given an answer, or a satisfactory answer. I have spoken to the Clerks about my intention to draft those foreshadowed amendments. I

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thank the Leader of the Government in the House for the mighty job he has done. He has had a longstanding personal interest in legislation committees. The Government deserves to be congratulated on carrying through with these proposals, though governments of all persuasions in the past have expressed similar intentions. The Opposition, though applauding the Government in pursuing this matter, and not seeking to criticise the Leader of the Government, suggests that the proposal could create grave problems for the Opposition and for Government backbenchers. The Opposition, therefore, opposes the motion.

Mr ANDERSON (Liverpool) [1.7]: I support the comments of my colleague the honourable member for Ashfield about the questions on notice paper, for several reasons. As a local member and shadow minister I am deeply concerned about the limitation of four questions by a member, notwithstanding that member being able to ask further questions through other members. In the last Parliament, following my re-election at a by-election - I was not here for the full three years - I placed 258 questions on the notice paper, of which 125 questions remain unanswered.

Mr Moore: Less than four a week.

Mr ANDERSON: I concede that in that case it was less than four questions a week but I can offer reasons why it was less than four a week. I did not overly use multiple questions. Recently two multiple questions have been answered despite having been on the notice paper for such a lengthy time. Those questions related to usage by Ministers of private and public helicopters. Those questions and the answers given demonstrate the need to determine what constitutes a satisfactory answer. Originally, on 11th October, 1989, I asked a question about helicopter usage. Finally, in the early part of 1990 the question was answered. The answer indicated in excess of 200 helicopter trips by Ministers. A similar question was asked in relation to an extended period of time. The following answer was published in the answer paper on 11th September 1991 - the same answer having been given to both questions:

To provide the details sought by these questions would entail extensive examination of records. The work involved is disproportionate to any public interest which would be served. This reply is offered by the Premier on behalf of the Ministers listed below.

One might ask, "So what?" The question could have been answered relatively easily for the 18 month period but not for the three year period. What is the point of the question? It is not simply a fishing expedition. Honourable members are entitled to know, at a time when the police air wing is prevented from lifting off without having a specific task, how often Government Ministers use private or public helicopters. I take it one step further. Surely people living in western and southwestern Sydney are entitled to know when rail services are being changed during peak hour times. It is not unreasonable that this matter should be dealt with given that on occasions a substantial period elapses and still no answers to questions are obtained. In

October 1989 I put a question on notice about the safety aspects of polychlorinated biphenyls in light fittings in the Heckenberg school in my electorate. I expressed concern for children of that and other schools.

When I became aware that lights in schools in the Premier's electorate had been checked and repaired or replaced, I put a question on notice seeking a guarantee from

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the Minister responsible about the safety of children in schools in my electorate. That question remains on the notice paper. So why would I not want some limitation on the time for questions to be answered? This is not a point-scoring exercise. It is an important matter about which many constituents have complained to me. In my capacity as a shadow minister in October 1989 I placed a question on notice seeking figures of authorised and actual police strengths. When I got nowhere with that question I wrote to the commissioner at that time, Mr Avery, seeking that information. An answer was prepared to be sent to me but the commissioner replied officially and said that he had been directed by the police Minister not to supply me with the information. I waited a little while and when the new commissioner was appointed I bowled up to him with the same question but I received the same response.

In 1985 when I was police Minister I received a letter written by the Deputy Commissioner of Police, Operations, to the Hon. Ted Pickering, who was then the shadow minister. The deputy commissioner informed him that all he had to do was ask about police strengths and the information would be supplied to him. The point I make is that at that time information was made available freely to the Opposition of the day, but similar information is not being made available to the Opposition today. I know why the Minister does not want to release that material, but surely a member is entitled to an answer to a question asked in October 1989 of the Minister and two police commissioners. What avenue remains? Freedom of information legislation? Why should members of Parliament have to resort to that avenue?

In February 1990 I asked a question about the provision of multilingual health staff in the electorate of Liverpool. No electorate, including the Fairfield electorate, is more entitled to an answer to that question. In May 1990 I had the audacity to ask a question about the provision of speech pathology for children in my electorate. That question has not been answered; it is still on the notice paper. Children are waiting in excess of a year for access to speech pathology. Every expert will confirm that the sooner young children have access to such pathology the greater the chances of their difficulty being addressed successfully. Also in May 1990 I asked a question about a foreign-trained doctor. That remains unanswered also. The doctor is brilliantly qualified but she is not permitted to practise her specialist or general medicine in this country. That is of great concern to the doctor and to those she may be able to help on the waiting list for treatment in western and southwestern Sydney. I asked a series of five questions in May 1990 about teacher resignations and composite classes. They are still on the notice paper - unanswered.

Mr Moore: On a point of order. The honourable member for Liverpool has made a series of assertions about questions on the notice paper from May 1990. The Parliament has been prorogued several times since then. What he is talking about is an impossibility.

Mr Anderson: On the point of order. The Chair and the House are entitled to take note of the practice that has existed in this place for some time. When the Parliament is prorogued a member, if he or she so wishes, may have questions relisted. After the dissolution of the Parliament - as occurred this year - questions are placed back on the notice paper. If the Minister wishes to examine previous notice papers, he will see that on every occasion of a prorogation or dissolution my questions - which have

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been unanswered, with the exception of five - have been placed back on notice. I relisted 120 questions after the dissolution. The five that I did not place back on notice no longer needed answering. The point of order should be rejected.

Mr ACTING-SPEAKER (Mr Tink): Order! The point of order is narrow. It seems to me that the point is whether the matters being referred to by the honourable member for Liverpool are correct. The honourable member for Liverpool said he is seeking to provide examples to support his argument. The question is whether the matters being raised are relevant and fall within the scope of what is being debated. I am of the view that they are.

Mr ANDERSON: In May 1990 I asked a series of five questions about technical and further education issues with regard to resignations, composite classes and teacher shortages. Whenever it was necessary I placed those questions back on the notice paper. In May 1990 I asked a question about a neonatal death at Liverpool Hospital. The mother of the child who died was vilified in this Parliament. I sought an answer to a question to correct matters that had been raised in this Parliament. Her situation was given some attention in the media. That question remains unanswered also. This woman is entitled to have the facts put on public record. Many areas in New South Wales have had and continue to have difficulties with flooding, not the least being my electorate. Questions I have asked on that subject have not been answered. I have asked questions since November 1990 about the redevelopment of Liverpool Hospital. The project is being touted by the Government but I cannot get an answer to my simple question. I know why the Government does not want to answer my question, but the fact remains that it ought to be answered. After the dissolution of Parliament earlier this year I placed a question back on notice about cockroach infestation of a number of units owned by the Department of Housing. People have said to me, "Why don't you deal with this matter through the Minister?" I have reams of questions unanswered about this and other matters.

The bureaucrats in the departments of Ministers know that I do not always write directly to the Minister responsible. I try to have matters addressed by specific departments. However, on some occasions I have had to seek assistance from Ministers directly. If the Minister does not answer my inquiries, I put a question about the matter on the notice paper. However, I still do not get any answers. I do not believe that it is unreasonable, given this new-found, bipartisan approach to making the Parliament work better, that answers to questions should be supplied within 30 days of the question being asked. It is unreasonable, however, that members should be limited to asking only four questions. The advantage of a question on notice being answered is that a member can show the answer to the constituent on behalf of whom the matter was raised. I am loath to inform the House that on occasions when members are fortunate enough to receive written answers to a representation to a Minister that the answer was provided by a departmental officer or a member of the Minister's personal staff. I have been astounded on the occasions that I have received such information. I believe that if a member writes to a Minister, he is entitled to a response from the Minister.

Mr Moore: You have never had it any other way from me.

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Mr ANDERSON: I did not suggest that this Minister is guilty in that regard. Many Ministers, however, are guilty. I am not talking about acknowledgments from Ministers; I am talking about answers to questions. Another advantage of an answer to a question upon notice, even if the answer is not satisfactory, is that a member can show those seeking the information the written response from the Minister on the parliamentary notice paper. Irrespective of one's political viewpoint, that is not an unreasonable proposition. Hence, it is an effective, vital mechanism for all members of this Parliament, because they are not able to ask the same number of questions without notice. The Federal Parliament has a commitment to allow 14 questions to be asked in question time. I keep a daily record. Honourable members must wonder what I write in the House. This Parliament's average is a little more than nine questions.

Mr Moore: On a point of order. It is totally out of order for the honourable member for Liverpool to address questions without notice when he is discussing questions on the Questions and Answers paper.

Mr Anderson: On the point of order. I am referring briefly to questions without notice because the whole input of my remarks and of the proposed amendment is the gaining of information by members of Parliament through the parliamentary process. I am making passing reference to members who have asked questions on notice or questions without notice and demonstrating why there ought to be the 30-day rule and there should be no limitation of four questions. The point to which I am briefly trying to make reference relates to the difference in the number of questions one might be able to ask and access. I ask you to reject the point of order.

Mr ACTING-SPEAKER (Mr Tink): Order! On this occasion I uphold the point of order taken by the Minister. The matter before the House is plain. The honourable member for Liverpool should return to the matter in question.

Mr ANDERSON: For the reasons I have expressed, the 30-day rule is not an unreasonable proposition. If there is some difficulty, I do not believe anyone would be so unreasonable in this place as not to accept a Minister's saying there would be a delay and his anticipation of being able to respond in an additional 14 days. I do not think any member would care, but I find it difficult, and I am sure that members of the public find it difficult to understand why the problem has reached the stage it has. I know what the Minister for the Environment is going to say: he will say that it happens on both sides. That is why I made particular reference to the approach he took in his initial remarks in introducing the matter that members are debating. I have no difficulty with that at all. My colleague the honourable member for Ashfield foreshadowed that the Opposition would move an amendment with regard to the issue of questions on notice. I move:

That all words after "question on notice" be deleted and insert instead:

That during the present session, unless otherwise ordered, Standing Order 80 be amended to read:

Questions on Notice shall not be openly read but shall be delivered to the Clerk or handed to one of the Clerks at the Table before Formal Business is entered upon, as prescribed by Standing Order 74, provided that:

(1) Members shall be permitted to lodge Questions on Notice during a sitting week.

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(2) Ministers shall lodge answers to Questions on Notice within 30 days after the question is first published and such answers shall be published forthwith.

(3) Should an answer to a Question on Notice not be received within 30 days, the Speaker shall forthwith draw the matter to the attention of the House and such Minister shall thereupon inform the House of the reason for non-compliance with this Sessional Order and the member asking such Question shall be permitted to make a statement not exceeding two minutes in relation to such Question.

Debate adjourned on motion by Mr Beck.

COUNTRY INDUSTRY PAYROLL TAX Suspension of Standing Orders

Mr MOORE (Gordon), Minister for the Environment [1.24]: I move:

That so much of the standing orders be suspended as would preclude the consideration forthwith of general business Notice of Motion No. 8 given by the member for South Coast:

That the member for South Coast, the Minister for State Development and a member representing the Leader of the Opposition be permitted to speak for 10 minutes and after

any amendment has been dealt with by the House the member for South Coast be called upon forthwith to reply for five minutes before the question being put to the House.

Mr WHELAN (Ashfield) [1.25]: The motion does not mention how much time is allowed. I assume it is normal debating time.

Mr Moore: Ten minutes.

Mr WHELAN: It does not say that each speaker has 10 minutes. The member representing the Leader of the Opposition has 10 minutes, but how much time does the honourable member for South Coast have?

Mr Moore: All three of them have 10 minutes.

Mr WHELAN: So the motion reads:

... given by the member for South Coast:

That the member for South Coast, the Minister for State Development and a member representing the Leader of the Opposition be permitted to speak for 10 minutes and after any amendment has been dealt with by the House the member for South Coast be called upon forthwith to reply for five minutes before the question being put to the House.

Motion for suspension of standing orders agreed to.

Motion

Mr HATTON (South Coast) [1.25]: I seek the leave of the House to amend the motion by adding a new paragraph as follows:

Calls upon the Government to refund 100 per cent of the payroll tax rebate for the two years 1989-90 and 1990-91 to companies still in business showing an operating loss for those years.

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Mr Moore: Leave is refused.

Mr HATTON: I regret that leave is refused. I understand that the Opposition, given the opportunity, may move the amendment during the debate. I move:

That this House:

- (1) expresses grave concern at the depressing economic effect on country industries of the application of the formula for calculation of payroll tax concessions; and
- (2) acquaints the Legislative Council with the matter and requests that the Council refer the matter to the Standing Committee on State Development for urgent consideration.

The removal of payroll tax rebates was an act of stealth. Legislation to remove payroll tax rebates failed when the Australian Democrats rejected it in the upper House. The Government obtained legal advice that changes could be given effect to by a change in the formula. That was done administratively. I was fooled by the original bill. The Government sold the idea in three ways: first, it carried out a survey of country industries by questionnaire; however, I did not know that it did not brief those surveyed to any depth. The Government then did not release, and has not since released, the results of that survey. Second, the Government misrepresented the effect of the withdrawal of the payroll tax concessions. On 8th May, 1990, the Minister for Business and Consumer Affairs said:

The Government has decided to abolish the payroll tax rebates scheme and release the funds for a new range of economic development initiatives which will specifically enhance regional development and the decentralisation of commerce and industry in this State.

The diversion of funds was a net saving. Later the Minister said:

When introducing the current Act in August 1977, the then responsible Minister, Mr Day, stated, *inter alia*:

. . . the pay-roll tax rebate scheme will apply to eligible manufacturing and processing industries located in all decentralised areas of the State.

Eligible industries were restricted to include:

. . . naturally occurring industries, such as abattoirs, saw mills and milk processing plants. It does not embrace the agricultural and mining industries, nor the tertiary and service industries such as retailing.

Later the Minister said:

The scheme has blanket rather than targeted application and many large and established firms receive windfall concessions without any measurable benefit to decentralisation and regional development. Indeed, one firm with a pre-tax profit of approximately \$126 million last year received a rebate of approximately \$1.3 million.

That fooled me. It is an old trick to use the worst example as providing justification for change. The Minister then said:

The Government has decided to abolish the payroll tax rebate schemes and replace them with a new range of economic development initiatives which will specifically enhance regional development and the decentralisation of commerce and industry in this State.

Of course, that did not happen. The third reason offered for the Government's action was that hardship provisions would solve the anomalies. They have not. Since then some industries have gone out of business. The Country Manufacturers Association

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represents 28 companies and 18,400 employees - places such as Lismore in the north, Albury in the south, Tamworth, Orange and Wagga Wagga in the west, and companies and employers in the electorates of South Coast, Oxley, Murrumbidgee, Port Macquarie, Myall Lakes, Albury, Orange and the independent seat of Tamworth. Most of the electorates I have named are represented by members on the Government side, so Government members have a stake in supporting my move to reinstate this payroll tax rebate. If I had been given leave to amend the motion I would have asked the Government to include the words, "calls upon the Government to refund 100 per cent of the payroll tax rebate for the two years 1989-1990 and 1990-91 to companies still in business showing an operating loss for those years". In other words, I would have put forward a contained and specific proposition - not an expensive one. The Country Manufacturers Association said:

The current hardship assessment policy is confusing as there is yet to be a clear statement of assessment criteria.

It also said:

Some industries in trouble and some on the brink of collapse are forced to wait a considerable time.

They are kept in the dark and do not know what the position is. The Country Manufacturers Association also said:

. . . does not support long term management planning processes in a competitive business environment.

It then said:

The removal of the payroll tax rebate has had a significant impact on the viability of many existing companies. This rebate had been used to offset costs of operating in country areas.

The Country Manufacturers Association further said:

The lack of planned implementation of the scheme by which companies could plan for loss of rebate demonstrates the lack of understanding of the manufacturing environment and has been a major cause of difficulties for affected companies.

There was no lead time and no assessment of the devastating effect that the scheme would have. So much for the Harvard school of business management approach. There is no point in having a department of decentralisation if industries manufacturing in country areas have the rug pulled out from under them - which is what has happened. What about forward contracts? What about price stability? What about confidence? What about good management? What about employment? The multiplier effect in country towns would be two to three times the benefits afforded by the direct employment of people in manufacturing or business. The Government is saving money. The Minister should be able to do what I am asking. The budget estimate for the scheme was approximately \$25 million, yet only \$7.6 million has been spent. Approximately \$15 million to \$18 million more could have been spent. The proposition I am putting forward would cost approximately half of the estimated \$18 million according to the Country Manufacturers Association.

If we were to give companies now in trouble a 100 per cent refund we would save them from going to the wall. In effect, this will happen anyway as a result of these

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hardship clauses. The process is taking too long - it has already taken months - and some companies have gone broke. If this motion is carried it will save those surviving companies that are in real trouble. We are looking at the small and medium-size companies; not the Emails of this world. My motion is designed to try to help those showing an operating loss in the years I have referred to. As I said earlier, they would qualify now. Any payroll tax which has been paid by them should be returned. That operation would cost less than \$9 million. The effects of the Government's actions and the sudden reduction in the rebate have been catastrophic in these difficult economic times. The Country Manufacturers Association estimates that this Government's action has increased the wage bill by 7 per cent, removed working capital from businesses, and encouraged employers to retrench staff. If this rebate was returned to surviving companies it would give them breathing space. It would also enable a committee of the upper House to look into this matter.

The Country Manufacturers Association wants to work with such a committee and with the Government; it does not want to oppose it. The Country Manufacturers Association wants to be constructive, but it wants to see its members survive. A large company in Nowra might have to move interstate where the pastures are greener. Economic difficulties have forced that company to cut its work force from 190 to 110 and the rest of those employees could lose their jobs. I call on honourable members from the seats of Oxley, Murrumbidgee, Tamworth and all the others to which I have referred to join with me in supporting this motion. I emphasise that I do not wish to ambush the Government. This is not a point-scoring exercise; I am talking about survival. I ask the Minister to think about this matter. If the debate were adjourned we could come up with some real, solid solutions to help these people. A deputation, which discussed all these matters with the Minister, did not get any positive response. The Government is determined to stay on track. If the Government stays on track these industries will go out of business. I point out that the regional business development scheme is not an alternative. Who would be prepared to relocate in these tough economic times? We want help, and we want it now.

Mr ACTING-SPEAKER (Mr Tink): Order! The honourable member has exhausted his time for speaking.

Mr YABSLEY (Vaucluse), Minister for State Development and Minister for Tourism [1.35]: I wish to amend the motion moved by the honourable member for South Coast. I move:

That the motion be amended by leaving out all words after the word "House" with a view to inserting:

"requests the Legislative Council to refer to the Standing Committee on State Development the issue of payroll tax concessions for country industry for enquiry and report by 31 December 1991 on the application of the present formula for the calculation of such payroll tax concessions."

I should like to respond to questions raised about alterations made to a range of regional development business incentive programs of the New South Wales Government. All honourable members would be aware that in October 1988 one of the priorities of this Government was to initiate a comprehensive review of regional development and decentralisation programs. The review was driven by a need to develop relevant,

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practical and effective regional development programs with the potential to create new employment opportunities in country New South Wales. A review of this nature had not been undertaken by a New South Wales government for at least 10 years. Exhaustive consultations were undertaken with regional development stakeholders. An analysis of submissions to the review called into question the value of recurrent assistance provided through the country industries payroll tax rebate scheme. Payroll tax rebates provided through this scheme were considered by this Government to have encouraged maintenance of employment levels rather than acting as an incentive for substantial job creation. It was believed that this did not represent an efficient use of scarce regional development funds available to government.

It is worth bearing in mind that, typically, the major beneficiaries of assistance were large companies - often multinational companies - with good levels of profitability. Though these companies are certainly important to the State's country economy, the relevance of government assistance in such circumstances is even further diminished. This is particularly relevant when one realises that many major firms benefiting from the scheme were actually established prior to the scheme's creation in 1977. In these circumstances payroll tax rebates could hardly have been a major factor in attracting their operations to country New South Wales. I go so far as to say that the application of the funds in this way became a perversion, bearing in mind what was intended in the first place. In June 1989 the New South Wales Government publicly announced its intention to abolish the existing scheme. It is a matter of record that the legislation did not succeed in the Legislative Council. So the New South Wales Government varied the formula to make it consistent with what had been designed in the first place. This provided a full payroll tax rebate in a company's first year of registration with a tapering rate of assistance in subsequent years. A large proportion of savings from the formula change has been directed to the regional business development scheme. The RBDS is a market-sensitive program established in November 1989 as a result of the review of regional development programs.

The New South Wales Government has recognised that in some circumstances the change in the payroll tax rebate formula may cause commercial hardship. For this reason a provision has been retained in the RBDS for short-term reinstatement of payroll tax concessions where a case of genuine hardship can be demonstrated as a direct consequence of the formula change. Some firms which have made representations through the Country Manufacturers Association have not gone so far as to make submissions under the existing hardship provisions. I emphasise that the RBDS is much more relevant to the needs of small to medium-size firms which form the backbone of economic activity in country New South Wales. I should like to outline tax concession arrangements available through the RBDS to firms able to create new employment opportunities by establishing new operations or expanding existing activities. Unlike the country industries scheme, the RBDS is based on the much more sensible philosophy that businesses should themselves select a country site on economic criteria rather than the availability of recurrent government hand-outs. It is nonsense to suggest that putting a relatively small amount of money up front should in some way direct and guide the location of the firm and provide some sort of ongoing assistance. Provision of assistance through the RBDS is focused on aiding long-term stability by providing assistance in the crucial periods of establishment and or expansion of a country-based project.

Mr YABSLEY: The honourable member for Drummoyne wants to have his say. He should look at the policy of the Australian Labor Party which states:

State Governments traditionally have provided blanket assistance to country businesses through financial incentives such as payroll tax rebates . . . this assistance has done little to ease the high costs of relocation and influence the location decisions of business.

The document states further that the RBDS would be abolished, so the honourable member for Drummoyne has not got a feather to fly with when it comes to regional assistance. Importantly, recurrent dependence by companies on hand-outs is eliminated by phasing out assistance over an agreed period, thus allowing companies to budget accordingly. Payroll tax concessions through the RBDS continue to be available as an incentive to attract companies to locations in country New South Wales. However, by tying the provision of tax concessions to actual employment performance the New South Wales Government has ensured that the viability of a business at a particular location is not distorted by a government hand-out mentality. The emphasis of the RBDS is on providing a stable base for growth by assisting initial cash flow rather than off setting perceived disadvantages of operating a business in country New South Wales. The honourable member for South Coast should be interested in what I am about to say. A recent review of the scheme highlighted that although only a small number of firms - in fact only 12 - received RBDS assistance in the form of payroll tax concessions, those concessions accounted for more than half the total value of all assistance paid out to date through the RBDS.

Payroll tax concessions continue to be available as I have pointed out, through the formula adopted by the Government. The debate about the perceived disadvantages of doing business from a country location have been around for a long time. I argue strongly that a number of countervailing advantages accrue from a business being based at a country site. When they have been selected on economic rationale, country sites offer advantages such as better proximity to local resources, a lower rate of labour turnover, a lesser level of industrial disruption, cheaper costs with respect to acquisition or rental of premises, and lifestyle benefits. They are obviously reasons why many people are willing to make the move from the metropolitan area to country locations. Yet listening to some of the debate, one would think locating a business in the country was all negatives in terms of both lifestyle and financial considerations. When looking at the total equation, these advantages are capable of offsetting perceived communication, transport and training cost disadvantages.

The RBDS tax concessions are not confined to payroll tax rebates but provide contributions to stamp duty and land tax incurred by firms in the establishment or expansion of country activities. In addition, the RBDS provides a range of subsidies aimed at offsetting other more minor costs incurred by a firm intending to relocate or an existing country activity proposing to expand. It is obvious that assistance in the form of selective upfront subsidies is used to assist initial stability of country projects. It is important to point out that the sort of hardship referred to by the honourable member for South Coast is a result of the recessionary times in which we live. The

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New South Wales Government shares totally the concerns of country manufacturers that have been put forward in a very reasonable way by the honourable member for South Coast. The suggestion that the magic solution to this problem is tied up with a generous expansion of the payroll tax rebate system is ill-founded. The Government believes that incentives should be provided to assist in the establishment of industries, but there is no magic solution.

Mr J. H. MURRAY (Drummoyne) [1.45]: I move:

That the amendment be amended.

Mr SPEAKER: Order! The honourable member cannot move an amendment to an amendment. As I understand it, an amendment is already before the House.

Mr Whelan: On a point of order. Mr Speaker, I draw your attention to Standing Order 198 which reads:

Amendments may be proposed to a proposed Amendment as if such proposed Amendment were an original Question.

With great respect, in accordance with the terms of the standing order an amendment may be moved to the amendment.

Mr Moore: On the point of order. Unlike the Opposition, the honourable member for South Coast, who originally endeavoured to move this amendment, provided me with a copy of it. The amendment purportedly proposed by the honourable member for Drummoyne is so at variance with the original motion as to be not an amendment but a new motion. It is entirely out of order and is not in fact an amendment. It is a new motion and as such should be ruled out of order.

Mr Hatton: On the point of order. What the Leader of the Government has said is not so. The proposed amendment is in keeping with the spirit of the original motion and adds meaning to it. The amendment moved by the Minister for State Development and Minister for Tourism detracts from the meaning of the original motion by seeking to remove some words which may embarrass the Government. The removal of those words would not preclude the inclusion of the words sought to be added by the honourable member for Drummoyne, because the result would be a motion in keeping with the spirit and within the meaning of the original motion.

Mr Moore: Further to the point of order. The purported proposed amendment of the honourable member for Drummoyne is out of order not only in respect of the amendment moved by the Minister for State Development and Minister for Tourism but also in respect of the original motion. The only way the amendment could be brought before this House is by leave, which has not been sought. The amendment sought to be moved by the honourable member for Drummoyne is so at variance with and so much more detailed and specific than the original motion that it constitutes a separate motion entirely outside the ambit of the original motion. It is out of order for the honourable member for Drummoyne to be permitted to seek to move the proposed amendment to the amendment of the Minister for State Development and Minister for Tourism. It is out of order also for the honourable member for Drummoyne to seek to move his

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purported amendment as an amendment to the original motion. It warrants separate consideration.

Mr Whelan: Further to the point of order. The House passed a motion to suspend standing orders. Now the House is dealing with the motion moved by the honourable member for South Coast. That motion may be amended, and amendments to an amendment may be moved in accordance with the standing orders of this House. It is clear that the Government is embarrassed by this motion. That is why the Leader of the House did not grant the honourable member for South Coast leave to amend it. The Government will have to wear it.

Mr Hatton: Further to the point of order. The Leader of the House raised not one but two points of order. His first contention was that the amendment did not fall within the spirit of the motion, and would so emasculate it that it should not be accepted. I strongly disagree with that argument. Then he said that the motion could be amended only by leave of the House. That matter must be addressed separately. If you rule in favour of the Leader of the House - and I believe you should not - it should be open for the honourable member for Drummoyne or

any other honourable member, once this amendment is ruled upon, to move a further amendment. I ask you to rule separately on those two points.

Mr SPEAKER: Order! The only matter relevant to the Chair is whether the procedure sought to be adopted by the honourable member for Drummoyne is within the standing orders of this House. Standing Order 198 states, "Amendments may be proposed to a proposed Amendment as if such proposed Amendment were an original Question". That would appear to allow the honourable member the right to proceed. However, Standing Order 195 states, "No Amendment shall be proposed in any part of a Question after a later part has been amended, or has been proposed to be amended, unless the proposed Amendment has been, by leave of the House, withdrawn". I have not considered this point in detail, but I draw on the general practice that the House may not consider more than one amendment at a time. Of course, notice of intention to propose a further amendment may be alluded to in debate. My construction of Standing Order 198 is that it applies to amendments that are consequential to the amendment moved, that is, amendments that improve the original amendment. It is clear that the effect of the amendment proposed by the honourable member for Drummoyne is quite different from the effect of the first amendment. Therefore, in accordance with Standing Order 195 I rule that the honourable member for Drummoyne is entitled to move his further amendment only if the first amendment is not proceeded with.

Mr J. H. MURRAY: I do not concur with your ruling, Mr Speaker, and it is an important aspect. My proposed amendment calls upon the Government to refund 100 per cent of payroll tax paid in 1989-90 and 1990-91 by companies still in business that showed an operating loss for those years. That matter is central to this debate. I say that because in the past month New South Wales employment figures rose by 11,500, compared with a fall of 7,300 in the number of unemployed throughout the rest of Australia. That was the second consecutive month that unemployment in New South Wales suffered a significant deterioration by comparison with that in other States. Contrary to the parsimonious answer during question time today from the Premier to a question about unemployment, the stark reality is that New South Wales is doing poorly.

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The unemployment rate in New South Wales is just below that of other States, as is our work participation rate. That rate reflects the number of people who have opted out of the work force. The New South Wales participation rate is only 61 per cent, compared with an average in the other States of 64 per cent.

More important, in rural areas the youth unemployment rate is astronomical, at 27 per cent. On the Central Coast and in country towns such as Tamworth, that rate is as high as 40 per cent. The Government must do something to assist manufacturers in country areas. In July, New South Wales accounted for 50 per cent of Australia's increased unemployment. In August this State accounted for all the increased unemployment in Australia. There is a crying need for this Government to do something. One thing it can do is restore the payroll rebate system, effective to July this year. That would at least provide capital for country manufacturers. As a consequence of this Government's actions the wages bill of every country manufacturer has increased by 7 per cent. A payroll tax rebate would provide investment incentive.

Mr SPEAKER: Order! The honourable member has exhausted his time for speaking.

Question - That the amendment be agreed to - put.

The House divided.

[In Division]

Mr Beckroge: On a point of order. Mr Speaker, I request that you call the division off because Mr Smiles is present and he is paired.

Mr SPEAKER: Order! To save the time of the House I direct that Mr Smiles's name be recorded in the list of members paired and not in the list of members voting.

Mr Whelan: On the point of order. There is a pairs arrangement. It is between the Government and the Opposition. It has to be abided by. If Mr Smiles is paired, that precludes an Opposition member being present for the division. I would suggest that your ruling is in error and that you might reconsider in the light of what I have just said.

Mr SPEAKER: Order! I remind the honourable member for Ashfield that pairs arrangements are not covered by the standing orders of the House. As he correctly pointed out, they are an arrangement between the Government and the Opposition. To facilitate the business of the House I am happy to proceed in the way I have suggested. However, if there is an insistence that a new division be called I am perfectly happy to do that. It being apparent that a new division is required, I call this division off. The division bells will be rung again.

A new division having been called,

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The House divided.

Ayes, 46

Mr Armstrong
Mr Baird
Mr Blackmore
Mr Chappell
Mrs Chikarovski
Mr Cochran
Mrs Cohen
Mr Collins
Mr Cruickshank
Mr Downy
Mr Fahey
Mr Fraser
Mr Glachan
Mr Graham
Mr Griffiths
Mr Hazzard

Mr Jeffery
Dr Kernohan
Mr Kerr
Mr Longley
Ms Machin
Mr Merton
Dr Metherell
Mr Moore
Mr Morris
Mr W. T. J. Murray
Mr Packard
Mr D. L. Page
Mr Peacocke
Mr Petch

Mr Phillips
Mr Photios

Mr Rixon
Mr Schipp
Mr Schultz
Mr Small
Mr Smith
Mr Souris
Mr Tink
Mr Turner
Mr West
Mr Windsor
Mr Yabsley
Mr Zammit

Tellers,
Mr Beck
Mr Hartcher

Noes, 45

Ms Allan
Mr Amery
Mr Anderson
Mr A. S. Aquilina
Mr J. J. Aquilina
Mr Bowman
Mr Carr
Mr Crittenden
Mr Gaudry
Mr Gibson
Mrs Grusovin
Mr Harrison
Mr Hatton
Mr Hunter
Mr Iemma
Mr Irwin

Mr Knight
Mr Knowles
Mr Langton
Mrs Lo Po'
Dr Macdonald
Mr McManus
Mr Markham
Mr Martin
Mr Mills
Mr Moss
Mr J. H. Murray
Mr Nagle
Mr Neilly
Mr Newman
Ms Nori
Mr E. T. Page

Mr Price
Dr Refshauge
Mr Rogan
Mr Rumble
Mr Scully
Mr Shedden
Mr Sullivan
Mr Thompson
Mr Whelan
Mr Yeadon
Mr Ziolkowski

Tellers,
Mr Beckroge
Mr Davoren

Pairs

Mr Causley
Mr Greiner
Mr Smiles

Mr Clough
Mr Doyle
Mr Face

Question so resolved in the affirmative.

Amendment agreed to.

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Mr J. H. Murray: Mr Speaker, I move: That the question.

Mr SPEAKER: Order! The honourable member for South Coast has the call under the terms of the suspension of standing orders agreed to earlier by the House.

Mr J. H. Murray: Mr Speaker, I wish to move an amendment to the original motion.

Mr SPEAKER: Order! I point out to the honourable member for Drummoyne that I am bound by the resolution passed earlier. Suspension of standing orders will enable this debate to proceed in a somewhat unusual fashion. Whether the amendment was carried or negatived I must call on the member for South Coast forthwith to reply for five minutes before the question is put. I have no latitude in the matter whatsoever. The member for South Coast has the call.

Mr Whelan: On a point of order.

Mr SPEAKER: Order! I trust the member for Ashfield does not propose to flout my ruling.

Mr Whelan: Not at all. What is before the House now is not a motion to suspend standing orders. It is motion No. 8 standing in the name of Mr Hatton. That is what the House is now considering. All standing orders permit the honourable member for Drummoyne to move an amendment to a motion. The motion for the suspension of standing orders has been dealt with by the House.

Mr SPEAKER: Order! The member for Ashfield has been long enough in the House to know that the point of order he is raising is totally spurious. By its terms the motion for the suspension of standing orders governs the whole of the debate on notice of motion No. 8 standing in the name of the honourable member for South Coast. No point of order is involved.

Mr HATTON (South Coast) [2.12], in reply: The cunning device used today has emasculated the most important part of this motion to seek leave to call upon the Government to refund 100 per cent of payroll tax rebate for two years from 1989-1990, 1990-1991 to companies still in business which showed an operational loss for those years. The Government would not accept that because it does not wish to help companies that are in trouble. By playing games and using procedural methods the Government has prevented consideration of that reasonable proposition. The Minister said that many major firms were established prior to 1977 and consequently it would be perversion to misuse the funds to prop up those companies. The original intent was to have the payroll tax rebate for a full year and then taper it off. Companies in the bush are going through difficult times and need the support of the Government. The Minister said that savings had been diverted to the regional business development scheme. I challenge him to tell me whether all those savings have been diverted. What companies will establish an industry in country areas during these harsh times? There is not much call on the RBDS funds. An amount of \$25 million was available but only \$7.5 million has been returned. I challenge the Minister to tell me where the other \$18 million has gone.

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The Country Manufacturers Association, representing 12,500 employees in country New South Wales, would have used less than \$9 million, and that is a very conservative estimate. The Minister stated that country industries should choose their locations carefully. Those industries can do without such gratuitous advice. He further stated that only 12 firms received half the funds on the RBDS and they received stamp duty, land tax and other subsidies. So what? We are talking about country towns, people, and industries that are going broke. We are not even talking about a reversal of the drift to cities. We are talking about holding the line. Cities cost the earth in health, pollution, traffic, policing and a whole range of other matters. I wished to reason through this matter with the Minister; I did not want to ambush him or be on opposite sides to the Minister in this matter. The Country Manufacturers Association does not want to be on opposite sides to him. The Minister should consider this matter carefully because he would not wish the honourable member for Tamworth or the half dozen members whose electorates I named earlier to be on opposite sides.

I ask the Minister to consider the proposition or to move the adjournment of the debate to achieve something positive. Talking about RBDS will not help nor will hardship provisions because there is not time to put those into gear. This motion will save these industries by putting hardship provisions into gear quickly. Earlier I spoke about the hardship assessment policy being confusing and the difficulties of removing payroll tax. I mentioned the precipitate withdrawal of rural concessions in the payment of payroll tax. The withdrawal was not phased in but implemented with a lack of strategy and concern. Representatives from Britax Brylite, Akubra Hats, Nationwide Rubber, Manning Development Board and North Coast Kitchens met the Minister in a deputation. They told him how much the country areas are bleeding and sought his help.

Mr SPEAKER: Order! The honourable member has exhausted his time for speaking.

Question - That the motion be agreed to - put.

The House divided.

Ayes, 48

Mr Armstrong
Mr Baird
Mr Blackmore
Mr Chappell
Mrs Chikarovski
Mr Cochran
Mrs Cohen
Mr Collins
Mr Cruickshank
Mr Downy
Mr Fahey
Mr Fraser
Mr Glachan
Mr Graham
Mr Griffiths
Mr Hatton
Mr Hazzard

Mr Jeffery
Dr Kernohan
Mr Kerr
Mr Longley
Dr Macdonald
Ms Machin
Mr Merton
Dr Metherell
Mr Moore
Mr Morris
Mr W. T. J. Murray
Mr Packard
Mr D. L. Page
Mr Peacocke
Mr Petch
Mr Phillips
Mr Photios

Mr Rixon
Mr Schipp
Mr Schultz
Mr Small
Mr Smith
Mr Souris
Mr Tink
Mr Turner
Mr West
Mr Windsor
Mr Yabsley
Mr Zammit

Tellers,
Mr Beck
Mr Hartcher

Noes, 43

Ms Allan
Mr Amery
Mr Anderson
Mr A. S. Aquilina
Mr J. J. Aquilina
Mr Bowman
Mr Carr
Mr Crittenden
Mr Gaudry
Mr Gibson
Mrs Grusovin
Mr Harrison
Mr Hunter
Mr Iemma
Mr Irwin

Mr Knight
Mr Knowles
Mr Langton
Mrs Lo Po'
Mr McManus
Mr Markham
Mr Martin
Mr Mills
Mr Moss
Mr J. H. Murray
Mr Nagle
Mr Neilly
Mr Newman
Ms Nori
Mr E. T. Page

Mr Price
Dr Refshauge
Mr Rogan
Mr Rumble
Mr Scully
Mr Shedden
Mr Sullivan
Mr Thompson
Mr Whelan
Mr Yeadon
Mr Ziolkowski

Tellers,
Mr Beckroge
Mr Davoren

Pairs

Mr Causley
Mr Greiner
Mr Smiles

Mr Clough
Mr Doyle
Mr Face

Question so resolved in the affirmative.

Motion as amended agreed to.

GRIEVANCE DEBATE

Mr SPEAKER: The question is, That grievances be noted.

TOUKLEY PARAMEDIC AND AMBULANCE SERVICES

Mr CRITTENDEN (Wyang) [2.24]: I grieve about the downgraded paramedic service provided to the people of Toukley and surrounding areas as well as the deterioration of ambulance services generally on the Central Coast. In May, prior to the State elections, the former Minister for Health transferred the 24-hour paramedic operation based at Toukley ambulance station to the new Bateau Bay ambulance station. Why was that service removed from Toukley? This sorry saga arose when 11 staff members initially earmarked for the new Terrigal ambulance station were kept in Sydney. Those 11 staff members never came to Terrigal, or indeed, the Central Coast, but remained in Sydney to staff the Avalon ambulance station. As honourable members are aware, Avalon is within the seat of the honourable member for Pittwater. The effect of this North Shore Government's policy meant a chain reaction or ripple effect of disaster on the Central Coast. General duties officers who were to staff Terrigal

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ambulance station were relocated to Avalon. General duties officers who were to transfer from The Entrance ambulance station to Bateau Bay ambulance station upon its completion, were relocated to Terrigal. Obviously the new Bateau Bay ambulance station had no staff complement and someone who obviously could not plan very well decided to relocate the Toukley paramedics. Bateau Bay ambulance station is now staffed exclusively by paramedics.

Because that station is staffed exclusively by paramedics they have to respond to any call that is received. Some 84 per cent of cases that Bateau Bay ambulance paramedics respond to could be satisfied by a general duties response. The management of the ambulance service in this State in general and on the Central Coast in particular is a litany of gross incompetence and maladministration. Frankly, any fool would know that to staff an ambulance station with paramedics exclusively was asking for trouble, and trouble we have had. For example, early last Thursday morning, 12th September, Mrs Edwards of Elizabeth Drive, Noraville, suffered an acute asthma attack. Her aged mother, who had a broken arm, tried to resuscitate her. The mother rang for an ambulance but the Toukley ambulance station could not respond because no car and no staff were present to assist Mrs Edwards in her hour of need. The Toukley ambulance car had been driven to Bateau Bay to collect a patient needing hospital treatment at Newcastle on that particular day. Therefore on 12th September the Toukley ambulance station was virtually useless. No paramedics were stationed there and there was no general duties ambulance.

A general duties ambulance was sent from Wyong ambulance station and a paramedic car was sent from Bateau Bay to treat Mrs Edwards. I am informed reliably that Mrs Edwards was within seconds of death when the paramedics revived her. That story did have a happy ending but obviously it provides a salutary lesson. Unfortunately there was another case three months ago that did not have such a happy ending. Mr Cosgrove, who has visited my electoral office on several occasions recently, is a broken man. He wants to know the reason for the removal of the paramedics from Toukley in May and why there was no paramedic shift at Toukley, as promised by the Government, on the day his wife, Mrs Cosgrove of Stanley Street,

Wyongah, collapsed from a heart attack while shopping at the Toukley fruit market. Mrs Cosgrove was revived but suffered brain damage. No paramedics attended her because the Bateau Bay paramedics were attending another patient and there was no 9 a.m. to 5 p.m. paramedic shift at Toukley on that day. Mr Cosgrove is totally devoted to his wife and is helping to rehabilitate her, but is finding it very difficult in the circumstances.

I am informed also that it is not uncommon for three of the six ambulance stations on the Central Coast to be closed on any given night, especially a Friday night. Much of the Minister's answer to my question last week about the closure of Bateau Bay ambulance station related to certain improvements to hospitals in the area. Because of the lack of ambulance services too many people are dying senselessly. They do not reach those hospitals in time. This is through no fault of the staff, either general duty or paramedic, but because of one thing - money. If the Minister will not change the

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rosters, the only alternative to ensure an adequate service is to pay overtime, which does not happen at present. I submit that an ambulance station without staffing and without ambulance cars is like a pub with no beer. Prior to the May elections I investigated the issue of the removal of paramedics from Toukley. I discussed the matter with several people with far more knowledge of this subject than I have. After I obtained the relevant information I was able to convince the Opposition spokesperson for health of a workable proposition that would overcome removal of the paramedic operation from Toukley. The crux of that proposition is to change the ambulance rosters, in line with rosters for permanent firefighters in this State. This roster is commonly referred to as a 4 x 4 roster, comprising two 10-hour days on day shift and two 14-hour nights on night shift followed by four days off.

By implementing the workable solutions that the Australian Labor Party proposes a 24-hour paramedic service could operate from Toukley as well as from Bateau Bay and Point Clare at minimal additional cost. I would be happy for the Government to adopt the proposal because it is essential for my electorate. When the paramedics were removed from Toukley ambulance station the people of my electorate were given an assurance by the Greiner Government that a paramedic facility would operate from Bateau Bay ambulance station on a 24-hour basis and there would be a 9 a.m. to 5 p.m. shift operating from Toukley ambulance station on weekdays. Unfortunately, people cannot ensure that a heart attack occurs in office hours, or that a child suffers an asthma attack at a time convenient for the Greiner Government, such as 10 a.m. What is more disturbing is that as recently as 26th August to 30th August inclusive, and 2nd September until 13th September inclusive, no paramedic car was stationed at Toukley on weekdays. The totally inadequate promise of the Greiner Government has not been kept.

In the final analysis politics is about people. Governments are required to provide an efficient and effective ambulance service, and that applies also to the Central Coast. The Government must meet the need in the community. Even if it does not accept the human argument, which I believe is sufficient, and if financial principles are applied to the exclusion of human aspects, the economic cost of having someone with brain damage hospitalised or in a nursing home is substantial. I wonder if the Premier, with his Harvard MBA, would like to put a net present value on the cost of treatment for someone with brain damage over the remaining life span of that person, even of 10 years. The additional recurrent costs of the Labor Party proposal pale into insignificance by comparison and any cost-benefit analysis would show that. As I mentioned previously, to speak in such terms ignores the human aspect of quality of life and the effect on the families of those concerned.

I say to the Minister: I do not want to play politics, I want action. Lives are at risk. I do not want to call for attendance books, wages sheets, daily occurrence sheets and case sheets for ambulance stations on the Central Coast. That is in the past, which we cannot change, but we can certainly make improvements for the future. If the Minister is sceptical of the facts I have presented, he should call for a report based on the evidence contained in the documents

to which I have referred. I am happy to provide the Minister with any information I can. My first responsibility is to the people of my electorate and I will pursue this matter until a 24-hour paramedic service operates once again from Toukley ambulance station. I am confident any investigation by the

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Minister would show that such a service is required and that the need exists in my electorate rather than elsewhere. Some unfortunate developments are occurring within the Ambulance Service in this State. The problems at Toukley are indicative of a wider concern that afflicts the entire Sydney region and possibly the whole State. Lest the Minister think the situation at Toukley is atypical, there is a shortfall of one person on the roster at Wyong ambulance station at the moment.

The Government is bereft of ideas and has no vision. In the short time I have been a member of this House and listened to debates one of the recurring themes of the Greiner Government has been constant reiteration of the 12 years of Labor Government. For those 12 years, and for each minute of those 12 years, there was a vision. The Labor Government had a sense of purpose, a sense of justice and a sense of fair go. When the Labor Government lost office in March 1988 there were 2,203 ambulance officers in this State. If one applied the formula that was agreed as the necessary minimum requirement, we should have 2,443 ambulance personnel in this State, given the increased number of ambulance stations. But what do we have? We have 2,190 ambulance officers in New South Wales today. That is less than we had in 1988. The Greiner Government has not trained any new paramedics for 18 months. Across the State there is a shortfall of at least 100 ambulance officers. The biggest problem of the Greiner Government is mind over matter - it does not mind and people do not matter. I turn now to the Central Coast, from the State to the regional context. At present there is a massive deficiency in staffing.

Mr ACTING-SPEAKER (Mr Merton): Order! The honourable member has exhausted his time for speaking.

POWER POLE ADVERTISING

Mr TINK (Eastwood) [2.34]: My grievance concerns unauthorised advertising on power poles. This problem seems to ebb and flow within my electorate and at the moment we seem to be suffering an epidemic of it. Most of the advertising relates to nightclubs, bands and that type of thing and usually is contained in fairly gaudy posters which are stuck to power poles with what seems to be about 300 yards of sticky tape. It is a council responsibility and takes a great deal of time, effort and manpower to remove the posters, and inevitably a mess is left afterwards. I suppose that occasionally members of this House have seen advertising for State election campaigns on power poles, but by and large the problem seems to relate to the gaudy type of advertising associated with hotels and the like. Ordinance 55 of the Local Government Act empowers councils to deal with this type of advertising. The problem with the ordinance seems to be that, as presently drafted, the council must virtually catch people in the act of putting up signs in order to be able to launch any successful prosecution. Given that the signs seem to be posted at 2 a.m. or 3 a.m., the rate of apprehension, and therefore the effective deterrence, is nil.

The ordinance needs to be examined and changed to ensure that the name of any person who appears on an advertisement is deemed to be an advertiser and can be prosecuted accordingly. In other words, it seems to me that if the ordinance was

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amended to allow for the prosecution of anyone so named on the poster, such as a nightclub, act or band, this type of activity would stop overnight. It is a matter that I have wanted to raise with the Minister for Local Government and Minister for Cooperatives. I appreciate that substantial changes are foreshadowed to large portions of local government law. I understand

also that ordinance 55, together with a number of other ordinances, is to be reviewed and I ask the Minister to include this matter in the review.

Three councils are represented within my electorate - Parramatta, Ryde and Hornsby. I have spoken with the town clerks and shire clerks of each of those councils and I understand that this is a significant problem for each council. In the case of Parramatta city council it is so much of a problem that last year it took the matter up with the Local Government and Shires Association at the annual conference of that organisation and put forward a motion to deal with this matter. Each of those councils has a virtually identical problem. All the town clerks have said the same thing to me. Those people working in parks and gardens sections who have to remove the posters seem to encounter the same problems. As I said, it is virtually impossible to catch people in the act as the posters are put up at 2 a.m. or 3 a.m. The offenders have to be caught in the act in order to be charged with an offence under the ordinance and in practical terms that is impossible to achieve.

This is a significant matter that has been raised in the press from time to time. About a year ago Mr Jeremy Bingham, who was Lord Mayor of Sydney at the time, mentioned it. This seems an opportune time to examine the issue with a view to making a change. It might be said that a deeming provision which has the effect of making people mentioned on the advertisement guilty of the crime of putting up the advertisement is harsh. However, the activity is illegal and that must be borne in mind as a paramount consideration. It is not as if a new offence will be created as a result of what I am proposing. The offence of putting this type of material on power poles has been illegal for many, many years.

The law is proposed to be changed only in relation to those who might be deemed guilty of an offence. New penalties will not be introduced but a new class of offender is sought to be covered by existing law. Though that measure might be thought draconian, people should be deemed responsible for the actions of their servants or agents in illegally putting up posters. People who publish posters could easily give specific and limited instructions that bills should be posted only in limited areas. Others who are law-abiding pay for and use community billboards to advertise. But power pole poster advertising is free. Some may say that that is not inherently bad but it enables advertisers to benefit from illegal actions. Honourable members might consider a middle course of reversal of presumption, rather than having an absolute offence in relation to those whose names appear on advertising material. The offence may be absolute but the people whose names appear on the advertisements should be called upon to show cause why they should not be found guilty of the offence, perhaps by proving that their instruction to those putting up the bills had been to do nothing illegal. I ask the Minister to bear in mind those ongoing significant concerns that cause irritation to and expense by councils in Sydney. I suggest that unauthorised poster advertising should be examined in legislative review.

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Mr PEACOCKE (Dubbo), Minister for Local Government and Minister for Cooperatives [2.43]: I listened with great interest to the grievance of the honourable member for Eastwood and I tend to agree with what he said. The problem of illegal bill posting has been raised with my department. The legislation is not without its problems in enforcement. The law on illegal bill posting can only be enforced if council inspectors find a person actually illegally posting bills. Only yesterday I received a letter about this problem from the former Lord Mayor of Sydney city council. I am inclined to adopt the suggestion that a person who benefits from the bill posting, *prima facie*, should be made liable for that offence. But that approach presents difficulties. Courts may well find that is a denial of natural justice. A basic tenet of British and Australian law is that a person is innocent until proved guilty. Illegal bill posting is a major problem in Sydney and in various places in the country. Some days ago I directed that my department look at this issue on the basis of making liable a person who benefits *prima facie* from illegal bill posting, unless that person can show that he or she was not responsible for the

offence. In due course I will report back to the House and to the honourable member for Eastwood.

FAIRFIELD CITY COUNCIL ELECTION PROJECTS

Mr SCULLY (Smithfield) [2.45]: My grievance concerns the action of Fairfield city council in breaching a time-honoured convention of the Westminster system of government that no major policy initiatives should be launched during an election campaign. For some time there has been discussion within the Fairfield local government area concerning consideration of two major proposals - first, refurbishment of and additions to the Cabramatta community centre at an estimated cost of \$1.6 million; and, second, construction of an aquatic centre at Wetherill Park at an estimated cost of \$3 million. Both facilities will provide much needed infrastructure to the people of Fairfield. I have not yet formed a personal view about which project should be preferred. The community centre at Cabramatta is very run down and is in need of substantial repair, refurbishment and additions. But the Smithfield electorate has no aquatic centre. My constituents feel that project will be put on hold. An aquatic centre would be of great benefit to the citizens of the Smithfield electorate and would provide facilities and services to the disabled, swimming schools and local sporting teams.

The council reports that presented the case for each project are, in my view, not detailed enough for the aldermen to have addressed properly the merits of each project. That shortcoming will have to be addressed in due course. Most upsetting, however, is the decision by council just prior to an election, both at committee level and in full council, to assess the merits of one project over the other. That should not have occurred. The Minister is well aware that nominations opened on 23rd July and closed on 14th August. I am particularly concerned about the actions of council after nominations closed, when it knew that five or more of the 15 aldermen on council would not be seeking re-election. On 27th August, nearly two weeks after the close of nominations, a priorities and directions committee of council met. Of the nine aldermen attending, three were not seeking election. That committee recommended to the council that council proceed with the project of refurbishment of the Cabramatta community centre at the expense of the construction of the aquatic centre.

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On 3rd September, only 11 days before the election, the full council met and resolved primarily that the first priority of council for project funding be changed from the aquatic centre to the Cabramatta community facilities, and that the proposed \$1 million contribution from the property fund be directed to the Cabramatta facilities. I accept, as the Minister would be well aware, that that decision is not writ in blood and that no contracts have been signed. Earlier I discussed with the Minister the laudable decision of Penrith council not to enter into any firm contracts for construction of a civic centre until after the council election. I suggest that Fairfield council's action in seeking to commit a future council, after an election, to a \$1.6 million project - that decision having been made just 11 days before a council election - was a breach of a fine Westminster tradition.

Any decision about the prioritising of an important council initiative involving expenditure in excess of \$1 million should have been adjourned until the first meeting of the new council. Though the decision is not irreversible, it is a signal to council staff to prepare budget papers on estimates for the 1992 council budget process. Council staff will base all their planning for the budget process on the decision that the number one priority is the Cabramatta community centre, not the aquatic centre. It is a signal to interest groups involved in the community centre to gear up for anticipated funding for that project, to prepare preliminary development and firm proposals. The Minister should consider amending the Local Government Act to limit specifically the ability of councils to enter into substantial contracts and also to limit the ability of councils to take major policy initiatives possibly after the opening of nominations but certainly after the closing of nominations. I concede that a council has important transitional administrative duties in the period between the close of nominations and an election, but those

duties should be spelled out properly in the Act. Such events as occurred at Fairfield council on 3rd September should not occur. Proper amendments to the Local Government Act should spell out to all councils their role after the close of nominations, especially that they should not seek to bind contractually those councils about to be elected.

Mr PEACOCKE (Dubbo), Minister for Local Government and Minister for Cooperatives [2.48]: I agree with what the honourable member for Smithfield has said. On my instructions, prior to the last council elections, a circular was sent out from my department to every council in New South Wales requesting those councils not to make major decisions of this type in the run up to elections after nominations had closed. I note that for my pains I received a lot of abuse from certain councils suggesting that the department's request was an unwarranted interference in the rights of a council. I do not believe that is so. As the honourable member for Smithfield has said, a most cherished Westminster tradition is that a government in its closing days should not commit an incoming government to major expenditure. I accept that in the day-to-day administration of councils some matters that have been about for some time need to be brought to fruition. However, that is a different proposition from that which the honourable member for Smithfield raised, about which there is conflict. In that regard councils should not have taken the attitude that they did. I assure the honourable member that the matters he has raised will be considered when legislation is formulated to replace the existing Local Government Act. Personally, I support the honourable member; whether every member of the Parliament supports him is another matter.

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BICENTENNIAL NATIONAL TRAIL

Mr CHAPPELL (Northern Tablelands) [2.51]: I raise a matter of concern to supporters and users of the Bicentennial National Trail. After 16 years of hard work the National Trail was established, and it engenders feelings of considerable pride in many Australians. It is the longest trail of its type anywhere in the world. It stretches 5,330 kilometres from Cooktown in the far north of Queensland to Healesville in Victoria. There was considerable publicity about the establishment of the trail during the bicentennial celebrations in 1988 - hence the name the Bicentennial National Trail. Many users of the trail, particularly members of the Australian Trail Horse Riders Association, are concerned about the possibility of restrictions being placed on the present unlimited use of the trail for horse riding purposes in the event of some parts of the trail being nominated as wilderness areas. It is of concern that one level of activity in particular may be limited and, therefore, areas of significant heritage value will be denied those who engage in that activity.

I wish to refresh the minds of members about the value of the trail and its significance to this nation, its people and visitors to our shores who appreciate wilderness areas and the outdoor adventure experience of traversing all or part of this trail. Very few will saddle up, either literally or metaphorically, to travel the entire 5,330 kilometres. Nonetheless, every day of the week, every week of the year, many do use the trail to satisfy their passive recreation needs. Hardy souls may tackle a fair proportion of it. The legendary Australian bushman, R. M. Williams, gave us the impetus to establish the trail. It follows historic coach and stock routes, old pack-horse trails, fire trails and country roads in its journey from the north to the south of the continent. Along its length can be seen many items of historic and heritage significance. The trail passes through 18 of the country's national parks. The trail has some of the most spectacular scenery in the world, from lush tropical rainforests through to alpine meadows and snowfields in Victoria.

The trail gives access to some of the most spectacular country in the world and it ought to be available for both organised and passive recreation to anyone who wants to use it responsibly. In that regard I refer specifically to the horse riding fraternity, one of the most well-organised, patriotic groups of people one could ever wish to meet. Just as the trail is used to gain access to such activities as camping, fishing, fossicking, canoeing, white water rafting,

bush walking and so on, it is used also for horse riding. Though along the trail there are many areas that are accessible by a horse pulling a dray or cart - and not just by a rider on a saddled horse - in some areas that are particularly rugged and environmentally sensitive such activity ought to be limited. The question is whether embargoes should be placed upon horse riding activities in areas that may now or in the future be classified as wilderness areas, which are particularly environmentally sensitive.

I am concerned particularly about the proposed Guy Fawkes River Wilderness Area, which is situated towards Ebor and in the back country behind Dorrigo and towards Grafton. I know the area reasonably well. At the moment it has some significance in that the area borders the Chaelundi State Forest, an area of considerable beauty and sensitivity. The National Trail passes through that area along an established stock route that has been used responsibly by local graziers for the past 120 years. The

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Wilderness Society in Armidale and other organisations have sought to protect the wilderness value of the area, as I do, by protecting the natural environment. Given that the stock route, and now the trail, has been used for many years, the fact that it can still be classified as a wilderness area shows that not too much harm has been done to the area; it has been used responsibly. I propose that no limitation be imposed on horse riding activities in the proposed Guy Fawkes River Wilderness Area or any area proposed to be classified as wilderness either in a national park or freestanding.

Few will ever attempt to traverse the full length of the trail. There is no doubt, however, that people have a growing interest in outdoor recreational activities involving horses and trail riding. In another part of my electorate there has been established what is called a pub crawl on horseback. Every two or three weeks throughout summer and winter many are attracted to this activity. It is becoming extraordinarily popular. Other electorates throughout the State will be hosts to similar activities. There is a growing demand for organised horse riding activities in wilderness areas. People are clamouring for this type of adventurous experience. Now is the time for us to work with, rather than against, the organisers of outdoor horse riding activities. The Australian Trail Horse Riders Association proposed to the Minister that a joint study be conducted in which it will willingly participate. The association suggests that the study should identify potential problems associated with horses traversing the more sensitive areas, gather evidence for or against horse riding activities in those areas, and inquire into the significance of trail horse riding in wilderness areas throughout the world, which are conducted under controlled conditions and with restricted numbers. It should institute the first of a series of ongoing assessments about a host of environmental questions that are asked about the presence of horses in national parks and wilderness areas.

The Australian Trail Horse Riders Association is keen to participate in, and will contribute willingly to, a study. Its members want an assurance from the Minister that there will be no attempt at this stage or in the future to block their bona fide use in an organised way, either in groups or as individuals, of the areas being considered for nomination as wilderness areas. It is not too much to ask of the Minister that he respond as quickly as possible and give an assurance to the association that it has a future and that its members are welcome to use the areas, because they are responsible people. I hope he will work with them and encourage the other environmental groups to work with them to ensure that proper standards are established. The sort of code of ethics that has been developed for horse riding in national parks could be utilised in respect of riding in wilderness areas. It could be adapted or modified in respect of specific areas of the trail that have local items of environmental significance. Access to the trail for its full length of 5,330 kilometres from Cooktown to Healesville should continue to be available for horse riding, as it is for bushwalking and other forms of passive recreation. If the Government can do that and give the code authority, it will have achieved significant future recreation services and benefits for the community.

Madam DEPUTY-SPEAKER: Order! The honourable member has exhausted his time for speaking.

Mr WEST (Orange), Minister for Conservation and Land Management [3.1]: I commend the honourable member for Northern Tablelands for his interest in the Bicentennial National Trail. This country can be proud of the creation and recognition

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of that great track that traversed Australia in olden days. The honourable member is to be commended also for his concern for both the preservation of wilderness nominations and his continuing interest in horse riding associations. I shall ensure that his comments and concerns are conveyed to the Minister for the Environment so that he will be able to make a decision.

RESIDENTIAL TENANCY TRIBUNAL THIRLWELL CASE

Mr LANGTON (Kogarah) [3.2]: I apologise to the Minister for Housing for not advising him of the matter I am about to raise. I intended to raise another issue, but this matter came up at the last minute. I mean no disrespect to the Minister by not advising him. I raise the issue on behalf of my constituent Mr Ron Thirlwell of Ramsgate. Mr Thirlwell owns a unit in Hurstville that he lets to tenants through a real estate agent. To my knowledge, Mr Thirlwell has been a good landlord. Until May of this year he never had problems with tenants. My grievance on behalf of my constituent is not directed merely at the tenant who did not pay his rent but also at the Residential Tenancies Tribunal, whose treatment of Mr Thirlwell's case was less than professional. My understanding of the reasoning behind the establishment of the Residential Tenancies Tribunal is that it would provide a fair and accessible dispute-resolving mechanism for tenants and landlords alike. I applaud that ideal and the Minister responsible for its creation, the present honourable member for Heffron.

I question whether this Government has allowed the ideals of the tribunal to be diminished, whether through lack of funds for staff, or overwork, or a number of other setbacks. In the case of Mr Thirlwell at least, the tribunal has performed less than satisfactorily. I wish to outline briefly Mr Thirlwell's case. On 29th May Mr Alex Mattar commenced tenancy of Mr Thirlwell's unit at 79 Queens Road, Hurstville. Mr Mattar paid two weeks' rent and a bond by means of a \$900 cheque from the Department of Housing. By 7th July no further rent payments had been received by Mr Thirlwell, and he had been unable to contact his tenant, Mr Mattar. The real estate agent managed to contact Mr Mattar and tried to organise for him to go to the agent's office to pay his rent, but Mr Mattar did not keep any promised appointments. On 8th July Mr Thirlwell called at the unit and issued Mr Mattar with a notice to quit by 12 noon the following Saturday, 13th July. That was agreed to by Mr Mattar on 10th July.

On Friday, 12th July, Mr Thirlwell called at the unit to arrange an inspection and return of the keys on the following day. Despite the unit being obviously occupied, the door was not answered. On Saturday, 13th July, Mr Thirlwell, two police constables from Hurstville police station and a private witness arrived at the unit and evicted those present. It should be remembered that at that stage the tenants owed more than six weeks' rent and refused to consult with either the landlord or the real estate agent. Indeed, they had become openly hostile. At 3.30 p.m. on 18th July Mr Thirlwell received a summons from the Residential Tenancies Tribunal for an urgent hearing, listed for 9.30 a.m. the following day. Less than 24 hours' notice was given to my constituent to appear before the tribunal. He was unable to attend as he was out of Sydney on business. The result of the hearing was that my constituent Mr Thirlwell was ordered to allow Mr Mattar to reoccupy the unit. The tribunal made no order that

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Mr Mattar pay arrears of rent, nor did Mr Mattar make any attempt to pay the overdue rent. How could it be considered fair that Mr Thirlwell was compelled by the tribunal to allow a non-paying tenant to occupy his unit? I have heard several examples of the Department of Housing being more strict with non-paying tenants than my constituent was.

Are private landlords expected to take over the role of providing public housing under this Government? To add insult to injury, my constituent's application of 23rd July for an urgent hearing before the tribunal was denied. On 31st July the matter was again heard before the tribunal. At that hearing the tribunal ordered Mr Mattar to pay to the tribunal \$1,440 within seven days or an immediate eviction order would be issued. The full hearing was set down for a date to be fixed. Within seven days Mr Mattar had paid only \$720 to the tribunal and, despite the tribunal's earlier order, the registrar's staff refused Mr Thirlwell's request for an eviction order against Mr Mattar. Acting on advice from the consulting section of the tribunal, two other attempts were made by Mr Thirlwell to resolve the matter, but on each occasion staff in the registrar's section of the tribunal were unco-operative.

On 30th August the tribunal heard the matter again and orders were made for Mr Mattar to quit the premises, for the release to Mr Thirlwell of the \$720 held by the tribunal, and for the release of the \$720 bond. Mr Thirlwell called at the registrar's section to receive the payment but was told that he would have to wait until the registrar wrote to advise him of the details of the orders. As at 10th September Mr Thirlwell had received no advice. Despite his unit being occupied and unavailable to paying tenants for 15 weeks Mr Thirlwell has received a mere two weeks' rent in payment. The tenant has failed to return the keys, failed to clean the unit and left behind old furniture, food and rubbish, which Mr Thirlwell will have to pay to have removed. That sort of experience can result only in fewer people investing in residential properties, because it will destroy incentive. Like everyone, Mr Thirlwell knows that there are good tenants and bad tenants, just as there are good landlords and bad landlords. However, I wonder why bad tenants are allowed to go so far before the tribunal will act. Ultimately, it will be the good tenants of New South Wales who will suffer as a consequence of the lax treatment of bad tenants, and that is clearly unjust. On behalf of my constituent, I ask the Minister to look at the situation and that the tribunal release immediately to Mr Thirlwell the small sum of money he has managed to recoup.

ST MATTHEWS ANGLICAN CHURCH, ALBURY

Mr GLACHAN (Albury) [3.10]: On Saturday last a great tragedy occurred in Albury when St Matthews Anglican Church in Kiewa Street was destroyed by a fire. At about 10 o'clock in the evening a friend rang me from town to tell me that the church was on fire. At first I found it difficult to believe, but my wife, Helen, my daughter Ann and I went into town through the civic centre and, on turning the corner of the parish centre, saw the stark outer walls of the church still standing, illuminated by the eerie light of the firefighters' temporary lighting. We could see a few blackened smouldering and smoking rafters pointing to the sky. When the fire was finally

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extinguished Helen, Ann and I, together with the relieving priest at St Matthews, the Reverend Mr Eisman, and the clergy from the surrounding parishes were able to enter the vestry, which, because it was freestanding, had been left undamaged. We were able to remove some of the important items from the vestry and put them into safekeeping. Among the items were the important records of the church that had been compiled over generations.

When all the items were safe I took the opportunity of looking into the body of the church from the vestry, the walls of which were still hot to the touch. There was a scene of absolute devastation, just a heap of blackened charcoal remained where the roof had fallen in. The slate roof had been a work of art. Its timber work, which had been constructed by expert tradesmen when the church was built in the 1850s, had collapsed in a charred heap on the floor of the church. The plaster had come adrift from the sweeping arches. The marble memorials to faithful clergy and people over the years were cracked; brass tablets had been destroyed or damaged beyond use; the magnificent stained glass windows had gone; the wonderful east window, which depicted Christ in majesty, as well as St Matthew being called and other representations of St Mark, St Luke and St John, was gone; the exquisite pulpit was

totally destroyed; the organ, which had cost £700 in 1876, when the second section of the church was opened and was said to be the best in the colony after the organ in St Andrews in Sydney was totally destroyed; the historic banner of the 2/23rd Battalion, Albury's Own, which had been carried in the battle of Finschafen and El Alamein and the siege of Tobruk, was gone and lost for ever.

All I could see of the once magnificent lectern - a carved wooden eagle with outstretched wings - from which the scriptures had been read to faithful Anglicans over many generations in this historic church was a charred and still smoking stump. The next day the rector returned. He had been on holiday in Tasmania when he was told of the devastation of his church; he came back on Sunday at about 12 o'clock and immediately went into the bell tower, which was still intact, and rang the bell, Elizabeth, 21 times to signal to the city that the Anglican church of St Matthews was still there. The church has a remarkable history. It was first opened in 1857, when Albury had a population of about 600. The section of the church which was designed by Edmund Blackett comprised the nave and the choir vestry. In 1876 parishioners added to the church and opened the most magnificent transept, vestry and chancel which were of a grand design and supported a roof which was a work of art. This has been a great blow to the people of Albury. They are suffering the effects of this loss. For generations Anglicans in Albury have been baptised, confirmed and married at St Matthews and burial services have been conducted from that church.

A public meeting was held on Tuesday night. Plans have been drawn up and committees formed to help raise funds for the restoration of the church. I am pleased that the local newspaper, the *Border Morning Mail*, made a donation of \$10,000 and the Hume Building Society made a donation of \$2,500. My purpose in raising this matter is to appeal to the Minister for Planning and Minister for Energy to consider giving financial assistance from the heritage fund for the restoration of this most historic building. Recently, the Minister made a donation of \$20,000 from that fund to help in the restoration of the historic Anglican church at Jindera. I call on him again to assist

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on this occasion. He has told me that no funds are available now but funds might be available in February. I appeal to him on behalf of the city of Albury to be generous if he is to donate any funds when they become available. It is difficult to explain in words the effect this loss has had on the people of Albury. The church of St Matthew was the most significant building in Albury and probably the most significant in the Riverina. On Sunday, at a service held in the church hall, one elderly parishioner, a faithful communicant of the church, said to me: "I know the church is not just a building; it is a body of the faithful. That goes on unchanged, but I feel as though I have lost someone near and dear to me. That is the sort of grief I am suffering". Those sentiments would be echoed by almost everyone in Albury. This has been a tragic event.

Mr WEST (Orange), Minister for Conservation and Land Management [3.15]: Speaking on behalf of all members of the House I would like the honourable member for Albury to convey to the people of Albury and to parishioners of St Matthews Anglican church that we share in their loss. In towns and cities throughout our State churches stand as a monument to craftsmen of the past - people who built these magnificent buildings for worship. Honourable members would recognise that we have lost part of our heritage after a tragedy such as this. When the Minister for Planning and Minister for Energy is considering the next round of allocations I am sure he will have in his mind the sentiments that have been expressed this afternoon by the honourable member for Albury. In time I am sure that help will be forthcoming.

BOTANY BAY FORESHORES EROSION

Mr THOMPSON (Rockdale) [3.16]: On behalf of the people of the Rockdale district I grieve at the failure of the Government to take responsibility for actions which have been the direct cause of serious erosion - erosion of crisis proportions - on Lady Robinsons Beach and

Cook Park on the foreshores of Botany Bay. In my first speech to this House on 17th September I referred to this problem and indicated that there was an urgent need for funds to assist in the restoration and protection of the beachfront. I said it was unfair and unreasonable for Rockdale council and local ratepayers to carry this huge financial burden. Rockdale council has care, control and management of this stretch of Botany Bay shoreline. Over the past 25 years, though council has had control of the foreshore areas, it has not had control over various developments which have been undertaken by both State and Federal governments in the bay itself. These activities have caused significant changes to the nature of the bay resulting in erosion and damage to foreshore land.

Council has sought funding from various government authorities to carry out remedial work to repair damage caused through activities in the bay. Over the years both State and Federal governments have accepted some of the responsibility for this repair work, but in more recent times substantial costs are being incurred by council in overcoming problems on behalf of the community. As a result of past actions and because of the possibility of further work being carried out in the bay, council has sought assurances from Federal and State governments that any actions taken by them which result in damage or erosion to the bay foreshores will be accepted as the

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responsibility of those governments. To date neither government has indicated that it is prepared to accept this responsibility. As a result, council has had to meet substantial costs for damage caused by activities over which it has no control. It is fair to ask: what is causing this erosion? The erosion is being caused by wave action and changes in wave patterns caused by dredging, the building of extensions to the Sydney (Kingsford-Smith) Airport runway and the construction and development of the Port Botany facility.

I am aware that some people in the bureaucracy argue that this erosion is due to a natural process which pre-dates port activities in Botany Bay. But if people knew the history of the area and had looked at the damage they would be aware that this argument cannot be sustained. At present, serious erosion of the beachfront has occurred in the Ramsgate region and further along towards Brighton-le-Sands, where a car parking construction is being undermined. Council has been forced to close Ramsgate baths because the extent of the erosion has made that area dangerous for the public. Many locals - constituents of mine and of my colleague the honourable member for Kogarah - are extremely disappointed at what has happened. These baths have housed a lifesaving club since 1934. Generations of young people have learnt to swim there. The baths are also a cherished amenity for many elderly people in the area, but council had no choice other than to close them. Council's efforts over recent years to maintain the beachfront - which included sand replenishment and the placement of rock along the sea wall - have been described by mayor Peter Bryant as bandaid treatment. Alderman Bryant was reported in the *St George and Sutherland Shire Leader* of 22nd August, 1991, as saying:

Such work has been carried out by council since 1966, following the construction of the north-south runway at Kingsford Smith Airport in 1965, and severe storms between 1965 and 1968.

With the threat of further extensions into Botany Bay for the proposed third runway, it is timely for council to pursue the Federal and State Governments to take full responsibility of the beachfront area.

We are continually trucking sand back and forth from Dolls Point.

They've got to find a permanent solution to it, but we are talking about millions of dollars.

I concur fully with the view of the mayor. The million of dollars to which he refers are simply beyond the resources of the local council and, in any event, the council and the ratepayers ought not to be expected to carry that burden. The erosion problems are reaching crisis proportions. The significant costs of repairing this damage are clearly not the responsibility of the local community but the responsibility of those authorities which carried out the dredging and construction in the bay. The State Government must share much of that responsibility.

Apart from the obvious need for short-term measures to address the urgent problems which are apparent to whoever cares to look, a long-term strategy is needed. Fundamental to putting together a long-term strategy is a detailed hydraulic study of Botany Bay to find a permanent solution to the erosion along Lady Robinsons Beach and Cook Park. I earnestly request the Government to consider this matter fully, to adopt a forward looking stance and to commission the hydraulic study which is necessary to permit logical planning for the future.

Between 1965 and 1968 a series of storms caused erosion of the beachfront. This erosion was a phenomenon not previously witnessed. I well remember the sandhills

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along the beach, particularly in the Kyeemagh and Brighton-le-Sands areas. They are no longer there; during the last 30 or so years they have disappeared. A large proportion of the sandhills was washed into the sea during those storms in the 1960s. Storms since that major dredging period have had a devastating effect. That dredging occurred to enable construction of the airport runway into the bay and there were concurrent and subsequent works to construct the Port Botany facility. These major activities were initiated and carried out by the State and Federal governments. The problems of Botany Bay and the foreshore area are directly related and due to the actions of both the Federal and State governments. The time has come for the people of the Rockdale electorate and the Rockdale municipality to take a stand.

Since 1968 the council has had to continually pressure both Federal and State governments to fund restoration works. However, since 1986 the Public Works Department has made funding available on only two separate occasions and on the basis of a 25 per cent contribution from the council. With the threat of further extensions into Botany Bay for the proposed third runway, it is timely for Federal and State governments to take responsibility for the beachfront area, to investigate and implement a permanent solution to the erosion problems and to provide funding for the restoration of Lady Robinsons Beach. Apart from immediate funding, a strategy is required based on a hydraulic study to ensure the bay is protected for future generations. I reiterate my earnest request that the Minister give this matter his close and sympathetic attention. The people of Rockdale want action.

MUNMORAH STATE RECREATION AREA AND WYRRABALONG NATIONAL PARK

Mr GRAHAM (The Entrance) [3.23]: I wish to bring to the attention of the House two issues concerning the administration of part of the estate of the National Parks and Wildlife Service on the Central Coast. The areas to which I refer are the Munmorah State Recreation Area and the Wyrabalong National Park. Madam Deputy-Speaker, you will remember visiting Wyrabalong recently with me as a member of the environment committee. I am pleased to say that both the Wyrabalong and Munmorah areas were designated by the Greiner Government. Before I elaborate on the specific issues I wish to raise, I should like to draw the attention of all honourable members to a potential danger to New South Wales in the coming months. The media has already mentioned that this summer will be possibly one of the worst bushfire seasons for years. The combination of a couple of wet years followed by a recent period of drought and fuelled by what is expected to be a hot dry summer means that the whole of the State could be a big bonfire if set alight. In the last few days, residents of the Central Coast have had a taste of what the State faces this summer with bushfires in the areas I have already mentioned, Munmorah and Wyrabalong.

I cannot emphasise too strongly how important it is for all honourable members to help ram home to their constituents the importance of bushfire awareness this summer. This applies to any member who may have only about 50 hectares of park in his or her metropolitan electorate as much as it applies to any rural member whose electorate may have hundreds of thousands of hectares of bush and rural land threatened

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by the bushfire menace. Indeed, Madam Deputy-Speaker, I know that you personally will be highly aware of the bushfire risk facing the State this summer because your electorate contains

many thousands of hectares of national park. The fire in Wyrabalong National Park began last Sunday. The area was declared safe on Monday afternoon. The fire burned out about 250 hectares and at one stage necessitated the evacuation of residents in the Pelican Point area. The fire in the Munmorah State Recreation Area commenced early on Monday afternoon and has now been contained. It burned through about 350 hectares. I report with some disgust that in both cases the National Parks and Wildlife Service suspects that the fires were deliberately lit.

Mr Nagle: Shame.

Mr GRAHAM: Exactly. I thank the honourable member for his interjection. What kind of animal deliberately places life and property at risk simply for the perverse pleasure of watching our natural heritage burn? What kind of animal robs the community of the pleasure and pride it gains from having such a wonderful natural asset? Indeed, an arsonist is three criminals in one. He or she is an arsonist, a robber and a potential murderer. The total cost to the taxpayers of extinguishing the fires I have mentioned was about \$8,500. That figure does not include the potential loss to the community of tourist revenue which will be forgone because some of the natural beauty of the area has been destroyed. Nor does it include the value of any private property which has been destroyed. Arsonists should not only be forced to suffer the appropriate penalties for these crimes. They should be forced also to reimburse the total cost to the taxpayers that results from their actions. Worse still is the potential for these people to become murderers, to place at risk the lives of people living near the fires or visiting the parks. There is also the risk, which is often tragically brought home to us, to the lives of those brave men and women sent out to fight the fires. I should mention also the merciless destruction wrought on our native flora and fauna. The penalties for these three-in-one criminals must reflect the seriousness of their crimes. Last Sunday I visited the scene of the Wyrabalong fire. Although I have no firefighting experience, I offered what assistance I could.

Before I move to the specific issues I wish to raise in my grievance, I must thank a number of people who fought these fires. I would like to express my gratitude and the gratitude of all people on the Central Coast to the men and women of the volunteer bushfire brigades. All honourable members know that this nation has an excellent record of community service afforded by volunteer organisations. The members of the volunteer bushfire brigades, who regularly put their lives and livelihoods at risk to protect life and property, deserve our thanks above all. It is a healthy and humbling experience for a member of Parliament who usually serves his or her community from the comparative safety of an electorate office desk to rub shoulders with those who serve their community by risking their lives. It certainly helps to keep our jobs in some sort of perspective. I should like to thank particularly Graham Swain, the chief fire control officer of the Wyong shire. It would be remiss of me if I did not thank the local units of the New South Wales Fire Brigade who fought the fire side by side with the volunteer units and who faced no lesser risks.

If the volunteer bushfire brigade is the most well-respected volunteer organisation in our community, the National Parks and Wildlife Service must be one of

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the most well-respect government departments. We are all attracted to the wholesomeness and glamour of the National Parks and Wildlife Service but I wonder how many honourable members realise just how unglamorous certain work performed by the service can be. The old episodes of "Skippy" never showed the ranger mucking out an overflowing pit toilet or working into the early hours of the morning filling out endless paperwork after a hard day in the field. It is no secret that the wage structure of the service is poor, particularly at the ranger level. I am therefore pleased to express my support for the Minister in his efforts to lift salary levels in the service. During the recent bushfires the fearless dedication of the officers of the National Parks and Wildlife Service to their jobs was brought home to me. I would like to take this opportunity to place on record my thanks to Allan Morris, the district superintendent, and his staff. The National Parks and Wildlife Service gives public servants a great name.

This brings me to my first grievance. Why is the Premier considering transferring the administration of the Munmorah State Recreation Area from the National Parks and Wildlife Service to the Department of Lands? What kind of harebrained genius came up with that idea? I wonder whether that person has ever visited Munmorah State Recreation Area, or, for that matter, the Central Coast. The old saying, "If something is not broken, don't fix it" is particularly applicable to this matter. I emphasise that the people of the Central Coast are happy with the way that Munmorah State Recreation Area is being managed. That area is very popular with young families, and particularly with surfers and anglers who enjoy participating in their favourite sport in an unspoiled natural environment. They like the idea of going to a beach that is surrounded by bush and frequented by wildlife. The area is a popular picnic spot for our senior citizens. In other words, it is a perfect example of the type of area that should be managed in an environmentally sympathetic manner by the National Parks and Wildlife Service. The Central Coast has many places that accommodate people who want to visit a beach surrounded by caravan parks, kiosks, and so on. We do not need another such place at Munmorah.

When the Minister for the Environment disagrees with submissions by his department he returns them with the letters OMD B - over my dead body - scrawled on them. I am sure that those sentiments are shared by my colleague the honourable member for Gosford and all the people who care about the environment on the Central Coast. I should like to think that the honourable member for Wyong also would share that sentiment. My second grievance concerns Wyrabalong National Park, the State's newest national park, which is a monument to the dedication of local environmentalists Allan and Beryl Strom. Right in the middle of that national park is Sutton Reserve, which has a community hall and amenities largely built through the commitment of the Bateau Bay Progress Association. If there is a perfect point at which to commence a visit to a new national park, it is this hall. Situated in the middle of this national park at Bateau Bay, on a main road through the area, the hall would be the ideal place for information pamphlets and so on to be distributed by the National Parks and Wildlife Service to visitors. In the words of my friends Stan Stevens and Vin Wallace of the Bateau Bay Progress Association:

We are still of the view that inclusion of the Sutton Reserve in Wyrabalong is both logical and advantageous to its preservation and that the consequential inclusion of the progress

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hall and contiguous toilets would provide a most convenient administration and/or resource centre, located as the hall is virtually in the heart of the national park.

Local environmentalists already have rammed the point home to the Minister's staff. Recently at that hall I attended an afternoon tea held to enable local environmentalists to meet my colleague the honourable member for Ermington, who is the chairman of the backbench environment committee. I take this opportunity to thank the Minister for the inclusion recently of 22 hectares in the Wamberal Lagoon Nature Reserve. The welfare of that lagoon is dear to the hearts of the locals and environmentalists, as was made very clear to the Premier when recently he visited my electorate.

Mr MOORE (Gordon), Minister for the Environment [3.33]: I thank the honourable member for The Entrance for his remarks, particularly those relating to the dedication of the officers of the National Parks and Wildlife Service in his area. During the past five or six days the honourable member and I have been concerned about a number of fires deliberately lit in the national park estate in his electorate and in the adjoining electorate of Wyong. Deliberately lit fires, particularly at the northern end of the Wyrabalong National Park and in the Munmorah State Recreation Area, have destroyed much of the public amenity of the national park attractions in that area for the residents of the Central Coast and others such as me who sometimes travel hundreds of kilometres to enjoy the magnificent areas around Fraser Park and Wybung Head in the Munmorah State Recreation Area.

I thank the honourable member for The Entrance specifically for his reference to the Sutton Reserve, an area separated from the Wyrabalong National Park by a roadway. At present it is under the care and management of Wyong shire council. I have taken the trouble to look at maps and aerial photographs of the area and to seek the advice of my officers. I have had also what might be described loosely as the advantage of reading an extract of the minutes of a discussion on this subject during a meeting of the Wyong shire council. In the recent past I have rarely found myself in agreement with Wyong shire council, owing to the extreme politicisation of its past shire president. However, on this occasion the view of the council and the National Parks and Wildlife Service is that for a number of reasons it would be inappropriate to include Sutton Reserve in Wyrabalong National Park. The council believes that it manages the facilities appropriately on behalf of the local community.

My concern is that the Government has committed many hundreds of thousands of dollars to establishing visitor facilities in Wyrabalong National Park. The Government has agreed to the employment of additional staff in the Gosford office of the National Parks and Wildlife Service to provide those facilities in the park. At present the Government is not in a position to undertake maintenance and construction outside the park area for other than strictly nature conservation purposes. Had the district not had a field study centre for environmental education, Sutton Reserve hall would have been a tempting location for the Minister for School Education and Youth Affairs and me to consider as a field study centre. Unfortunately for the honourable member for The Entrance and his local environmental groups, Rumbalara rainforest centre at Gosford has been converted into a field study centre. That occurred after vigorous representations by the honourable member for The Entrance, with assistance from the honourable member for Gosford. It would be totally impossible to establish

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two field study centres in such a small compass. Unfortunately on this occasion, although I have longstanding affection for and friendship with the honourable member for The Entrance, I am unable to assist him with this matter.

The Central Coast provides magnificent nature conservation opportunities. I instance the dedication of Wyrabalong National Park, including two important bird breeding islands in the mouth of the lake, which the honourable member for The Entrance and I have inspected on a number of occasions; recent additions to the Wamberal Lagoon Nature Reserve; the creation - with the considerable assistance of the honourable member for Gosford - of the Cockle Bay Nature Reserve; and the likely addition of other areas to the national park estate, including the permanent conservation of the Matcham bat colony in a new nature reserve. The nature conservation values and their preservation on the Central Coast have been accelerated dramatically due to the concern and the efforts of the honourable member for The Entrance and the honourable member for Gosford.

Mr Crittenden: Are you going after the green vote in the by-election, Bob?

Mr MOORE: I note the interjection of the honourable member for Wyong. The only thing green about him is the period of time he spends in the Chamber rather than in a commitment to conservation.

AUBURN ELECTORATE POLLUTION

Mr NAGLE (Auburn) [3.38]: The honourable member for Wyong is present in the Chamber more often than the honourable member for The Entrance. I grieve on behalf of my constituents about a pollution problem in my electorate. Auburn, having until recently been the centre of Sydney, has attracted considerable industry, such as BP, Shell, the aqueous waste disposal unit at Homebush Bay, and many factories in the northern part of my electorate between Parramatta Road and Parramatta River. For about 18 months Clinical Waste Australia has operated a medical waste incinerator of a design similar to an incinerator in Hamilton, New Zealand. The Auburn council shire clerk and its mayor at that time inspected

the incinerator at Hamilton, and thought it appropriate to approve the construction of a similar plant in the Auburn electorate. However, the plant that was built was much larger than that in Hamilton. Another factor is the different effect of the closed nature of the Sydney Basin as compared with the open hills and countryside of Hamilton. Nevertheless, the incinerator was built and it carries out an important function in disposing of medical waste of various hospitals.

On 9th September Mr Gary Holt was told by his partner after arriving at his office at Auburn that at approximately 8.50 a.m. a second stack on the incinerator had belched thick black smoke for about a minute. Mr Holt had also seen the smoke from the expressway as he was approaching Auburn. At approximately 11 a.m. on the same day, while driving in the vicinity of Silverwater, Mr Holt noticed a black smoke plume being released from the second incinerator. It was Holt's understanding that the second incinerator was not allowed to commence operation until an acid gas scrubber was installed. As Mr Holt was driving in Vore Street he noticed a State Pollution Control Commission vehicle. He approached the driver, Mr Robert Pearson, and after

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discussion exchanged business cards. Mr Pearson is the environmental officer for central Sydney. Mr Holt advised Mr Pearson about the smoke. I might add that Mr Holt is from Scholer Incineration Company Pty Limited, which is a competitor of Clinical Waste Australia. I have sighted black smoke coming from No.1 incinerator but not from No.2 incinerator.

Mr Pearson said that he was surprised that the second incinerator was operating and that he would report on the matter. After a speech by the former State member for Granville, the present Federal member for Reid, Mr Ferguson, he and I were invited to inspect the operation of the Clinical Waste Australia incinerator. We spent two hours discussing the matter. We were satisfied with what we were told but we felt that we had not been fully informed. To my knowledge, only one set of tests has been conducted on emissions from No.1 incinerator, let alone what has come out of No.2 incinerator. At the discussions I mentioned the interpretations I had been given of the readings. The company claimed that the readings were wrong. I asked what the company was burning at the time the tests were conducted, an important factor in evaluating the emissions. The company would not tell me because that would reveal to the company's competitors exactly what type of operation it was. From the name of the company one would assume that some type of medical waste was being burnt. The company's interpretation of the readings was that the emissions were at a low level and not in excess of State Pollution Control Commission requirements. But this would be governed by what was being burnt at the time.

The company stated that the operation was not carried on seven days a week and 24 hours a day. It usually starts at about midnight and continues until lunch time or a little after. But while Mr Ferguson and I were there, from about 10 past two to just after 4.15 three trucks turned up, and one turned up when we were on inspection. I was told that the trucks were there for the purpose of showing us how the incinerators worked. I was invited to look at the logbook detailing the movement of the trucks. I kept asking to look at the logbook but I left without having access to it so I do not know the exact position. I was left with the feeling that there was more to the matter than meets the eye. I had not discussed the matter with Auburn municipal council beforehand but the council passed the following resolution:

Auburn Municipal Council strongly objects to the dangerous air polluting emissions emanating from the Clinical Waste Australia facility at 12-14 Wible Street, Silverwater.

Council calls upon the State Pollution Control Commission to undertake their responsibilities to ensure that air pollution control equipment is installed forthwith . . .

In my discussions with the company I was told that the company intended to install scrubbers. I discussed the matter with a person who has similar technology in Perth. He said that the installation of scrubbers would eliminate the potential of dioxin pollution that the incinerator design may have. I am amazed that scrubbers have not yet been installed. I was promised that

they would be and I was also advised that the company would not fire up the second incinerator until those scrubbers had been installed. The company said that it intended to install them in late 1991 or in 1992. On 27th May this year a notice was issued under section 17 of the Clear Air Act to Clinical Waste Australia requiring gas cleaning equipment to be installed on both incinerators. The State Pollution Control Commission stated in a letter that the possibility of the equipment

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being required was foreshadowed in the commission's letter conveying to Auburn council approval of the original incinerator. Auburn council has stated that the scrubbers should be installed.

I ask the Minister to advise the House whether scrubbers have been installed. If not, why not? If scrubbers have not been installed, why has the second incinerator been allowed to operate? What will happen when both units operate simultaneously? Will the area then be doubly polluted by the emissions? When will testing of emissions from the second unit be carried out? Will the Minister advise the House of the result of Mr Pearson's investigations into what occurred in September? When I discussed the matter today with the town clerk of Auburn he stated that the State Pollution Control Commission should not carry out an examination just at one time for 10 or 15 minutes to see what is coming out of the stack; it should carry out tests over a period. Auburn council has requested that Clinical Waste Australia test its stacks every three months through the State Pollution Control Commission or a body in New Zealand. The matter is a problem for the area. We acknowledge the need for such an incinerator to burn medical waste. I am satisfied that installation of scrubbers would resolve the pollution problem. I hope that the Minister will take seriously the matters I have raised, will seek advice from his officers and will attempt to persuade Clinical Waste Australia to install scrubbers as quickly as possible.

Mr ACTING-SPEAKER (Mr Chappell): Order! The honourable member's time for speaking has expired.

Mr MOORE (Gordon), Minister for the Environment [3.48]: I listened carefully to what the honourable member for Auburn said. I am familiar with the circumstances of the case. Independent from the honourable member for Auburn and Federal member for Reid, a number of concerns have been expressed to me about Clinical Waste Australia. The matter is being investigated at the moment by the State Pollution Control Commission. Had I had a little more notice from the honourable member for Auburn I might have been able to reply in detail. I shall endeavour to do so in the next week or so. I am unable to deal with all the technical details but it is a normal requirement of the sort of licence issued to such companies that testing be carried out at regular intervals and that the results be provided to the State Pollution Control Commission. If the results do not conform with the licence standards, the company is liable to prosecution on that basis. I understand the concerns about the installation, particularly in relation to the second furnace. After having the matter independently brought to my attention, I started an investigation into it through the State Pollution Control Commission, supervised by the Director of the Ministry for the Environment.

I give a word of caution to the honourable member for Auburn, though not in any aggressive political sense, about dealings with the gentleman from Scholer Incineration Company Pty Limited. As the honourable member for Auburn has indicated, they are competitors. The gentleman concerned has in the past raised, through a colleague of the honourable member for Auburn, allegations of corrupt conduct on my part, by my staff, and by officers of the State Pollution Control Commission and of the Waste Management Authority. Those matters were sufficiently serious to cause me to refer them to the Independent Commission Against Corruption, if only to protect my integrity and that of my staff. I am pleased to indicate that the

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commission found no impropriety had been occasioned by me, my staff, or staff of the Waste Management Authority or the State Pollution Control Commission, or by the honourable member for Londonderry, who also became tied up with the complaints. I offer that word of caution and hope within a couple of weeks to be able to provide more detailed information.

JANNALI RESERVE ROAD ZONING

Mr DOWNY (Sutherland) [3.50]: I wish to raise a matter that is the subject of much debate in my electorate. This issue was resolved some time ago but was raised by the Australian Labor Party in the recent local elections. I refer to what was an unmade and undedicated road proposed to run through the Jannali reserve between Washington Drive, Bonnet Bay and River Road, Woronora. Over 20 years ago a road through Jannali reserve was proposed to link River Road to Washington Drive. The road was to provide an alternative exit route for the residents of Bonnet Bay. However, at the time the residents of Bonnet Bay objected to the proposal because it would provide a bypass to Sutherland and increase traffic through their residential area. Consequently the road was not built and there have been no plans since then to do so.

As a result of the draft Sutherland local environmental plan placed on exhibition earlier this year, public comment was received regarding this particular unmade and undedicated road. A report was then presented to council. The recommendation of the staff to council was that the zoning in this particular area - recreation existing 6A - be retained and that investigations be made to delete this unmade and undedicated road in Jannali reserve. All 15 councillors unanimously resolved that the zoning be retained as recreation 6A in this particular area, that investigations be made to delete the unmade and undedicated road in Jannali reserve and that the land information centre be advised in writing of council's decision. In other words, the council resolved to take the paper road off the map and the zoning was to be 6A.

Nevertheless, the Australian Labor Party in the Sutherland area continues to peddle the big lie that this road will open at some time, and prior to the recent elections it stated that a temporary road would be built while the Woronora River bridge was being constructed, despite zoning prohibiting such use of this particular land. This area is basically mangroves and a large quantity of fill would be required to build the road. The Labor Party continues to peddle that lie. Recently in the local council elections in Sutherland the Australian Labor Party produced a brochure where a bigger lie was peddled. This brochure stated that the Liberal Party had refused to zone this land 7B environmental protection. That aspect was never discussed because the council had decided to zone it 6A. The problem with this accusation is that the Australian Labor Party has the wrong area. In its brochure it is talking about an area two kilometres further south down the road.

Mr Jeffery: They are wrong again.

Mr DOWNY: As the honourable member for Oxley said, the Labor Party was wrong again. One can look at this matter two ways. We can be kind to the Australian Labor Party and just assume that its members are absolutely stupid or we can be less

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charitable and say that the truth never gets in their way when telling a good story. In this particular case I happen to believe the latter. The Australian Labor Party has deliberately and mischievously misled local residents in this matter and it should be condemned for doing so.

LOCAL GOVERNMENT REVIEW

Mr FACE (Charlestown) [3.55]: I raise a matter in regard to the Local Government Act and the review of various matters pertaining to local government. I did not raise this matter last week as it could have been construed that I was trying to create a beatup on the eve of the election, casting aspersions on a candidate or number of candidates during that tense period. I

make that point clear so that it is understood I am trying to be objective. However, this matter is quite serious. Earlier today I rang the Minister for Local Government and Minister for Cooperatives about this matter and expressed my apology for having been unaware that I would be speaking in this debate. This matter came to notice first in 1987 when it became known that a particular candidate in a local government election in the Hunter region had been subjected to bankruptcy. Of course, in today's society bankruptcy is not the end of the world; it happens to many people. The question arose as to whether this candidate would or would not be eligible for election. Naturally if he had been then in bankruptcy he would have been ineligible. In fact he had been eligible for a few months. The failed business dealings and the bankruptcy had taken place three years before. He had been automatically discharged. In a pre-election period constituents have a right to know the business dealings of candidates. I suggest that that information should be put into a register.

Some local councils deal with large sums of money. The community has a right to know how candidates have conducted themselves in the past. This could apply to a wide range of candidates, whether they be Labor, Liberal, Independent or otherwise. I shall not mention the particular candidate's name because this could apply to many, but I emphasise that he has faced a number of judgments brought down by courts for indebtedness through business dealings. In addition, in the period leading up to the election he was also convicted under section 375 of the Companies Code of failure to lodge a statement of affairs. He was fined and paid court costs, those costs being substantial. This was not a simple oversight.

Candidates need not divulge any matters of a criminal nature other than matters of dishonesty. In the ordinary course of time criminal matters are expunged under the rehabilitation of criminal offenders legislation and I fully support that legislation. Everyone has a right to know whether candidates have erred. This was not an isolated case. Two other candidates were in a similar situation and one was suspected of being so involved. I spoke to the town clerk of Lake Macquarie council. He informed me that nothing could be done if the person had been released from bankruptcy. A register of candidates' pecuniary interests would be a safeguard for those electing people standing for local government. That would avoid the smears one hears in the course of election campaigning about Joe Blow owning some contentious item of property.

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It is essential that potential aldermen divulge that information. This would give them the opportunity to dispel many of these stupid rumours. I am not reflecting in any way on a former mayor of Lake Macquarie whose troubles occurred after he had been elected to the council and were made public. I want to make it clear that I am not having a shot at Ivan Welsh as a former member of this House or as the mayor. However, there is a need for a review. I understand several unsavoury business incidents came to light involving candidates for the recent local government elections and in one case the person to whom I referred earlier was involved. What degree of indebtedness has taken place since the 1987 incident I am not in a position to say. If the Minister were to agree to what I am submitting, consultation would take place with the Local Government Association and the Shires Association. There would need to be a degree of co-operation. The views of the Local Government Clerks Association should be sought. I have known the clerks of both the Newcastle and Lake Macquarie councils for the greater part of my life and I respect them. They find themselves under pressure in any period leading up to local government elections. People ask them weird and wonderful questions about whether a particular person did a certain thing at a certain time. When asked, Mr Rankin said that he did not know of the 1987 Lake Macquarie case, that it had not been reported to him. He said the person may or may not have been bankrupt.

Because of my inquiries and the report of a person unknown to me, Mr Rankin had to carry out a corporate affairs check on that particular candidate. Whether all clerks do that as a matter of course to protect themselves I am not sure. Their careers should not be put in

jeopardy. There should be clear and defined guidelines to be followed when checking the bankruptcy background of a potential local government candidate. I am not saying that bankruptcy is a heinous crime. Because of economic pressures many people have become bankrupt, and it should not be held against them. I am merely saying that it is time that the community ceased harassing former bankrupts who wish to stand for local government, but that information should be known. If my submission were adopted it would decrease the workload of local government clerks to whom these inquiries are directed. People have a right to this information. I do not suggest that bankrupts should be publicly named in the newspapers but a register should be made available at the council so that people can be assured that a potential local government candidate's business dealings are beyond reproach. In most cases local government bodies today - certainly in the Sydney metropolitan area and in the Hunter area where I live - deal with large amounts of money. The candidates should have the expertise and competence to be able to make decisions in the best interests of those who elect them.

Mr BAIRD (Northcott), Minister for Transport [4.5]: I thank the honourable member for Charlestown for his comments. At present the Minister for Local Government and Minister for Cooperatives is unable to attend the Chamber. However, I shall inform the Minister of the honourable member's grievance.

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BOWRAVILLE CENTRAL SCHOOL

Mr JEFFERY (Oxley) [4.6]: I speak on a matter of concern to the community of Bowraville, which is located in the lovely Nambucca valley. Bowraville Central School presently provides education from kindergarten to year 10. It has been requested that years 11 and 12 classes be established at the school, with the year 11 class beginning next year. In December 1990 the Director-General of School Education indicated that the concept would be examined positively with a view to its introduction in 1992 should the data collected be supportive. The data is supportive and the concept has the full support of this enthusiastic community. Bowraville Central School, with its school farm and Aboriginal studies, is outstanding. The school receives considerable support from the community. It has a proud record as a centre of excellence for Aboriginal studies and would also benefit as a centre of excellence for agricultural studies. The school provides an excellent environment for children. It encourages community involvement. The establishment of years 11 and 12 classes would enable students to remain at school and further promote community interest.

The matter of concern to me is that the present retention rate for year 11 in 1992 is estimated at 40 per cent only, for numerous reasons, including the current lack of continuity of education at Bowraville Central School and student travelling time. Some students live a considerable distance up the valley and it takes them several hours to travel to and from school. They are getting up in the dark and arriving home in the dark. Also there is a reluctance by many students, particularly Aboriginal students, to attend a high school away from their own community. On 14th June I attended a meeting of the steering committee to discuss the establishment of years 11 and 12 at Bowraville Central School. The meeting held very strong views that the retention rate for year 11 could be improved dramatically if such a class were established at the Bowraville Central School from 1992. Following this meeting and my strong supportive representations to the Department of School Education a review of the proposal was completed by the department which has been forwarded to the deputy director-general for regional schools.

I was most impressed with the community's support for the proposal that the school extend its classes to years 11 and 12. That support was expressed not only by members of the school community but also by the Lions Club and the business community. Obviously the school is highly regarded throughout the district. The proposal to establish years 11 and 12 classes is a worthwhile objective. As a centre of excellence the Bowraville Central School's long-term goals are worthy of mention. They include the provision for all students of a relevant

and challenging curriculum, which promotes intellectual, aesthetic, moral and physical development. It also offers a range of learning opportunities so that children acquire the skills and competence necessary to participate in and contribute positively to society. The school's special programs, such as the Aboriginal culture program, could be expanded successfully to years 11 and 12. There is much local support for this type of program.

It is important that the youth of Bowraville be given the opportunity to undertake senior education in their local area. Last year five Aboriginal students in that area were awarded the school certificate but, sadly, not one of them went on to year 11 because none of them was willing to travel to a school located outside the district. I believe the special circumstances of Bowraville Central School should be taken into account by the

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Department of School Education so that year 11 and year 12 courses can be conducted at that school. I believe these courses could be provided using the special programs and facilities that already exist. The teachers are caring and are willing to teach year 11 and year 12 students without receiving further resources; the teachers are willing to take up the challenge. If the department agrees with the proposal to extend the school's services to year 11 and year 12 students, the program would provide stability to students by maintaining continuity of quality education in a familiar environment.

The nearest school that offers year 11 and year 12 courses is Macksville High School, which is grossly overcrowded. The former member for Coffs Harbour, Matt Singleton, and I made representations to the former Minister for Education, the Hon. Terry Metherell, to have a new high school established at Nambucca Heads. That is now being built and will help to relieve the pressure at Macksville. We could link the three schools so that Aboriginal students and other students in the Bowraville area could have their school of excellence with farming facilities and Aboriginal studies, and perhaps on a Friday afternoon those students could travel to the new school at Nambucca Heads for, say, music classes. That new school will be a good high school. To link those schools and to share the resources would be economical for the Government and for the department. It would help to relieve the cost of bus travel and would be convenient for the students. I expressed some concern about the curriculum that might be offered to a small number of students undertaking year 11 and year 12 at Bowraville. I was told that students are opting out of the education system. However, I believe education to be the key for students, especially Aboriginal students.

In a letter dated 12th August the Minister advised that she was awaiting the outcome of a departmental review. She has assured me of her full support for the concept should the proposal prove viable. This proposal to extend the curriculum at the school to cater for year 11 and year 12 students has been on foot for months. It is vital that a decision be made urgently because parents and students must make their plans accordingly. They must decide whether students will go on to year 11 at Macksville, unless a class is established at Bowraville. They must also decide whether to commence year 7 at Bowraville when that school cannot provide year 11 and year 12 classes. It is important for students to have continuity of education if they intend to complete high school studies through to year 12. It is absolutely vital that we have a reply from the department on this issue as soon as possible.

In June parents were sent a circular asking them to nominate where their children would attend school in 1992. The forms are supposed to have been completed, but the parents are awaiting the outcome of the department's decision on this proposal. As I said, it is vital that the decision be made urgently. Bowraville Central School has a wonderful environment, and it has community and teacher support. I congratulate the principal, Les Cross, and all the teachers, as well as the community, parents, teachers and staff, on their preparedness to take up the challenge to allow year 11 and year 12 courses to be implemented at the school. I appeal to the Minister for the Environment to take my request to the Minister for School Education and Youth Affairs for an early, positive response.

Mr ACTING-SPEAKER (Mr Chappell): Order! It being fifteen minutes after four o'clock, p.m., the debate is interrupted pursuant to Standing Order 123A.

Question - That grievances be noted - resolved in the affirmative.

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COUNTRY INDUSTRY PAYROLL TAX

Message

Message sent to the Legislative Council requesting the Legislative Council to refer to the Standing Committee on State Development the issue of payroll tax concessions for country industry and application of the present formula for the calculation of such payroll tax concessions, for inquiry and report by 31st December.

House adjourned at 4.16 p.m.

QUESTIONS UPON NOTICE

The following questions upon notice and answers were circulated in *Questions and Answers*:

BATHURST THOROUGHBRED TRAINING FACILITY

Mr Clough asked the Minister for Sport, Recreation and Racing and Minister Assisting the Premier -

When is it anticipated that the thoroughbred training facility costing \$2 million will be completed at Tyers Park, Bathurst, as announced in May 1991?

Answer -

Based on the latest estimates the thoroughbred training facility at Bathurst will be completed by March 1992.

F4 TOLLWAY

Mr Langton asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) Why will motorists who leave and enter the existing F4 Freeway at James Ruse Drive have to pay a toll for the Western Tollway when they will not in fact use the Western Tollway?

(2) If these motorists are paying for the maintenance and upgrading of an existing road, why do they also have to pay the 3x3 levy?

(3) How widely will the Government apply this policy, or will it be restricted only to those motorists who will be using the F4 Freeway?

Answer -

(1) The location to the east of James Ruse Drive selected for the toll booths is the most practicable option and will mean that the least amount of toll will be charged over the shortest possible term before ownership reverts to the State.

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The Freeway is being widened from four to six lanes between Marlborough Road and James Ruse Drive to eliminate congestion and reduce travelling time. Motorists using the Freeway between Silverwater Road and James Ruse Drive will be required to pay the toll.

However, when the tollroad is open, motorists will have the alternative of using the existing parallel roads which will have improved traffic flow and, of course, no toll.

(2) and (3) The construction of the missing link of the Freeway as a tollroad is in accordance with the Government's policy of accelerating the provision of much needed roadworks by encouraging private sector involvement in the financing of such works. Indeed, if the Government was required to finance the cost of the Freeway, very little other work could proceed in Western Sydney for several years.

RAILWAY AUTOMATIC FARE COLLECTION

Mr Langton asked the Minister for Transport -

(1) When does the SRA plan to introduce automatic fare collection to New South Wales railway stations?

(2) Which stations, apart from the 193 already targeted, will become fitted with automatic fare collection?

(3) How many staff will remain at those stations which are to receive automatic fare collection?

(4) How many people will lose their jobs as a result of automatic fare collection?

(5) How much will the project cost?

Answer -

(1) The automatic fare collection system will be installed progressively from June 1992 and be completed by June 1993.

(2) All CityRail stations will be fitted with the new fare collection system.

(3) Staffing levels at stations will be subject to joint union/management staff reviews. A date for the completion of this task is not known at this stage.

(4) In line with CityRail's current policy, employees whose positions become surplus will be redeployed, with training provided, or alternatively, may accept voluntary redundancy.

(5) \$60 million.

CABRAMATTA ROAD TRAFFIC STUDY AND ROADWORKS

Mr Newman asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) What budget has been set for the reconstruction of Cabramatta Road by the RTA?

(2) When will works take place to the intersection of Cumberland Street and Cabramatta Road for safety provisions?

(3) (a) What is the stage of the road traffic study on Cabramatta Road?

(b) What is the predicted completion date for work to commence?

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Answer -

(1) The allocation for works in Cabramatta Road in 1991/92 is \$260,000.

(2) It is planned that safety fencing and upgraded signposting be installed at the intersection of Cabramatta Road and Cumberland Street in the immediate future.

A detailed concept design is being prepared for the provision of a right turn bay at the intersection. However, extensive public utility adjustments will be required before the bay can be constructed and, therefore, some delay result. In the meantime, the Roads and Traffic Authority will pursue with Council the question of banning right turns from Cabramatta Road into Cumberland Street during peak periods.

(3) (a) Some proposals advanced by the consultants who conducted the study elicited strong community reaction and, accordingly, the scheme is being reviewed. Where practicable, suggestions from the public and Council will be incorporated in the final scheme.

(b) It is expected that the review will be completed in November 1991 and funds will be provided for work to proceed over the financial years 1991/92 to 1993/94.

PORTLAND KINDERGARTEN SUBSIDY

Mr Clough asked the Minister for Health Services Management representing the Minister for Health and Community Services -

When will the promised subsidy of \$25,000 be paid to the Blinky Bill Kindergarten in Portland?

Answer -

The cheque for \$25,000 was despatched to the Blinky Bill Preschool on 1 July 1991.

MARITIME SERVICES BOARD REVENUE AND EXPENDITURE

Mr Rumble asked the Minister for Transport -

What is the detail of the income received and expenditure incurred by the Maritime Services Board since the privatisation of the Port Kembla coal loader?

Answer -

Maritime Services Board operating revenue and expenses attributed to the Port Kembla coal loader for the 1990/91 financial year are as follows:

Revenue:	\$39,014,464
Expenses:	\$35,120,825

The lease of the loader to Port Kembla Coal Terminal Ltd commenced on 13 August 1990. The above figures include the results of trading for the preceding 6-week period during which the MSB still had operational responsibility for the loader.

PORT KEMBLA RAILWAY CARRIAGE CLEANING SHED

Mr Rumble asked the Minister for Transport -

(1) Has CityRail determined the costs involved in providing a new shed or more suitable cleaning area for self-propelled trains at Port Kembla Railway Station?

(2) If not, when is it expected that the investigation will be completed?

(3) If so, what decisions have been made and when will an appropriate cleaning shed be provided?

Answer -

(1) Indicative cost estimates ranging to a maximum of \$1.04 million were made in November 1990.

(2) N/A.

(3) The provision of cleaning facilities will be considered when plans have been finalised for the extension of electrification beyond Wollongong.

SUNNYHOLT ROAD-LALOR ROAD TRAFFIC CONTROL LIGHTS

Mr J. J. Aquilina asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) Is he aware of the chaotic traffic conditions currently existing at the intersection of Lalor Road and Sunnyholt Road, Quakers Hill?

(2) Have funds been allocated for the construction of traffic signals at this intersection?

(3) When is it anticipated that the installation of traffic lights at this intersection will be completed?

Answer -

(1) I am aware that the junction of Lalor Road with Sunnyholt Road, Quakers Hill, has been identified as a site where the installation of traffic control signals is warranted.

(2) Yes.

(3) The acquisition of property required is in progress and it is anticipated that the installation of signals will be completed before the end of the current financial year.

IRON BARK CREEK FLOODGATES

Mr Price asked the Minister for Natural Resources -

(1) What effect do the floodgates on Iron Bark Creek at Hexham/Sandgate have on the estuarine fish breeding capacity of the Lower Hunter River?

(2) Is the Department of Agriculture prepared to negotiate with other involved government departments and agencies to correct the present imbalance of saline intrusion into the Hexham Wetlands?

(3) What is the time frame necessary to undertake the changes required?

(4) What are the details of those changes?

(1) NSW Fisheries is involved in the assessment of the impact of the flood gates on the distribution and abundance of fish species in the Lower Hunter. The Iron Bark Creek Total Catchment Committee is a committee established by the Hunter Valley Catchment Management Trust to assess the value of the Iron Bark Creek area and to assess a number of pressures on the area, including the impact of the flood gates. The Ecosystem Group of the Iron Bark Creek Total Catchment Management Committee is convened by NSW Fisheries staff.

As part of the Ecosystem Group's investigation of Iron Bark Creek, a fish sampling program is being carried out to compare the fish fauna of Iron Bark Creek with the fish fauna of Mosquito Creek which is open to full tidal inflow from the Hunter River. This program is approximately at the half way stage with completion of field work anticipated early in 1992.

In addition to the fish sampling work there is also an investigation into current and previous vegetation, terrestrial fauna and aquatic fauna in the Iron Bark Creek Wetlands. Preliminary results from this work suggests that a substantial area of Iron Bark Creek would revert to nursery (not breeding) habitat for fish and prawns if the flood gates were to be removed.

A draft report from the Ecosystem Group is due to be completed in early 1992 and this report will contain recommendations on the most appropriate operation of the flood gates to protect and improve the Iron Bark Creek Ecosystem.

(2) I understand that the Regional Liaison Officer of the Department of Agriculture is a representative on the Land Use Group of the Iron Bark Creek Total Catchment Management Committee. The Department of Agriculture will consider the recommendations of all working group reports and negotiate with other government departments and agencies as well as individuals and community representatives to determine how to best manage the Hexham Wetlands.

(3) Reports from all working groups in the Iron Bark Creek Total Catchment Management Committee should be available before the end of 1992. At this time all recommendations and comments from the working groups will be considered and a report from the Iron Bark Creek Total Catchment Management Committee will be prepared.

In this report there will be recommendations for the operation of the flood gates to accommodate the maintenance of the wetlands and the protection and improvement of fisheries habitat.

Adoption and implementation of these recommendations will depend upon the authority controlling the operation of the flood gates. At this time this is the responsibility of Newcastle City Council in association with the Public Works Department.

(4) The detail of changes will not be apparent until all working groups have completed their studies.

MARITIME SERVICES BOARD WATERWAYS AUTHORITY BUDGET

Mr Price asked the Minister for Transport -

(1) What is the expenditure program planned by the Maritime Services Board Waterways Authority, given the massive increase in mooring fees due to apply to the recreational and commercial boating community of this State?

(2) What are the reasons for the successive fee increases that have applied since April 1988?

(3) What is the number of additional authority staff, including enforcement officers, and their present locations for the same period?

(4) (a) What are the Capital Works and/or Capital Items that will be provided for the recreational boating fraternity in the 1990/91 and 1991/92 Budget periods?

(b) What are the relative cash allocations?

Answer -

(1) The fee structure proposed to be implemented in July 1992 is being reviewed and extensive consultation with mooring user groups is in progress.

(2) Rates for moorings were increased by 100 per cent in July 1989. This action followed previous increases which fell well short of the CPI and was taken on the basis of the Leach report, an independent inquiry into moorings in NSW. Mooring fee rises after the 1 July 1989 increases have been in line with the CPI.

(3) The staffing of the authority actually decreased between 1989 and 1991.

Separately, over the last eighteen months the business activities of the MSB have been rationalised and staff numbers have been reduced considerably. This process then resulted in the transfer of activities such as harbour cleaning, navigation aid maintenance, wetland leasing etc into the Waterways Authority resulting in a staff increase in July 1991 from 120 to some 280. In so far as on-water staff are concerned, personnel numbers have not changed. In August 1991 the Authority had 36 Boating Service Officers which, with recruitment action now in train, will increase to 42 prior to the coming boating season.

(4) (a) and (b) Capital Expenditure for 1990/91 which relates to recreational boating was:

* Aids to Navigation	\$475,000
* Patrol Boats/Vehicles	\$225,000
* Minor Works/Computer Systems etc	\$200,000
* Proposed expenditure for 1991/92 is:	
* Aids to Navigation	\$300,000
* Boating Facilities	\$200,000
* Upgrade Advising Signs	\$100,000
* Vessel Sewage Pumpout Facilities	\$90,000
* Patrol Boats/Motors	\$550,000
* Recreational Boating Computer Systems	\$200,000

SEVEN HILLS TRAIN DELAY

Ms Allan asked the Minister for Transport -

(1) On 29 August 1991, why did the 8.11 a.m. train from Seven Hills arrive at Central Station at 10 a.m.?

(2) Why did the railway inquiry office inform the public that there were no delays?

(1) There were major disruptions to train services on the morning in question due to overhead wiring coming down at Auburn. All services on the Western line were substantially delayed.

(2) Delays on the Western line were reported on CityRail's information line, telephone 281 4244, at half-hour intervals from 7.30 a.m.

PROSPECT CREEK BANKS RESTORATION

Mr Irwin asked the Minister for Natural Resources -

(1) Have studies been carried out to determine works necessary to the banks of Prospect Creek adjacent to The Horsley Drive and Bell Crescent, Fairfield?

(2) What works need to be carried out?

(3) What co-operation has been received from Fairfield City Council?

(4) What co-operation has been received from Holroyd City Council?

Answer -

There are two separate sites on Prospect Creek to which the question may apply, The Horsley Drive overpass and at Bell Crescent.

As I advised you in my letter of 12 November 1990, the primary responsibility for bank protection works lies with both Fairfield City and Holroyd City Councils. My portfolio's involvement is restricted to the provision of technical advice and the provision of financial assistance to approved flood mitigation works and measures.

Accordingly, I sought the advice of the Department of Water Resources, which informs me that as regards The Horsley Drive:

(1) Consultants, Dalland and Lucas Pty Ltd were engaged by Fairfield City Council to design and prepare construction drawings for the necessary bank stabilisation work. The consultants fee was \$19,000.

(2) The bank restoration work on Prospect Creek adjacent to approaches of The Horsley Drive railway overbridge has required placement of a 'gabion basket' retaining wall and associated works.

(3) Fairfield City Council is carrying out the restoration work on behalf of the Roads and Traffic Authority of New South Wales.

(4) The centreline of Prospect Creek at the restoration work site is the boundary between Holroyd City Council and Fairfield City Council.

Holroyd City Council has had very little involvement with the project, as all work is on the Fairfield Council's side of the creek.

As regards the Bell Crescent site:

(1) and (2) No studies have been carried out at this site. However, there have been inspections of the area by engineers from both councils. Although there are some conceptual plans in place, these have not been developed in any detail.

(3) and (4) Again, because the creek is the boundary between the councils, it will be necessary for each to co-operate to ensure a successful stabilisation project. I am not aware that there is any lack of co-operation between the councils.

MARITIME SERVICES BOARD WOOLLOOMOOLOO WHARF 11 LEASE

Mr Langton asked the Minister for Transport -

(1) Is he aware of the circumstances surrounding the Maritime Services Board handling of the tender by Wharf 11 Pty Ltd to conduct recreational boat storage operations at Wharf 11, Woolloomooloo, with Dragon Boats Pty Ltd?

(2) Why has the MSB not proceeded with the licence agreement issued to Wharf 11 Pty Ltd?

(3) Will he ensure that the MSB compensates Wharf 11 Pty Ltd, in view of the substantial investments made by them and the clients and goodwill they have secured for the wharf, the benefits of which now will flow to the MSB?

Answer -

(1) Yes. The tender was for a licence to operate dry boat storage on a temporary basis with termination on 3 months' notice. The operation required development approval which was never obtained. A licence was never executed.

Dragon Boats (NSW) Pty Limited were in effect a subtenant of Wharf 11 Pty Ltd and had no direct relationship with the MSB.

(2) Following the issue of the licence agreement to Wharf 11 Pty Ltd the Government formulated new plans for Wharf 11 and Woolloomooloo Bay which required Wharf 11 for other uses, including public open space, restaurant, kiosk and charter boat facilities. Therefore no licence agreement was signed.

(3) No. The investment at Wharf 11 was undertaken by Wharf 11 Pty Ltd at its own risk and the MSB is not responsible for any compensation. The works on the site were never approved and the Government/MSB cannot be held liable for the company's expenditure.

PORT STEPHENS NAVIGATION LIGHTS

Mr Martin asked the Minister for Transport -

(1) Are the navigation lights in Port Stephens in good working order?

(2) When was the failed light at Corrie Island (Port Stephens) reported as out of order?

(3) When was the light repaired?

(4) Should this navigational light be operational at all times?

Answer -

(1) The navigation lights in Port Stephens are all in good working order. These lights are maintained by the MSB Waterways Authority on a regular basis to ensure their reliability at the highest possible level.

(2) The failed light at Corrie Island was reported out of order on 22 August 1991.

(3) The light was repaired on 2 September 1991. Waterways Authority technicians attended the light on 23 August 1991. The problem was found to be of a major nature requiring workshop repairs. The coastal patrol and the local press were notified that the main light would be out for an extended period. Standby leads were activated whilst repairs were being undertaken on the main light.

The Corrie Island Main Lead is a sophisticated light located in an extremely remote location. It is conceivable that problems will be encountered that cannot be repaired on site and it is not physically possible to transport spare components to cover all contingencies. It is for this reason that there is a backup arrangement for this particular installation.

(4) The navigational light should be operational at all times. Naturally the daylight hours are not as critical as the night, hence repairs are carried out on the day following the report of the fault with the intention of returning the light to operational status prior to sunset.