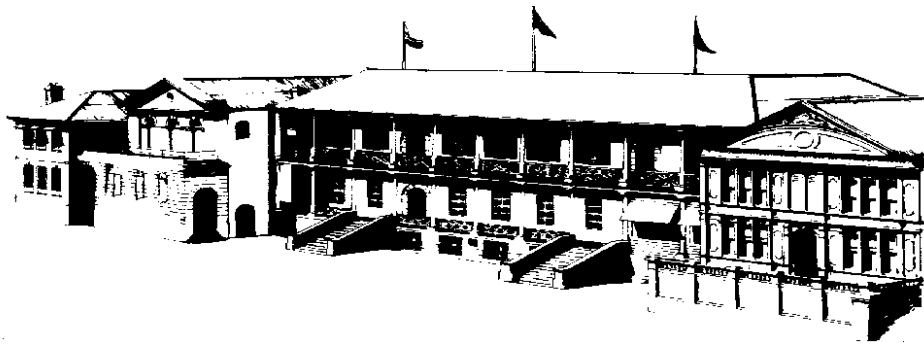




**NEW SOUTH WALES**



*Legislative Assembly*

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**FIFTY-FIRST PARLIAMENT  
THIRD SESSION**

**OFFICIAL HANSARD**

**Tuesday, 28 April 1998**

# LEGISLATIVE ASSEMBLY

Tuesday, 28 April 1998

**Mr Speaker** (The Hon. John Henry Murray) took the chair at 2.15 p.m.

**Mr Speaker** offered the Prayer.

## VICTIMS OF VIOLENCE SPECIAL SERVICE

**Mr SPEAKER:** Order! Today a special service for the victims of violence was held in St Stephens Uniting Church in Macquarie Street. The service coincided with the second anniversary of the Port Arthur tragedy. I am sure all members of the Legislative Assembly will join me in extending the sympathy of the House to all victims of violence, particularly the victims of the Port Arthur tragedy. At the service the Premier asked, "What words of ours could comfort the loved ones of the victims, express the inexpressible, comprehend the incomprehensible, answer the unanswerable?" A large number of members of this House supported that sentiment by attending the service.

## TELEVISIONING OF PROCEEDINGS

**Mr SPEAKER:** Order! Following a meeting with representatives of the four television stations with which the Legislative Assembly has an agreement relating to the televising of proceedings, it has been agreed that a third television camera will be temporarily mounted in the press gallery for use as and when required. The temporary camera will be operated by the Parliament. It will be used for supplementary footage by the stations to which I have referred and will be subject to the same rules as the established television cameras at the rear of the House.

## ASSENT TO BILLS

Assent to the following bills reported:

Traffic Amendment (Confiscation of Keys and Driving Prevention) Bill  
Correctional Centres Amendment Bill

## MINISTRY

**Mr CARR:** I announce that during the absence of the Minister for the Olympics on Tuesday, 28 April, Wednesday, 29 April, and Thursday, 30 April, I will answer questions on the Minister's behalf.

## ALBURY CITIZENS PLANE CRASH VICTIMS

### Ministerial Statement

**Mr CARR** (Maroubra—Premier, Minister for the Arts, and Minister for Ethnic Affairs) [2.18 p.m.]: I wish to make a ministerial statement. I offer my condolences to the people of Albury as they come to terms with the shock of the weekend plane crash that robbed them of six respected and loved members of their community. As the *Border Morning Mail* said on its front page today, "Our grief". An entire community of people is grieving. In this statement I hope that in some small way we may share their burden. I extend my sincere condolences to the families of those who died, especially to their children. These six friends were prominent citizens of Albury, highly respected members of their community and individuals who touched many lives.

Dr Heather Bartram and Dr Jane Pike pioneered women's health in Albury. Dr Lex Bartram and Dr Ian Pike were respected orthopaedic surgeons. Their passing is a great loss not only to their families and friends but to those who benefited from their professional skill and dedication. John and Margaret Baker, who had 80 years flying experience between them, ran a successful car dealership and were also champion canoeists. In every way each of those who died lived life to the full. A community's loss in war, natural disaster or a tragic accident like this is always the same. To the grieving community I say: we mourn for the lost; we share your grief at this appalling misfortune.

**Mr GLACHAN** (Albury) [2.20 p.m.]: On behalf of the community of Albury and the families of the victims of this tragedy I thank the Premier for his kind words today. I thank also honourable members of this House for their attention to them. This tragedy has been a severe and deep blow to the community of Albury. From time to time communities must deal with tragedies such as this, which has touched the hearts of every citizen of Albury. The entire city is in shock, and its citizens are finding it extremely difficult to come to grips with the fact that six very important citizens, people whom they loved and knew well, have been lost so tragically.

Each of the crash victims served the community in many ways. The Baker family had

been in business in Albury for generations. John Baker and his wife were well known professionally in their business, because of their involvement in sporting activities and their sponsorship of the many community activities with which they were associated over many years. John Baker, who was 68 when he died, had been a pilot since he was 25. His wife, who was a nurse, had been a pilot for 40 years. On many occasions she had been involved in the Red Cross Murray River marathon and had gained the title of Queen of the Murray. She was so well liked, loved and respected.

Ian Pike, a well-known orthopaedic surgeon, improved the quality of life for many people with his medical skills. Many loved him for what he had done for them. His wife, Jane, was a young doctor involved with the mammography centre at Albury Mercy Hospital. She counselled and helped treat many women diagnosed with breast cancer. She too was greatly respected and loved by those with whom she came in contact.

Lex Bartram was a well-known surgeon in Albury for many years. His wife was at the forefront of the treatment of women's illnesses, especially in the field of osteoporosis. The Bakers leave behind five sons, the Bartrams four sons. Between them they had many grandchildren. The Pikes leave four young girls ranging in age from 21 to 13 years. The community feels deeply for them in their loss. On behalf of my wife and our three daughters I express deep sympathy and love for the families of all those lost in this tragic accident. To them I say: the community loved and respected your parents and your grandparents, and we love and respect you. We want to surround you with our love. We hope that from that love and by the grace of God you will receive some comfort in this terrible loss.

### **TAMWORTH REGIONAL ENTERTAINMENT CENTRE**

#### **Ministerial Statement**

**Mr WOODS** (Clarence—Minister for Regional Development, and Minister for Rural Affairs) [2.22 p.m.]: The Tamworth regional entertainment centre will provide a home for the annual Australasian Country Music Awards, which are held in Tamworth each year on the Australia Day weekend to coincide with the town's world-renowned country music festival. The awards ceremony and the festival bring international attention to Tamworth and provide a boost for local tourism and jobs. Conservative estimates reveal that the festival attracts more than 40,000 tourists, generates over \$40 million in revenue and provides

thousands of jobs in the service and supply industries.

The State Government is committed to ensuring that Tamworth retain these two events. Without the construction of a new centre New South Wales was at risk of losing the awards and the festival to Victoria or Queensland. The support of the State Government was needed to commence the construction. When I was in Tamworth for the country music festival earlier this year I presented to the council a cheque for \$450,000 for that purpose. Today I announce the provision of a further \$400,000 to Tamworth City Council, the second round of funding of a total of \$1.25 million committed by the State Government towards the building of the centre.

Construction of the Tamworth regional entertainment centre is expected to be completed by late August. It will provide a 5,000-seat theatre for live shows and other events that currently cannot be held in Tamworth because of the lack of an appropriate venue. Local business will contribute \$800,000 towards the project. The remaining costs will be met by Tamworth City Council. I give credit to James Treloar, mayor of Tamworth, and the honourable member for Tamworth for driving the project.

When I visited Tamworth earlier this year the Federal Government received a verbal caning from the community for its inaction in this regard. To date the Howard Government has provided only \$250,000 by way of a tourism program in answer to the local council's request that it match the State Government's \$1.25 million commitment. This episode is further confirmation of the damage that the Federal Liberal and National parties are inflicting on country areas by their policy of abandoning the bush.

**Mr SPEAKER:** Order! I call the honourable member for Lane Cove to order.

**Mr WOODS:** For Tamworth to retain the country music awards it needs a regional entertainment centre. The State Government has helped that city to achieve that goal. The Federal coalition has done next to nothing.

**Mr SPEAKER:** Order! I call the Deputy Leader of the National Party to order.

**Mr WINDSOR** (Tamworth) [2.25 p.m.]: On behalf of the people of Tamworth I thank the State Government for its very generous \$1.25 million donation towards the construction of the Tamworth

regional entertainment centre. It is an important initiative of the Tamworth community and it should receive government support. However, government has not been asked to provide all the necessary funds; the initiative is being supported by the local council and the local community. Indeed, in addition to the \$800,00 referred to by the Minister the community has raised a further \$80,000, taking the amount raised from the pockets of the Tamworth business community to \$880,000.

I thank particularly the Premier and the Treasurer, the Hon. Michael Egan, for their interest in this centre, which will be the largest exhibition centre in the northern part of the State and will house 5,000 people for country music events and other forms of entertainment and exhibitions. Many people have supported the construction of this building. Unfortunately, however, to date the Federal Government has not come to the party to match the State Government's \$1.25 million contribution. All governments should support regional development initiatives of communities that want to help themselves. I thank the State Government for its assistance.

## MINERAL EXPLORATION

### Ministerial Statement

**Mr MARTIN** (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [2.28 p.m.]: The Carr Labor Government has created much work in New South Wales, and for the first time expenditure on mineral exploration over a 12-month period has topped the \$100 million mark.

**Mr SPEAKER:** Order! I call the honourable member for Georges River to order. I call the honourable member for Pittwater to order.

**Mr MARTIN:** The latest figures from the Australian Bureau of Statistics show that throughout the whole of Australia in 1997 \$101.8 million was spent on mineral exploration, a 21 per cent increase over the \$83.9 million spent in 1996. The figures confirm that in 1998 the Government has spent 10 per cent more on exploration in New South Wales than was spent on all mineral exploration throughout Australia in 1997. Petroleum exploration activity in New South Wales is at record levels, the highest for 30 years. The Department of Mineral Resources is reviewing an application for a petroleum exploration permit covering the offshore Sydney basin, which runs from my electorate of Port Stephens to Stanwell Park in the south.

There are other exciting petroleum and gas exploration activities that I am not yet able to announce for reasons of business confidentiality. This month, for instance, I announced the grant of a new coal exploration licence to Bulga Coal Management near Broke in the Hunter Valley. The project is essential for the future of the South Bulgara underground mine and for the continued employment of its work force of more than 200 people. The media have picked up the boom in exploration and it was front-page news in the *Australian Financial Review* of 6 April and the *Australian* of 27 April.

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

**Mr MARTIN:** The media have noticed the boom in mineral sands exploration in the south-west of New South Wales—the Pooncarie, Balranald/Swan Hill projects. They have described exploration activity in the Curnamona Craton geological area on the New South Wales-South Australian border area around Broken Hill as one of Australia's greatest. They consider the area a new frontier for the discovery of world-class deposits of gold-copper, lead and zinc. Rio Tinto, the world's largest mining group, is centring its attention on the Warratta project, 50 kilometres east of Broken Hill, where early drilling indicates the potential for significant copper-gold discoveries.

This excellent news on exploration confirms the continuing success of the Carr Government's initiatives to promote exploration. It is continuing to attract investment, national and international, in the future of mining in New South Wales. The Carr Government is providing the climate for new mines and jobs, as well as much-needed royalties for schools, hospitals, et cetera. The Government recognises that the best way to keep market support is to find major mineral deposits through exploration. Over the past three years the Carr Government has invested approximately \$20 million in the Discovery 2000 program.

**Mr SPEAKER:** Order! I call the honourable member for Coffs Harbour to order.

**Mr MARTIN:** We inherited the program from the former Government, which did little with it; the Carr Government has made it work. The success of this program is that the Government is committed to spending a further \$10 million on the program in the two years leading up to 2000. The object of the program is to increase this State's share of

exploration investment in Australia in key prospective areas, mainly around Broken Hill and the Darling basin. The Discovery 2000 program has won major awards, including a gold award at the Eleventh Government Technology Productivity Awards which was presented by the Governor-General at Parliament House in Canberra.

The gold award was for DIGS—the Digital Imaging Geological Survey system—a world-class program that has improved productivity and provided better service through the latest imaging and processing technology. It is considered to be the only system of its type in Australia. The project will store, in digital form, the Department of Mineral Resources' entire collection of one million geological documents. It is the first point of reference for companies wishing to explore mining opportunities in the State.

New South Wales is clearly ahead of the game in minerals exploration through the application of technology in the analysis of minerals potential; new exploration licence conditions providing for staged approvals under the Environmental Planning and Assessment Act; and a target of 90 per cent of exploration licence applications to be completed within three months of receipt. It is also currently planning the second year's program for the three-year, \$15 million NEDO project—the joint coal exploration research project signed in August 1997 between the Government and the New Energy and Industrial Technology Organisation of Japan.

The objective is to develop the technology required to delineate coal seams in geologically complex deposits in the Caroonah area of the Gunnedah basin. This is an excellent example of the confidence that one of our major trading partners has in New South Wales: that it wants to include this State in its plans for the future. The Government is getting things done across the board in mining. It is committed to keeping New South Wales at the forefront of Australian minerals exploration. Today I reaffirm that commitment to the House.

**Mr Cruickshank:** In spite of you, Bob.

**Mr J. H. TURNER** (Myall Lakes) [2.33 p.m.]: The honourable member for Murrumbidgee interjected, "In spite of you, Bob", and that is the catchcry from members on this side of the House. The Minister spoke about the fact that expenditure on exploration has risen; but the Government has no development component. When a company located a viable gold seam at Lake Cowal the Premier said, "I

do not like that idea", and canned it. The Government is not instilling confidence in this State by announcing that although it has increased exploration it has halted development by the major metalliferous companies in New South Wales. Numerous coalmines have closed under this Government and very little is being done to promote further development in the coal industry in this State.

The Minister had the audacity to refer to Discovery 2000 as though the Government had some claim to it, but it was introduced by the Fahey Government. It was a very successful program until the Labor Government gutted it to the tune of \$5 million. The Minister really should not attempt to talk about the merits of the Government's exploration program. The Minister said that the Government will top up that program by \$10 million by the year 2000. But his figures are dodgy. We have yet to see how much will be slashed from the program in this year's budget. The Government reduced expenditure on the program in the last budget and in my view will do so again in this year's budget. Exploration is essential for the development of this State, but, more importantly, industries must be able to come to New South Wales confident that the Government will not ride roughshod over them and decide one morning to cancel their projects—just as the Premier did before Easter when he decided he did not want goldmining in New South Wales.

Industry will regain confidence when the coalition regains office in 1999. The coalition will ensure that development applications that come before the new Government will be processed expeditiously in the interests of increased employment in country New South Wales. It is a disgrace that it takes 10 years to receive approval for mining development in this State. Members on the Government side of the House should be ashamed for obstructing and delaying important development in the metalliferous and coalmining industries and, more importantly, inhibiting employment opportunities in country New South Wales. The Government's attitude towards the mining industry is the same as its attitude to the farming industry: it really does not care very much about it.

**Mr SPEAKER:** I acknowledge the presence in the gallery of students from Methodist Ladies College, Burwood. I welcome them to the Legislative Assembly.

[*Notices of Motions*]

**Mr SPEAKER:** Order! The level of interjection is testing the tolerance of the Chair. Ministers should not be interrupted when they are giving notices of motions. Members will have the opportunity to comment on such motions at the appropriate time.

## PETITIONS

### Governor of New South Wales

Petitions praying that the office of Governor of New South Wales not be downgraded, and that the role, duties and future of the office be determined by a referendum, received from **Mr Blackmore, Mr Brogden, Mrs Chikarovski, Mr Collins, Mr Debnam, Ms Ficarra, Mr Glachan, Mr Hartcher, Mr Hazzard, Mr Humpherson, Dr Kernohan, Mr Kerr, Mr MacCarthy, Mr Merton, Mr O'Doherty, Mr O'Farrell, Mr Photios, Mr Richardson, Mr Rozzoli, Mr Schipp, Mr Schultz, Ms Seaton, Mrs Skinner, Mr Smith and Mr Tink.**

### Land Tax

Petition praying that land tax on the family home be repealed and that the land tax threshold on investment properties be doubled from \$160,000 to \$320,000, received from **Mrs Skinner.**

### Wagga Wagga and Albury Radiotherapy Clinics

Petitions praying that the Minister for Health endorse the Patspur Pty Ltd proposal to establish radiotherapy clinics at Wagga Wagga and Albury, received from **Mr Cruickshank and Mr Schipp.**

### Police and Community Youth Club Movement

Petition praying that the removal of dedicated police staff appointed to Police and Community Youth Clubs be opposed, received from **Mr Oakeshott.**

### Lakes Way Link Road

Petition praying that the Government reinstate its commitment to the construction of the link road from the new Bulahdelah Mountain bypass to the Lakes way, received from **Mr J. H. Turner.**

### Coffs Harbour Jetty

Petition praying that a platform be constructed on Coffs Harbour jetty for the purposes of jetty jumping, received from **Mr Fraser.**

### Quirindi Special School

Petition praying that funding continue for the Quirindi Special School, received from **Mr Neilly.**

### Pig Hunting

Petitions praying against proposed changes to legislation to ban the use of dogs in pig hunting, received from **Mr Blackmore, Dr Kernohan, Mr Peacocke and Mr Schipp.**

### Port Macquarie Area Mining

Petitions praying that mining operations south of Port Macquarie near Lake Innes be discontinued, received from **Mr Jeffery and Mr Oakeshott.**

## COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

### Collation of Evidence: General Aspects of Operations

**Mr Nagle**, as Chairman, tabled a collation of evidence of the Commissioner of the Independent Commission Against Corruption, the Hon. B. S. J. O'Keefe, AM, QC, on general aspects of the commission's operations, taken on Friday, 28 November 1997.

### Ordered to be printed.

*[Notices of Motions for Urgent Consideration]*

**Mr SPEAKER:** Order! I call the honourable member for Oxley to order. I call the Leader of the National Party to order. I call the honourable member for Ermington to order.

## QUESTIONS WITHOUT NOTICE

### WATERFRONT DISPUTE

**Mr COLLINS:** Why has the Premier failed to enforce the police commissioner's protocol which states that pickets should not restrict access of vehicles, to ensure that \$2 billion of farm produce and other goods can move off our wharves?

**Mr SPEAKER:** Order! I call the Minister for Agriculture to order.

**Mr COLLINS:** Is his failure to stand up to the Maritime Union of Australia because the union

contributed funds to the Australian Labor Party and nine Labor Party candidates during the 1995 State election, including the honourable member for Swansea, the honourable member for Port Jackson, the honourable member for Newcastle, the Minister for Health, the Minister for Local Government, the Minister for Fair Trading and Mr Speaker?

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

**Mr CARR:** Let me quote the police commissioner, "We will not be pushed into using excessive force."

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

**Mr CARR:** Do members of the Opposition find that objectionable? Yes. Do they find it comical? Yes.

**Mr SPEAKER:** Order! I call the honourable member for North Shore to order.

**Mr CARR:** The statement members of the Opposition find objectionable and, possibly, comical is that of the Victorian police commissioner.

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

**Mr CARR:** Let me quote the police Minister, "I haven't given them a direction. Don't get involved in the operational side—you can't do that."

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

**Mr CARR:** Was that objectionable? Do Opposition members argue with that? They are silent this time. That statement was made by the police Minister in Queensland, Mr Russell Cooper.

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

**Mr CARR:** He was talking to Stan Zemanek about what happened on the wharves. Stan was quite persuaded that it was a reasonable proposition. Do members want to hear the statements made by police commissioners of all Australian jurisdictions gathered in Melbourne? They said the same thing. What they said—and I paraphrase their words—was that police around this country are not going to be used as battering rams to settle an industrial dispute

coldly, calculatedly engineered by John Howard and Peter Reith. Two things stand out about the wharf dispute. First, it was started by Howard and Reith and Patrick. Second, it can be settled only by negotiation. Today I repeat my call to all parties to enter negotiations to settle this dispute.

**Mr SPEAKER:** Order! I call the honourable member for Davidson to order. I call the Deputy Leader of the Opposition to order for the second time.

**Mr CARR:** Today I announce that the New South Wales Government will facilitate those negotiations. I want to make available to settle this dispute—

**Mr Collins:** On a point of order. The second part of my question specifically asked the Premier whether his failure to stand up to this union was because it contributed to nine Labor Party candidates.

**Mr SPEAKER:** Order! There is no point of order.

**Mr CARR:** Leaving aside the huge sums that Patrick has given to the Liberal Party, the Australian people want a negotiated settlement to this dispute. The Government will make available no less a person than the new President of the New South Wales Industrial Relations Commission, His Honour Justice Wright, to bring the parties together. He will do so on the basis of the following plan for a settlement. First, all sacked workers to be re-employed on previous terms with an agreement to begin immediate negotiations for further increased efficiency.

**Mr SPEAKER:** Order! I place the honourable member for Baulkham Hills on two calls to order.

**Mr CARR:** This can include negotiations around annualised salaries, incentive payments with levels to particular agreed benchmarks.

**Mr Hartcher:** On a point of order. The standing orders prohibit any reflection on the Governor or the judiciary. The Premier has reflected on a member of the judiciary by saying that he would make available the president of a court for purposes of his own peace plan. I ask you to direct the Premier to withdraw that reflection on the judiciary.

**Mr SPEAKER:** Order! No point of order is involved.

**Mr CARR:** Second, efficiency improvements will be oversighted by the New South Wales Industrial Relations Commission. It would be given a proper role in assessing efficiency improvements that could be made by management, port authorities, shippers, the work force and other stakeholders.

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

**Mr CARR:** The New South Wales Government is prepared to facilitate the establishment of a waterfront reform steering committee modelled on the Industrial Relations Consultative Committee with a broad base of stakeholders involved in discussions.

**Mr SPEAKER:** Order! Opposition members will cease interjecting.

**Mr CARR:** The body would engage in the process of broadening the debate on waterfront reform, thoroughly examining all the inputs which determine productivity. The outcomes of mediation and the steering committee would then be formalised through the New South Wales Industrial Relations Commission. Third, there must be an investigation by the Australian Competition and Consumer Commission of alternatives to the employer duopoly on the waterfront and the entry of a third and perhaps a fourth player. I would seek agreement of the parties on the making of a joint New South Wales Government-community submission to the ACCC on the matter.

Fourth, the Federal Government's promised \$250 million will be used to upgrade port facilities and infrastructure to make ports internationally competitive. Fifth, I seek a return to work on a no-prejudice basis. This five-point plan must be adopted by the Federal Government. At this stage Howard and Reith are looking at an entrenched dispute. Plan A has blown up in their faces. As I asked in Newcastle on Friday, where is their plan B? Where does the country go now? All that the Howard Government offers is a drawn-out industrial dispute—a prolonged, damaging and expensive industrial dispute.

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

**Mr CARR:** This Government is prepared to sponsor a negotiated settlement that involves concessions by both sides so that Australia can win.

**Mr SPEAKER:** Order! I place the honourable member for Gordon on two calls to order. I call the

honourable member for Gordon to order for the third time.

### WATERFRONT DISPUTE

**Mr ARMSTRONG:** Will the Premier explain to the farmers of New South Wales how his endorsement of the Maritime Union of Australia and its continued blocking of vital farm products on our wharves is in farmers' interests. Why is he prepared to call in the police when he is held up by farmers at Walgett airport but will not call in the police when farm produce is held up on our wharves?

**Mr CARR:** What is that old expression? It is something like "What comes around goes around"? The date 21 May 1991, and the heading is "Farmers' blockade a prank—Armstrong". He was in a hall in this State. The wheat farmers gathered and piled up 80-kilogram sacks of wheat until the Leader of the National Party was stuck in the hall. Premier Nick Greiner described the farmers' protest as "a stupid prank". But I have done further research on the matter, and one of the farmers was none other than the member for Burrinjuck.

**Mr Photios:** On a point of order. The Leader of the National Party asked about police action in the face of the demonstration. The Premier's response has nothing to do with any police activity in relation to any demonstration, past or present.

**Mr CARR:** Members of the Opposition are urging that the dogs be sent in to the picket line. Let's start with the vertical corgis! Despite what the honourable member for Burrinjuck did—stacking up the wheat and trapping him in the School of Arts—the Leader of the Opposition ought to lay off him. A letter from the Leader of the National Party appears in today's *Daily Telegraph* in which he attacks the honourable member for Burrinjuck for not saving a bank branch in Cootamundra. The Leader of the National Party says he cannot be held responsible if the local member will not get cracking.

**Mr Armstrong:** On a point of order. The Premier has not identified the paper from which he is quoting or the town in which the incident occurred. The Opposition would like to know that.

**Mr CARR:** I am happy to table the article in the *Sydney Morning Herald*, a journal of record, of 21 May 1991. The Opposition has given me a wonderful opportunity to spell out that there is no difference in the stand being taken in the wharf dispute by police in the ports of Sydney, Newcastle, Brisbane, Melbourne and Fremantle. The stand is the same because police commissioners and police in



general do not believe it is their role to settle an industrial dispute engineered by Howard, Reith and Corrigan.

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

**Mr CARR:** The police in Melbourne, Brisbane and Fremantle, in fulfilling their professional duty of maintaining order and protecting life and limb, do not believe that it is their role to charge in and settle a dispute engineered by the Liberals. That is the position not only in New South Wales but right around Australia. Those who clamour for the New South Wales Government to have its police go in with batons, dogs and fire hoses ought to mount a similar claim in relation to Jeff Kennett and his police commissioner, or police Minister Russell Cooper in Brisbane, who said that it was not his job to instruct the police, or Richard Court, who, despite huffing and puffing by some police, has behaved in an identical fashion.

The Australian people want a negotiated settlement to this dispute. They want progress on wharf reform but they do not believe that ordinary working people should be stripped of their jobs for no offence other than that they belong to a trade union. If that principle prevails on the wharves, and I know the Maritime Union of Australia is not the most popular union, the same technique of mass sackings of unionists, dogs, balaclavas and all the other paraphernalia—bottom-of-the-harbour companies, companies that have been collapsed and stripped of their resources and assets and left only with liabilities—would be applied across industry.

**Mr SPEAKER:** Order! I call the Leader of the National Party to order for the third time.

**Mr CARR:** That is another reason why all members of this House ought, as a matter of consensus, to support the proposition I put forward for a five-point settlement negotiated with the assistance of the New South Wales Industrial Relations Commission.

### WHEEL CLAMPING

**Mr STEWART:** My question without notice is to the Minister for Local Government. What is the Government doing to stop wheel clamping by unscrupulous operators?

**Mr E. T. PAGE:** I acknowledge the interest of the honourable member for Lakemba, on behalf

of his constituents, in this matter. Wheel clamping was introduced to control illegal parking on private property. Unscrupulous operators are abusing the system to line their own pockets. Some security operators demand payment of as much as \$400 in so-called fines before releasing a vehicle. In some cases that have come to light their actions bordered on extortion. It is my intention to ban the practice of wheel clamping in New South Wales. This action follows on from a report prepared last year by former industrial relations commissioner Mr Joe Riordan which identified a number of serious concerns about the current practice of wheel clamping.

Unfortunately the field has been overrun by unscrupulous operators who charge exorbitant fees to remove wheel clamps. The common fee seems to be \$285, and if cash payment is not made immediately, the vehicle is towed away, impounded and further fees are incurred. Unfortunate people are paying as much as \$400 at the end of the process. The honourable member for Lakemba previously raised a case of two of his constituents who had to rush their 12-day-old child to the children's hospital at Westmead. They parked nearby the hospital and were obviously distressed and in a great rush to get treatment for their child.

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

**Mr E. T. PAGE:** On returning to their vehicle they found it had been wheel clamped. A security operator demanded payment of \$285 before the vehicle could be freed. The father was forced to withdraw the cash immediately from an automatic teller machine while his wife and child waited in the rain until he returned. If this family with their sick child had been unable to make the payment demanded their vehicle would have been towed away and they would have had to find some other way to return to their home in Greenacre. The level of fees charged and the demand for cash on the spot are among the major concerns of the Government. I do not want families to be held hostage by unscrupulous wheel clamp operators. Evidence presented to the inquiry showed that many operators are primarily concerned with collecting money rather than controlling parking.

Another issue of concern is the unwillingness of operators to listen to any reasonable arguments put to them to prevent vehicles from being clamped. The control of parking on private land has been the subject of a great deal of legal uncertainty in relation to the rights and responsibilities of the parties involved in any dispute. It would seem that

the sky is the limit and security operators have been free to charge whatever they like in so-called "fines". Evidence presented to the inquiry also raised serious concerns about vehicles being clamped and impounded in areas with no signage or inadequate signage to warn of the possibility that a vehicle may be impounded. Legitimate concern has also been expressed that the existing system has the potential for provoking serious, and possibly violent, conflict between security operators and vehicle owners.

Evidence presented to the inquiry by the honourable member for Cabramatta, for example, detailed instances of conflict between security operators and vehicle owners which required the attendance of police. The legislation I will introduce shortly into the Parliament is modelled on arrangements that are now working successfully in Victoria and provides for an improved system of parking controls over private land. Under the legislation wheel clamping will be banned. Instead of entering into arrangements with private security operators landowners will be able to enter into agreements with councils to have council officers patrol their parking areas and issue infringement notices in the same way as they do in any other area. Most councils are now able to have ordinance officers.

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

**Mr E. T. PAGE:** This matter obviously does not interest Opposition members. I know their constituents are concerned about the matter but Opposition members are not. That is par for the course for the Leader of the Opposition and the Leader of the National Party; they do not care about their constituents. Council officers are specifically trained in dealing with parking infringements. They provide a professional and efficient service. In conjunction with this the Impounding Act gives council or police officers the power to remove any vehicle which is causing a serious obstruction in a public place.

The definition of a public place extends to such places as parks and driveways of home units or small businesses, for example. Adequate powers will remain to ensure that landowners have redress against the owner of any vehicle illegally parked. The legislation will also encourage landowners to take appropriate measures to deter unauthorised access to their property. The current situation cannot be allowed to continue. Some security operators are making demands for cash payments that border on extortion. There is no logic or consistency in the so-called fines that are being levied on vehicle owners.

Aggressive attitudes by some security officers are creating potentially violent situations of conflict. The legislation I will introduce will provide for the control of parking on private land in a professional and consistent manner. It will clearly establish the rights of all parties for the first time.

## LAND CLEARING

**Mr BECKROGE:** My question without notice is addressed to the Minister for Agriculture, and Minister for Land and Water Conservation. What administrative changes have been put in place to assist farmers applying to clear their land?

**Mr D. L. Page:** I didn't see you out in the street with the farmers.

**Mr AMERY:** In response to the interjection, no, I was not at the farmers' rally at lunchtime, nor was I at the trade union rally at the town hall where they have a lot more to complain about as far as their working conditions are concerned.

*[Interruption]*

If honourable members want me to assist them with the facts they can give me a ring. Two months ago, before this matter became a topic for today, the honourable member for Broken Hill along with members of the New South Wales Farmers Association Walgett branch held a meeting at which 400 farmers attended.

**Mr SPEAKER:** Order! I call the honourable member for Northern Tablelands to order.

**Mr AMERY:** At that meeting I spoke and answered questions on the native vegetation clearing legislation for about 1½ hours. I announced a number of reforms, one being the doubling of staff within the Department of Land and Water Conservation to shorten the time taken to deal with the application process. In a symbolic decision I scrapped the \$100 application fee previously imposed on farmers to clear their land.

**Mr SPEAKER:** Order! I call the honourable member for Coffs Harbour to order for the third time.

**Mr AMERY:** Many farmers told me that as a matter of principle it aggravated them to have to pay for the right to clear their own land. I agreed that their argument was reasonable and scrapped that fee. Native vegetation and land clearing involves two main concerns: one is the principle of whether there should be controls on land clearing, and the second,

the main issue as far as rank and file farmers are concerned, is the time it takes to process an application once it is lodged. On the principle of land clearing, irrespective of what changes I announce within current legislation—and whether there will be changes to the legislation in the future under this Government, or future governments—all honourable members should accept that there will be a system of controls of land clearing in New South Wales as there is in Victoria, South Australia and Western Australia and as there is, or will be, in many countries around the world.

Relevant to the fundamental difference of opinion as to whether there should be controls on land clearing, at the Kyoto conference land clearing was identified as a major contributing factor to global warming. I do not believe that any government would back away from a system of land clearing control or management. One could argue whether we should have that fundamental difference, but the issue that mainly concerns farmers is the time taken to process land clearing applications. Bearing in mind that this is new legislation, that the new system in New South Wales is only a few years old, and that some farmers have reported to me that it has taken them over 12 months to have their application processed, I and the former Minister accept that that period is far too long. We needed to set in place a system to improve that process. In consultation with the New South Wales Farmers Association, not only at Walgett and in personal meetings with myself and members of the New South Wales Farmers executive, but with the Premier, Ian Donges and others, the Government has negotiated and consulted consistently on this matter before coming to some solution.

**Mr SPEAKER:** Order! I call the honourable member for Murwillumbah to order. I call the honourable member for Lane Cove to order for the third time.

**Mr D. L. Page:** That is not what they said outside.

**Mr AMERY:** They were wrong. In response to the interjection by the honourable member for Ballina about lack of consultation and about the Government not listening or consulting, let me make it clear: they were wrong.

*[Interruption]*

The honourable member can use as much rhetoric as he likes but the record not only in my diary but in the diary of the New South Wales Farmers Association will show a constant record of

meetings between myself, my staff, the department and the Premier with the New South Wales Farmers Association. To put this matter in context, the number of farmers outside Parliament House today was at least three times the number of farmers who have lodged an application for land clearing in the past three years. That shows how big this issue really is. In three years of land clearing—State Environmental Planning Policy 46, native vegetation—between 350 and 400 applications in total have been lodged for land clearing. I pay credit to the farmers of New South Wales who managed to whip up enough hysteria to get such a turnout today, which I do not believe was related to this issue alone. In New South Wales there are approximately 60,000 farmers, but very few of them lodge applications to clear their land. New South Wales Farmers also said—

*[Interruption]*

This is reality time. Another thing said by New South Wales Farmers today—

**Mr D. L. Page:** You weren't there.

**Mr AMERY:** No, I was not, I told you that. I did not go to the rally nor did I go to the trade union rally held down the street. The New South Wales Farmers Association says that this legislation actually blocks development, that it stops land clearing. The farmers have told the Sydney media, and Sydney people, that this legislation blocks land clearing and development. It is interesting to note that in the first full year after SEPP 46 was introduced, in the Walgett area—the land clearing hot spot of the State—13,000 hectares of land were cleared. Previously the average for the Walgett area was 8,000 hectares per year. Despite the fact that this so-called draconian legislation is in place, clearing has been going on at a higher rate than previously.

It is misinformation to say that this legislation blocks development or prevents clearing. This legislation brings the department, the planners and all the players into managing land clearing. The majority of farmers now want to work with this legislation and when they raise their concerns they want to have a forum in which they can discuss changes. In the old days farmers lodged an application and were requested by the department to give more information; those days are over. Now a Department of Land and Water Conservation official will sit down with the applicant and go through the application, and through a number of codes of practice. Many applications for small scale land clearing can be dealt with on the spot or within two or three days.

The department has introduced a turnaround time of 15 to 30 days for approving medium-scale land clearing applications. Honourable members should recognise that it may take a little more time to approve applications to clear 10,000 hectares or 20,000 hectares of native forest or grassland. The new process will at least allay the fears of many farmers. As I have told Ian Donges, Peter Comensoli and others in New South Wales Farmers on many occasions, the Government will continue to negotiate. As the Premier said, the Government would like to negotiate a settlement of these matters. I give this guarantee: the Government will continue to negotiate with the farmers. I am more than happy to listen to the farmers if they think that provisions in the current legislation need to be tidied up.

It is fair to say that New South Wales Farmers and others are not happy with some provisions in the current legislation. However, they should wait until the legislation has been in place for six or 12 months before they start holding rallies. The administrative reforms which I have announced today and which will be repeated in a press release should be put to the test before farmers become too critical. I have assured the farmers at Walgett that I will return to Walgett in the middle of this year and road-test the reforms that the Government put in place. As for the subject matter of the demonstration today, New South Wales Farmers organised the rally outside the wrong Parliament; they should have been in Canberra.

#### **NATIVE VEGETATION CONSERVATION ACT**

**Mr D. L. PAGE:** My question without notice is directed to the Premier. Has the Government received complaints from virtually every farming district in the State protesting the completely unworkable demands of the Native Vegetation Conservation Act and expressing extreme concern at the impact of the Government's water and vegetation policies on their ability to farm? Why has the Government turned its back on farmers yet again?

**Mr CARR:** The honourable member's sense of timing is as good as that of the Leader of the Opposition, who announced a drought tour three days after the heavens opened. It had been pouring for three days and all of a sudden the little light bulb above the Leader of the Opposition—

**Mr Photios:** On a point of order. The Premier is making a ministerial statement by announcing that the drought has ended. If the drought has ended—

**Mr SPEAKER:** Order! There is no point of order.

**Mr CARR:** It had been pouring for three days and people throughout the State were building arks.

**Mr SPEAKER:** Order! I call the honourable member for Georges River to order for the third time.

**Mr CARR:** She is like Bronwyn Bishop, without the delicacy. After it had been pouring for three days the light bulb above the Leader of the Opposition switched on. Flick! A drought tour! I refer the honourable member for Ballina to the answer given by the Minister for Agriculture.

**Mr Cochran:** On a point of order. Mr Speaker, on four previous occasions I have drawn your attention to the Premier's behaviour during question time, which is bringing this House into disrepute. That behaviour is still continuing. The Premier has deeply offended the people of Monaro, where the drought continues to cause anxiety and stress, and he should be removed from the Chamber.

**Mr SPEAKER:** Order! If the member for Monaro takes a point of order similar to that which he has just taken I will direct that he be removed from the Chamber.

#### **INDEPENDENT COMMISSION AGAINST CORRUPTION LOUIS BAYEH INVESTIGATION**

**Mr PHILLIPS:** My question without notice is directed to the Premier. Has the Premier been advised of public comments made by the honourable member for Londonderry yesterday that he is receiving more bad publicity than mass murderer Martin Bryant? Will he call on the honourable member to withdraw his comments and apologise for his tasteless outburst on the second anniversary of the Port Arthur tragedy?

**Mr CARR:** I supply no running commentary on ICAC inquiries.

#### **ROYAL EASTER SHOW**

**Mr NAGLE:** I direct my question without notice to the Premier, Minister for the Arts, and Minister for Ethnic Affairs. What has been the response to the first Royal Easter Show and the preparations for the 2000 Olympic Games?

**Mr CARR:** After the great success of the Easter show we are entitled to say, "Mission accomplished." More than 1.2 million people attended this year's Easter show, 85 per cent of whom travelled by public transport. There were no major hitches or problems. It is no wonder that President Samaranch—

**Mr SPEAKER:** Order! All members who have been called to order are now on three calls to order. There is far too much unnecessary interjection, and a great deal of it has not been prompted by Ministers' answers.

**Mr CARR:** No wonder President Samaranch has given his 100 per cent endorsement of our Games preparation. He not only endorsed the physical facilities, for example the stadium, which he described as the best he had ever seen, and the Australian people's Olympic spirit, which prompted him to predict that the 2000 Olympics would be the best in the history of the Games, but also praised our organisational structure. The Minister is the chair of the organising committee, providing a direct connection between the Government and those responsible for organising the Games, those responsible for building the facilities—namely the New South Wales Government—and those responsible for managing the event in September 2000.

President Samaranch gave 100 per cent approval to the structure. He wishes it had been chosen for Atlanta; he expects it to be in place for future Olympics. He recommends, and the International Olympics Committee wants, this model. On Monday, 13 April, 30 trains an hour travelled through Olympic Park station. That is equivalent to the Olympic mode. Of course, we have two more Easter shows to get it absolutely right. Some 36,000 passengers arrived by train in a single hour and another 7,500 arrived by bus. However, one person opted not to travel by train or bus.

**Mr Scully:** Name him!

**Mr CARR:** The honourable member for Ermington.

**Mr Photios:** Rubbish! I went with my family by train. I went with my wife and my daughter on the train. My wife and my daughter were on the train with me. You are a liar.

**Mr CARR:** He went to a Royal Agricultural Society fundraising—

**Mr Photios:** On a point of order.

**Mr SPEAKER:** Order! The honourable member for Ermington will resume his seat.

**Mr CARR:** He gets out there. He stands on the sidelines ranting and raving. He predicted doom and gloom; he said that public transport would not work.

**Mr Photios:** On a point of order.

**Mr SPEAKER:** Order! If the point of order the member for Ermington seeks to take is not a proper one I will direct the Serjeant-at-Arms to escort him from the Chamber. I remind those members who have been called to order that they are now on three calls to order.

**Mr Photios:** My point of order relates to relevancy. On children's day I attended the Royal Easter Show by public transport. It is irrelevant—

**Mr SPEAKER:** Order! The member is well aware that he is not taking a point of order. He will have an opportunity to make a personal explanation at the conclusion of question time, at which time the Chair will allow him the appropriate time to do so.

**Mr CARR:** Despite all the doom and gloom predicted by the honourable member for Ermington, the transport system coped. Credit must go not only to the strategic planners, but to the employees of the State Rail Authority and the other instrumentalities who produced a system to make it work. I thank Simon Lane and his team at CityRail, David Richmond and the staff of the Olympic Co-Ordination Authority, and Ron Christie and the people of the Olympic Roads and Traffic Authority. Through their efforts, show trains recorded good on-time running, excluding on Good Friday, when Sydney experienced its biggest April storms in 25 years.

**Mr Hazzard:** Did you catch the train, Bob?

**Mr CARR:** Yes, I did.

**Mr Hazzard:** How far did you go? Did you get off at the next stop?

**Mr SPEAKER:** Order! I place the honourable member for Wakehurst on three calls to order.

**Mr CARR:** I travelled twice by public transport. The second time I used public transport was to keep an appointment at Parramatta after the show. The average delay in train arrivals at Olympic Park was only 2.2 minutes. A major part of that achievement was because extra trains were added to the timetable. The message is clear: public transport has been made to work. It is a big tick for this Government.

## FEDERAL FUNDING CUTS

**Mr ANDERSON:** My question without notice is to the Minister for Information Technology,

Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney. What is the impact of the Federal Government cutbacks on western Sydney?

**Mr YEADON:** The honourable member for St Marys is an outstanding representative of the people of St Marys in western Sydney. The 1.5 million people who live in western Sydney are being ignored and treated deplorably by the Howard Federal Government. Unfortunately, this Friday, 1 May, the Federal Government will shut the doors of the Commonwealth Employment Service in Camden, Ingleburn, Wetherill Park, Castle Hill, St Marys, Katoomba and Merrylands. Western Sydney local members of Parliament would be aware that the Granville CES office closed some time ago.

The new Federal agency, Employment National, will staff the former CES offices at Parramatta, Blacktown, Windsor and Penrith. Western Sydney was once serviced by the Commonwealth Employment Service, but now it can only look towards a hollow rump of government-provided services and a confusing maze of providers. The closure of those CES offices demonstrates the withdrawal of Federal Government services from western Sydney.

Each time another agency shuts down in the west, the people are reminded that John Howard is abdicating his responsibility to govern for all of us. Western Sydney has some of Australia's highest unemployment rates. Whilst the Carr Government is getting on with the job of delivering better services in Sydney's west, it is being hampered by the Federal Government. The Fairfield and Liverpool areas have an unemployment rate of 10.9 per cent, which is higher than the State and national averages, yet on Friday the Wetherill Park CES office will close.

The new employment services regime will be a shambles. It is a debacle waiting to happen. The tragedy is that the residents of western Sydney will suffer most. Whether it is the closure of the Parramatta office of the Department of Transport and Regional Development or the closure of the Bankstown Australian Taxation Office, I am continually amazed at the extent and rapidity of the withdrawal of Federal Government services from western Sydney.

In addition to closing CES offices in western Sydney, the Howard Government has cut back funding to the University of Western Sydney. Recently, with the Premier, I was fortunate to attend the launch of the Western Sydney Research Institute

at the university's new Parramatta campus. The University of Western Sydney is doing a superb job to redress the shortage of traditional skills faced by western Sydney. Under the previous Federal Government the number of student places at universities expanded and the University of Western Sydney established campuses across the region.

How does John Howard contribute? He cuts funding to the University of Western Sydney. Last year the number of student places fell by 2 per cent, and this year by another 1 per cent, with the spectre of full up-front fees looming on the horizon. Every undergraduate course at every UWS campus except nursing will be affected by these cuts. Development of tertiary education in western Sydney will suffer severely. John Howard is reducing the choices available to people in western Sydney. CES offices are being closed and opportunities to attend university are being narrowed.

The Howard Government has shut Medicare offices in Auburn, North Rocks, Mount Druitt and Merrylands. This Federal Government has shut four of the seven Medicare offices within the Western Sydney Area Health Service, and I note also that this Federal Government shut the Cabramatta Medicare office. The Commonwealth Government's decision to cut operational subsidies to child care and outside school hours centres has brought enormous difficulties to western Sydney families.

**Mr SPEAKER:** Order! I place the honourable member for Badgerys Creek on three calls to order.

**Mr YEADON:** Fund reductions to child-care centres have resulted in fee increases for parents. The people of western Sydney are saying to John Howard that these cuts hurt. But John Howard is simply not listening. Many western Sydney child-care centres lodged submissions with the Senate Community Affairs Reference Committee Inquiry into Child Care Funding. Fairfield City Council noted that fees in long day care centres had increased by an average of 26 per cent, which proved to be beyond the affordability of most families.

Child-care centres representing the Campbelltown-Merrylands-Northmead region also forwarded submissions. What is the State Opposition doing to help western Sydney? Its members just yawn away as usual and do nothing. Are they leaping to the defence of the people of the west against these cutbacks? No. Are they talking to their colleagues in Canberra? No. Do any of them even know where western Sydney is? No. They just yawn away in absolute complacency.

Recently I attended the launch of the TeamWest Regional Agenda at Blacktown. I expected to see members of the coalition's star-studded western Sydney task force at this launch. Sadly, not one member of the Opposition's western Sydney task force bothered to go to Blacktown. The honourable member for Hawkesbury, the honourable member for Baulkham Hills, the honourable member for The Hills, the honourable member for Camden were not present; nobody from the Opposition was there. I understand the members of that task force were invited to attend the event, but obviously they had more important engagements. Or perhaps they got lost on the way out. They probably could not even find Blacktown!

The Opposition always remains silent, whether it is at events like the TeamWest launch or events caused by the Federal Government's slashing and burning of services in the west, such as the closure of CES offices, Medicare offices and child-care centres. The only team getting behind the people of western Sydney is the Carr Government.

#### WOMEN IN SENIOR PUBLIC SECTOR POSITIONS

**Mrs SKINNER:** My question without notice is to the Minister for Community Services, and Minister for Women. Given the Premier's promise to increase the number of senior women in the New South Wales public service, how does the Minister for Women explain the sacking of five female chief executive officers in the past 12 months, three of whom the Minister sacked?

**Mrs LO PO':** Yesterday I asked Cabinet to support my recommendation and appoint Carmel Niland as Director-General of the Department of Community Services.

*[Interruption]*

As Minister I call the shots. As the Leader of the Opposition knows, this is one of the toughest jobs in government. I have spent the last five months taking advice and using my judgment about what this department needs. To do that I have travelled around to Department of Community Services offices, I have spoken to at least 140 different groups and I have found from them the single thing they are talking about is change. The people who do the hardest job in this State need support. When you are a DOCS District Officer you go out to the most violent homes; you get spat on; you get vomited on; you find little girls of five with genital warts; you find babies of two with gonorrhoea of the throat; and when you come back

to your office, you need support. I am determined to give these people the support they need. We need a change and Carmel Niland is—

**Mr Collins:** She is a failed Labor candidate.

**Mrs LO PO':** Just hang in there. Carmel Niland is Australia's foremost cultural change expert. When corporate Australia needs a change, they call on Carmel Niland. Let me go through a few things. From 1989 to 1995—

**Mr SPEAKER:** Order! I ask the Serjeant-at-Arms to remove the Deputy Leader of the National Party until the completion of formal business.

*[The honourable member for Upper Hunter left the Chamber, accompanied by the Serjeant-at-Arms.]*

**Mrs LO PO':** Carmel Niland was appointed as a member of the New South Wales Migrant Employment and Qualification Board from 1989 to 1995. Who appointed her? John Fahey! In 1991 she was appointed to the New South Wales TAFE Commission. Who appointed her? John Fahey! In 1990 she was appointed to the National Advisory Committee on Skill Recognition. Who appointed her? Nick Greiner! In 1992 she was a member of the Operational Review Committee of the Independent Commission Against Corruption. Who appointed her? Nick Greiner!

Members opposite will remember this one; the women opposite will remember this one. Remember that wonderful human being Terry the toucher, Terry the feeler, Terry the groper? In 1995 the government of the day asked Carmel Niland to inquire into matters surrounding the resignation of the former Minister for Police, Mr Terry Griffiths. Who appointed her? John Fahey! If corporate Australia and the Liberal Party want to make use of this very talented woman, Carmel Niland, why should the Labor Party not do so? One further thing: if the best candidate for the job is a member of the Labor Party, that should not be a disqualification.

**Mr Hartcher:** On a point of order. The Minister was not asked about the appointment of Carmel Niland. She was asked why she had sacked five women, three of them her own chief executives. That was the question and there has been no answer to that question. Why did you sack three women who were chief executive officers?

**Mrs SKINNER:** I have a supplementary question. Given the Minister's answer to my previous question I ask: does the Minister expect people to believe that the appointment of a woman

who only three weeks ago was rejected by the Labor Party can settle the problems relating to community services?

**Mrs LO PO':** Not only do I expect them to believe it, I expect them to embrace it.

**Questions without notice concluded.**

**ROYAL EASTER SHOW**

**Personal Explanation**

**Mr PHOTIOS,** by leave: The Premier alleged in his misrepresentation in an answer to a question that I had not attended the Royal Easter Show by public transport. I attended the Royal Easter Show—

**Mr Clough:** On a point of order. The honourable member for Ermington is seeking to make a personal explanation. He has not, as yet, sought leave of the House to do so.

**Mr SPEAKER:** Order! I granted leave to the honourable member.

**Mr PHOTIOS:** In answer to a question the Premier alleged that I had not attended the Royal Easter Show by public transport. That was an unmitigated, absolute, total, unqualified lie to this House. I attended the Royal Easter Show for the first time on the Tuesday after the Easter long weekend. I attended with my wife and my 20-month-old daughter, Sophie, with a pram, on the train, to and from the Show.

**Mr SPEAKER:** Order! The member must explain to the House how his character has been maligned. He does not have the leave of the Chair to explain to the House his modes of transport on the day in question.

**Mr PHOTIOS:** My character has been maligned because the Premier claims to know more about my travel arrangements than I do. The fact of the matter is that I travelled by public transport to the show. When I returned from the show I travelled on a late train, what is more, 21 minutes late, from Strathfield to West Ryde station. It was not unlike the rest of the Show trains that ran on average 20 per cent late. On Good Friday, in fact—

**Ms Hall:** On a point of order. I ask that you draw the honourable member's attention to the fact that he is supposed to be making a personal explanation not talking about the timetabling of trains.

**WATERFRONT DISPUTE**

**Personal Explanation**

**Mr SCHULTZ,** by leave: In response to a question from the Leader of the National Party during question time today the Premier made a statement relating to my involvement in a particular demonstration against the Leader of the National Party, that is, when a group of farmers barricaded him in a building in May 1991. That is an out and out lie because in May 1991 I was a patient in the Wagga Wagga district hospital.

**Mr Photios:** There were two issues, Mr Speaker, that I wished to pursue.

**Mr SPEAKER:** Order! I will hear the member at a later stage.

**CRIMES LEGISLATION AMENDMENT  
(POLICE AND PUBLIC SAFETY) BILL**

**Suspension of standing and sessional orders agreed to.**

**Bill introduced and read a first time.**

**Second Reading**

**Mr WHELAN** (Ashfield—Minister for Police) [3.50 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes Legislation Amendment (Police and Public Safety) Bill. The bill is a landmark step in the Carr Government's commitment to a safer community. It makes important amendments to the Summary Offences Act and the Crimes Act to equip police with the laws and powers that they need to make our streets safer. A number of tragic deaths in recent years have occurred as a result of attacks by people armed with knives and other dangerous implements. I hardly need to remind this House of the outrage of the people of New South Wales following the deaths of Peter Savage, Constable David Carty and Constable Peter Forsyth. Nor do I need to remind the House of the grief suffered by the families of these fine young men.

On the first day of this parliamentary session the Premier announced the Government's plan to help police tackle gang and knife crime. This bill implements the measures announced by the Premier. The changes are far-reaching. I acknowledge that they will not be supported by all. However, the time



has come for the community and this Parliament to make some fundamental decisions about the type of society we want to live in. We cannot increase the safety of the community without giving police the powers they need to maintain law and order on our streets and in public places. Two years ago today we witnessed the tragedy of Port Arthur. This Government took the tough decisions that were needed in the aftermath of that tragedy to tackle problems with access to guns. The Government is doing the same now with knives. It cannot increase the safety of the community unless it tackles head-on the growing propensity of people to carry knives. This legislative package will do both of those things.

Let me first address the problem of knife crime in our community. The general right of members of the public to carry a knife in a public place has always been a dilemma for governments. Knives can have a legitimate use and are often carried for innocent purposes. However, the Government believes that an increasing number of people are carrying knives for improper purposes. The existing offensive implement provision in the Summary Offences Act does not make it an offence to carry a knife: it prohibits persons having offensive implements in their custody in a public place or school. For an item to be an offensive implement it must be something which has been made or adapted for the purpose of causing injury to a person, or it must be something intended to be used to injure a person or property. Sometimes possession of a knife in a public place by a person clearly meets this requirement because of the nature of the item or the circumstances in which it is being carried. However, existing law does not necessarily make it an offence to be somewhere like George Street on a Saturday night with a large knife in one's pocket. It depends on the type of knife or the ability of the police to prove some intent to use it.

By introducing the measures in this bill the Government is taking the tough decisions. It is making a fundamental change in the law so that it will no longer be lawful for any person to go into a public place with a knife—any knife—unless that person has a reasonable excuse. The Government's aim is to reduce crime involving knives and to reduce the number of persons who routinely go out armed with a knife. It will achieve these objectives by sending a clear message that it is not okay to go out with a knife and by increasing the likelihood that persons carrying knives will be caught.

Intelligence from operational crime reviews indicates that over the past three years there has been a significant increase in the incidence of assaults and robberies involving knives. There are

also indications that young people, in particular, go out armed with knives more often. A report in the *Daily Telegraph* on 17 April about a young man prosecuted for carrying flick knives illustrates the problems. According to the newspaper report he stated that "everyone carries them". Whether this is a matter of fashion, a show of bravado, a matter of cultural preference or a consequence of a misguided sense of security, the Government wants to stop it.

The Government recognises that there are some circumstances in which it is reasonable for a person to have a knife in a public place. The bill makes allowance for these circumstances by including a reasonable excuse provision. Some matters which may form a reasonable excuse, depending on the circumstances, are listed in the bill, although it is not an exhaustive list. These include the use of a knife for the lawful purposes of employment, for the preparation and consumption of food, for lawful recreational activities such as hunting and fishing, and a number of other matters. Others may be added by regulation should the need arise.

However, the bill specifically provides that carrying a knife for the purpose of self-defence is not a reasonable excuse. This is quite deliberate. The Government wants to break the pattern of young people increasingly arming themselves with knives when they go out, just in case they get into a fight. As the Premier indicated, this is a significant change; it is a turning point for the community. The Government is determined not to allow this State to follow the United States of America, where weapons are carried as a matter of course by millions and the law reinforces a citizen's right to do so. The message from this change is clear: do not carry a knife unless you have a valid reason for doing so; if you carry a knife without a reasonable excuse, you will be committing an offence.

This change is only part of the Government's solution to the knife problem. It is supported by provisions in the bill which will enable the police to search for and confiscate knives and other dangerous implements. The power to search will be available to police in public places and schools where they suspect on reasonable grounds that a person has a dangerous implement. The bill provides specifically that the fact that a person is in an area with a high incidence of violent crime may be taken into account by police when deciding to search a person. This will ensure that police are able to conduct searches for knives and other dangerous implements in crime hotspots. The bill will enable police to conduct a frisk search, a search by electronic hand-held metal detectors, and to examine suspicious

items detected. The Government recognises that being searched may be seen by some as an intrusion into their personal freedom. However, it is a far less significant intrusion than being subjected to an assault or robbery by a knife-wielding thug.

A wide range of safeguards have been built into the legislation. Police will be required, prior to conducting a search, to state their names and place of duty to the person to be searched, to state their reasons for the search, and to warn that failure to comply may be an offence. A person will not commit the offence of refusing to comply with a search unless, effectively, that person has been twice requested to submit to a search, has been warned twice that failure may be an offence, and has twice refused to comply. Where a person commits the offence of refusing to comply with a search, that person will, of course, be liable to arrest. As I have said, the objective of this bill in relation to knives is to reduce the number of people carrying them. Increasing the risk of detection is the most effective means of reducing both the prevalence of persons carrying knives and the prevalence of knife crime. I sought comment from Dr Don Weatherburn about these amendments. He advised me:

... these proposals have the potential to increase the perceived risk of apprehension for carrying a knife [and therefore reduce the incidence of knife attacks] as long as the [search powers] are frequently and visibly exercised in places and at times when knife attacks are common.

The new knife offences will carry a maximum penalty of a fine of five penalty units. Of course, where a person uses a knife to commit an offence or is carrying certain types of knives, much higher penalties will still apply. These new offences fit into what will be a comprehensive and cohesive structure of offences covering possession and use of weapons, including: the offence created by the Government last year which prohibits visibly using or carrying a knife in a manner or place likely to cause fear, which carries a maximum penalty of two years imprisonment; the offence of possession of an offensive implement in a public place or school, which carries a penalty of two years imprisonment; the offence of possession of a prohibited weapon without a permit, which carries a maximum penalty of 14 years imprisonment; the offence provisions for using a weapon to commit an indictable offence or resist arrest, which carry a maximum penalty of 12 years imprisonment; the offence of robbery with wounding whilst armed with an offensive weapon, which carries a maximum penalty of 25 years imprisonment.

The bill will also enable police to confiscate a knife or other dangerous implement they suspect is

unlawfully in the person's possession. A dangerous implement is defined by the bill to include knives, firearms, prohibited weapons and offensive implements. This will ensure that, as well as being able to search for and confiscate knives, police officers will be able to confiscate firearms and other weapons unlawfully in a person's possession. By including "offensive implements", a term already defined in the Act, the reach of this provision will extend to items such as sharpened screwdrivers and blood-filled syringes. When a knife or other dangerous implement is confiscated by a police officer the person from whom it was taken or its owner will be able to apply to the relevant local area commander of police for its return. The local area commander will have a discretion to return the item and, if return is refused, an appeal against this decision may be made to the Local Court. As an additional precaution, when a knife or other dangerous implement is confiscated from a person under the age of 18 years and return is sought, his or her parent or guardian must make the application.

Another key provision in the bill is aimed at enabling police to control antisocial behaviour in public places. There is strong community support for amendments to the laws relating to street offences to give police clear and unambiguous powers. It is unacceptable to expect police to maintain law and order in public places without giving them the clear powers they need. At present police powers are limited and poorly articulated. Whilst there are some offence provisions covering behaviour in public, these do not directly support police giving directions to persons behaving in a manner that causes fear to other persons present. This bill will address that situation by giving police a power to give a reasonable direction to any person or group of persons who are harassing, intimidating or obstructing another person, or whose behaviour in a public place is causing or is likely to cause fear to any other person present.

The power to give the direction is backed by an offence provision, which will apply when a person fails to comply with the direction and continues the relevant behaviour. The key purpose of this provision is to enable police to disperse persons acting in a disruptive manner before a situation gets out of hand. The key purpose of this provision is not to lock people up. Rather, the offence provision is included to give police a clear power to give lawful directions in the prescribed circumstances. There are, of course, other offence provisions, which will be used for more serious offending in public places, that carry prison penalties. These include the offences of offensive behaviour, obstruction, stalking and intimidation, violent disorder, and affray.

The bill provides that a person will not commit an offence against this new section until, effectively, he or she has been given a direction twice and has been twice warned that continuation of the relevant behaviour and failure to comply may be an offence. In addition, a defence of reasonable excuse will be available. This power will not extend to situations involving industrial disputes, organised assemblies, protests or processions. Police have reported to me that their inability to demand the name and address of persons in public places has hampered their ability to fight serious crime. There is currently no general obligation on a person to provide his or her name and address to a police officer, even if he or she has witnessed a serious crime. The lack of power hampers efforts to break through the code of silence that members of serious criminal gangs use to ensure that members do not provide information about criminal activities.

There have been instances in which police have been called to the scenes of serious crimes such as stabbings and although many persons obviously witnessed the incident no person present has been willing to provide police with contact details. This prevents police from following up potential witnesses when they are away from their peers and are not subject to pressure to remain silent. This bill will enable a police officer to require a person to provide his or her name and address when the officer believes on reasonable grounds that the person will be able to assist in the investigation of an indictable offence. This provision is essentially the same as an equivalent provision in the Commonwealth Crimes Act.

I am aware that there is concern about giving police additional powers. Therefore, the bill includes a number of safeguards. In addition, the bill requires the Ombudsman to monitor and scrutinise the use of all the new powers. For this purpose the Commissioner of Police is required to provide information to the Ombudsman about the exercise of the additional powers. At the conclusion of the first year of operation of the new provisions the Ombudsman will prepare a report on the monitoring work. In addition, the bill provides for the Minister for Police to undertake a review of the measures introduced by the bill to determine whether policy objectives remain valid and whether the operation of the provisions is meeting those objectives.

This review will occur after the first 12 months of operation of the provisions. The Minister for Police will report to both Houses of this Parliament about the review. This report will include a copy of the Ombudsman's report. The measures that this Government has put in place to combat

police corruption and abuses of power are stronger and more sophisticated than they have ever been. Any or all of those measures can be used to deal with allegations of abuses of the powers given to police by this bill. The Government is also moving quickly to implement all of the other measures announced by the Premier.

A review of the Prohibited Weapons Act has commenced. The review panel is chaired by the Ministry for Police and includes representatives of the Police Service, the Cabinet Office, the Attorney General's Department and the Department of Fair Trading. Its terms of reference are to review the effectiveness of the Act, its enforcement and the types of weapons and items included in schedule 1. The Premier also announced that the Police Service would establish a working party to consider ways of improving the safety of off-duty police officers. The working party, which includes representatives of the Police Service, the Ministry for Police, the Police Association and the Commissioned Police Officers Association, has already met twice. Its terms of reference are to consider access by off-duty police officers to weapons and protective equipment, to consider the need for additional training in defensive tactics and to consider travel to and from by officers in uniform.

In addition, work has commenced within the Police Service on educational campaigns to ensure that members of the community and members of the Police Service are fully aware of the changes that this legislation will introduce. The educational campaign for police will include publication of a plain English guide to the law in the area of street offences and powers and will make extensive use of the police television network. I shall also be asking the Commissioner of Police to implement a comprehensive training program to ensure that police officers can use these new powers in a manner that ensures police safety. The Government will also take the necessary steps to ensure that members of the public are fully informed of these changes to the law.

As I have indicated, this bill is a watershed in the fight against street crime. It is the first stage of the review and consolidation of police powers into a single Act announced by the Premier. All of these provisions will make a significant contribution to making New South Wales a safer place in which to live. The enactment of these legislative provisions cannot, of course, guarantee that no more horrific crimes involving knives are committed. It will not guarantee that the streets are free from hooligan behaviour. The whole community has a part to play in developing a safer community. But these

measures will send a clear message to the community that the Government will take tough action to prevent crime and will give police the powers they need. This bill demonstrates the Government's commitment to the safety of the people of this State. It is a clear statement about the sort of community we want this State to be—a community in which ordinary people, young and old, can go out without fear of harassment or intimidation, without fear for their safety from knife-wielding thugs. I commend the bill to the House.

**Debate adjourned on motion by Mr Tink.**

## CONSIDERATION OF URGENT MOTIONS

### Tourism Funding

**Mr DEBUS** (Blue Mountains—Minister for Energy, Minister for Tourism, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [4.08 p.m.]: Earlier today I gave notice that I would seek that the House debate funding for the tourism industry in this State. This matter is urgent because many thousands of jobs are either lost or at risk as a result of the crisis in the tourism industry. Most of those jobs are the jobs of young people. The New South Wales economy stands to lose \$250 million in revenue if forecasts for the decrease in the numbers of international visitors to this State are borne out. Nationwide since February 1997 the tourism hospitality industry has lost 17,000 jobs; it has lost 8,000 since November last. New South Wales can be expected to have borne the brunt of about a third of those job losses.

The Federal Government will bring down its budget in a few weeks and this House must now convince the Prime Minister that it is necessary to do what he has not done before, that is, respond to the crisis in the tourism industry with an aid package in that budget. The motion does not deal with a spurious attempt to shift the responsibility for the waterfront dispute from the Federal coalition; it does not deal with ridiculous misinformation about the Government's land-clearing legislation. It deals with a very real problem in the real economy of New South Wales, that is, the abject failure of the Federal Government to match the support of the New South Wales Government for the tourism industry.

### Waterfront Dispute

**Mr COLLINS** (Willoughby—Leader of the Opposition) [4.10 p.m.]: My motion is urgent because today thousands of farmers left their properties and crowded in front of Parliament to

send a message to the Carr Labor Government that it has forgotten the bush. Some drove hundreds of kilometres in a desperate bid to get the simple message across to the Government that they are hurting. They are hurting because the Carr Government will not enforce its police protocol and get freight moving on the wharves. They are hurting because the Government will not admit that its Native Vegetation Act is unfair. They are hurting because the Carr Government is making them pay to drought-proof their land.

The motion is urgent because in question time today members heard the Premier express his contempt for country people and his ignorance of rural issues. He claimed that country people, given the showers of rain last week, must be making arks. The matter is desperately urgent because the Premier has demonstrated his complete detachment from the reality of what is happening in regional New South Wales. Farm people are hurting and the Government does not care. The matter is urgent because in April last year the police commissioner's protocol made it crystal clear that picket lines should not restrict vehicle or pedestrian access.

Today I raised that point in my question to the Premier, but he refuses to enforce that protocol unless it suits him. He enforces laws selectively. When the Premier enforces the laws of this State on a selective, convenient, expedient basis it is important that this matter be debated so that it can be straightened out for the people of New South Wales and, more important, for the Premier. When the Premier was grounded recently at Walgett he told police to move protesters. At Eden he told police to arrest environmental protesters, but he will not utter the same simple words to police to get freight moving on our wharves.

**Mr Nagle:** On a point of order. The Leader of the Opposition is well aware of the rules relating to this priority debate. He must show why his motion should have precedence and not debate the substantive issue. I have been very tolerant but the Leader of the Opposition must demonstrate why his motion should have priority over the motion of which the Minister for Tourism has given notice.

**Mr SPEAKER:** Order! I uphold the point of order.

**Mr COLLINS:** My motion should have priority because as Parliament is sitting this afternoon freight is rotting on our wharves, jobs are disappearing and businesses are being irreparably damaged. For that reason my motion must take precedence. It is urgent because in question time

today the Premier indicated where his sympathies lie, namely, with the Maritime Union of Australia. However, the farmers who rallied outside Parliament House a couple of hours ago are paying for those sympathies with their livelihoods. The Premier has to stop parading around the picket lines and get the freight moving.

The same bush bash occurs in relation to the Native Vegetation Act and water prices. I join with farmers in sending a message to the Carr Labor Government, if it has the guts to bring the debate on, to stop the double standards, to give a directive that transport can flow to and from our wharves and to allow the wheels of commerce to turn again in New South Wales. For those reasons my motion should have priority. The Premier must abandon the patronising government-knows-best attitude that he has exhibited in the past hour in this House. There is no more urgent matter than this motion because the livelihood of thousands of people in the State—for example, the farmers who demonstrated in their thousands in Macquarie Street today—depend on it. I commend the motion to the House.

**Question—That the motion for urgent consideration of the honourable member for Blue Mountains be proceeded with—put.**

**The House divided.**

**Ayes, 49**

|               |                 |
|---------------|-----------------|
| Ms Allan      | Mr Martin       |
| Mr Amery      | Ms Meagher      |
| Mr Anderson   | Mr Mills        |
| Ms Andrews    | Ms Moore        |
| Mr Aquilina   | Mr Moss         |
| Mrs Beamer    | Mr Nagle        |
| Mr Carr       | Mr Neilly       |
| Mr Clough     | Ms Nori         |
| Mr Crittenden | Mr E. T. Page   |
| Mr Debus      | Mr Price        |
| Mr Face       | Dr Refshauge    |
| Mr Gaudry     | Mr Rogan        |
| Mrs Grusovin  | Mr Rumble       |
| Ms Hall       | Mr Scully       |
| Mr Harrison   | Mr Shedden      |
| Ms Harrison   | Mr Stewart      |
| Mr Hunter     | Mr Sullivan     |
| Mr Iemma      | Mr Tripodi      |
| Mr Knowles    | Mr Watkins      |
| Mr Langton    | Mr Whelan       |
| Mrs Lo Po'    | Mr Woods        |
| Mr Lynch      | Mr Yeadon       |
| Mr McBride    | <i>Tellers,</i> |
| Mr McManus    | Mr Beckroge     |
| Mr Markham    | Mr Thompson     |

**Noes, 44**

|                 |                 |
|-----------------|-----------------|
| Mr Beck         | Mr D. L. Page   |
| Mr Blackmore    | Mr Peacocke     |
| Mr Chappell     | Mr Phillips     |
| Mrs Chikarovski | Mr Photios      |
| Mr Cochran      | Mr Richardson   |
| Mr Collins      | Mr Rixon        |
| Mr Cruickshank  | Mr Rozzoli      |
| Mr Debnam       | Mr Schipp       |
| Mr Ellis        | Mr Schultz      |
| Ms Ficarra      | Ms Seaton       |
| Mr Glachan      | Mrs Skinner     |
| Mr Hartcher     | Mr Slack-Smith  |
| Mr Hazzard      | Mr Small        |
| Mr Humpherson   | Mr Smith        |
| Mr Jeffery      | Mrs Stone       |
| Dr Kernohan     | Mr Tink         |
| Mr Kinross      | Mr J. H. Turner |
| Mr MacCarthy    | Mr R. W. Turner |
| Dr Macdonald    | Mr Windsor      |
| Mr Merton       |                 |
| Mr Oakeshott    | <i>Tellers,</i> |
| Mr O'Doherty    | Mr Fraser       |
| Mr O'Farrell    | Mr Kerr         |

**Pair**

Mr Gibson

Mr Brogden

**Question so resolved in the affirmative.**

## **TOURISM FUNDING**

### **Urgent Motion**

**Mr DEBUS** (Blue Mountains—Minister for Energy, Minister for Tourism, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [4.24 p.m.]: I move:

That this House:

- (1) condemns the Federal Government for its failure to help the tourism industry, facing a severe downturn as the result of the Asian financial crisis;
- (2) calls on the Prime Minister to urgently provide a reinvestment package of funding for the industry and to restore the \$3.5 million stripped from the last two budgets of the Australian Tourist Commission; and
- (3) notes the positive steps taken by the New South Wales Government to give practical assistance to the tourism industry of this State.

The New South Wales tourism industry is facing a grim year, its toughest year since the pilots' strike of 1989. This bleak forecast results from the severe decrease in the number of visitors from Asia. That

decrease is the direct result of the problems besetting many Asian economies. Already there is strong evidence that many thousands of jobs have been lost in the hospitality sector across Australia. In New South Wales it is feared that several thousand jobs may have gone or are under threat from the sector that includes accommodation, restaurants and cafes. Figures published by the Australian Bureau of Statistics for February show that the number of hospitality jobs has fallen nationally by as many as 17,000 since February 1997 and 8,000 since November.

The Government's tourism advisers say that we must assume that a substantial proportion of that fall is attributable to the Asian currency crisis. It may be assumed that one-third of those job losses have occurred in New South Wales, as it attracts about one-third of the tourism market. The losses may prove temporary but that is cold comfort for families hit by the loss of income and for young people denied opportunities to work in the industry. Experts warn that this year New South Wales faces a decrease of 115,000 in the number of international visitors. Tourism New South Wales prepared this scenario based on the latest report of the Tourism Forecasting Council, which was released a fortnight ago.

A decrease of that order will mean the loss of 2.5 million visitor nights and \$250 million in lost revenue. Tourism is arguably Australia's most important industry. It is worth \$60 billion to the national economy and employs 700,000 people; it is worth \$20 billion to New South Wales, employs 240,000 people, and has by far the highest percentage of young employees in Australia. Tourism is vital to this State and country and cannot be taken for granted. At a time when visitor numbers are slumping, the industry is being squeezed by the increasing number of Australians who are travelling overseas; they are being lured to Asia by cheap holidays.

As many domestic tourists as possible are needed to fill the gap left by absent visitor days. The responsibility for tourism lies with both State and Federal governments. The State Government is taking firm and positive steps to support the industry through this downturn. The Government is acting in several ways. For instance, last Sunday evening a new \$8 million domestic advertising campaign for Tourism New South Wales hit television screens around the State and in other major capitals. This groundbreaking campaign took many months to put together. Research has shown that potential travellers decide on what type of holiday they want before they choose a location. By reaching people early in

their decision-making process through this campaign the Government hopes to significantly increase this State's share of the market and, indeed, to increase the market.

The new Tourism New South Wales website has been established and is believed to be the most advanced and sophisticated in Australia, with more than 13,000 entries for locations, accommodation and activities around the State. In its first week of operation it received 6,000 hits. The Government is continuing its advertising campaign by relaunching the well-established Sydney all-day-long, all-night-long campaign in Singapore, Malaysia and Hong Kong at a cost of \$3 million. The Government has opened a new office in Hong Kong which will promote tourism in New South Wales. The Government is also currently running a number of specialist business workshops to help tourism operators stay afloat during the slump.

This Government has swung into action to support the tourism industry during this difficult time. It is showing leadership by helping to stem the damaging loss of jobs. The tourism industry will confirm that that is true. However, it is not true of the Federal Government. The Prime Minister's performance so far has been of the Nero variety: all we have heard from Mr Howard is chiding of those who call the Asian problem a crisis. Perhaps it is not a crisis for Mr Howard, but I assure him and those opposite that it is a crisis for thousands of small- and medium-sized businesses now facing uncertain futures.

The Prime Minister and his tourism Minister have been sitting on their hands. The Australian Tourism Commission, which markets Australia overseas, has received no additional funding. The tourism industry, which is deeply worried, has received no leadership or practical support. The Prime Minister has been happy to grant more than \$300 million in aid to manufacturing and primary industries hit by the Asian downturn. That is reasonable, although perhaps he should have given a little more. However, he has not given 1¢ to tourism; instead, he has cut \$3.5 million from the Australian Tourism Commission budget in the past two years. That has directly affected the tourism industry. The brand marketing overseas conducted by the Australian Tourism Commission has been cut, and the States have been asked to invest more money in television and print advertising overseas. The so-called Aussie helpline services in the United Kingdom and Europe which help to sell Australian tourism in Europe are being cut. Frankly, that is stupid.

All that is being done at a time when the Federal Government should be increasing its support for an industry in trouble, an industry that should be maximising the advantages of the Olympics and attracting more visitors from Europe and North America while the number of visitors from Asia is falling. The Federal Government has proposed a goods and services tax at the same time as it has cut \$3.5 million from the Australian Tourism Commission budget. This is the worst conceivable time in the past 10 or 15 years to cut the budget. Apparently Mr Howard wants to introduce a goods and services tax of as much as 15 per cent across the board, which would hit tourism across the country.

Every family-run bed and breakfast, tour operator, hire shop and restaurateur would be hit by a goods and services tax. It would be an indiscriminate and regressive tax. The proposed tax is scaring the hell out of the tourism industry. The Federal Government has adopted an extraordinary attitude to an industry that is worth \$60 billion across the country. This House must back the tourism industry by supporting this motion. We must let the industry know that it has not been forgotten, despite the deafening silence from Canberra. In particular, the House should support the industry's urgent call to the Federal Government for a reinvestment package to allow the industry to put in place infrastructure and strategies to ensure that it is well placed for growth.

A reinvestment package must include one-off funding for a domestic tourism campaign and the introduction of new international promotional initiatives. While I strongly support the call for such a reinvestment package, I must confess that I was not the first person to think of it. The call came from the managing director of the Tourism Council of Australia, Mr Bruce Baird, who once graced the benches opposite. Mr Baird is of the view that the latest tourism figures are a nightmare for the industry. He said that the Federal Government must no longer ignore official forecast figures. The tourism industry is not the only industry suffering as a result of the Asian financial crisis, but it is suffering. The New South Wales economy cannot afford to lose the significant benefits that flow from tourism.

Mr Baird called on the Federal Government to become aware of the industry's issues and concerns. Together with Chris Brown, the director of the Tourism Task Force, the other major peak organisation in the tourism industry, Mr Baird demanded that the Federal Government respond by making the commitments I have described. Mr Baird

and Mr Brown made it clear to the Federal Government that they are disillusioned and that they are angry because the Prime Minister has failed to act. They want to know how Mr Howard will protect the thousands of jobs that have been threatened and, indeed, restore the thousands of jobs that have been lost. They have asked the Federal Government how it plans to help the tourism industry survive the significant loss of hundreds of millions of dollars which will not be spent in New South Wales partly because the Federal Government has refused to provide the industry with rational support. This Parliament should ask the same questions as those being asked by tourism industry leaders. I commend the motion to the House.

**Mr PHOTIOS** (Ermington) [4.34 p.m.]: The most extraordinary aspect of the presentation of the Minister for Tourism was his willingness to part company with those responsible for his Government's policies. The State Labor Government has been primarily responsible for the threatening policy determinations of both State and Federal governments. The Government cut the budget for Tourism New South Wales. The Government was the first government in Australia to introduce a bed tax. It said there would be no bed tax but gave the State a bed tax. That blatant lie sacrificed and damaged the viability of the tourism industry in New South Wales.

**Mr Nagle:** So what? If the Federal Government had done the right thing this Government would not need a bed tax.

**Mr PHOTIOS:** The ignorant member for Auburn is suggesting that the bed tax has not damaged the tourism industry. The 10 per cent bed tax levied on hotels in Sydney is a bad tax. It is discriminatory and inequitable, and demonstrates the Premier's ignorance of the tourism industry. I challenge the Minister for Tourism to repeal the bed tax and provide a rescue package for the tourism industry, which is the biggest employer, the fastest growing industry and the greatest generator of export dollars in New South Wales. He should provide not rhetoric but action and additional funding. The Government has cut the Tourism New South Wales budget and delivered a death blow to the tourism industry by introducing a 10 per cent bed tax.

The Premier said, "Read my lips: no new taxes and no tax increases." However, the Government has introduced 13 new taxes, an unlucky number. The motion can be easily recognised as one of the most hypocritical urgency motions in the history of this Parliament. How dare this Minister crow about the

Federal Government when his Government, in one fell swoop, shook the foundations of the State's tourism industry! A survey conducted by the World Travel and Tourism Council showed that the bed tax alone will move Sydney from being the second cheapest to the sixteenth cheapest of 52 tourism destinations. Sydney no longer has the cutting edge. In this State the 240,000 people employed in the tourism industry had a cutting edge, but the bed tax has moved New South Wales from a cheap ranking to a middle ranking.

How dare the Minister apportion blame when he is responsible for such a reprehensible tourism initiative and his Government cut funding to Tourism New South Wales! The Government closed the New South Wales Tourism offices in Brisbane, Adelaide and Melbourne. New South Wales no longer has a travel centre. More than 50 per cent of domestic travellers to the country come to New South Wales but we no longer have a shopfront. Tasmania and the Northern Territory sell their business in Sydney, but this Government closed its New South Wales travel centres. To make matters worse, it closed down the New South Wales travel centre in Castlereagh Street. For nearly 100 years New South had travel centres in various locations but this Government has now closed the last remaining travel centre in the State, which was located in Castlereagh Street. The Government is closing down tourism; it is not lifting the lid and creating opportunities.

A study conducted by the accountancy firm Ernst and Young showed that the bed tax had jeopardised \$166 million in tourism revenue and would result in the immediate loss of 1,200 direct jobs. The Government has ripped \$60 million from the same industry through its bed tax. That is a loss to New South Wales of \$166 million in tourism revenue. The State Government will benefit by a lousy \$60 million in tax revenue from yet another Carr broken promise.

Though the downturn in Asia poses a threat, it is not the greatest threat to the New South Wales tourism industry. This State's low inflation and buoyant economy will help the industry weather the storm. The Federal and State governments should do everything possible to improve the marketplace to better promote, fund and support the tourism industry. The Carr Government has failed to grasp the advantage of focusing on and exploiting special events. New South Wales now plays second fiddle to Victoria.

The Victorian coalition Government has recognised the importance of special events by

creating a specialised promotional unit aimed at luring major attractions to Victoria. The Australian Formula One Grand Prix, Madame Tussaud's waxworks and the Australian Open tennis competition are three events to which I have travelled, and many others are featured on the Victorian program. In contrast, the Carr Labor Government has allocated four staff and \$1.6 million to its special events budget, one of the smallest in any State. Victoria sells tourism even when venues do not exist, and creates opportunities with minimal investment.

The New South Wales Minister for Tourism, by a broken promise, has slugged the tourism industry in the neck with a 10 per cent tax. The Premier says, "Don't worry, that is another broken promise. I break them every day." The Carr Government has broken more promises than there are days in a leap year! Yet, this State's special events unit has four staff struggling under pressure with a budget so lousy that it could not sell a country town as an international venue. Tamworth spends more promoting its festival than Sydney does on special events.

The job cost to New South Wales is significant. The Asian crisis could cost this State 5,000 jobs. With overseas tourism to this country predicted this year to fall from the original 6.3 per cent forecast increase to a 3.4 per cent decrease, New South Wales tourism is in a state of decline! The tourism industry needs the Minister's help, not his throw-away criticisms of another government that are designed to offload his responsibility. The Treasurer even said that the bed tax is a "tourism boom dividend".

The facts, outlined today by the Minister, clearly demonstrate that the New South Wales tourism industry is under threat and is declining because of this State's bed tax. I confirm again that the coalition when in government will repeal the bed tax immediately. It is a bad tax and jeopardises the future of the industry. The Minister said the bed tax is not affecting the tourism industry. I have a letter dated 2 March from the general manager of the ANA Hotel, Arthur Nigro, to the Premier. The letter states:

Dear Premier,

I have just returned from Japan where I made courtesy calls on several of our best Japanese tour operators, responsible for bringing thousands of tourists to Australia. This business results in millions of dollars in revenue to Australian businesses and the New South Wales Tax coffers.

I thought you may be interested to know that the dominant themes for discussion were the Bed Tax and how tour operators will seek to minimize the impact of the Tax.



Tour operators, both at the wholesale level and retail level, have "bad feelings" to use their words, regarding the implementation of the Tax and they believe it will hurt business to Australia. To counteract this Tax—

I ask the Minister to listen to this cry for help from the tourism industry across New South Wales—

they have reduced the number of nights spent in Sydney and increased the nights spent in other parts of Australia.

This State's bed tax is making the New South Wales tourism dollar portable. Those dollars are not staying here. The bed tax forces tourists to go interstate for a good deal and New South Wales is all the poorer for it. The letter continues:

The overall level of business expected for the upcoming April to September season is down.

... In light of the Asian crisis and the extremely negative effect of the Bed Tax on Sydney and New South Wales tourism, I respectfully request that the Bed Tax be repealed.

He is begging on behalf of the tourism industry:

I respectfully request that the Bed Tax be repealed. This will send a very positive message to our tourism partners around the world, and stimulate much needed imports into Sydney and New South Wales.

I waited and listened with bated breath. Will this new Minister offer some hope for tourism? Will this new Minister offer the opportunity to kill the bed tax? It is a bad tax. He did not make that offer; he is a failure. The coalition's commitment is to increase funding to Tourism New South Wales, increase marketing, open offices, and appropriately fund the industry, not tax it with a bad tax. [*Time expired.*]

**Mr ROGAN** (East Hills) [4.44 p.m.]: It is interesting that throughout his speech the honourable member for Ermington never offered one word in defence of the actions of his Federal colleagues. He knows that the Federal Government's failure to support the tourism industry is another example of that Government walking away from its responsibility to support an industry upon which this State and nation so desperately depend. People in the East Hills electorate agree that the Federal Government is the most reactionary, divisive, negative and bloody-minded government ever.

The Federal coalition has decimated State budgets, hit the elderly, the young, the handicapped and families, and particularly working mothers. Indeed, one cannot point to any section of Australian society that has not experienced the cruel and ruthless cold hand of the Howard Government upon their daily lives or industries. Of course, that

same Government takes a different approach for one of the Patrick stevedoring companies or Mr Corrigan! As the Minister said, the tourism industry is worth \$60 billion and employs 700,000 people nationally, of which New South Wales claims \$20 billion and 240,000 jobs. The Minister quoted the recent comments of Mr Baird, a former Liberal Minister in this House. He was critical of the lack of Federal Government support for tourism despite the perceived crisis within the industry. An article in the *Sydney Morning Herald* on 10 April, under the heading "Tourism decline may cost \$800m", stated:

The total number of tourists coming to Australia will fall almost 5 per cent this year because of the Asian economic crisis, leading to \$800 million loss of revenue.

The figures are a nightmare for the industry, said the managing director of the Tourism Council of Australia . . . Mr Bruce Baird.

The article further stated:

Mr Baird describes the expected growth of about 8 per cent in the number of Australians heading overseas this year as "a double whammy" for the industry and has demanded that the Federal Government "no longer ignore official forecast figures which predict . . . big declines in international tourism".

In another article in the *Sydney Morning Herald* on 14 April Mr Baird referred to funding by the Federal Government:

A reinvestment package should include one-off funding to help finance a domestic tourism campaign, the introduction of new international promotional initiatives, and the removal of unnecessary impediments like visas, to assist the industry to remain competitive.

Those are the views of Mr Baird about the lack of Federal Government response to the crisis faced by the industry. I am delighted by the initiatives taken by the State Government, announced by the Minister today. On 8 April the Premier launched an \$8 million domestic advertising campaign to encourage more Australians to spend their tourism dollars in New South Wales. Tourism New South Wales has redoubled its marketing efforts in Asia, and recently relaunched the successful all-day-long, all-night-long advertising campaign in Singapore, Malaysia and Hong Kong. New offices were recently opened in Hong Kong, Taiwan, the Philippines and Korea to promote New South Wales tourism. The Government will focus also on existing opportunities in China.

The Government is taking positive steps to help the tourism industry despite the Federal Government withdrawal of the \$3.5 million it had provided previously to assist promotion of Australian tourism. The honourable member for

Ermington has left the Chamber, but I should like to tell the House that his comments on funding cuts by the State Government are completely false. The Minister will respond to that outrageous allegation in his reply. He spoke about Victorian tourism promotion initiatives. Obviously he has not seen the marvellous promotions and advertisements recently released.

**Mr O'FARRELL** (Northcott) [4.49 p.m.]: We are debating a three-part urgency motion by the Minister for Tourism. The first two parts concentrate on condemning the Federal Government for things that it may or may not have done. The third part seeks the support of this House for patting the Minister on the back for positive initiatives by the Government to assist the tourism industry. Not a single announcement has been made today by the Minister to demonstrate what has been put in place by the Government in response to the Asian economic crisis. All the initiatives that have been referred to were already in train. They were part of normal planning and are not a response by this Government to the Asian economic crisis. As the honourable member for Ermington said, it is straight hypocrisy.

This three-part motion has but one intent: to blame the Federal Government for this State Government's inadequacies. The Carr Government is taking that approach in every portfolio area, blaming the Federal Government and trying to hide behind the significant changes that Government is making. The Minister's opening remarks were that 1998 has been the worst year for New South Wales tourism. Not so long ago people were saying that 1997 was the worst year for New South Wales tourism because in that year the Labor Party introduced the first ever State-based bed tax in Australia. The effects of that bed tax are still being felt around the world in the inbound tourism industry. As the honourable member for Ermington said, the General Manager of the ANA Hotel, Arthur Nigro, has indicated the effect that it is having on Japan.

The bed tax is keeping tourists out of Sydney. They are choosing to visit other States. How that helps the New South Wales tourism industry I simply do not understand. The Minister for Tourism said something honest when he made the point that tourism creates dual responsibilities. The tourism industry will never be satisfied by any government. Let us be honest about that. The tourism industry is one of those that always wants governments to do more, and governments tend to try to assist it. But it is the Federal Government that is trying to cope with economic adjustments in the Asia-Pacific area and with the enormous deficit left to this country by

the Keating-Beazley Government. It is little wonder that the Federal Government has difficulty handing out goodies.

It might be all right for the State Treasurer to go around handing out goodies, but the State budget has blown out from a projected surplus to a \$400 million deficit. Those are the voodoo economics that the Minister for Tourism and his lefty mates, and even the right wing of the Labor Party, are engaging in these days. It is all about taxing and spending and not worrying about who has to pay off the debt. The Howard Government is concerned about Asia and is addressing the Asian economic crisis. The Federal Government is spending billions of dollars in Asia trying to prop up the South Korean and Indonesian economies, and as a result it will reap benefits for all Australian industries. The Federal Government is taking not merely a sectional approach—as adopted by the Minister—but one that seeks improvement for the tourism industry and all other Australian industries.

*[Interruption]*

Do you support efforts to assist South Korea and Indonesia? Do you support injection of those funds, which will have a significant impact upon the tourism industry in this State? The Carr Government's failures include not only the bed tax but a much-vaunted rerelease of the New South Wales Tourism Commission's advertising program—a tired rerun of what has gone before, a pale imitation of Victorian jigsaw advertisements which concentrate on regional tourism.

**Mr Nagle:** It is better, far better.

**Mr O'FARRELL:** The problem with members opposite is that they think tourism in this State revolves around Sydney. That is the reason Labor holds so few seats in the bush. Government members do not understand that the key to the tourism industry in New South Wales is in regional and rural areas. It is because Labor hates regional and rural areas and will not put money into those areas that the tourism industry is being affected. Economic tourism is in the Minister's backyard. The Minister for the Environment is preventing ecotourism operators from having access to the national parks in her electorate. How will that help the New South Wales tourism industry?

The Government is kicking the guts out of regional tourism because it does not understand regional and rural New South Wales. It is not supporting agritourism because the Government is so centred on Sydney. The Government is dead wrong.

The Federal Government has increased funding to New South Wales and to the National Tourism Development program by 40 per cent in the last financial year and 60 per cent this financial year. That is a record the Federal Government ought to be proud of, and a record that this Government cannot match.

**Mr NAGLE** (Auburn) [4.53 p.m.]: The honourable member for Northcott forgets that the motion condemns the Federal Government for its failure to help the tourism industry, which is facing a severe downturn as a result of the Asian financial crisis; calls upon the Prime Minister to urgently provide a reimbursement package of funding for the industry and to restore the \$3.5 million stripped from the last two budgets; and notes the good work being done by Tourism New South Wales.

**Mr O'Farrell:** On a point of order. I seek your ruling on whether it is permissible to wear political party badges in the Chamber?

**Mr SPEAKER:** Order! Rather than giving a ruling, it is sufficient for me to say that generally speaking previous Speakers have ignored the wearing of badges in the Chamber.

**Mr NAGLE:** I am indebted to the honourable member for Northcott for bringing it to the attention of honourable members. On Sunday, an \$8.1 million domestic advertising campaign was launched to promote tourism in New South Wales. One brochure that has been issued is entitled "Touring by Car". Honourable members should read it because it sets out an excellent seven- to eight-day trip. The honourable member for Northcott said that people in the west are not getting anything, that those in regional New South Wales are not getting a cent. If the honourable member will listen for a moment he may learn something. In response to requests from the former Minister for Tourism and from the current Minister for Tourism, I spoke to a number of people and presented cheques to promote tourism in various areas of the State. In Armidale I met some wonderful people who are working extremely hard to promote the New England Wool Festival. Unfortunately, I was unable to attend the function to celebrate the festival, although my wife and I had planned to attend.

The Glen Innes Celtic Festival was another very worthwhile event to which the Government contributed funds. Jeff Campbell and Dale St George from Coffs Harbour each received cheques, one to promote the Master Games in Coffs Harbour, the other to promote yachting, with the objective of promoting those events in Coffs Harbour and make that city a centre of activity. The Labor Government provided the cheques to assist those wonderful

people in Coffs Harbour who have done a great deal of work. I was also asked to present cheques at the Explorer Country Board meeting in Rylstone, which I did with the support of Jill Blackman, Phil Wilkinson and others who attended that meeting. They were very appreciative of what the Government is doing to promote tourism. The Australian Labor Party caucus committee on tourism is promoting tourism in New South Wales, and that is the work that I have been doing. I invited the local State member of Parliament to attend, but he was unable to do so.

The central west group received a grant of \$37,000. I visited Armidale to promote tourism in New England, the big sky country, and presented another \$37,000 to Darryl Morris, chairperson of the New England and North West Regional Tourist Organisation. That organisation was also very appreciative of the grant. Mr Morris chaired the meeting, ably assisted by Miss Christine Harvey, tourist manager of the local shire council. The people I met were very interested in promoting tourism.

I went also to the North Coast Regional Tourist Organisation in Gloucester. This time the honourable member for Myall Lakes came with me and helped me present a cheque and promote tourism in his electorate. In all the areas I visited I saw neither hide nor hair of any conservative forces, except for the honourable member for Coffs Harbour and the honourable member for Myall Lakes, promoting tourism in their electorates. I congratulate Peter Thompson, from the Mid North Coast Regional Tourism Organisation, on the great work he is doing. His organisation received a \$30,000 cheque. Likewise, in Coffs Harbour the good work goes on.

I was invited to go to Wagga Wagga and to the Riverina, where I met Fiona Schirmer and other hard workers such as Kay Hull, chairman of Tourism Wagga Wagga. I was mistaken. A conservative member, the honourable member for Wagga Wagga, who is very interested in his electorate, was there, trying to promote tourism. All those who were present received letters from me telling them what I was doing because it was a bipartisan effort to promote tourism.

The honourable member for Northcott gets on his high horse and says that Government members do not know anything about tourism. He well knows that the caucus committee on tourism is promoting tourism in this State by allocating funds. He also knows that more money could have been available if the Federal Government had not been so mean and miserly and had provided the funding necessary to promote tourism in New South Wales.

**Mr DEBUS** (Blue Mountains—Minister for Energy, Minister for Tourism, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [4.58 p.m.], in reply: I should correct some blatantly untruthful things said by the honourable member for Ermington. The 1995-96 New South Wales tourism budget was \$31,321,000; in 1996-97 it was \$31,400,000 and in 1997-98 it was almost \$35,300,000. The budget of the Australian Tourism Commission in 1994-95 was \$79 million; in 1995-96, \$79 million; in 1996-97, \$76 million, and in the current financial year it is \$78 million, but \$3 million of that is specifically allocated to the Olympics. Effectively, funding for other ATC programs is \$75 million, a reduction on 1996-97 Federal funding. That is to say, Federal funding has gone down, State funding has gone up. It is quite simple.

Not a single member opposite even attempted to answer this question: why is it that the Federal Government is prepared to provide \$300 million in export insurance credits and similar arrangements for manufacturing industry and primary industry—and everyone agrees it should have done that—and did not give a cent for similar, parallel purposes to the tourism industry? I asked that question, the State Government asked that question, Bruce Baird and the State Tourism Council asked that question, and not one member opposite made any attempt to answer it.

The honourable member for Northcott had the effrontery to say that this Government paid no attention to regional tourism. I guarantee that almost every speech I have ever made to the tourist industry has emphasised above all the Government's concern for regional tourism. In recent weeks I have been present at many tourism awards. I can assure the honourable member for Northcott, despite whatever propaganda he wants to put out about this subject, that tourism operators appreciate what is being done. They know that a most substantial program is in place to provide assistance to regional organisations and regional events and to support regional visitor information centres.

The honourable member for Ermington is so ignorant as to think that it is a serious criticism to suggest it was a bad thing to close down shopfronts in several capital cities in this country. As if it is better in this day and age to keep a shopfront open than to create a powerful television program. As if it is better to keep a shopfront open that nobody goes to than to open a website that could receive 8,000 hits in a couple of days. The honourable member for Ermington and the honourable member for Northcott show that they do not have the faintest idea of what they are talking about. They just do not have a clue.

I will say one or two things about the bed tax—which does, by the way, apply in the Sydney central business district. Does the honourable member for Northcott know why it does not apply in the regions? The bed tax does not apply in the regions because the Government is concerned that every opportunity should be offered to that part of the industry which has the most difficulty attracting visitations and lacks the advantage of being in a global city that has a certain international iconic value, which is the fortunate circumstance that Sydney is in. That is why during 1996, the last year of full measurement, New South Wales received 63 per cent of international visits to Australia and 33 per cent of domestic visits by Australians, far in excess of any other State.

Hotel occupancy rates on the Gold Coast and in Cairns have been hit much harder than those in the Sydney CBD in recent months. Hotels at Sydney airport and at Parramatta are reporting a decline in occupancy, as are hotels in the CBD. The bed tax rate has actually been renegotiated, in recognition of the present economic circumstances. But it is obvious that while the Asian crisis is causing the loss of some customers, they are coming from Asia and in increasing numbers from America and Europe, and the bed tax has very little to do with it.

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

**The House divided.**

**Ayes, 48**

|               |                 |
|---------------|-----------------|
| Ms Allan      | Ms Meagher      |
| Mr Amery      | Mr Mills        |
| Mr Anderson   | Ms Moore        |
| Ms Andrews    | Mr Moss         |
| Mr Aquilina   | Mr Nagle        |
| Mrs Beamer    | Mr Neilly       |
| Mr Clough     | Ms Nori         |
| Mr Crittenden | Mr E. T. Page   |
| Mr Debus      | Mr Price        |
| Mr Face       | Dr Refshauge    |
| Mr Gaudry     | Mr Rogan        |
| Mrs Grusovin  | Mr Rumble       |
| Ms Hall       | Mr Scully       |
| Mr Harrison   | Mr Shedden      |
| Ms Harrison   | Mr Stewart      |
| Mr Hunter     | Mr Sullivan     |
| Mr Iemma      | Mr Tripodi      |
| Mr Knowles    | Mr Watkins      |
| Mr Langton    | Mr Whelan       |
| Mrs Lo Po'    | Mr Woods        |
| Mr Lynch      | Mr Yeadon       |
| Mr McBride    |                 |
| Mr McManus    | <i>Tellers,</i> |
| Mr Markham    | Mr Beckroge     |
| Mr Martin     | Mr Thompson     |

**Noes, 43**

|                 |                 |
|-----------------|-----------------|
| Mr Beck         | Mr O'Farrell    |
| Mr Blackmore    | Mr D. L. Page   |
| Mr Chappell     | Mr Peacocke     |
| Mrs Chikarovski | Mr Phillips     |
| Mr Cochran      | Mr Photios      |
| Mr Collins      | Mr Richardson   |
| Mr Cruickshank  | Mr Rixon        |
| Mr Debnam       | Mr Rozzoli      |
| Mr Ellis        | Mr Schipp       |
| Ms Ficarra      | Mr Schultz      |
| Mr Glachan      | Ms Seaton       |
| Mr Hartcher     | Mr Slack-Smith  |
| Mr Hazzard      | Mr Small        |
| Mr Humpherson   | Mr Smith        |
| Mr Jeffery      | Mrs Stone       |
| Dr Kernohan     | Mr Tink         |
| Mr Kinross      | Mr J. H. Turner |
| Mr MacCarthy    | Mr R. W. Turner |
| Dr Macdonald    | Mr Windsor      |
| Mr Merton       | <i>Tellers,</i> |
| Mr Oakeshott    | Mr Fraser       |
| Mr O'Doherty    | Mr Kerr         |

**Pairs**

|           |              |
|-----------|--------------|
| Mr Carr   | Mr Armstrong |
| Mr Gibson | Mr Brogden   |
| Mr Knight | Mrs Skinner  |

**Question so resolved in the affirmative.**

**Motion agreed to.**

**BILLS RETURNED**

The following bills were returned from the Legislative Council without amendment:

Land Sales Amendment Bill  
Petroleum (Onshore) Amendment Bill

**COMMITTEE ON THE OFFICE OF THE  
OMBUDSMAN AND THE POLICE  
INTEGRITY COMMISSION**

**Motion, by leave, by Mr Whelan agreed to:**

- (1) That James Richard Small be appointed to serve on the committee in place of Andrew Raymond Gordon Fraser.
- (2) That a message be sent acquainting the Legislative Council of the resolution.

**PRIVATE MEMBERS' STATEMENTS**

**ENERGYAUSTRALIA PHOTONICS  
INFORMATION SUPERCORRIDOR**

**Mr GAUDRY** (Newcastle) [5.15 p.m.]:  
Yesterday, along with my colleagues the honourable

member for Wallsend and the honourable member for Waratah, I had the pleasure of attending EnergyAustralia's announcement of its proposal for a photonics information super corridor. This is a leading-edge proposal that will be of great benefit to the people of Newcastle and the Hunter Valley. The super corridor will provide the capability for the transfer in seconds of vast amounts of data information via fibre-optic cable and photonics. The transfer of information will take place via fibre-optic cables that can be hung from existing power poles between Newcastle and Sydney, providing the capacity to deliver vast volumes of information faster than existing Internet technology. By way of example, we were advised at the launch yesterday that a person using photonics technology could send the contents of 30 *Encyclopaedia Britannica* volumes around the world in seconds. The speed with which the information transfer can occur is mind-boggling.

I applaud the direction being taken by industry in Newcastle. This new proposal will give industry in Newcastle the capacity to make that city and centres around it the hub for world-class technology and information access, which will be extremely important as we move into the next century. As was pointed out to us yesterday, access to information and the use of information will be important aspects of industry development in the next century. Already in Newcastle and the surrounding areas there are industries very much involved in the use of information and research-based information.

For example, I mention the ADI Limited minehunter project. Last Friday, along with many honourable members of this House including the honourable member for Hawkesbury, I attended the launch of that second minehunter. The interesting aspect of the construction of the vessel is that the design and design modifications were done on computer. By the use of photonics information can be transferred worldwide in a matter of seconds and downloaded for use by other companies or for modification of design.

Goninan's research centre in the Hunter, in the electorate of my colleague the honourable member for Wallsend, is involved in hi-tech design and could reap the benefits of a photonic link. Many other industries could design their operations around this important research capability. For example, it could be used in the development of the steel river site. The University of Newcastle is involved in research in coal technology, electronics and medical technology. These applications are well suited to exploit the rapid information transfer. It is an important development.

I commend EnergyAustralia and the Newcastle university, with their linkage to the Australian

Technology Park in Redfern, for this major development and for taking a forward-looking initiative. They recognise the potential for skills in Newcastle and in the Hunter Valley to be used by the university and TAFE systems. Those areas also have industry leaders who are dedicated to taking up leading-edge technology and running with it. This is a very positive development for the State, and particularly for Newcastle and the Hunter Valley.

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.20 p.m.]: I congratulate the honourable member for Newcastle on raising this important issue. It is true that EnergyAustralia's decision to use the photonic system of fibre-optic cable has put Newcastle at the leading edge to take advantage of technology that will provide benefits for a region that has been hit and will continue to be hit by unemployment for some time to come. The Hunter region can only be a direct winner from this technology. That reinforces what has been known for a long time: the excellent skills base in Newcastle.

Contrary to public perception that Newcastle and the Hunter were manual labour and steel oriented, for the last decade and a half the regions have been moving into hi-tech areas of industry. Information access and its use are important at this stage in the development of the region's maturity. The University of Newcastle has been accepted as an institution of considerable excellence in many fields. A lot of its faculties have concentrated on information and research at a time when other education centres were not so keen on it. The worldwide need for information will keep Newcastle at the leading edge.

Goninan, which was referred to by the honourable member for Newcastle, is a good example, especially having regard to its international tie-up with the General Electric organisation. Goninan carries out hi-tech research work at its Cardiff base and then overnight transfers it to Erie in Pennsylvania. That has given Goninan an opportunity in south-east Asia in the manufacture of locomotives and various associated locomotive parts in a way that was unthought of five years ago. When I chaired the Hunter Beyond 2000 Committee people poured cold water on the steel river site development, which is coming to fruition. I am pleased that the honourable member for Newcastle has raised this matter.

#### GOVERNMENT AGENCY TENDER FEE

**Mr BLACKMORE** (Maitland) [5.22 p.m.]: Last year I was privileged to attend a National Electronic Interchange Services Proprietary Limited—NEIS—graduation ceremony in Maitland.

I was impressed by a lady who nurtured a small caretaking business. She provided services to businesses such as telephone diversion, message bank, absent owners management, vehicle detailing and valet service. She encouraged people to let her be their office manager whilst they attended to other business commitments. This lady, who was struggling to keep her business afloat, brought to my attention that the *Sydney Morning Herald* of 4 April on page 113 advertised an ideal business opportunity for contract management with the National Parks and Wildlife Service at Nowra.

When people want to expand their businesses it is natural for them to look through newspapers for tender opportunities to offer their service. The NPWS required a \$50 non-refundable fee to submit a tender. When NEIS graduates and governments, either State or Federal, are intent on providing job opportunities and retraining people so that they may have an opportunity to go into a business of their own, a \$50 non-refundable fee is a lot for a small business. Unless the fee is paid, interested parties cannot receive information, have an inspection or receive tender forms, and therefore cannot participate in the tender. If 100 people replied to the tender \$5,000 would be collected by that Government agency. In the private sector and local government that fee does not apply.

I raise this matter because I am hopeful that the Government has not imposed that fee intentionally. I hope that the Government is genuine when it says it wants to provide opportunities for people who are having difficulty in establishing a business. The Minister Assisting the Premier on Hunter Development has left the Chamber but I know that he has worked diligently in the Hunter to promote the interests of people who have been affected by the downturn in the steel industry. I know that in your electorate of Bathurst, Mr Acting-Speaker, people want the opportunity of a second chance to get employment so that they can use their skills and not become a burden to the system or to the community.

What is the fee of \$50 used for? It certainly would not be to meet the wages of somebody to photocopy, post mail or answer phone inquiries. I ask the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs to refer this matter to the relevant Minister. Those who seek to provide employment for people with skills by submitting tenders for this type of work should be able to have a level playing field. The amount of \$50 is out of the reach of many small business people.

This nation is made up of small businesses and they are our future. All honourable members have heard success stories of people running a small

business on a shoestring. However, the imposition of a \$50 non-refundable fee in respect of tenders for contract management, such as would be suitable for the lady who started the caretaking business, is unreasonable. I ask the Minister to encourage the Government to drop the \$50 non-refundable fee in order to promote employment in New South Wales.

### CONTRACTOR LICENSING

**Mr RUMBLE** (Illawarra) [5.27 p.m.]: On behalf of Mr Evan Swan of Dapto I raise concerns that certain persons who provide services are not licensed. Mr Swan is of the opinion that architects, engineers and design draughtsmen should be licensed. Mr Swan has worked as a contractor for the past 10 years doing mechanical and structural detailing. He is concerned that moonlighters damage the industry and do not help to keep work flowing to contractors. He has complained that full-time employees in the industry perform work after hours at much reduced rates. The licensing system envisaged by Mr Swan would be that only those persons licensed under the 1921 Act should use the title "architect" and that engineers and engineer detailers should be licensed. Another matter that worries Mr Swan is the security of payment in the building industry. Earlier this year the Minister for Public Works and Services stated:

Turning to the issue of security of payment, I am pleased to advise that the Government has introduced and Parliament has assented to a revised and updated Contractors' Debts Act. This Act will provide subcontractors on both private sector and government projects with improved access to the court system when seeking payment. The Act includes mechanisms which allow disputed funds to be frozen with a client until the situation is resolved and directs clients to pay subcontractors from money they may owe from a contractor following determination by a court.

In addition, I am advised that government construction agencies are strengthening their proof of payment procedures by amending the form of statutory declaration they require contractors to submit before receiving payment for government projects. This will make it more difficult for contractors to use disputed claims in their defence when under investigation for signing allegedly false statutory declarations.

I ask the Minister for Public Works and Services to what extent this has been implemented. The Minister further stated:

... the Government has concluded the review of the many submissions received on the Government Green Papers: *Security of Payment for Subcontractors, Consultants and Suppliers in the New South Wales Construction Industry* and *The Construction Industry in New South Wales: Opportunities and Challenges*. The findings will form the basis of the Government's future policy on the construction industry as a whole and in particular security of payment which will be included in a White Paper which I intend to present to Cabinet in the near future.

The release of the White Paper is timely as it addresses a number of the issues which will affect small to medium enterprises, such as Mr Swan's, in the period up to 2005. The paper will look at ways to improve enterprise business planning, promote ethical behaviour and standards, encourage workforce development and diversity to meet changing levels of demand, develop industry commitment to continuous improvement and encourage industry commitment to environmentally sustainable development and the take-up of information management technologies to assist with reengineering of the industry's processes.

I also ask the Minister for Education and Training to take up this matter with the Minister for Public Works and Services to determine the up-to-date position of that matter.

### ORANGE ELECTORATE HOTEL TRADING HOURS

**Mr R. W. TURNER** (Orange) [5.32 p.m.]: I voice the concerns of two of my constituents, Keith and Fay Middleton of Wellington, who run a pizza parlour opposite the Grand Hotel. That hotel has been granted a licence to trade until 3.00 a.m., with resultant problems. Mr and Mrs Middleton have documented incidents of people being admitted to the premises after midnight through the back door, or the front door if no-one is looking. Wellington is not as large a city as Dubbo or Orange, and its central business district is closely surrounded by houses. Consequently, and importantly, the noise emanating from the hotel is disturbing to those who reside behind the hotel. The hotel is situated in the older area of the town and the nearby residents tend to be elderly and often have sleeping problems.

This ongoing saga involved the licensing sergeant setting up surveillance videos and cameras opposite the hotel. As a result, the hotel's nightclub, which is the source of the problem, was closed last year. A few weeks ago the Wellington Boot race meeting was held. That meeting attracts a lot of money to the town. Following the race meeting the nightclub recommenced operations and has opened one night a week ever since. It is not only the noise emanating from the hotel that causes problems but after 1.00 a.m., 2.00 a.m. or 3.00 a.m. patrons leave the hotel in an inebriated state and they automatically yell, because that is what they have been doing for the previous five or six hours. They have been listening to loud music and their senses are dulled. The problem is not only the loud voices but the language that is used.

It is a shame that people who live in flats and houses close to this hotel are forced to sleep on mattresses in back rooms on Friday and Saturday nights because the noise in their bedrooms is too loud. In addition, some patrons vandalise surrounding areas when they leave the hotel. Wellington has a limited number of taxis to cater for

the large number of inebriated people who leave the hotel in the early hours of the morning. The patrons mill around or wander up and down the streets until a taxi becomes available. That is part of the problem, but it cannot be solved readily.

Mr and Mrs Middleton say that the licensing sergeant does his best but he cannot act as he would like, because he is hamstrung by Liquor Administration Board regulations. A similar situation occurred in Orange when hotels were permitted to trade until 4.00 a.m. Perhaps that went a little too far, because the Liquor Administration Board makes it nigh on impossible to retract that licence. The councils of Wellington and Orange have tried to give small businesses, including hotels, a fair go and also have tried to give the residents an opportunity to have facilities in their town that are equal to those in Sydney. However, a small number of people abused those privileges. I point out that Mr and Mrs Middleton, whenever they have had the courage to complain to police, have faced extreme difficulties including harassment by the publican, his staff and his patrons. Additionally, they have received hoax phone calls and windows of their home have been smashed. [*Time expired.*]

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.37 p.m.]: I am amazed by what has been revealed tonight. I will supply the honourable member for Orange with a book that shows the clear role that the council could have taken. The complainants whom the honourable member represented could have lodged objections about the matters he mentioned. I ask him why they have not done so.

**Mr R. W. Turner:** They have.

**Mr FACE:** This evening the honourable member has cast reflections on the Liquor Administration Board. I call upon him to substantiate what he said tonight. According to the honourable member for Orange, the licensing sergeant says that he is hamstrung by regulations. I shall ask the Minister for Police to inquire into why the police have been neglecting their duties. For the honourable member's sake I hope he has got the facts right.

If the honourable member had approached me about the matter I would have done everything possible to assist him. Members know that I always do everything possible to assist them, regardless of the side of the House on which they sit. The honourable member for Orange cast aspersions on many people, as well as a New South Wales court, and I am not amused. He must be able to substantiate what he said. This matter could be dealt

with in a number of ways. The honourable member claimed that three people have made complaints but nothing has been done. He claimed that the courts had failed to discharge their statutory duties, which is a further reflection on the courts.

I shall refer this matter to the acting director of compliance and ask for a report urgently. I shall draw the matter to the attention of the Chairman of the Licensing Court, Mr Armati, whose character is beyond reproach, and the Minister for Police. I ask the honourable member—not in a threatening way because his allegations are serious—to provide documentation relating to the Licensing Court and to officials in my department whom he alleges have been dilatory in their duties.

### ILLAWARRA MAY DAY CELEBRATIONS

**Mr MARKHAM** (Keira) [5.39 p.m.]: This Friday is 1 May, the day the international working-class community celebrates its solidarity. It is an important day for workers throughout the world. This year May Day will be more important than it has been for many years because of what has happened in Australia in recent weeks. The Illawarra has celebrated May Day for many years. The May Day committee will ensure that a toast is given on Friday night and a march is undertaken on Saturday morning. After what has happened throughout the country recently, all I can do is thank Peter Reith and John Howard for the free publicity, which undoubtedly will result in workers and their supporters taking to the streets this Saturday to show their total abhorrence of the Federal Government's industrial relations policy.

The president of the Illawarra May Day committee, Andrew Whiley, and the secretary, Janice Hamilton, have worked hard to organise a full itinerary for Friday night and Saturday morning. I am honoured to be invited as a guest speaker, together with the sister of Chris Corrigan, at Heininger House in Heininger Street, Dapto, on Friday night. Chris Corrigan's sister is more than happy to be a guest speaker at the May Day toast so that she can tell the working-class people of the Illawarra exactly how she feels about her treacherous brother. An article on the front page of the *Illawarra Mercury* of 15 April stated:

Sister hits out at wharf boss' tactics

Waterfront bully boy Chris Corrigan is ashamed of his working-class background, according to his younger sister.

West Wollongong's Miriam O'Toole yesterday joined the attack on her older brother's role in the divisive waterfront dispute sweeping Australia.



Psychologist Ms O'Toole, 37, said she was appalled by Mr Corrigan's involvement in the dispute and begged him to return to negotiating with the Maritime Union of Australia (MUA).

The Premier, who represents a working-class electorate, has repeated that call today and during the previous parliamentary sittings. He has been on the wharves with his neighbours, who are fighting an injustice as a consequence of belonging to a trade union. On Saturday guest speakers at the Crown Street Mall will highlight what has happened to working-class people and the way the Government is trying to destroy the trade union movement in Australia. The secretary of the South Coast Labour Council, Paul Matters, will speak at the rally. The march will commence at the Trade Union Centre in Lowden Square and proceed through the heart of Wollongong to MacCabe Park.

The theme for this year's May Day rally is workers rights are human rights are your rights. There could be no truer slogan at this important time for industrial relations in Australia. I am sure the turnout throughout Australia will be incredible, not only in major cities but also in small towns. Working-class people and their supporters will unite against the Howard Government's jackboot tactics. The loud and clear message on May Day will be that the Prime Minister cannot tread on or remove the rights of working-class people. The secretary of the MUA at Port Kembla, Mark Armstrong, will also speak at the rally. Honourable members should know that Patrick, knowing the strength of the trade union movement in the Illawarra and in Wollongong, left Port Kembla as quickly as possible a couple of weeks ago. [*Time expired.*]

**Mr YEADON** (Granville—Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney) [5.44 p.m.]: May Day celebrations are the premier event for industrial labour movements to celebrate their history and achievements. I commend the honourable member for Keira, the Parliamentary Secretary for the Illawarra, for his participation in and leadership of the May Day celebrations in the Illawarra. I suspect that the honourable member was right in predicting that there will be a big turnout for this year's May Day celebrations, largely as a result of the waterfront dispute. That dispute is bringing into sharp focus the necessary role that unions play in protecting the wages and conditions of workers.

It is fair to say that the accord adopted by the Hawke and Keating Federal governments under the concept of consensus politics often resulted in rank and file union members, who were not involved in the day-to-day struggle and negotiations for results and outcomes, becoming complacent. However,

since the anti-worker and anti-union Federal coalition Government came to office that complacency is rapidly passing. As a result people will be out in force on May Day to demonstrate their commitment to the labour movement and the important role it plays in their lives. [*Time expired.*]

#### **BUILDING SERVICES CORPORATION AND Mr NEVILLE PANGAS**

**Mr ELLIS** (South Coast) [5.46 p.m.]: In January 1990 Mr Neville Pangas started an action against the Building Services Corporation to remedy defects in his recently constructed house in Laurieton. Of the 15 defects he initially detailed, the BSC agreed to recognise only two items, which were satisfactorily repaired. In April of the same year Mr Pangas lodged a protest with the BSC in Coffs Harbour with a list that had grown to 24 items. The BSC agreed to repair six minor items and only two of the repairs were acceptable. Mr Pangas claims that the builder did not comply with some of the directions to repair. Following an inspection of the building by the BSC's senior inspector and another officer, the approved repair list had grown to 12 items.

Mr Pangas then retained an independent engineer to scrutinise the defect list and the standard of repairs. The engineer challenged some of the work that the BSC had determined to be satisfactory. Photographs in Mr Pangas' possession clearly show that the alleged repairs remained defective. Mr Pangas lodged an insurance claim, but it was rejected. All three claims were rejected by the BSC. The matter continued for some time and in November 1995 Mr Pangas participated in a grievance meeting organised by the Department of Fair Trading. Until that time Mr Pangas had pursued the matter under freedom of information provisions and through the local media. That attention resulted in a geotechnical study being undertaken, which found that reactive clay on which the foundations rested was also a significant contributor to the faults of the house.

Reactive clay is unstable and the prescription by the engineers to keep water away from the house was later shown to be incorrect. Apparently 10 other houses in the same locality are similarly affected. The Hastings Council building approval specified that piers should be used, but these also proved inadequate, and the builder had apparently applied the specifications wrongly. The piers sank and created a domino effect through the overall structure.

Mr Pangas further alleges that the council's building inspector failed to exercise due care when inspecting the various stages of construction as an Ordinance 70 inspection was not conducted. In 1996

the BSC offered Mr Pangas \$15,000 as full settlement of his claim with provisions that effectively muzzled further criticism by him. Naturally Mr Pangas declined the offer. He sought the advice of a second engineer, who estimated the cost to underpin the whole building at approximately \$40,000.

In approximately December 1996 Mr Pangas received a cheque from the BSC for \$75,000 accompanied by documentation compelling him to agree to stop further claims. Whilst he accepted the moneys and cashed the cheque, he did not agree to the conditions. In January 1997 Mr Pangas sold his house for \$142,500 against an estimated value of \$180,000. Whilst some monetary losses have been addressed, Mr Pangas' quality of life and his personal life have suffered immeasurably. His estimation is that he suffered losses closer to \$84,000.

Mr Pangas has complained to the Ombudsman twice and responded to an Independent Commission Against Corruption inquiry with a 200-page submission as a result of his predicament. He has participated in five building industry inquiries in six years and has yet to see any effective action from those inquiries. In pursuing justice Mr Pangas has raised disturbing issues that should be addressed by the Government, including one case in which a BSC action against a builder was dismissed after costing the taxpayer \$1.5 million.

Mr Pangas admits he was driven by frustration experienced over a period of years through his dealings with the BSC, but many issues remain unresolved. His allegations suggest it is necessary to revisit the matter to ensure, firstly, that he has been dealt with fairly and, secondly, to determine whether there has been any cover-up during the various inquiries. The only way to achieve that would be through a judicial inquiry.

Over the past decade the BSC has been widely criticised, and building trade rorts became fodder for numerous consumer programs. Despite media publicity and focus on the building industry, there has been no real change. I ask the Minister to examine the allegations raised by Mr Pangas, particularly the administration of the BSC, and any other unresolved matter. The fact that the Building Services Corporation no longer exists is irrelevant to attempts to obtain justice for victims. If a wrong has been perpetrated by a government instrumentality, the Government is obliged to reveal the perpetrators.

#### **KARIONG PUBLIC SCHOOL TENTH ANNIVERSARY**

**Ms ANDREWS** (Peats) [5.51 p.m.]: Kariong Public School celebrated its tenth anniversary on 11

April. On 7 April the students and teachers of the school dressed up as pirates and participated in a pirate-a-thon to mark the occasion. I would like to outline the rapid growth of Kariong Public School from 1988 to 1998. In 1988 the school's doors opened with a total of 79 students in three classes—kindergarten and years 1 and 2. In 1998 824 students were enrolled in 29 classes from K-6. In kindergarten there are now 5½ classes with a total of 143 students, and for the first time year 6 comprises three classes. Depending on future development at Kariong, it is anticipated that school enrolment will continue to increase to a total of between 900 and 960 students.

The school is virtually the hub of the Kariong community, which comprises mainly young families. The school is vibrant and creative and much credit for this should go to the hard-working and dedicated principal, Mrs Maureen Gray. Mrs Gray came to the school in 1993 and presided over the school's move to new premises in July that year, which were officially opened on 22 November 1993. In July 1995 four permanent classrooms were added to the 10 already on site and eight classes were accommodated in refurbished demountable classrooms.

The founding principal was Mr Rod Jones, who served from 1988 to 1989. He was followed by Miss Narelle Rodgers, who served from 1990 to 1992. She led the school through significant student enrolment growth. Kariong Public School has a strong parents and citizens association, which was established in 1988. Mr Brian Parry was the inaugural president of that association. Kariong School Council was established in 1991. The school lives by its motto "View to the Future" and has a strong community attachment. In memory of the late Tony Doyle, the former member for Peats, who was a patron of the school, the Tony Doyle Memorial Garden was established within the playground area in 1996.

The school was awarded a government environmental trust grant to help improve the quality of the State's environment. The grant was put into a project to establish a database and photographically catalogue flora within the Tony Doyle Memorial Garden. Mrs Ellie Langford, a highly respected and long-time Kariong resident, has been a patron of the school since its inception. Langford Drive, Kariong, was named after her late husband.

In recent times the parents and citizens association became involved in a drive to carry out vast improvements within the playground. After a concerted campaign supported by the school's principal and me, representations to the Minister for Education and Training, the Hon. John Aquilina, resulted in the allocation of \$180,000 from the

1996-97 budget to undertake repair and rectification of the school's playground. Work commenced on that project during the second term of 1997 and was completed in the same year. The playground site was levelled, tonnes of rock were removed, an underground watering system was installed and a bore was sunk to provide water for the upkeep of the grounds. Today students enjoy playing on grass, not on hard rock as previously.

The school pays careful attention to local Aboriginal sites and artefacts and one landscape attraction is a fenced-off area that houses an Aboriginal carving. The school conducts a number of programs of great significance, particularly in literacy, reading recovery, student welfare and personal development, technology, health and physical education.

Mrs Linda Turner, the longest-serving member of the teaching staff, helped the school captains cut the gigantic tenth anniversary birthday cake. The school's first deputy principal, Mr Lindsay Stibbard, was appointed in 1994 and the current deputy principal is Mr Evan Campbell. I take this opportunity to congratulate the principal, deputy principal, teachers, students, parents and citizens association members, and school council members of the Kariong Public School on the school's many achievements over the past 10 years. I wish the school every success for the future.

**Mr AQUILINA** (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [5.56 p.m.]: I join with the honourable member for Peats in congratulating the Kariong Public School on its tenth anniversary. I was delighted to hear the honourable member outline the many achievements of the school in its short history. I add my congratulations to the present principal, Mrs Maureen Gray, and her dedicated staff and to former principals Mr Rod Jones and Miss Narelle Rodgers. I thank also the parents and citizens association and the strong team of parents who work with the teachers in a positive partnership to ensure the best opportunities are provided for the students at the school. I extend thanks also to Mr Brian Parry, the inaugural parents and citizens association president and, through him, to all association members over the past 10 years.

It was particularly heartening to hear of the tremendous improvements that have been made to the school in a short period, in particular the way in which the \$180,000 which the honourable member for Peats was able to obtain from the 1996-97 budget has been expended on improvements to the school grounds. I do not often get an opportunity to witness improvements that have been made as a result of the Government's grant allocations, but it is certainly pleasing to hear about them. I congratulate

the school on having put this money to such good use and on the outstanding improvements that have been made. In particular I thank the school for honouring the memory of our late colleague Tony Doyle, the former member for Peats, who was a good friend to many in this Chamber and who is remembered by many of us with great fondness. It is fitting that the school community, the students and staff of the school should remember him in the way they have.

### **MERRIWA-MUDGEE RURAL LANDS PROTECTION BOARD**

**Mr SOURIS** (Upper Hunter—Deputy Leader of the National Party) [5.58 p.m.]: I draw to the attention of the House the forced amalgamation of the Merriwa and Mudgee rural lands protection boards. The fight continues and those involved remain as determined as they were at the beginning of it. I have placed questions in *Questions and Answers* and have raised this matter in the House on numerous occasions. I do so again now to ensure that the House is reminded that the fight is continuing and will not cease until eventually the present Government or a future government sees the light in respect of self-determination. The principal issue is the right to self-determination: the right of the Merriwa RLPB area to be self-sufficient and provide its own funding and not be dependent on any government funding.

That was the case and should still be the case. The wisdom of amalgamation, which was forced on Merriwa by the Minister for Agriculture, has still not been proved. There has been no diminution in overheads and no savings to the newly amalgamated RLPB. There has been no imposition on government funding or on taxpayers in respect of the Merriwa area. There is no evidence that the amalgamation has been desirable; the only evidence is to the contrary. The first proof of the undesirability of the arrangement came immediately after the forced amalgamation when bushfires ravaged the area. It has been proved time and again that a locally based RLPB with local knowledge in bushfire management and local operatives is far superior to any other remotely based organisation. The second issue which has arisen since the forced amalgamation relates to ovine Johne's disease. As a result of the amalgamation, Merriwa now adjoins an OJD area and that has serious implications on marketing of livestock from the district. It is unfortunate and has caused a considerable loss of sales and reduction of earnings for many farm producers in the area. Fortunately, some adjustment has been made as a consequence of Queensland's decision to exclude Merriwa from that area, but that has come about only as a result of action by the local people. No thanks are due to the Minister for Agriculture or to his department.

The rural lands protection board action group, which includes the shire council, and people such as Mr and Mrs Thompson, and others in the area, has continued the fight. Recently 100 sheep producers in the area who were surveyed indicated that they had not been consulted in regard to the preparation of the rural impact statement upon which the Government relied so heavily and on which Cabinet based its decision to amalgamate. Rural impact statements are a joke. No public process or consultation is involved. No process is involved in which there could be any confidence at all that the impact of decisions affecting country areas has been taken into consideration by the Government, the Cabinet or anyone else.

If the rural impact statement had been properly conducted and assessed before the determination was made, it could be said that at least one producer in the area had been consulted, but that has not been the case. The shire council has not been consulted. Indeed, no producer organisations, no local government organisations, and no individual has had any contact with the Government. One can but wonder how the rural impact statement, which was attached to a Cabinet minute and upon which 20 members of Cabinet relied to determine a forced amalgamation against the interests of the local people, was produced. [*Time expired.*]

### **BERESFIELD FREIGHT TRAIN COLLISION**

**Mr PRICE** (Waratah) [6.03 p.m.]: I congratulate the Government on its rapid response to the report of the independent inquiry into the coal train collision at Beresfield last October. The report was released today. The seven recommendations in the report have already been acted upon in part or wholly by the Government. I congratulate the Minister on this tremendous and immediate reaction, which is so important in ensuring the safe operation of the rail system in New South Wales. The collision had a particular impact on me because, as honourable members are aware, Beresfield is in the electorate of Waratah and the passage of coal trains up and down the line has been a problem for many years. New South Wales needs the rail traffic and the resulting revenue. Although the system works smoothly, in the past a problem has resulted from trains parking in residential areas of Thornton, Beresfield, Tarro and, in some cases, Waratah and Mayfield in the electorate of Port Stephens. The vibration, noise and dust pollution created by this practice has caused great inconvenience for local residents.

The Government accepted the fatigue element related to train crewing, as set out in the report. Additional funding will be provided—and that is evidenced by the recent announcement by the

Premier of \$10 million for bi-directional signalling at the Hexham crossover—to allow better sequencing of trains into the port. The Government has agreed to provide another \$4.1 million to extend that bi-directional signalling up the line, together with other rail improvements, through to points north of Beresfield towards Thornton. That is a huge step forward. Although the existing automatic system had not failed, the Government has acknowledged the potential for failure. The latest technology to be introduced will ensure that the line will be safe. The bi-directional signalling, the opportunity for in-line parking in the Hexham wetland area and the ability, with the provision of the crossover, for trains that are out of sequence to pass one another while moving in the same direction, will remove the need for trains to be parked in the residential areas of the electorate of Waratah and adjoining electorates.

Turning to the report and its recommendations, the driver alert system will certainly be reviewed. Consultants have already been appointed to ensure that the standard operating procedure and the dual operation of the driver alert system are fully investigated, any flaws are resolved and further recommendations for improvement brought forward. A leading edge, world-class technology-type automatic train stop system will be introduced and trialled in the Hunter area. That will remove the human element to a considerable degree. With this technology, when trains pass stop signals they will automatically be shut down and have to be manually restarted by the crew if they inadvertently pass on the wrong signal. The fatigue management program has been put together in such a way that it will involve not only drivers but also their families and officials of the Freight Rail Corporation. That will be introduced over time, drawing on information supplied by the South Australian Centre for Sleep Research. It will also involve a review of crewing on trains. Consideration will also be given to whether pairing is appropriate in this day and age or whether train crews should be changed from time to time to improve alertness and lessen the risks of a buddy system, which may result in inadvertent oversights.

These matters are important to the overall safety of the freight rail system and are of particular importance in the Hunter region, where huge tonnages of coal pass up and down the line and the potential exists for significant damage, such as that which occurred in October last year. Fortunately, although there were serious injuries there were no fatalities. That cannot be risked again. The action of the Government has been timely and significant. There has been some criticism about the time taken to produce the report. That is inconsequential on this

occasion, and is of no significance now that action has been taken. I should also add there will be a new communication system which will apply to all trains in the State, but particularly to coal trains, which will allow driver-to-driver contact, train-to-train contact and also direct contact with the train controllers. I congratulate the Minister on his rapid action and look forward to the implementation phase.

#### **Motion by Mr Aquilina agreed to:**

That standing and sessional orders be suspended to extend private members' statements to permit a further statement from the member for Manly.

#### **CARINGBAH PEDESTRIAN CROSSING**

**Mr KERR** (Cronulla) [6.08 p.m.]: I note that the honourable member for Waratah mentioned the action the Government had taken and that he was pleased as a local member that this had reduced the threat to human life. I also bring to the attention of the House a threat to human life from road transport. In early July a constituent wrote and advised me that:

My husband and I appreciate the matter you taken up for a safe pedestrian crossing at the intersection of President Avenue and Willarong Road, Caringbah. Sir my husband is a disabled person. In the event of an accident he is got no chance of avoiding it. We both are retired.

I then wrote to the Minister for Transport in relation to this matter. Although my letter was sent in early July I received a letter dated 8 October 1997 in which the Parliamentary Secretary for Roads wrote back that he had received my representations. The letter stated:

... requesting the installation of pedestrian facilities at the intersection of President Avenue and Willarong Road, Caringbah. Mr Scully has asked me to respond on his behalf.

The Roads and Traffic Authority is in the process of negotiating with Sutherland Shire Council to provide effective and safe pedestrian facilities at this location.

One way of achieving this would be the replacement of the existing roundabout with the provision of traffic signals incorporating pedestrian facilities.

Council has written to the RTA in this regard and should this prove to be the preferred option following further discussion with Council, arrangements will be made by the RTA to provide funding towards the installation of signals in the 1997/98 works program.

I emphasise the reference to the 1997-98 works program. I also received a letter from the council which referred to my letter in the following terms:

... in which you request urgent attention to the installation of traffic signals at the intersection of President Avenue and Willarong Road, Caringbah.

The provision of the traffic signal installation at this location is a matter for the Roads & Traffic Authority. It is understood that the RTA has arrangements in hand to commence on design plans for the traffic signals.

Council has forwarded, to the RTA, concept plans of the proposed channelisation treatment for this intersection so that the signal design can be completed as soon as possible.

Although it is not expected that the RTA would be able to undertake this work until 1998, Council will ensure that the minor roadworks associated with the installation are scheduled so that there are no delays likely to occur at the commencement of construction.

In November I wrote to the Minister for Transport and said that I had been advised by the Sutherland shire council. I said:

... that concept plans of the proposed channelisation treatment for this intersection have been forwarded to the RTA for signal design.

Local residents report daily incidents of near misses at this intersection and with another large Supermarket about to commence trading the situation is becoming critical.

I would therefore be grateful if you would expedite this proposal and provide me with a timetable for commencement of works and switching on of the traffic lights.

I received a letter from the Parliamentary Secretary for Roads on 30 January. In that letter I was advised:

The RTA and Sutherland Council are jointly funding a traffic calming scheme for President Avenue which includes the replacement of the existing roundabout with traffic signals at the intersection with Willarong Road. The design, management and construction works for the signals are being undertaken by Council.

The current position is that Council has forwarded a concept plan of the proposed intersection treatment, excluding traffic signals details, to the RTA for comment.

On 5 February 1998 I wrote back and advised the Minister that I was most concerned because the signals would not be completed until the second half of the year. I requested his personal intervention in expediting early installation. I said that a new supermarket had opened at this intersection and that the roundabout now had two supermarkets, on two of its axes. It is important that these signals be constructed as quickly as possible. [*Time expired.*]

#### **SYDNEY COVE DEVELOPMENT**

**Dr MACDONALD** (Manly) [6.13 p.m.]: On behalf of almost all the people and voters of New South Wales I draw the attention of the House to the

carbuncle on East Circular Quay. Neither political party has been capable of grappling with this issue. Surprisingly, neither political party, the coalition in particular, has run with it. Elton John described the building as a carbuncle. Jack Munday, a long-time friend of the Labor Party, said the following:

The treatment of what could well be rated the nation's greatest man-made monument would surely be unthinkable by other nations.

The building has desecrated a most sacred place. Who would allow a multistorey car park in St Peters Square? Who would allow a McDonald's in the grounds of the White House? That is equivalent to what is happening at East Circular Quay. I do not seek to sheet home responsibility for this monstrosity but merely make a plea to the Government to renew and redouble its efforts to acquire that site and return it to the people. At this moment it is not too late.

I have had discussions with the Government and with the Minister for Urban Affairs and Planning on this issue, following representations made to me almost six months ago by the Save East Circular Quay Committee. The first meeting was organised with the Minister, Kel Hutchence and Jack Munday, and was to be held on 9 October at Parliament House. Kel Hutchence made the mistake, apparently, of writing to the *Sydney Morning Herald* a day or two beforehand, indicating that he was optimistic about the outcome of that meeting, and the Minister, in a fit of pique, cancelled the meeting. We were kept waiting, so to speak, outside the door until 21 October when we were allowed in to discuss the matter with the Minister. He made it quite clear at the outset that any discussions we had were to be held in secret and that he would deny that any meeting took place if it was ever disclosed to the public. We respected that.

On the other hand, he said that he would keep us up to date about progress of negotiations with the owner of that site. It was quite clear to me that at that stage the Government had the goodwill and intention to acquire that site by some means. The Minister outlined the various possibilities and options, including looking at various government-owned sites which could possibly be freed up. Looking at the possibility of gaining a premium by converting leasehold to freehold title raised the question of air space use. The Government was behind the scenes. We were certainly given the impression that the Government was actively trying to come to an arrangement with the hotel owner, and we were happy about that.

On 26 November, just over a month later, we met the Minister again. He said that he hoped that within two days he would be able to brief the Premier and that he would be down there with a sledgehammer to knock the building down. I draw to the attention of the House the strange sequence of events that occurred after that. There was total silence for months. The Minister had made a clear commitment to keep the Save East Circular Quay Committee and me informed. However, for three months no phone calls and no letters were returned. The question is: why? What did the Government really intend to do? What did it actually do in that time? Were we as a delegation duped? We respected the confidentiality of those discussions, but finally we went public in March of this year. The people of New South Wales remain very angry, very disappointed and very offended. The Government has been presented with a golden opportunity to look good, to do the right thing and to leave a great bequest to future generations by acquiring the site.

**Mr AQUILINA** (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [6.18 p.m.]: I have listened intently to the comments made by the honourable member for Manly, and I will convey both the text and manner of presentation of those comments to the Minister for Urban Affairs and Planning. I find it somewhat strange that with a matter such as this, about which the honourable member for Manly has obviously had substantial discussion and consultation with the Minister for Urban Affairs and Planning, the Minister was not made aware of this and given the opportunity to be present in the Chamber now to respond directly to the statements made by the honourable member. The Minister for Urban Affairs and Planning, who is a valued colleague and friend of mine, is always true to his word.

I am certain that if there has been a lack of detailed response by the Minister, as the honourable member for Manly has alleged, that would be because of the complexity of the issue and perhaps because some matters are of a commercially confidential nature. This issue is complex, although many people throughout New South Wales and even outside the State have tried to provide simplistic solutions to it. This was a complex issue for the former Government and it remains a complex issue for this Government. It would be very naive for anyone to try to say that there is some kind of simplistic solution that could result in someone

taking a sledgehammer to the building. I am sure that there are many relevant, complex reasons for the Minister for Urban Affairs and Planning acting in the way that he has, and I am sure that he will make those reasons known to the honourable member for Manly at the appropriate time.

**Private members' statements noted.**

*[Mr Acting-Speaker (Mr Clough) left the chair at 6.20 p.m. The House resumed at 7.30 p.m.]*

**FEDERAL HEALTH FUNDING CUTS**

**Matter of Public Importance**

**Dr REFSHAUGE** (Marrickville—Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs) [7.30 p.m.]: I ask the House to note as a matter of public importance the Commonwealth's proposal to introduce an efficiency dividend on palliative care funding under the new Medicare agreement. We have already seen cuts of more than \$134 million imposed on the New South Wales health system by the Howard Government, including the loss of \$36 million as a result of the abolition of the Commonwealth dental health program and a \$68 million cut from our hospital funding grant.

Now the Howard Government thinks it can get away with implementing efficiency dividends on palliative care funding in the next Medicare agreement. What a mean, cold and miserable Federal Government, with a Prime Minister who tries to make savings out of the terminally ill. As honourable members would be aware, New South Wales, Victoria, Western Australia, Tasmania and the Northern Territory are seeking an additional \$1.1 billion in base funding in the new Medicare agreement, indexed annually from 1998-99.

The ageing of the population is one major driver of increased health expenditure. With people living longer, cancer rates are increasing. To provide the best possible care for people with cancer and other terminal illnesses, we need to ensure high quality services right through from active treatment to palliation. In the coming years New South Wales and the Australian Capital Territory will need 39 additional linear accelerators. That information is in the paper on demand for health services in New South Wales contained in the press release of 9 March 1998.

Our ageing population will need expanded palliative care services, not efficiency dividends.

They do not need cuts. People with terminal illnesses want the best possible in-patient services where they are needed, as well as community-based palliative care services. As a result of the previous Federal Government's decision to provide funding to the States to expand palliative care services, community-based palliative care services were established throughout New South Wales, allowing many terminally ill people to be cared for and to die at home. Federal funding also resulted in community-based palliative care services being established in rural and remote areas of New South Wales. This meant people could die at home rather than spend their last days at a hospice in Sydney.

Research into palliative care consistently shows the importance terminally ill people give to being able to die in their home surrounded by their loved ones and knowing that community palliative care teams have expertise in symptom control and pain relief. We all recall the euthanasia debate in the Federal Parliament when the Howard Government decided to take action to override the Northern Territory's right-to-die legislation. The Federal Government took the view that, along with overriding the Northern Territory's legislation, palliative care services provided the answer to allowing people to die with dignity.

We also had a debate in this Parliament about euthanasia and dying with dignity. It is a day many of us will never forget, with members sharing their experiences of seeing their loved ones suffer and die from terminal illness. Across the political spectrum it is agreed that high-quality palliative care services are a vital part of the health care system. Unfortunately, this level of agreement does not extend to a commitment from the coalition to provide adequate funding for the terminally ill. *[Quorum formed.]*

Last year the Howard Government had to be forced into making a commitment to continue funding for the palliative care program, which was due to cease. While the Federal Government was busy telling the community about its commitment to palliative care it agreed to continue funding the vital program only after intense lobbying and community pressure. The Howard Government has consistently shown a pattern of making savings and efficiencies from the most vulnerable in our community. Last year we saw the aged-care disaster, with the prospect of exorbitant accommodation bonds and high daily charges causing enormous fear and anxiety among older Australians and their families. Under immense pressure John Howard retreated. One would think by now he would have learnt some

of the fundamentals of showing leadership in the social policy area. For a start, developing policies and funding programs which impact on older people should have allowed him to recognise that he is dealing with a group who have lived through two world wars and the Great Depression.

The elderly deserve our respect and compassion when governments formulate policies which impact on where they live and where they die. The Federal Government is totally devoid of respect and compassion, and is unable to show a real and genuine commitment to maintaining our public health system. Our negotiations with the Commonwealth regarding a new Medicare agreement have been frustrating, to say the least. I have consistently stated that the Commonwealth must indicate its preparedness to provide adequate funding to New South Wales before this State will consider signing a new Medicare agreement.

The Commonwealth Minister for Health and Family Services has shown arrogance in his dealings with the States and a total lack of negotiating skill. Along with my colleagues I met with Michael Wooldridge on 10 March. Two days later Michael Wooldridge introduced the Health Legislation Amendment (Health Care Agreements) Bill into the House of Representatives. That is the Commonwealth's legislative mechanism to fund the States, yet Michael Wooldridge could not be bothered to tell his colleagues of his intention to introduce the bill. No wonder that legislation has been referred to the Senate's Community Affairs Committee for greater scrutiny.

Obtaining a copy of the proposed Medicare agreement from the Commonwealth proved to be harder than getting blood out of a stone. It is obvious why the Commonwealth did not want that document to become public, for it explicitly stated in the draft agreement that palliative care funding is to be subject to cuts each year of the new agreement. For the information of the House I will table the relevant parts of the agreement which show the Commonwealth's intention to cut out palliative care funding. New South Wales currently receives more than \$11.2 million in palliative care funding from the Commonwealth, and the Commonwealth's forward estimates show that in 1998-99 New South Wales will receive \$10.6 million, a cut of \$600,000. Along with this funding cut the Commonwealth will impose a further efficiency dividend, a further cut in funding for people who are dying. Undoubtedly the Federal Government has a lot to learn; the Howard Government does not know how to deal with social policy. [*Time expired.*]

**Mrs SKINNER** (North Shore) [7.40 p.m.]: This has not been a good day for the Minister, because on two occasions he got things wrong—and this is one of them. According to discussions I had with the Commonwealth this afternoon no efficiency dividends have been expected in any negotiations regarding the Medicare agreement in relation to mental health, quality assurance and palliative care. Earlier today the Minister got it wrong and was mischievous when he alleged that the Opposition tried to stop him attending what he claimed to be Medicare negotiations in Canberra next Tuesday by refusing to provide him with a pair.

The Minister made that extremely dishonest claim to try to get himself some publicity. The Senate inquiry that the Minister is to attend is to be held in the morning. All honourable members know that this House does not sit on Tuesday mornings, so the Minister will have plenty of time to return to this House and will not need a pair. He was dishonest in claiming that the failure to grant a pair would prevent him from going to Canberra. The Senate inquiry has been scheduled so that Ministers can attend in the morning, because it is understood that they may well have parliamentary duties in the afternoon. The Minister got that wrong too.

I will spend some time discussing palliative care, because it is one of the most important services in the health system. As the Minister pointed out, during the euthanasia debate mention was made of palliative care and I was one of those who emphasised its importance. When the Minister attempted his disastrous restructure of health, that infamous set of proposals which included the amalgamation of St Vincent's and St George hospitals, he proposed the closure of Neringah Hospital, Wahroonga, which is probably one of the better known hospitals devoted to palliative care. I know that hospital very well; a number of years ago I sat by the bedside of my best friend while she died at Neringah Hospital. The Minister is extremely dishonest and reveals his cynicism by beating his chest about palliative care, because a short time ago he proposed to close Neringah Hospital. The Minister's colleagues felt the same way. A newsletter entitled "House and About From the office of Jan Burnswoods" dated December 1996, referring to the restructuring debacle, stated:

The health debate produced a leadership threat to Deputy Premier Andrew Refshauge.

Ms Burnswoods was not wrong. The only reason the Minister still holds the health portfolio is because of his factional leadership and the embarrassment it would cause the Government if he were shifted. If



the Minister is so concerned about palliative care I ask him what was his reply to an article that appeared in the April edition of the New South Wales Nurses Association publication, the *Lamp*, under the hand of its general secretary, which stated:

The Association has sought the intervention of Dr Refshauge, to prevent integration going ahead.

That article referred to the integration of the hospice at St Vincent's, which provides palliative care for its patients and is destined to be mainstreamed. If Dr Refshauge is so keen on palliation how will he respond to the Nurses Association, which is obviously of the view that this is a serious matter? I received notes headed "Meeting of Health Ministers, 19 December 1997", referring to the Medicare agreement, which stated:

Ministers welcomed the Commonwealth's agreement to contribute to and maintain an ongoing commitment to mental health and palliative care.

The Minister got it wrong when he said that there will be a requirement for an "efficiency dividend in palliative care". He needs to get his facts right. Today the Minister revealed his latest waiting list report, in his usual five o'clock flurry in an attempt to avoid the evening television news. The Minister wanted to make sure the report of his release would be limited to a small paragraph in tomorrow's newspapers. His report relates to figures that celebrate the third anniversary of the infamous promise made by the Premier and supported by him to halve hospital waiting lists or resign. The report was based on March 1995 figures and at that time the waiting list was 44,707.

This evening the Minister indicated that as at March 1998 the waiting list figures are just over 50,000; that is 30,000 more than they would have been if the Minister had kept his promise to halve hospital waiting lists. Furthermore, 123 people a day are now waiting in emergency departments for more than the eight-hour benchmark for availability of a hospital bed through an emergency department. In many cases people are waiting in corridors and on trolleys because the hospitals do not have the capacity to deal with them. I ask the Minister to reveal his intentions for reducing that figure, especially as we head towards winter. Hospitals have reported difficulties in devising strategies to deal with the expected increased demand in winter.

Other figures released late this evening relate to the average waiting time for elective surgery, which is up from 27 days in March 1995 to two months at present. The number of people waiting more than 12 months for surgery has exploded to

4,383, up from 2,200 in March 1995 when the Minister came to office. The Minister is attempting to divert attention away from the disastrous situation in New South Wales under his stewardship; he has no control of the health system. He leads a system in which more than 50,000 people are waiting for elective surgery, 123 people a day are waiting more than eight hours in emergency departments for a hospital bed, and more than 4,300 people are waiting for more than a year for surgery. People are now waiting an average of two months to get into a hospital.

The Minister knows that palliative care is not to be the subject of efficiency dividends. It is absolutely disgraceful that he does not run hospitals responsibly and tries to shift the blame to the Commonwealth. One only need look at the opinion polls to learn what people believe is the most detrimental issue facing this Government. It is health! When asked who is responsible, the people respond: the Carr Government and Dr Refshauge. One of the latest polls showed that over 80 per cent of people think that the Minister is doing a lousy job in managing the health system. He has no control over what is happening in the health system and half the time he does not know what is happening. He is making a feeble attempt to divert attention away from his inability to manage the health system in this State.

**Mr WATKINS** (Gladesville) [7.50 p.m.]: It is astonishing that a Federal government can show such blatant disdain for the health of the elderly in our society. The challenge of dealing with aged health is surely one of the most important and sacred duties legislatures across this country will face in the next 20 or 30 years. Yet John Howard and his Ministers continue to ignore the needs of this very special group. The fact that Australia, along with other western countries, has an ageing population is well documented. In 1996 about 12 per cent of our population was over 65 years of age. That percentage is accelerating at an extraordinary rate. By 2011 it is estimated that 15 per cent of the population will be over 65 years of age; by 2021 it will have hit 18 per cent; and by 2031 it will be more than 22 per cent.

As people get older they become sicker, they require more frequent health care and more specialised services and often longer stays in hospital. In greater numbers they place greater demand on the system that gives them that care and support. We must ensure that our system of health care provides that support when they are most in need. To do so it is necessary to have a Federal government that will acknowledge the needs of the

elderly and make the appropriate commitments to meet those needs. Unfortunately, the present Federal Government is obviously unprepared to do anything like that. The events of the past 18 months have made it clear that the only thing John Howard is giving our elderly is an increasing sense of insecurity and anxiety. The effects on health of an ageing population are myriad and extensive. An ageing population creates changing disease patterns. It demands new technology, more equipment and more services.

Some figures may assist: between 1979 and 1994-95 acute admissions caused by heart disease more than doubled, from 53,000 to 108,000; cardiac admissions are projected to increase by a massive 60 per cent to 173,000 in 2006; and the incidence of cancer and renal failure will rise amongst the aged. Between 1987 and 1994 the number of patients in New South Wales requiring dialysis increased by 47 per cent, and many of them were aged. In that same period the rate for people aged 65 to 74 years requiring dialysis increased by 85 per cent. Each patient requiring dialysis costs the health system approximately \$35,000 a year. Unfortunately, rates of dementia also increase as the population ages. It is estimated that currently 55,000 people in New South Wales have moderate to severe levels of dementia, and at least another 50,000 are in the early stages of dementia.

The number of people aged 65 and above with moderate to severe dementia is projected to rise from 159,000 in 1996 to 194,200 in 2006. Such a huge increase in the incidence of dementia, and particularly Alzheimer's disease, will require a major commitment from the Federal Government to ensure that the problem is addressed. It is a national problem that requires a national response. Renal failure, heart disease, cancer and dementia will significantly increase the demand on aged care assessment, community nursing and specialist geriatric facilities. Yet the intransigent Federal Government refuses to give adequate additional health funding to the States. I must admit that I was absolutely disgusted by yesterday's events: the Federal Minister was grinning like a Cheshire cat. He suggested that because Queensland signed up it received some bonus that will not be available to other States. That is no way to run a national health system.

The Federal Government refuses to acknowledge the pressing demands on our health system as our population ages. It refuses to provide support and care for our elderly and our frail. The Howard Government's proposal to impose efficiency

dividends on palliative care funding under the new Medicare agreement is just another indication that the Federal Government's insensitivity to the needs of the aged runs very deep indeed. Given the track record of the Howard Government that does not come as a surprise. I appeal to the Federal Government to change its tack and start to provide for the needs of our aged and frail.

**Dr REFSHAUGE** (Marrickville—Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs) [7.54 p.m.], in reply: I thank the honourable member for Gladesville for his considered and thoughtful contribution to this debate. I am quite disappointed that the honourable member for North Shore spent some 45 seconds out of 10 minutes talking about palliative care; she was not prepared to spend a significant amount of her allotted time talking about the issue at hand. It is not surprising, but it is disappointing, that someone who purports to be of an alternative government is not prepared to confront palliative care. What really needs to be debated is whether in fact the Federal Government is providing less money in its forward estimates for this coming financial year than it has for the present year. There is no doubt that funding for palliative care in New South Wales for this year is \$11.2 million. The 1998-99 contribution to New South Wales will be \$10.6 million which, in anyone's terms, is a cut of \$600,000.

The honourable member for North Shore commented that she spoke with the Federal Minister. It is rather depressing that the Federal Minister's conversation with the honourable member for North Shore, as reported by the honourable member for North Shore, is an absolute and utter contradiction of the letter I received from the Federal Government, which says that there will be efficiency dividends. Either the honourable member for North Shore cannot read or Canberra is telling her the wrong thing. It may even be that she is not interested in finding out. It is really quite amazing and surprising that the honourable member for North Shore is not prepared to fight for a fair share of funding, let alone a continuation of the existing funding or, as I would hope for, at least an increase in funding for palliative care, which is a major part of our health care system, and it will become even more important. Major changes have occurred in palliative care and it is now delivered more often at home whereas previously it was provided in public facilities.

There has been a major directional change in the provision of palliative care. Increasing numbers of people prefer their palliative care to be delivered

at home, and the Labor Government wants to support that approach as much as possible. This edifice complex that the shadow minister seems to have is certainly out of kilter with those who are committed to palliative care, those who are receiving it and those who are delivering it at home. In the past few decades, particularly through non-government organisations, the understanding of the way in which palliative care is provided has increased. Non-government organisations have made major advances and helped people more generally to understand the issues, particularly those surrounding patients who are dying. The approach now is to treat them in a much more holistic way. The focus of the motion is the cut the Federal Government intends to make to palliative care funding, not just for New South Wales but for other States.

Whether the shadow minister wants to argue the toss in New South Wales is one thing, but it will be interesting to see her argue it with her party colleagues in other States who are in exactly the same position as I am. They have received exactly the same letter as I have that says cuts will be made to funding for palliative care. If she is not able to contact her colleagues in other States perhaps I can facilitate her and give her their numbers. The reality is that these cuts are being imposed in New South Wales. I hope that at some stage in the near future the shadow minister will realise her error: terminally ill patients do matter and 45 seconds out of a speech of 10 minutes is hardly a commitment. I hope she will apologise for misleading the House. It is important for the people of New South Wales to realise that the Labor Government is joining with conservative governments in other States to fight for a better deal for patients in Australia. I am proud to walk side by side with coalition health Ministers from other States and to say that it is wrong to cut funds for palliative care.

**Discussion concluded.**

## **GUARDIANSHIP AMENDMENT BILL**

### **Second Reading**

**Debate resumed from 8 April.**

**Mrs SKINNER** (North Shore) [7.59 p.m.]: This bill was introduced following an amendment made to the Guardianship Bill last year that deleted a section of the Act until the Legislative Council Standing Committee on Social Issues had inquired into the matter. The committee has conducted its inquiry and unanimously supports the introduction of this bill. The Opposition is persuaded by the

argument that people with disabilities should not be denied the opportunity to participate in a trial that may alleviate or even cure their condition. For that reason the Opposition supports the bill. The legislation is specific in that the trials must be therapeutic and designed to benefit the subject. For example, a person suffering from Alzheimer's disease may participate in the trial of a drug designed to alleviate Alzheimer's disease but is not permitted to participate in the trial of a drug designed to alleviate arthritis.

The Guardianship Tribunal has always had the authority to consent to a person under guardianship receiving a new treatment. This bill extends that authority to participation in a trial which implies that some participants may not receive the new treatment but a placebo. The bill is especially important if people under guardianship are to benefit from new treatments for Alzheimer's disease and strokes, including the secondary effects of strokes. It has been sought by university research committees and is widely supported in the medical community and by groups such as the Alzheimer's Association.

The trials covered by these provisions will be subject to the same safeguards as other trials conducted under the Therapeutic Goods Administration. The social issues committee recommended that an appeal system under the Administrative Decisions Tribunal be put in place but that tribunal is not yet operational, despite the Parliament agreeing to its establishment almost a year ago. I would appreciate the Minister's comments on the committee's recommendation relating to an appeal system. The Opposition will not oppose this bill.

**Mrs LO PO'** (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [8.02 p.m.], in reply: I thank the honourable member for North Shore for her comments and for the bipartisan approach to this bill. I remind honourable members that every day this bill is delayed is a further delay in the receipt of treatment by people with disabilities, on top of other burdens. I thank the honourable member for responding so speedily on this bill. The committee's recommendation relating to an appeal system is still before Cabinet and will be dealt with eventually. I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

**PARLIAMENTARY CONTRIBUTORY  
SUPERANNUATION LEGISLATION  
AMENDMENT BILL**

**Second Reading**

**Mr LANGTON** (Kogarah—Minister for Fair Trading, and Minister for Emergency Services) [8.03 p.m.]: I move:

That this bill be now read a second time.

The main purposes of this bill are to repeal retrospectively the amendments made in December 1997 to the definition of "salary" in the Parliamentary Contributory Superannuation Act 1971, and to provide that any future proposed amendments to the Parliamentary Contributory Superannuation Act may be made only with the approval of the Parliamentary Remuneration Tribunal. As honourable members will be aware, amendments to the definition of salary for superannuation purposes were passed in early December 1997 and commenced operation on 17 December 1997. The effect of those amendments was to increase the superannuation benefits payable to both current and former members of Parliament.

In response to public criticism of the amendments made to the definition of salary, the Premier undertook to repeal them with retrospective effect from 17 December 1997. The Premier also undertook to ensure that any change to parliamentary superannuation would in future be subject to the determination of an independent body, namely the Parliamentary Remuneration Tribunal. This bill gives effect to those undertakings. The bill repeals paragraphs (c) and (d) of the definition of salary that were inserted in the Act in December 1997. The bill then reinserts the former paragraph (c) in the definition of salary. These amendments are retrospective and are taken to have commenced on 17 December 1997. Accordingly, the effect of these provisions is that the definition of salary for superannuation purposes is the same, and will be taken to have always been the same, as it was prior to 17 December 1997.

The bill also validates all actions by the trustees of the Parliamentary Superannuation Fund in the period from 17 December 1997 to the date of commencement of the proposed Act. It also provides that any future amendments to the provisions of the Parliamentary Contributory Superannuation Act must first be approved by the Parliamentary Remuneration Tribunal, by way of certificate. A decision by the tribunal on whether or not to provide such a certificate cannot be challenged in any court. It is

the intention of the bill that the tribunal must approve any future changes to the Parliamentary Contributory Superannuation Act, including amendments to the approval provision itself.

This will ensure that any proposed amendments to the parliamentary superannuation scheme must first be approved by a body that is entirely independent of this Parliament and the government of the day. The bill requires the tribunal, when deciding whether a proposed amendment warrants approval, to have regard to two things: the Heads of Government Agreement on the regulation of public sector superannuation arrangements and the effect of the proposed amendment on the present and future liabilities of the fund. The tribunal may also have regard to actuarial advice relating to the costs and effects of any proposed amendment.

In the debate on this bill in the Legislative Council concern was raised that the bill may alter the powers of the Legislative Council because a certificate of approval is required before the Legislative Council can vote on a bill to amend the Parliamentary Contributory Superannuation Act. Section 7A of the Constitution provides that a bill altering the powers of the Legislative Council requires approval by a referendum before the Governor can assent to it. The Government notes that section 7A was inserted in the Constitution to prevent the Legislative Council from being abolished directly or indirectly by way of the reduction of its powers. As this bill, in its current form, applies equally to the Legislative Council and the Legislative Assembly, it is not possible to argue that the Legislative Council's powers have been reduced vis-a-vis the Legislative Assembly. However, given that this concern has been raised and that any potential problem can be easily fixed by removing the reference to the Legislative Council, the Government proposes to move such an amendment in Committee.

The Legislative Council will be unfettered in its powers to initiate and vote upon bills to amend the Parliamentary Contributory Superannuation Act. The Legislative Assembly, however, will still require the approval of the Parliamentary Remuneration Tribunal before it votes upon such a bill. Accordingly, the effect is the same, but there is no question of a potential breach of section 7A of the Constitution. The Government recognises that there are other more general concerns about the effectiveness of the requirement of the Parliamentary Remuneration Tribunal to give a certificate before amendments can be made to the Parliamentary Contributory Superannuation Act. However, these concerns cannot be fixed by a simple amendment.

While the Australian Acts provide that the manner and form restrictions can be imposed on laws that relate to the constitution, powers and procedures of the Parliament, there is some legal doubt about the power of the Parliament to impose manner and form restrictions on the enactment of other laws, such as superannuation laws. This question was left open by the Supreme Court of South Australia in the case *West Lakes Ltd v South Australia* in 1980 and has not been finally resolved by the High Court. There are also legal doubts as to whether the Parliament can require the approval of another body to be given before a law can be enacted. Once again, the matter has not been resolved by the High Court.

There are some cases from other States dealing with contracts which have been given the force of law and require the approval of a company before they can be amended, even by the Parliament. However, it should be noted that these cases deal with approval being given by private bodies rather than a statutory tribunal established by the Parliament. The Government recognises these legal doubts and agrees that in the ordinary course it would be inappropriate for the Parliament to restrict its capacity to legislate by requiring prior approval by another body. However, this is quite clearly an exceptional case. The legislation to which this restriction will apply deals directly and only with the entitlements of members of Parliament.

In recent months it has been made quite clear to members of this Parliament that the public is concerned at a perceived conflict of interest in members of Parliament dealing with their own superannuation benefits without the controlling hand of an independent body. The public has demanded that the power of the Parliament to change superannuation benefits for its members be subject to the approval of an independent body. The Government is acting in good faith in doing its utmost to achieve this outcome. The Government intends to abide by this restriction. It is therefore effective in practice because there is a public expectation that the Parliament will not amend its own superannuation legislation without the approval of the tribunal. If a future Parliament decided to breach this restriction, it would face public anger as well as an inevitable legal challenge.

If this restriction is legally effective the amending legislation will be invalid. If this restriction is legally ineffective because a court holds that the Parliament cannot bind itself in this way, the consequence will be that the Parliament will be in the same position as it would be if we had not imposed the restriction. The only additional

consequence would be that the people would be made aware that the Parliament had acted without the approval of the Parliamentary Remuneration Tribunal and the people would make their judgments accordingly. In summary, in the Government's view, while there are doubts about the legal effectiveness of this restriction, there are no doubts as to its practical effectiveness. If we do not include it, and leave these matters for the Parliament to determine, the public will remain cynical and distrustful of the motives of members of this Parliament. It is the Government's view that, in these unique circumstances, it should be enacted. I commend the bill to the House.

**Debate adjourned on motion by Mr Kinross.**

## **ROYAL INSTITUTE FOR DEAF AND BLIND CHILDREN BILL**

### **Second Reading**

**Debate resumed from 8 April.**

**Mr RICHARDSON** (The Hills) [8.14 p.m.]: I am delighted to lead for the Opposition in debate on the Royal Institute for Deaf and Blind Children Bill. The Royal New South Wales Institute for Deaf and Blind Children, as it is now known, is in North Rocks, which is in my electorate. I have had a long and, I hope, fruitful association with the institute over the years that I have been a member of this Parliament. The institute is, of course, one of Australia's oldest charities, having been established in 1860 by Thomas Pattison—a Scotsman who was profoundly deaf. I ask honourable members to think back to Sydney in those days: it was a comparatively small town of only 80,000 people; the University of Sydney had been founded only 10 years earlier; the Legislative Assembly had been established only four years earlier. Yet Mr Pattison had the foresight to establish the Deaf and Dumb Institution in Liverpool Street.

Within a year that institution, which had 20 pupils, had become a public institution. It moved five times between 1860 and 1872 and for four years was domiciled at Robert Cooper's old home, Juniper Hall, in Paddington, a place with which a number of honourable members would be familiar. Mr Cooper, as the name of his house suggests, made his fortune from distilling gin. He also managed to father no fewer than 20 children from three wives, which explains why he needed an enormous 15-room house on three acres of land, which, interestingly, the institute soon outgrew. At that site the deaf and dumb institution also started to cater

for the blind, with the first five blind students enrolling in 1869. In 1870 Mr Samuel Watson, who had 10 years experience teaching the deaf in Ireland, became superintendent of the institution. The New South Wales Government, which was already funding the institution to the tune of £450 a year, granted five acres of land in Darlington on City Road, opposite the fledgling University of Sydney.

The institution building, which is still a landmark on City Road—in fact, I recall sitting examinations there when I was at Sydney university—was completed in 1872. For the next 90 years, apart from when the building was taken over by the Royal Australian Air Force during the war, it was the headquarters of the deaf and blind institution. In those days blind children entered the school at an average age of nine and generally left four or five years later, which gave them precious little time to obtain a worthwhile education. But it was better than nothing—and nothing was what most children with a disability unfortunately faced last century. The number of deaf children outweighed the number of blind children by a ratio of five to one. Perhaps that was understandable. Helen Keller rated her deafness as a far greater handicap than her blindness. She wrote:

Deafness is a much worse misfortune for it means the loss of the most vital stimulus, the sound of the voice that brings language, sets thoughts astir and keeps us in the intellectual company of man.

In keeping with the spirit that founded it the institution is an enlightened place. Students wore ordinary clothes, not the uniforms commonly found in orphanages. All education costs were met by the institution, in keeping with the principle that all children, disabled or not, had a right to an education. Then, as now, the institution's board and staff appreciated that education was the key to unlocking the door to the silence or darkness that engulfed deaf and blind children. Without education, without being taught Braille, lip-reading or sign language, children born blind or deaf were doomed to a bleak and unrewarding life. It was to the institution that Roberta Reid, a graduate of the university across the road, was drawn in 1904. She was employed as principal of the blind school and its 13 pupils and she remained as principal for the next 45 years.

One of her students was David Hunter, a former member for Ashfield, who was responsible in 1944 for this Parliament passing an Act to make the education of blind and deaf children compulsory. Another student was Alice Betteridge, the Australian Helen Keller. Alice contracted meningitis at the age of two and the disease left her deaf and blind. When she entered Roberta Reid's school in 1908 at the age

of seven she was, in her own words, a wild little animal, totally frustrated by the black curtain around her. Roberta Reid, a great teacher and humanitarian, opened that black curtain around Alice. Once it was opened, there was no stopping her. She became an avaricious reader, a writer of letters, a touch typist and a handiworker par excellence.

Indeed, Alice Betteridge won open contests for knitting year after year, including at the Sydney Royal Easter Show, and she was apparently a dab hand at picking up dropped stitches from other people's handiwork. Roberta Reid managed to instil all this knowledge and these skills in Alice while at the same time accepting responsibility for dozens of other students, which is one of the most remarkable achievements in the history of teaching. In 1963 the Royal New South Wales Institute for Deaf and Blind Children, as it was by then known, took up residence at its current home at North Rocks. Today the institute provides services to more than 600 children at its North Rocks campus and its other facilities. Its objectives, which I think are worth reading into *Hansard*, are:

- To provide high quality, innovative education to children with impaired vision and/or hearing;
- To offer choices and options in educational approaches and settings;
- To commence the educational process as soon as the diagnosis of significant hearing or vision loss has been made—

so early intervention is an important part of the institute's work—

- To assist the parents and families in catering to the special needs of the child;
- To engage in research, information dissemination, professional development and staff training relevant to the education of children with significant vision and/or hearing loss—

and, of course, most importantly—

- To have sufficient resources to enable the pursuit of these objectives.

The services, programs and activities of the Royal Institute for Deaf and Blind Children are quite significant. There are too many to list but, for the benefit of honourable members, I will outline a few of the more important ones.

Early childhood services serving the Hunter region include the Tingira Centre, which is a reverse integration preschool; the Roberta Reid Centre, a reverse integration preschool for deaf children who

use Auslan; the Rockie Woofit Preschool at North Rocks, which is a reverse integration oral preschool for children with hearing impairments; and the Glenmore Park Early Childhood Centre, a reverse integration early childhood centre located near Penrith in Sydney's outer west.

School programs include the Alice Betteridge School, which is a school for children between three and 18 years who have sensory and intellectual disabilities; the Garfield Barwick School, which is an oral school for hearing impaired children and provides progressive supported integration into mainstream education; and the Thomas Pattison School, which is a primary school program for deaf children in which Auslan and English are used in a bilingual curriculum. Children without hearing loss but who have deaf family members are also enrolled at this school. School premises at North Rocks are provided to the New South Wales Department of School Education for the conduct of the North Rocks schools for deaf and blind children.

The institute also operates an alternative format publications section that produces Braille, large print, tactile diagrams and computer disks for synthetic speech output. I have toured that facility and been privy to the impressive work it carries out. In 1991 the institute established Renwick College, which is a centre for research and professional studies in the education of children with sensory disability. The college is affiliated with the University of Newcastle and turns out post-graduate scholars. Its students produce a substantial number of important papers. Those papers further our knowledge of teaching children with sensory deprivation.

Of course, none of this would be possible without the work of some very dedicated people. They include the chief executive officer, Mr John Berryman, who has been at the institute for 20 years. He is an able administrator and, like all the people at the institute, has a genuine compassion for the children who attend the programs. His secretary, Pat Skellet, is always on hand to assist. His deputy, John Race, has been at the institute for 11 years. Mr Alan Baynham, principal of Alice Betteridge School, has been at the school since 1980. Mr John Patterson is principal of Thomas Pattison School and was former head teacher with the Department of School Education. Ms Jan North manages VisionEd, which is the section that produces the specialist materials needed in this area. Greg Leigh, head of Renwick College, joined the institute in 1993. A dedicated staff of 250 work at the institute.

The board members read like a who's who of business and medicine. I am sure many large public companies would be delighted to have such a distinguished board. Mr Norman Rydge has been a member of the board for more than 20 years, and was a former honorary treasurer and vice-president of the institute. Other members include Mr Charles Curran, Sir Frederick Sutton, Mr Graeme Skarratt and Dr Barrie Scrivener, who were vice-presidents of the institute; Mr Robert White, who was former Managing Director of Westpac Banking Corporation and is current treasurer of the institute; Dr Sydney Hing, emeritus consultant obstetrician and gynaecologist, who offers valuable medical advice to the institute; Dr John Gregory-Roberts; Dr Wallace Grigor; and Mr John Saunders, who is Chairman of the Terrace Tower Group of Companies and benefactor and creator of the Sydney Jewish Museum.

Board members give of their time freely and have done so for a long period of time. They materially assist the institute to carry out its fine work. Of course, the patron of the institute is His Excellency the Governor, Mr Gordon Samuels, and Mrs Samuels is the patron of the 24 lantern clubs. Indeed, I note that the Minister for Education and Training is also a patron of the Blacktown City Lantern Club. Approximately 30,000 people made donations to the institute last year. This gives us some idea of the scale of the operation and the respect with which this institution is held by the people of New South Wales.

I was present at the 1996 annual general meeting of the institute when this bill was suggested by Mr Norman Rydge. I know the bill enjoys bipartisan support. The institute was established and operates under an Act passed by this Parliament in 1905. To a large extent the Act is outdated. The first proposal of the bill is to change the name of the institute from the Royal New South Wales Institute for Deaf and Blind Children to the Royal Institute for Deaf and Blind Children. It simplifies things and makes the institute's name easier to remember. Membership and life membership requirements will no longer be set by the Act, but will be included in the institute by-laws. That will provide greater flexibility for board members to determine who should become a life member.

Quite significant board changes are proposed. The bill proposes to remove the treasurer and secretary positions. The board considered it more appropriate for the executive staff to handle those executive functions and for the board to act more

properly and appropriately as a board of management. The present board comprising a president, two or more vice-presidents, treasurer, secretary and 10 elected members will now be replaced by an elected board comprising a president, up to four vice-presidents and up to 10 other members. Henceforth, the board will elect the president and vice-presidents from its members rather than the institute members making direct election to those positions.

Another important change is that all board members will have to stand for re-election at some stage. At present, the Act requires three of the 10 elected board members whose attendances at meetings have been the least to retire annually. This means that some board members may never have to submit for re-election. The bill proposes that at least one-third of directors are to retire by rotation each year and each director shall retire no later than three years after being elected, when he or she may stand for re-election. Considering the length of service that many directors have given over the years, it must be understood that most are likely to stand for re-election each year.

The other major issue relates to the investment powers of the board. Under the 1905 Act the board is empowered to invest in government funds and debentures in the purchase or mortgage of freehold land in fixed period bank deposits. The board believes that that is too restrictive on its operations. Twenty-eight per cent of the institute's total expenses of \$14.5 million per annum, net of fundraising costs, are provided by interest from investments and just over one-third by government. The institute is heavily dependent on its own fundraising activities to maintain its programs.

Under the 1905 Act the board must invest in Government funds and debentures, freehold land and fixed bank deposits. In that regard the institute is more restricted than other charitable organisations, particularly since the introduction of the Trustee Amendment Discretionary Investment Act 1997, which allows trustees to invest trust funds in any prudent investment. In a time of low interest rates when more profit may be made from prudent investment—for example on the stock market—the institute's cash reserves may not be growing to the same extent as those of other charities. The change reflects current practice and is commercial reality in a low inflation environment.

I was pleased to read the Attorney General's comments in another place about maintaining the institute's tax-exempt charitable status. The loss of that status would be a complete disaster for the

institute. In conclusion, one of the provisions of the bill deals with the winding up of the institute. While that clause may be necessary, it is unconscionable to think of this outstanding charitable organisation, which has improved the quality of life of many thousands of children, other than as going from strength to strength. The institute will enter the next millennium with a new Act that will allow it to continue its work for thousands of children in the twenty-first century and beyond.

**Mr HAZZARD** (Wakehurst) [8.31 p.m.]: I am pleased to speak to the Royal Institute for Deaf and Blind Children Bill. This bill is particularly significant because it relates to an institute that is a part of the fabric of New South Wales. The Royal New South Wales Institute for Deaf and Blind Children is one of the oldest and longest serving charitable institutions in Australia. It was founded in 1860 and its Act came into being in 1905. This is the first time that the Act has been updated. There have been a host of advances in the services provided by the institute to the visually and hearing impaired children of New South Wales. The institute has provided an amazing amount of support for many young children over many years.

In the past 12 months the number of children who have used its services has increased from in the order of 400 to more than 600. That is a measure of the dedication of the people at the Royal Institute for Deaf and Blind Children because it comes at a time of diminished government funding. The services provided by the institute are crucial. It is well recognised that after the diagnosis of children with visual and hearing problems early intervention is the desirable course of action. The earlier that programs are provided to such children the greater the impact on their quality of life. As the honourable member for The Hills said, the board, particularly its chairman Norman Rydge, is keen to see this legislation pass through Parliament, and it will with bipartisan support and heartfelt good wishes from the coalition.

The institute exists because of the goodwill of many people. The members of the board referred to by the honourable member for The Hills provide their services free to the institute and to the community. The President, Norman Rydge, AM, OBE, is a Life Governor of the institute. He was elected to the board in 1977 and served as honorary treasurer from 1983 until 1995. He was appointed a vice-president in 1988 and elected President in 1995. Mr Rydge is well known in other commercial areas, but his commitment to ensure that the Royal Institute for Deaf and Blind Children goes from strength to strength is unquestionable. I have had the



pleasure of meeting Mr Rydge and I understand his absolute commitment.

The Parliament should acknowledge his great work and the work of the other members of the board. They are Mr Charles Curran, AO, LLB, FCPA; Sir Frederick Sutton, OBE; Mr Graeme Skarratt, OAM; Dr Barrie Scrivener, AM, FRCS (Eng. and Ed.), FRACS, DLO; Mr Robert White, AO, FAIB, FAIM; Mr James Grant, FCA; Professor Christine Deer, BA, MTCP, Dip. Ed., PhD, FACE; Dr John Gregory-Roberts, MB, BS, BSc, FRACS, FRACO, FRCOphth; Dr Wallace Grigor, AM, MB, BS, FRACP; Dr Sydney Hing, MB, BS, DGO, D(Obst.), RCOG, LM, MACE; Ms Virginia Henderson, BA (Hons); Mr Richard Owens; and Mr John Saunders, AO.

I also acknowledge that many other people who have taken part in the rich fabric of the development of the Royal Institute for Deaf and Blind Children are acknowledged as visionaries and are accorded high stature for their contribution to the community. One such person was the Right Honourable Sir Garfield Barwick, AK, GCMG. Sir Garfield served as the Vice-Patron of the Royal Institute for Deaf and Blind Children, amongst other positions that he held, and gave more than 35 years service to the institute. He passed away on 12 July 1997. Sir Garfield's long and esteemed history and involvement with the institute reflect the wonderful work of the institute throughout the community.

The institute's board supports this bill. The Chief Executive, John Berryman, who has been with the institute for 20 years, having started as a manager, and who I have also met, well understands that this Act guarantees a better and more secure future for the institute to enable it to continue to deliver services to visually and hearing impaired children in our community. The Opposition joins with the Government to ensure the speedy passage of this bill through Parliament.

**Mr LANGTON** (Kogarah—Minister for Fair Trading, and Minister for Emergency Services) [8.37 p.m.], in reply: On behalf of the Government I thank the Opposition for its support. I thank the honourable member for The Hills for his uncharacteristically lucid contribution. His fascinating account of the history of the Royal Institute for Deaf and Blind Children is an indication of his knowledge of and obvious concern for the institute. I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

## **TRANSPORT ADMINISTRATION AMENDMENT (RAILWAY SERVICES AUTHORITY CORPORATISATION) BILL**

### **Second Reading**

#### **Debate resumed from 8 April.**

**Mr PHOTIOS** (Ermington) [8.39 p.m.]: The Opposition is pleased to support this legislation. The House will be aware that the Opposition supported the Transport Administration Amendment Bill, which restructured the old State Rail Authority into four separate entities: the State Rail Authority, which is responsible for the provision of passenger services via CityRail and Countrylink; the Railway Services Authority, which has primary responsibility for track maintenance and contractual obligations to the various operators of rail; the Freight Rail Corporation; and the Rail Access Corporation. At that time the Opposition particularly supported the changes made to the FRC and the RAC which corporatised both bodies and put them both on a business footing and, of course, prepared the way for their more efficient administration.

The Opposition, like the rail industry, is concerned that the disaggregation of the old State Rail Authority into those four entities has resulted in a sensitive, competitive and sometimes acrimonious relationship. There have been threats of legal action for compensation and the like between those bodies at various points. There have also been arguments about responsibilities, assets, ownership and who will get what by way of subsidy and financial assistance. That is putting the matter in a superficial light, but it is certainly fair to say that in this embryonic stage the relationship between the entities could have been better. However, I certainly appreciate that the present atmosphere is inevitable because of the major changes that occurred when the SRA was disaggregated.

Having said that, I welcome the fact that the Government is now moving to corporatise the Railway Services Authority. In its new guise, Rail Services Australia, it will be placed on a better business footing to continue its work, particularly in relation to track maintenance. As this evening's edition of *A Current Affair* demonstrated, there certainly is a clear need for a major investment in track maintenance in this State. The Minister pointed out that he saw the program. I was busy at another function, but I will view the tape later. The problem has reached an absolutely critical stage and the Government's confusion about which way to go in relation to track maintenance will continue to exacerbate the situation that currently faces commuters. It will also pose real safety problems, as

*A Current Affair* has revealed exclusively. I commend that program for its excellence in reporting.

With its new corporatised model, Rail Services Australia should establish a regime in which the five key objectives which relate to its efficiency and the management of its capital assets will improve. While I support the legislation, I want to make the following observation. Shortly after coming to office the Premier attended a dinner hosted by the Business Council of Australia. The Leader of the Opposition and I also attended the dinner, but the former Minister for Transport was not present. On that occasion the Premier said that the Government's most significant microeconomic reform would be to outsource rail maintenance: to let \$800 million worth of contracts in 13 separate chunks to the private sector, thus allowing the RSA to compete, but taking it effectively out of the Government's exclusive monopoly control. As the Minister noted in his second reading speech, the Premier, who announced at the dinner of the Business Council of Australia that this would be one of his most significant microeconomic reforms, is stalling the process until 1 July next year, that is to say, some months after the election. That is a rather subtle but nevertheless significant point in the future calendar for rail.

The Minister for Transport has argued that that has been done to enable the corporatisation process to proceed, given that the Railway Services Authority has not been on a business footing that enabled it to properly compete with the private sector for those remaining contracts, noting that one of the contracts was secured by the RSA in partnership with Thiess, and two being secured by Fleur Daniel. Clearly, a major change has occurred in rail maintenance that has upset more than a dozen rail maintenance bodies in the private sector that operate across the country. Representatives of almost all of those organisations have been in direct contact with me and almost all of them are upset about the fact that they have made a significant investment.

**Mr Scully:** You with them.

**Mr PHOTIOS:** I can certainly assure the Minister that any number of them contacted me first. I naturally contacted the remaining group, because I considered there was a need to highlight some of the problems associated with the Government's approach. I am here to help and, in the interests of proper accountability, I got them around the dinner table to have a talk about some of the problems they were encountering. Many of them told me they had spent, in approximate terms, \$1 million to set up

their rail maintenance units. They had to employ personnel to establish those units. They did so on the clear undertaking that the Government would proceed with its plan to put 13 contracts out to tender on a phased basis so that the monopoly control by the RSA would cease, although the RSA would certainly be able to bid.

On the basis of that political commitment, which was given in this House, given to the public, and given at the Business Council of Australia dinner by the Premier himself, they proceeded in good faith. Regrettably, the corporatisation approach that has been adopted today has stalled. That is the kindest way I can put it. It has resulted in a cost to taxpayers of between \$100 million and \$300 million in lost savings. That money could have been dedicated to building a better public transport system. My catchphrase is "putting the public back into transport", a phrase the previous Government used at one stage as a tag line for its own policy. That money would have enabled us to expand public transport; it would have provided seed money for new public transport initiatives with the private sector; and it would have enabled us to put the capital injection into public transport that is so desperately needed.

The Government has slashed funding for public transport in the same way it has slashed expenditure on rail maintenance. The Government has cut funding for both rail maintenance and capital works, and it has stalled the project requirements of State Rail for the fourth generation trains project for four years. The Minister's predecessor said during an estimates committee hearing that he did not anticipate one new carriage before the year 2000. If that can be accelerated when and if the tendering process is finalised by the Minister, I would welcome it. Clearly the Government to date has reduced funding for maintenance and capital works. It has continued to reduce staffing levels despite the fact that, when in opposition, the Government argued that below-bedrock level had already been reached. The RSA has lost approximately 1,000 staff since 1996 under this Government. If staffing levels were bad under the previous Government—that is the least colourful way to describe it and that is, in fact, the way that the Government described it when in opposition—they have certainly got worse.

There have been major reductions in services, staff, maintenance and capital. I have supported the three big pillars of this Government's transport administration. The disaggregation of rail has had the unqualified support of the coalition with no point scoring in the media. There has been no opposition

from me at any point to the outsourcing of all rail maintenance contracts, even when a number of concerns were raised with me. I could have beaten the egg, as the Minister for Transport does from time to time. I could have told a porky, as the Minister does from time to time. I like him. He is a good mate, a good bloke and a fairly good Minister. If I wanted to go down the path of the Minister I could have pursued those issues in a more politically expedient way but I am not known for that and I did not want to do it. On the integral issues of disaggregation and outsourcing I gave the Government my support.

The coalition supported the Government's proposal to transfer matters to the private sector, to make the big savings, to effect the microeconomic reform, to obtain \$100 million to \$300 million in savings and put that into expansion and improvement of public transport. The coalition regrets that the Government did not have the courage to continue with that, in large measure because of union opposition and union pressure.

I have the documents in my office and I would be happy to speak in this Chamber again on the issue. I have seen the union documents from our comrades, our mutual friends—prominent members of the union movement, prominent members of the ALP. The coalition was involved in broad discussions across the community. The documents threatened to make public transport the central issue of the next election if the contracts continued. The Government has said that it has brought the outsourcing, the private sector involvement in rail services, to a temporary halt on the basis that the RSA needs to lift its game, re-organise itself and put itself on a business footing before privatisation can proceed as planned.

The Government has not outlined when that will occur except to state that the freeze will continue until 1 July. There has been no statement about whether it will be done in a different format. For instance, will the Government proceed with outsourcing each line, as it is currently doing, despite problems of economies of scale for the private sector in relation to those projects? I encourage the Minister to look at that again. He could well get more money by having bigger packages rather than more and smaller packages. At any rate, the private rail industry, from beginning to end, every one of the partners, including those that currently do business with the Government, has expressed to me a lack of confidence. All of them are deeply concerned about what they regard as the policy inertia and the freeze on the outsourcing that has now occurred.

The Opposition supports the corporatisation of the Railway Services Authority. However, I am very concerned about the justification for that approach. I also make the point that the private rail industry is concerned about the approximately \$150 million worth of interstate and overseas contracts that the RSA has currently. The RSA may be in a preferential position in bidding for that business from South Australia to Singapore because it has all the capital equipment and the capacity to draw down on government subsidies in competing with the private sector. I give the assurance that private sector interests have honestly expressed that concern to me. I ask the Minister at the conclusion of the debate to reassure the private rail industry about the role of the RSA going into the marketplace elsewhere and bidding against the private sector from South Australia to Singapore, from Australia to the Pacific and Asia as a government-owned instrumentality being subsidised by the taxpayer against the private sector. I am sure that the private rail industry would be very interested to hear the detail of the Minister's assurance.

This legislation, which continues to allow the RSA to compete on a national and international basis, is understood by us in the spirit of the legislation but the Opposition is concerned about the way in which it has proceeded. The Opposition, in government, intends to amend the legislation in relation to the shareholder Minister responsibilities that are being pursued in this legislation with provisions similar to those for the Freight Rail Corporation and the Rail Access Corporation. As honourable members know, under the State Owned Corporations Act ministerial holding corporations have been established to have ownership of various bodies such as this one. Under this legislation, as with the legislation governing the Freight Rail Corporation and the Rail Access Corporation, two shareholder Ministers have been established.

For Freight Rail I understand that the Ministers are the Treasurer and the Minister for Sport and Recreation; for the Rail Access Corporation, I understand they are the Premier and the Treasurer. In this instance neither of the two shareholder Ministers will be the Minister for Transport. I herald the Opposition's intention to give very serious consideration to reforming this legislation to make one of those shareholder Ministers the portfolio Minister. I believe that there is real value in the portfolio Minister having a direct role and some overall umbrella responsibilities from both a ministerial portfolio point of view and an ownership portfolio point of view under the legislation.

If the Minister wanted to proceed with such amendments in the Legislative Assembly or

Legislative Council the Opposition would support them. The better way to streamline the administration of these four separate entities is to keep the Minister for Transport in the loop, not out of the loop, as he is at the moment, regarding ownership of these authorities. That does not strike me as being very practical. Because the Government has a 50-50 shareholding responsibility the Treasurer should be the shareholder Minister. He would have Treasury advice, which would obviously be different from that which the Department of Transport would promote, and a level of accountability which in large measure would accord with the aims that the Minister seeks to achieve. I encourage the Minister to consider amendments accordingly, which the Opposition would be happy to support.

The Opposition supports the Transport Administration Amendment (Railway Services Authority Corporatisation) Bill. It supports the move to corporatise the authority and put it on a business footing as it is currently constituted and turn it into Rail Services Australia. However, we highlight that there is mass confusion and a lost opportunity in not proceeding with outsourcing as the Government announced and began. As a result of the Government's haemorrhaging of the proposal the annual loss at full outsourcing level is \$100 million to \$300 million. Having made those remarks and having given the warning, my concluding remarks must focus, under advice, on the safety of track at this important time. The Railway Services Authority has a unique opportunity and challenge. Track and bridges are clearly in a massive state of disrepair. They are not just second rate but third rate. Gaps in the system across New South Wales are almost at the emergency stage. The Railway Services Authority needs to be given the money to fix the track or it needs recurrent funding to do it better. There is an absolute need to invest in track maintenance, which has been significantly cut by the Government.

In the absence of a track maintenance strategy which does not close down funding for rail maintenance but ramps it up, the track, like the rolling stock, will continue to age and fall increasingly into disrepair. It is only a matter of time before a real tragedy occurs. From August to October last year there were 732 infrastructure and signal failures on the Sydney system alone. In large measure those failures did not include failures on the part of individuals. This demonstrates the real need for us to make a better investment in track and infrastructure. John Brew, an engineering expert on these matters, the former chief of the State Rail Authority, in talking about the urgency of the matter, stated that the system is at emergency status.

I implore the Minister, before a tragedy happens, to get the money to fix the tracks, to use this window of opportunity to get proper funding for track maintenance that is desperately needed. The Government has cut funding. The quality of service is being compromised as a result of a compromised budget for track maintenance. That is made worse by the fact that the rolling stock is ageing. In Michael Egan's business enterprise statement of February last year he observed that when the coalition took over responsibility for rail the rolling stock was aged 20 years on average. By the time the coalition Government had concluded its term the figure was down to 13 years. I am happy to give considerable publicity to this document prepared and published by Michael Egan, to give credit where credit is due.

The Treasurer demonstrated that the coalition reduced the average age of the rolling stock from 20 years to 13 years. In the same document the Treasurer projected that in the four years of the Labor Government the rolling stock would age by a further four years. In other words, for every year of a coalition government the age of the rolling stock was reduced. The Treasurer tells us that for every year of the Labor Government the rolling stock becomes, on average, one year older. That is largely because the State has run out of operational trains. There are no more trains to put into the system to improve the number and frequency of services. The State has problems with rolling stock and it now has big problems with track. I hope Rail Services Australia will be able to meet the challenges ahead, because they will be an onerous responsibility for it and for the Rail Access Corporation. I support the legislation and commend the Minister for its introduction. I thank him for his co-operation in facilitating this debate at a convenient time. However, I caution the Government that there are real challenges ahead. I hope the Government addresses those challenges before the coalition takes office in less than 11 months time.

**Mr MOSS** (Canterbury) [9.00 p.m.]: Like the honourable member for Ermington I also spoke on the Transport Administration Amendment Bill almost two years ago. At that time, when speaking about the division of the State Rail Authority into four individual units, I dealt at length with the Railway Services Authority. I mentioned that both the management and staff of the Railway Services Authority were excited about the prospect of being members of a separate unit. When I refer to staff, I mean those employed in the workshops and general maintenance areas. They were excited about the

prospect of working for a separate authority because they realised that the legislation would allow the Railway Services Authority to tender for jobs outside the railway system and outside New South Wales if it wished. That legislation was all about allowing the public sector to compete with the private sector.

That move was progressive. It was the right move when it was made, and it is still the right move. It was a move made in the best interests of competition policy. However, when the system was opened up everyone realised that it also allowed the private sector to tender for rail projects. There has not been a balance over the past two years. For a number of reasons the private sector has tended to secure the lion's share of work, particularly in relation to track maintenance. The object of the bill is to put the Railway Services Authority on a more equal footing with the private sector.

As I said, there were a number of reasons why the RSA had difficulty competing effectively with the private sector. However, one reason was the deficiencies in the RSA's contract management system. I am pleased to say that after corporatisation the RSA will be obliged under the State Owned Corporations Act to operate as efficiently as any other comparable business. Having made those remarks, I concede that over the past two years the RSA has made great efforts to get its house in order. I want to bring some of those efforts to the attention of the House.

For example, over an 18-month period staff numbers have reduced by approximately 1,000. The honourable member for Ermington made reference to that, and said he thought that was a disgusting state of affairs. Those reductions in staff numbers have come about by voluntary redundancies. No-one has been sacked. No-one has been put out of work deliberately. To achieve greater efficiency in the railway sector and to compete with the private sector it is obvious there will be some redundancies but, in line with the policy of this Government, all of the redundancies have been voluntary. There have been no sackings.

In a two-year period Railway Services Authority overheads have been reduced by some \$45 million. In the last financial year the Railway Services Authority secured additional work to the value of approximately \$100 million, so the authority has not lost out all along the way. However, there is a need for more to be done to achieve a balance or, I hope, to gain an edge on the

private sector with respect to contestability of work. The bill provides that a moratorium will be placed on contestability for track maintenance until 1 July 1999. That is necessary because, as the Minister pointed out in his second reading speech, between now and 1 July 1999 the RSA will be required to drive down its costs. It must do that to put itself in a position to compete.

Although I pointed out that in the last financial year the RSA secured additional work to the tune of \$100 million, more needs to be done. That is evidenced by the fact that three major contracts for track maintenance were let to the private sector. Those projects were on the East Hills line, the Blacktown to Richmond line and the Waterfall to Bomaderry line. That competitive tendering process highlighted the deficiencies of the Railway Services Authority's contract management system. If that were allowed to continue unchecked, more than 4,000 track maintenance workers would have to be put off. That is to be contrasted with the voluntary redundancies of the past.

For example, on the north coast 274 workers would find themselves out of jobs if that situation were allowed to continue. In the Hunter Valley 705 workers would be under threat of losing their jobs. In the metropolitan western area 545 workers are under threat, and in the metropolitan south area 788 workers. In question time today a great deal was said about how tragic it would be if 1,400 dock workers lost their jobs, but if measures are not taken by the Government more than 1,400 employees of the Railway Services Authority will be at greater risk of losing their jobs. I am talking about 4,000 breadwinners who would be placed on the scrap heap. The bill is designed to prevent that. I also support the provision in the bill for the automatic transfer of all staff of the former authority to the new corporation under their current terms and conditions of employment. It is also pleasing to note that there will be a trade union representative on the board.

**Mr Photios:** We are fairly circumspect about that.

**Mr MOSS:** I thought the honourable member for Ermington might turn a bad colour when I said that, and, predictably, he has. The object of the bill is twofold. It is aimed at achieving greater efficiencies and greater savings and, therefore, placing the RSA on a more secure business footing. At the same time the bill will protect the jobs of 4,000 employees through the initial moratorium on

contestability. That is designed to provide a competitive and self-sufficient work force in the long term. I support the bill.

**Mr DEPUTY-SPEAKER:** I acknowledge the presence in the gallery of members of the Dover Heights branch of the Liberal Party.

**Mr SCULLY** (Smithfield—Minister for Transport, and Minister for Roads) [9.10 p.m.], in reply: The honourable member for Vacluse fights for the battlers at Dover Heights. He is a gentleman and we enjoy working with him but his politics are wrong. The honourable member for Ermington is a great egg-beater and teller of fibs. I am disappointed for those in the gallery who have come into Parliament House for an enjoyable evening with their local member. The performance of the honourable member for Ermington was pure vaudeville. His speech had no substance; it was all performance. I wish to go through some of the things that the—

**Mr Photios:** You are coming to the substance of the bill, are you?

**Mr SCULLY:** I always give the honourable member for Ermington nine out of 10 for vaudeville performance, but I will give him only one out of 10 for substance. At the end he talked about the ageing rolling stock. I am advised that the State Rail Authority has introduced a rolling stock maintenance program that will put our rolling stock back on track—certainly by the year 2000—and make up for the run-down of rolling stock by the former Government.

**Mr Photios:** That is rhetoric, because Michael Egan says otherwise.

**Mr SCULLY:** The honourable member is just taking advantage of what was achieved by the Wran Government, which started the Tangara program. The Opposition took advantage of it when in government. I will refer to rail track maintenance. Tonight the honourable member for Ermington gave a vaudeville performance on *A Current Affair*; it was a good acting job. I am seeking advice as to the location of that track. The Government thinks it is south of Towrang, near Marulan. If that is the track shown on *A Current Affair* tonight, the Government will install 61,000 replacement sleepers on that track from June until July next year.

**Mr Photios:** This is damage control, is it?

**Mr SCULLY:** No, but I would like *A Current Affair* to tell me if that is the track depicted. If so, the Government already has in place a program to

roll out 61,000 sleepers from June this year. I hope we will find that out tomorrow. I will tell the House how terrible things are in New South Wales. If the honourable member for Ermington becomes Minister for Transport on 28 March he will suggest that everything will be fantastic from then on. This Government never does that. Why does he not tell his friends in the gallery how bad freight lines are in Victoria and what speed restrictions there are on rail freight lines there?

**Mr Photios:** You are responsible for New South Wales. You fix our problem first.

**Mr DEPUTY-SPEAKER:** Order! The member for Ermington has contributed to the debate. The Minister is now speaking in reply.

**Mr SCULLY:** The Government has 3 per cent speed-restricted freight lines in New South Wales while Victoria has 30 per cent, which is 10 times worse. It is an appalling record.

**Mr Photios:** What is the percentage of passenger restricted lines?

**Mr SCULLY:** I assume Melbourne maintains a reasonable level of track maintenance, as does Sydney, but the problems generally are on freight lines. That is why *A Current Affair* ran its story in a regional area, which has freight operations, not in a CityRail area. A comment was made on *A Current Affair* about a one-in-four replacement program for sleepers. The former Government continued the practice of replacing one in four sleepers on rail lines. *A Current Affair* got rent-a-crowd on its program tonight. It got John Brew, the former chief executive of State Rail.

**Mr Photios:** I suggested him as an excellent witness.

**Mr SCULLY:** I thought you might. John Brew said "Shock! Horror! This is awful." When he was chief executive he continued the policy of one-in-four sleeper replacement. He did not say that tonight. The honourable member for Ermington was a Minister in the former Government when John Laws asked him about his diary. I do not know what he did when he was Minister for Multicultural and Ethnic Affairs but he used to attend Cabinet meetings and listen to the senior Ministers govern.

**Mr Photios:** Do we call this vaudeville or substance?

**Mr SCULLY:** No, this is so that people in the gallery can say that we had a stoush, because the

honourable member for Vacluse said that we had to have one. The honourable member for Ermington failed to point out that this financial year the Government will provide \$700 million for capital works and maintenance.

**Mr Photios:** Half of that is on the new southern railway.

**Mr SCULLY:** His concern tonight is about freight lines in rural areas. This financial year the Government will provide \$170 million for non-profitable, non-commercial freight lines in country areas. The honourable member for Ermington referred to \$300 million lost in savings.

**Mr Photios:** I said \$100 million to \$300 million, depending on whom we listen to from your side. When you were boasting about the policy, those were the figures you provided. Now that you have dumped it, you are not sure.

**Mr SCULLY:** You tell us how you make those calculations. You have just plucked out of your head that there has been \$300 million lost in savings. I will not accuse you of hypocrisy but only inconsistency, because on the one hand you say we have lost these savings and on the other you say we are decreasing our expenditure on maintenance. We have, because we have the savings.

**Mr Photios:** You can use the savings to increase your funding on track maintenance.

**Mr SCULLY:** No. This bloke cannot have it both ways, even though he is a Liberal Party member—

**Mr Glachan:** On a point of order. I hate to interrupt this scintillating argument backwards and forwards, but it does not conform with the traditions and practices of the House. The Minister should direct his remarks through the Chair. It would be better for everyone and provide for a much more orderly debate.

**Mr DEPUTY-SPEAKER:** Order! The Minister will address his remarks through the Chair, and the member for Ermington will cease interjecting.

**Mr SCULLY:** The honourable member for Ermington cannot on the one hand accuse the Government of losing valuable savings and at the same time assert that it should dramatically increase expenditure on maintenance. The Government has made some savings. It has decreased expenditure on infrastructure maintenance from \$670 million to

\$550 million, with further savings planned. The honourable member for Ermington asserts that this has related, and will relate, to safety incidents. Since the Government came to office there has been a 14 per cent reduction in infrastructure-related safety incidents and a 25 per cent reduction in metropolitan on-time running incidents caused by infrastructure-related incidents. The Government has successfully achieved savings but at the same time has delivered safety outcomes. The Opposition has expressed concern about the roll-out of the maintenance contestability program. That will recommence on 1 July next year, because I hope I will be the Minister for Transport when the Government is re-elected.

**Mr Photios:** You cannot even keep a straight face when you say that.

**Mr SCULLY:** I may have another portfolio.

**Mr DEPUTY-SPEAKER:** Order! The Minister will return to the subject matter of the debate.

**Mr SCULLY:** The Government is committed to having the program recommenced on 1 July. The Government has business that is worth a significant sum of money, possibly hundreds of millions of dollars.

**Mr Photios:** Are you raising the spectre of privatisation?

**Mr SCULLY:** The Government has not made a decision to sell and does not propose to do so. However, if it did it would want to obtain the best value for the taxpayer or minimise the level of unnecessary voluntary redundancies. Two major contracts were lost, not because the men and women at the track face were not able to do the work, because they could not deliver a quality product or because they were not price competitive, but because they were not able to compete with the private sector on management. The men and women at the track face were told that they were as good as, if not better than, the private sector and that their price was as good as, if not better than, that of the private sector but that they would lose the contracts because the management systems and the skills at head office could not compete with the private sector.

**Mr Photios:** So are you reflecting on the Railway Services Authority management and the bosses here?

**Mr SCULLY:** The honourable member has had his say, it is my turn now. The question is whether we allow a valuable government business—

a business with a value of perhaps hundreds of millions of dollars—to wither and die and then make unnecessary voluntary redundancy payments to workers who would otherwise have been employed. To the unnecessary voluntary redundancy payments would be added loss of capital value of business and the free human capital. We have invested significant sums of money in our workers, we have skilled them up and they are very valuable parts of the business that we all own. They are not free commodities to be acquired by the private sector without payment.

We have human capital in which we have invested significant sums of taxpayer money, we also have capital value in the business—and I as the custodian of that wealth consider that I should continue to maintain and protect that—and I wish to avoid the unnecessary payment of voluntary redundancies to people who otherwise would continue to be employed in the rail industry. We should pause for a while until we build up the management skills. We should corporatise, and get in place a board—

**Mr Photios:** So this had nothing to do with the union threats you received.

**Mr SCULLY:** The unions were rightly concerned about jobs, as I was. The decision reached made industrial sense. Operators in the private sector will say that the transitional provisions for employees were not properly taken into account in the roll-out program.

**Mr Photios:** And the RSA was being obstructive.

**Mr SCULLY:** No—

**Mr DEPUTY-SPEAKER:** Order! The Minister and the honourable member for Ermington will cease conversing across the Chamber.

**Mr SCULLY:** In hindsight, certain aspects of the tender process could have better taken into account transitional provisions for employees that the private sector would have liked to bid on. Those provisions were not part of the bid process handled by the Rail Access Corporation. The result was not as rational management of the downsizing of a work force that could have occurred had those transitional provisions been included in the tender process. Yes, I took into account the concerns of the trade union movement and the employees about the ways in which the roll-out program would have an impact on the workers, but in this process it also made good

financial sense and was in the interests of fairness to rationally manage a work force.

The Government will continue with the process but it is necessary to pause for a period in order to set up the corporate body, with a commercially focused board and chairman. I make no reflection whatsoever on the chief executive, Terry Ogg, who is here this evening. So far as I am concerned, he is second to none in ability to steer Rail Services Australia into the corporatisation that will be established under this legislation. I welcome the support given by the honourable member for Ermington on behalf of the Opposition. I point out that there will be no subsidy and there has been no subsidy for the Railway Services Authority in bidding for work in the private sector. I find with amusement that some private sector operators believe that there is a rail track maintenance industry. I reject that idea. In this country there is an infrastructure maintenance industry worth \$6,000 million, of which the track maintenance business is a small part.

I do not hide for a moment that what I am endeavouring to achieve is the building up of a thriving, vibrant, taxpayer-owned rail maintenance business that can compete in the wider infrastructure maintenance market. If we want that business to be fair and properly competitive, private sector operators ought to be able to compete for the work now done by the Railway Services Authority. But why should the RSA not also be able to compete for the infrastructure maintenance work done by those private sector operators? I reiterate that there is no subsidy and that no community service obligations are paid.

I concede that redundancy payments, when required, are made from the Consolidated Fund, as the honourable member for Ermington knows. Those payments do not come from the Railway Services Authority books. If redundancy payments need to be made as a result of the roll-over of the contestability program from 1 July next year, they will come from the common fund. The authority will have no cross-subsidies and no common fund support to enable it to win work against the private sector. I thank the honourable member for Ermington for his support. I give him nine out of 10 for his vaudeville performance—last time he got no points, so he has been promoted—but I give him one out of 10 for substance.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**



**CRIMES LEGISLATION AMENDMENT  
(POLICE AND PUBLIC SAFETY) BILL****Second Reading****Debate resumed from an earlier hour.**

**Mr TINK** (Eastwood) [9.26 p.m.]: At the outset I put on the record that I have had this bill for about four hours. The Government has been talking about this bill since the 1995 election. It was central to the Labor Party 1995 election campaign. In 1996 the Minister for Police put a memorandum before Cabinet, the Government sat on this issue for two years and today, three years later, it has put before the House a bill that is to be rammed through in four hours. I have not had the opportunity to speak at any length about this bill to the Police Association. I have not had the opportunity or been able to extend the courtesy of speaking to any other interest group about the bill. I did, fortunately, see four members of the Police Association executive in the gallery this afternoon and, in anticipation that the Minister may try to pull a stunt such as this, managed to spend three minutes with them on the front porch to discuss one aspect of the bill that—in the three or four minutes I had the bill in my possession at the time—I realised was a problem, namely, the penalties for possession of knives.

No doubt there are many other problems with the bill that I have not yet been able to get to the bottom of, so my comments this evening are circumscribed accordingly. The Government's handling of police powers in this State is an unmitigated disgrace brought about by the slothful legislative approach of the Minister for Police. The Minister ought to be ashamed of himself. The bill is second rate, yet this of all bills is one that should be subject to consultation. Reverend the Hon. F. J. Nile in another place has, after long and extensive consultation with the Police Association, produced a bill of which I have also given notice in this House and of which I will move the second reading on Thursday. I say here and now that that bill is the Opposition's idea of a decent police powers bill, arrived at after proper and full consultation with the Police Association and several other interested parties. I am not sure what this bill amounts to, but I have a strong suspicion that it is a dog's breakfast.

I am not able to debate the bill in its entirety, simply because I have not had a chance to get on top of it and the Minister has not yet given me the courtesy of handing me a copy of his second reading speech. That is the double problem I have now in debating this bill. I turn to what I have been able to discover in the short time available. First I wish to

speak of the provision covering custody of a knife in a public place or a school. Honourable members will recall the terrible tragedy in 1995 when schoolboy Peter Savage from Trinity Grammar School was stabbed to death near his school. At that time, and I quote the *Sydney Morning Herald* of 28 August 1995, the Minister said that the penalty for carrying a knife should be increased to five years gaol. Two-and-a-half years of stuffing around by the Labor caucus has produced the disgraceful, derisory penalty of five penalty units for possession of a knife in a public place or a school.

Three years after the death of schoolboy Peter Savage, who was stabbed in a public place adjacent to a school, this Minister—after being worked over by the left wing of the Labor Party—now says five years in prison is inappropriate. I gather that tomorrow Ann Symonds will spit the dummy about the bill in its current form. After being worked over by the Labor caucus, five years in prison has now become five penalty units—in other words a maximum fine of \$550. That is about equivalent to a mid-range parking ticket or a low-range speeding ticket. Section 525 of the Crimes Act provides that the maximum penalty for defacing or damaging a library book is one year in gaol. If a person goes into a library, a public place, and defaces a library book, he or she will receive a maximum penalty of one year in gaol. If another person goes into that library carrying a knife, that person will receive a maximum penalty of \$550. That is a farce. People in the gallery may well smile; it is a laughable, derisory approach to the criminal law.

Following the stabbing of Peter Savage we have had stabbing after stabbing, and stabbing murder after stabbing murder. Within the last 12 months, two police officers have been stabbed to death when recalled to duty to keep the peace. What does this police Minister do about it? He produces five penalty units for carrying a knife. Is he really serious about disarming the gangs and thugs who are roaming the streets and public places of Sydney, carrying knives and murdering police officers in the course of their duty, by giving them a maximum penalty equivalent to a mid-range parking ticket or low-range speeding ticket? No doubt most of them would not pay the fines anyway and would ignore warrants arising from them. This is a dangerous farce.

I make it plain that in Committee I will move two amendments, one of which will be an amendment to increase the penalty to a maximum of 100 penalty units or five years in prison. I apologise to you, Mr Deputy Speaker, and to the Clerk for the form of my amendment. I have been forced to

produce it on a piece of paper without recourse to Parliamentary Counsel because the Minister introduced the bill after only four hours notice. I will move the amendment in the only form I can, having been given such short notice of the introduction of the bill. If the Minister wants to rule out my amendment, he can go straight ahead, and we will pay the consequences tomorrow. I am doing the best I can under the intolerable circumstances that this slothful Minister has placed upon me and the Opposition with regard to the most important piece of police legislation to come before this Parliament in this Government's term of office. That is the first problem. There are a number of issues which, in the short time available to me, I have attempted to get across, and I do not doubt that there are many other problems.

I now refer to the powers to search. The powers to search require an absurd double warning to be given by police before any action can be taken. As the honourable member for Tamworth and other members of this House would be aware, the Local Government Act poses a ridiculous problem when it comes to giving warnings to people who drink in public places contrary to signs that are posted. Under the Local Government Act two warnings must be given. People move down the street, police officers change shift, time passes from 11.00 p.m. to 1.00 a.m. until the second warning is given, and the whole circus starts again. In this legislation relating to the fundamental power of police to search for knives we have this farcical double-barrelled double warning system. Police will be tap-dancing around groups of thugs, giving them one warning, then trying to figure out whether they have been warned once and they have to be warned again.

After one warning a person should be deemed to have breached the law. This legislation is an elaborate charade, no doubt painfully worked out in caucus over three years, to keep the left wing quiet and happy about the problems that it believes are inherent in this legislation. The left wing has been a brake on giving the police the power to tackle law and order problems in this State for the whole of this Government's term of office, and it continues to be a brake in a more dangerous form. Under the charade of being seen to be doing something, this bill now entrenches the double warning system in the search for knives. It is a disgrace.

In the time that the Minister has afforded me tonight I do not have the power to draft the amendments necessary to make some sense out of this legislation. The Opposition again warns that the

form of power to search which is contained in the bill introduced in the upper House this afternoon, which the Opposition will mirror on Thursday morning, is the proper form of bill required, it is the form of power on which the Minister has been fully briefed by the Police Association, and it is the form of bill that already carries a legislative precedent under section 50 of the Police Act in Western Australia. Obviously that section of the Police Act, which has operated in Western Australia for many years, is too much for many people in the Labor caucus to stomach. Therefore the Government has come up with this convoluted double warning, tap-dancing system. The Opposition puts the Parliament on notice that as far as it is concerned section 50 of the Western Australian Police Act, which the Police Association has drawn to the attention of every member of this Parliament, is the way to go. The Opposition intends to go to the 1999 election with that as part of its policy and intends to introduce a bill in the House on Thursday—which will no doubt be stalled by the Government, as it stalls everything the Opposition does. It will be the template of what the Opposition proposes to do when in government.

In the short time available to me I will refer to a couple of other matters that have come to my attention. Firstly I refer to the power to give directions, which is a power that has a clear legislative precedent in this country. Amongst other places the legislative precedent is contained in section 18 of the Summary Offences Act 1953 of South Australia, which for many years has been known as a relatively small-l liberal jurisdiction on both sides of the Parliament. Nevertheless, South Australia has a clear and concise provision in its Summary Offences Act for providing police with the authority to disperse and move people on. At the end of the day this provision is at the heart of the police powers that are necessary to deal with and disperse gangs. But this Government cannot stomach it; this Government cannot stomach a working South Australian provision. So again, for the sake of these delicate caucus dances that have been going on for three years, we have to go through another charade and another very dangerous outcome for the police and the public in this State who are interested in public order. The bill, in schedule 1, division 4, refers to power to give reasonable directions in public places and states:

(1) A police officer may give a direction to a person in a public place if the police officer has reasonable grounds to believe that the person's behaviour or presence in the place . . .

(a) is obstructing another person or persons or traffic, or

- (b) constitutes harassment or intimidation of another person or persons, or
- (c) is causing or likely to cause fear to another person or persons, so long as the relevant conduct would be such as to cause fear to a person of reasonable firmness.

Incredibly, what is omitted is what appears in the South Australian provision, which gives the catch-all additional criterion that an offence has been or is about to be committed. That is a general and reasonable catch-all provision to provide for the circumstances that police are likely to find on the street when they come into contact with gangs of people that they need to disperse. Under this Government's legislation, that is not enough. It is not enough that a person may be about to commit an offence. Under this legislation police must be satisfied not only of an offence but of an offence relating to obstructing persons or traffic, constituting harassment or intimidation, or likely to cause fear to another person.

I would have thought any reasonable punter would say that if a group of people are causing a problem, where there is a reasonable apprehension that an offence is about to be committed, regardless of what it is the police ought to have power to step in and disperse the group. Under this bill that cannot be done. Under the bill that has been introduced in the upper House, under the standing precedent of the South Australian Parliament, under the bill that the Opposition will introduce on Thursday, and under the policy that the Opposition will take to the election, it can and will be done, and it must be done.

Provision of power to give directions will create the double dance of a two-step police warning. That has shades of the Local Government Act and all the nonsense that goes on under the Liquor Act one side of midnight or the other, one police officer or the other, or one suspect or the other, but with double warnings. Under this legislation two warnings or two directions must be given to disperse people—two warnings by the same police officer, to the same person.

At the moment Fairfield is dangerous for the public and for police, either alone or in groups. The legislation requires police, when dealing with a serious gang confrontation, to go on a merry dance and give double warnings. That is a farce. The Police Association has pointed the way and said there should be a one-shot warning and one charge. Surely everybody in a reasonable frame of mind would think one warning is fair and reasonable. Even idiots would understand one warning. Two

warnings would place unnecessary risk, technicality and red tape on police and continue thereby to physically endanger them and the public. That is a serious flaw in the legislation and the Opposition will introduce a bill to deal with it.

The Opposition also believes that the provision contained in new section 28G, about limitation on exercise of police powers, infringes on the fundamental rule that laws in this State should apply to every person. For that reason the coalition opposes the section. The power to demand a name and address is a provision which the Opposition believes is unnecessarily complicated by deals done in caucus to get the legislation before the Parliament. The constraints imposed by proposed new section 563 to the Crimes Act, line 10, page 15, suggest that a person may be able to assist in the investigation of an alleged indictable offence.

Under relevant legislation in Western Australia no such limitation exists. The police have, and have had for many years, a simple power to demand of any individual a name and address and can apprehend somebody who refuses to give it. That law should apply in this State. That is the law the Opposition will be going to the election on and the law the Opposition will be seeking to bring forward in bill form on Thursday. There is no reason to dance around the head of the pin over that provision, except to placate caucus members who have a problem with it.

The Opposition is concerned about not having had an opportunity to see the Minister's second reading speech and not being given that fundamental courtesy. We have only had the opportunity to consider the bill for about six hours and have not been able to take comprehensive advice or direction from the Police Association or any other relevant interest group. If what I have been able to find in just four hours is any guide, and bearing in mind the Government's capacity to bring in hopelessly convoluted and unworkable legislation throughout the whole of its term in government, no doubt many other flaws in the legislation will be found if the Minister insists on ramming the bill through the House.

Honourable members will be dragged back, as they are for many other bills, to correct disasters and stuff-ups along the way. I regret to say no doubt that will happen with this legislation. If the Opposition had been given the basic courtesy of being allowed a couple of days to examine the legislation—caucus having mucked around with it for three years—it might have done constructive bipartisan work. Police powers sorely needed by the community could have

been introduced. The community has not been given the leadership that it desperately wants from the Parliament. The Government's approach has been inconsistent. The Opposition has been given four hours to look at legislation that is just one big mess.

The Opposition foresees problems emerging further down the track. I foreshadow that the Opposition will be moving amendments and will introduce its own legislation, which will be a far better template for police powers legislation than this half-baked bill. The coalition will be going to the election on that legislation in March next year.

**Mr McMANUS** (Bulli) [9.46 p.m.]: I support the actions of the Minister and the Government in introducing the bill. The legislation might have little to do with what the Opposition wants, but it is what the New South Wales community requires of the Government. The people of this State demand that the Government take action on the use of knives, following the death of the young child Savage, ruthlessly cut down in the prime of his life, and the recent tragic loss of two police officers.

Members of the Police Association who were present in the public gallery tonight support the legislation. I am surprised that in the three minutes that the shadow minister for police spoke on the front steps of Parliament House with members of the Police Association they did not tell him that they support the legislation, as do the people of New South Wales. Yesterday I was in Wollongong at a launch of a joint investigation team program with the Minister for Police. Local senior police in Wollongong want that legislation introduced and passed, to give them the chance to get something done in New South Wales. The police require that now, and do not want to wait 20 days for the Opposition to make up its mind.

**Mr Tink:** You have been waiting for three years, you dope.

**Mr McMANUS:** Let me tell the honourable member for Eastwood about gun laws in New South Wales. Notwithstanding the tragic deaths at Port Arthur—of people whose families and children will always miss them—the Liberal Party and National Party, that rotten mob, want to water down New South Wales gun laws, even though the Government supported the Prime Minister by introducing them. Queensland coalition colleague Borbidge and Liberal ratbags in Victoria also want to water down those laws. The honourable member for Eastwood has the audacity to stand in this place and say that this Government is slow on legislation. The honourable

member for Eastwood is so slow it takes him 1½ hours to watch *60 Minutes*.

**Mr Tink:** And you are Neanderthal.

**Mr McMANUS:** No, the honourable member for Eastwood is Neanderthal. It is time he started to understand that he is here for one purpose and that is to do the right thing by the people of New South Wales.

**Mr Tink:** We have been waiting for three years for the Government to do it.

**Mr McMANUS:** For seven years the Liberal Party was in government and did nothing. For seven years the rotten coalition Government did nothing, but as soon as there are murders and the Government does something about them the honourable member carps and whinges and complains that he has not had time to read the bill. I suggest that the honourable member for Eastwood gets himself into a speed-reading course.

**Mr Tink:** After 2½ years and two police murders the Government does something about it?

**Mr McMANUS:** The honourable member for Eastwood is an absolute disgrace. The police are not a paramilitary group any more. What is wrong with a policeman asking twice for a name or asking whether a person is carrying something before doing a search? Many kids make stupid mistakes as they grow up. Is the honourable member suggesting that if they make one stupid mistake they are gone?

**Mr Tink:** I want them to grow up safely, not be stabbed by someone.

**Mr McMANUS:** They will grow up, so you should do something about your gun laws, and support the Labor Party on its gun program in this State. But you will not.

**Mr Tink:** I do not want any kid stabbed—

**Mr McMANUS:** But you are too gutless.

**Mr ACTING-SPEAKER (Mr Gaudry):** Order! The member for Bulli will address his remarks through the Chair.

**Mr McMANUS:** The confiscation powers enable a police officer to confiscate anything he reasonably suspects is a dangerous implement. That is clear and concise. Police have a real concern that under this bill they will be able to do something

about an implement that can cause damage in a dangerous situation. I appreciate that the legislation enables a police officer to give reasonable directions to a person in a public place whose behaviour or presence is obstructing another person in traffic, constitutes harassment or intimidation of another person, or frightens or is likely to frighten another person. That is straightforward.

Many elderly constituents in the Bulli electorate are also concerned. Their concern may seem needless on occasions, given the harmless fun that kids often project towards the elderly, but they do become frightened. This bill will give police an opportunity to take appropriate action and to tell kids that they are causing concern to elderly people. However, we must seek to ensure that the Police Service does not become a military or paramilitary force that takes over. That is where we were 20 years ago. The attitude promoted by the coalition when in government is the reason the royal commission into the Police Service was held. The Opposition, when in government, was supposed to keep a handle on problems in the police force, but did not do so. The result was all sorts of corruption and beatings in police stations.

The coalition's approach did not work. There has to be a balance. Many kids make mistakes when growing up, although most do not reoffend. Between 5 per cent and 8 per cent of kids reoffend; the rest are kids like those of the honourable member for Eastwood and myself. The honourable member has suggested in a draconian way—he had the audacity to call me Neanderthal—that anyone who steps out of line would be sent to gaol, as in Britain where 14- and 16-year-old kids are sent to gaol for not answering a policeman's request. The suggestion by the honourable member for Eastwood is a joke; he should give this bill a go.

There has been no mention of the review process contained in the bill. The Minister said that the review process must be included because the Police Service requires it: the Police Service wants to have powers to ensure the safety of the community. The Minister said that the Government will not rest on its laurels, but will review the bill after 12 months, if necessary. The Government will bring the legislation back to this House to ensure that it contains the correct procedures and does what it is intended to do. If that takes a year, well and good, because ultimately if lives are saved, the battle will have been won. The Opposition should make complaints but at least admit that the Minister has taken the appropriate action, and give the bill a go. Ultimately the bill will give police the correct

powers and I am certain it will enable safety to return to our streets.

The Minister has given a great deal of consideration to this, as has caucus. But that deliberation was necessary because the bill had to be right—and it has to be right in 12 months time. Sure, it will have flaws. Can any honourable member opposite point to any legislation where something was not missed? That happens time and time again, but legislation is brought back to this House and sorted out. As a member of Parliament there is nothing more important to me than that this bill should be passed. This legislation will benefit my constituents and local police and Police Association members who want it. Let us make sure lives in our community are saved.

**Mr O'DOHERTY** (Ku-ring-gai) [9.54 p.m.]: I was working in my office when I heard the honourable member for Eastwood outline the provisions of this bill. I could not believe my ears when I realised what the Government was trying to pull tonight. The bill will make it an offence to carry a knife at school, with a penalty of five penalty points. That is less than the penalty that the community expects and less than the penalty for the offence of pulling a knife at school where police are called and take action.

I remind honourable members that a teacher was stabbed outside Marrickville High School in an incident which had its antecedents in the school. Government members were first on their feet in 1996 to say that they would do something about that type of incident. The Government pretended that it cared about teachers in schools and promised to open two new behaviour schools. Those schools have still not been opened on day one of term two of 1998. Tonight we are not here to discuss behaviour schools, but I mention that as another piece of hypocrisy by the Labor Party. The Labor Party had promised tough new sanctions against knives in schools and in the community and said that it would protect teachers and stamp out a culture of violence. It has done nothing until the presentation of this mickey mouse legislation which imposes five paltry penalty units for the offence of carrying a knife in a school.

The Minister for Education and Training said that the Government does not want to make schools in New South Wales like schools in the United States where students have to walk through metal detectors. We know what he wants to do: he wants to allow students to carry knives to school. He does not want them to be searched, nor does he want to

clarify the powers of principals, which they still do not have, to search the bags of students who are suspected of carrying weapons or other contraband to schools. The Minister will not do that despite the fact that the coalition has asked him to do so, and that teachers and principals have asked him to do so on many occasions.

Tonight we have learned that under the Carr Labor Government if one is unlucky to be caught with a knife at school only five penalty units will be imposed. That is less than one gets for jaywalking or spitting in the street. This is an absolute insult to teachers and students, who need to be able to go about their business in peace, free from the threat of any physical assault, let alone a knifing. The Minister probably thinks that Opposition members have short memories. I remind him that *Hansard*, which is provided electronically and for which we thank Mr Speaker, enables quick reference to relevant words. On 20 May 1993 the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs was the shadow minister for education. When introducing a private member's bill in this Chamber, he said:

The bill will create an offence of possessing a weapon in a government school, the penalty for which will be 50 penalty units or two years' imprisonment.

That penalty is 10 times greater than that contained in the bill presented by the Carr Government after a major sell-out to the left wing of the Labor Party in caucus today. The Minister for Education and Training, as shadow minister in 1993, proclaimed the virtues of his bill, which provided for 50 penalty units as the penalty for having a knife in a school. Tonight, if he comes down to vote, he will vote for five penalty units if that offence is committed in the school system which he administers. Shame on him. In 1993 he said that the most important thing to do was to protect people in schools. He then said:

Our society makes education compulsory. If we compel students to attend school, we have a duty to ensure schools are free of violence. Students, teachers and parents all feel that not enough is being done to address the problem. Teachers who have been physically assaulted or threatened by physically mature adolescents feel they have no redress and no protection.

Those were pious words, which tonight were condemned as hypocrisy by his Labor caucus colleagues following introduction of this mickey mouse bill. The people of New South Wales who rely on the Minister for Education and Training and his colleagues in the Labor Party in government at the moment, pro tem, will be bitterly disappointed by what the Labor caucus has done today. They will understand the sell-out by a Minister for Education

and Training who in 1993 wanted to establish 50 penalty units for having a knife at school, but who tonight proclaims that five penalty units is sufficient, and that is all the protection one can get. I can hear him now up in his office saying that teachers have been allowed to take out apprehended violence orders against students, ex-students and community members, and, in an extraordinary twist, according to the *Sun-Herald* on the weekend, against other teachers.

What kind of system is it when, according to a press report on the weekend, a teacher was taking out an AVO against another teacher because of a custody dispute; something that had nothing to do with school education, but which the Department of Education and Training was facilitating? Do not get me wrong, it is very important that people should be able to take out apprehended violence orders for family court matters, but the Minister for Education and Training is facilitating and paying for that process. That is a very generous employer indeed! Such action does not go to the heart of school violence, which these apprehended violence orders were supposed to address.

In fact, the apprehended violence orders were supposed to be the other great initiative to come from the Government's concern about the stabbing of a teacher at Marrickville High School in 1996. I can hear the Minister in his office saying, "Twenty AVOs have been taken out." But that will be of little comfort to teachers who will read the newspapers tomorrow and find out that the Minister for Education and Training thinks that all they are worth is five pathetic penalty units. Let us have the Minister for Education and Training come down here and explain to this House why he thought the offence was worth 50 penalty units in 1993, but in 1998, in government, he thinks it is worth only five penalty units.

**Mr NAGLE** (Auburn) [10.02 p.m.]: It is quite obvious that the honourable member for Ku-ring-gai does not recall the tragic death of Peter Savage. I find it absolutely disgraceful that any member opposite would laugh at the death of such an innocent man, on his way home to Swete Street to see his mother, in the Auburn electorate. He never made it home because someone stabbed him to death for one dollar. I am deeply interested in the right of citizens to defend themselves. This legislation will resolve the concerns of the honourable member for Eastwood about the need for tougher legislation to deal with the carrying of knives. But he is never out on the streets. As a barrister he never had to defend anyone who was charged with these types of offences.

**Mr Hartcher:** How do you know that?

**Mr NAGLE:** Because I was at the bar with him, and I have been in cases with him and in cases against him. I know what he did at the bar. He was always involved in personal injury cases, but I was out there amongst the people in my electorate, and I defended them. Labor members really do understand what is happening and the need to make laws. Remember the old precept that this House makes laws for the peace, welfare and good government of the State of New South Wales. This morning I discussed this matter at length with the Minister for Police. I looked at the legislation and at the briefing note, and I came to the conclusion that this was good legislation. Although I have previously opposed legislation in this House, this is good legislation—

**Mr Merton:** From your own side?

**Mr NAGLE:** Yes, on my own side.

**Mr Merton:** Which bill was that?

**Mr NAGLE:** The honourable member should read *Hansard* more often. The bill seeks to resolve a very difficult problem. The Minister has attempted to balance the right of the citizen to move through the streets of Sydney with the obligation on the Police Service to preserve peace and good order. Should every young person walking down George Street, every young person walking in Auburn, every young person who is going to walk down the street be picked up and arrested? No. The police will be trained to evaluate what they perceive to be a problem. I commend the bill to the House. If Opposition members had any decency or consideration for reforming this law they would be in this place tonight supporting the Minister for Police, but they are not.

The Opposition wants to make this issue a political football. I was in this Parliament for seven years when honourable members opposite were in government. When we, in opposition, wanted laws to protect the people, members of that coalition Government were never to be seen. They did not even want to be seen. The only person opposite who had any courage was the then honourable member for Orange, who wanted to bring in good laws and try to preserve them. But how many opposite were keeping them out? The Government is doing its best in a responsible manner in all the circumstances to try to preserve good laws for the peaceful, fair and good government of New South Wales. I commend the Minister for Police for the good work he has

done to bring forward this legislation, which will work.

**Mr HARTCHER** (Gosford) [10.09 p.m.]: This legislation has been three years in the making. It was promised by the Minister for Police in August 1995 in response to the tragic death of Peter Savage. In three years the bill has undergone a transmogrification from legislation that increases the penalties for carrying a knife and adopts a tough stance on the possession of knives to legislation that simply enables the police to search people for knives and to confiscate knives. Where is the legislation that the Minister promised in August 1995, which would have increased the penalty for carrying a knife from six months gaol to five years gaol? It does not exist. The Government has not honoured the commitment it made to the people of New South Wales after the tragic death of Peter Savage.

It is almost one year since the tragic death of Constable David Carty, who was also killed as a result of the illegal use of a knife. Where is the legislation to punish those who carry a knife? All the Government has done in a weak-kneed gesture dictated more by the Council for Civil Liberties than by community concern is simply enable the police to search people for knives. The penalty of \$550 laid down in this bill for the offence of carrying a knife is the same as that for refusing to submit to a search. That is an open invitation for people who carry a knife not to allow themselves to be searched; they can simply pay the fine and keep their knives. This bill does not provide that those who refuse a search may be arrested, taken to a police station and forcibly searched; it simply provides that such people may be punished by the imposition of a fine.

This bill is riddled with flaws for two reasons: firstly, the Government is not prepared to have the courage of the conviction it espoused in its rhetoric in August 1995 and, secondly, it is anxious to be seen to be doing something. In particular, the Minister for Police is keen simply to be seen to be doing something. The Government has had three years in which to prepare and introduce this legislation. However, the bill was only introduced after 3.00 p.m. today and the Opposition has had only about seven hours to examine it. The rules of the Parliament providing for five clear days for consideration of proposed legislation have been suspended and the Government has forced debate on this bill now because it wants to be seen to be doing something.

The Government does not care whether this bill will achieve anything; it simply wants the

rhetoric and the posturing. That is typical of the Government's position on law and order issues, including its attitude towards mandatory life sentences for drug offenders. The Premier, with an enormous amount of rhetoric and hoopla, promised that drug legislation would be introduced, but when it was finally introduced it was so weak, riddled with inconsistencies and wrapped in procedural requirements at the dictates of the Council for Civil Liberties and similar bodies that not one person has been sentenced under it. That legislation has stayed on the statute book and is referred to by the Minister and the Premier; but it is a totally dead letter because it was never intended to work. The Government never intended that legislation to have a community impact; it only ever intended the legislation to have a media and public relations impact. This bill is exactly the same.

The Government does not intend that this bill tackle the offence of carrying a knife, because its provisions will not enable the police to forcibly search people suspected of carrying a knife; nor has the Government increased the penalties sufficiently to act as a deterrent for people who carry a knife. This bill does not pass muster on two scores: the right to search and the penalty for carrying a knife. While the Opposition will not oppose the bill, because any legislation is better than nothing, the shadow spokesman for police made it clear with some vehemence that this bill is toothless, weak, ineffectual and a poor response to the promise made in August 1995. An article in the *Sydney Morning Herald* of 28 August 1995—I have verified my source in accordance with the standing orders—stated:

The maximum penalty for carrying a knife would increase from six months to five years jail.

The Government's action follows the stabbing murder of a 16-year-old Trinity Grammar schoolboy, Peter Savage, while he was travelling home from football training last Thursday night.

Mr Whelan said the matter would be discussed in Cabinet this week and he would introduce legislative changes during the September sitting of the Parliament.

At that time the Minister said that the firearms amnesty would be widened to include knives and other dangerous weapons. The Minister for Police promised to introduce this bill during the September 1995 sitting but has not done so until April 1998. So much for the Government's promise! So much for the tough action! This bill was delayed while the Minister introduced anti-gang legislation that was put before Cabinet some two years ago and months after he promised to introduce this bill. As was

revealed in the media this very day, the Minister for Police was rolled in Cabinet by the Minister for Urban Affairs and Planning and other Ministers.

**Mr Knowles:** Was that revealed in Cabinet this very day?

**Mr HARTCHER:** The Minister may laugh and talk about the Villawood housing estate and the Auditor-General, but at the end of the day he is collectively responsible for Cabinet's decision to roll the police Minister on anti-gang legislation which never saw the light of day. This bill lay dormant on the Government's books because the police Minister was unable or unwilling to put it through Cabinet. Clearly, the aim of the Minister for Police and the Government is rhetorical. The Minister is quoted in the same article as having said that he had asked the Commissioner of Police, Mr Lauer—that shows how long ago it was—to contact all education department heads to arrange a meeting to discuss the problem. Here comes the tough talk and determination! The article further stated that the Minister would be talking to the Minister for Education and Training for the purpose of formulating government action.

It takes three years to get an appointment with the Minister for Education and Training—nothing could be leaner than Johnny Aquilina. The rhetoric is aimed at getting the quotes and community endorsement. Sadly, in this case the only community endorsement came from the senior master at Trinity Grammar School, who applauded the Minister's announcement. Of course the whole community applauded the Minister's announcement—it was made in August 1995! This bill, which has finally surfaced at the end of April 1998, is weak and ineffectual; it does not punish people and it does not give police the power they want. It is toothless. It is simply a masquerade. It is typical of the Government's rhetorical and public relations response to serious law and order issues. The bill deserves to be judged and found wanting. It will not be opposed by the Opposition, but it will be judged and found wanting. It is deficient and defective.

The Government is not serious about law and order and protecting or supporting the police. The tragic death of David Carty only one year ago today bears ample testimony to that and to the Government's poor response to his unfortunate demise. The coalition will aim at securing proper legislation which makes it an offence to carry a knife and gives police the power to ensure that citizens in the community who believe that they have a right to inflict violence on others will be punished for continuing to carry a knife. We will arrest the causes of crime and the criminals. We are



the only hope of the people of New South Wales to end the crime wave that is threatening New South Wales.

*[Debate interrupted.]*

## **BUSINESS OF THE HOUSE**

### **Extension of Sitting**

#### **Motion by Mr Knowles agreed to:**

That the sitting be extended beyond 10.30 p.m.

## **CRIMES LEGISLATION AMENDMENT (POLICE AND PUBLIC SAFETY) BILL**

### **Second Reading**

*[Debate resumed.]*

**Mr IEMMA** (Hurstville) [10.21 p.m.]: I support the Crimes Legislation Amendment (Police and Public Safety) Bill and congratulate the Minister for Police on its introduction. This bill will help to restore public confidence in the safety of our streets. This problem, which has existed for quite some time, has caused a great deal of anxiety in the community. The Government, and in particular the Minister, have responded by introducing a package of measures which will increase the powers available to the police to deal with the increasing problem of antisocial behaviour on our streets and in public places, and the increasing incidence of the carriage and usage of knives in crime.

Tonight I will concentrate on proposed section 28F in the bill, which will give police power and authority to disperse groups of persons harassing, intimidating or obstructing another person or whose behaviour in a public place causes or is likely to cause fear to any other person present. In my view proposed section 28F has been included in the legislation in direct response to a grave concern in the community because groups of people have taken it upon themselves to act in an intimidating manner towards members of the public going about their normal business in public places like railway stations, bus interchanges, shopping centres, plazas and schools.

These public places, which are supposed to encourage free movement, have become the province of lots of these gangs or groups of people. I will address one of the criticisms made by some youth groups about this legislative package. Far from this legislation being seen as some sort of anti-youth move on the part of the Government, I

believe it is very much a pro-youth package. One group of people in our community that has been subject to a lot of the intimidation, harassment and attacks is young people. My electorate is no different from any other electorate. Some of the worst examples of obstruction and intimidation that have been brought to my attention have involved public places such as railway stations and the entrances to schools and shopping centres.

One incident which came to my attention and to the attention of the community in Hurstville—it received a great deal of coverage in the local newspaper—occurred late last year at Riverwood railway station. This was not an isolated incident; there have been many similar incidents at Riverwood and at other railway stations, but this was the worst example. Two 16-year-old boys were escorting their 15-year-old girlfriends to Riverwood railway station after they had had dinner at home in a part of Peakhurst that was near Riverwood railway station. The boys, who were concerned for the safety of their girlfriends, decided to escort them to the railway station thus ensuring that they got safely on the train to return to Padstow.

At Riverwood railway station they were confronted by more than a dozen other people. These people—they were not 15 or 16; they were in their late teens and early twenties—were positioned at the entry to the railway station and on the platform, which they considered to be their property, and they proceeded to harass and intimidate the two boys and their girlfriends. When the boys did nothing more than assert their right to enter the railway station and escort their girlfriends onto the train, they were met with a lot of verbal abuse and more intimidation and were bashed for their trouble.

That highlights the need for the police to be given some powers to intervene in a situation such as this before somebody is bashed, seriously hurt, or the situation gets out of hand. Police should have been able to intervene when the entry to the railway station was obstructed and when these people decided that the platform was their private property. There have been many similar incidences at shopping centres—Westfield shopping centre at Hurstville is an example—and there have been problems in other parts of my electorate, which are no different from many other parts of the city. These problems are symptomatic of a lot of what is occurring in what are generally accepted as public places in which people should have a fundamental and basic human right to go about their business without being obstructed, intimidated or harassed. If people have the temerity to assert that democratic right they get bashed. If a serious offence is

committed, penalties can be imposed and the police have a clear jurisdiction in that type of instance. I am concerned about ensuring that these situations do not get out of hand, that people are not seriously injured and that serious crimes are not committed.

I am pleased at the inclusion in the legislation of proposed section 28F and I am pleased also with the legislative package that has been introduced. I acknowledge that civil libertarians might have some difficulties with this legislation. We must ensure that people in the community are not intimidated by activities such as those I have just mentioned and are not frightened to walk on the streets. Another of the many examples that have been brought to my attention over the course of the last year and a half involves the elderly in our community—another section that is particularly vulnerable to the sorts of things that have been going on. The young and the elderly are the two most vulnerable groups in our society.

An elderly constituent of mine, a tenant of the Department of Housing who has particular psychiatric problems, was bashed when approaching a video shop on the main street of Riverwood. He asked a group of people obstructing the footpath if they would not mind stepping aside to enable him to walk on the footpath. These people wanted my constituent to walk around them, which meant that he would actually have to walk in the gutter. My constituent, who did not fancy the prospect of walking in the gutter, was subsequently bashed by this group of people. The problem did not stop there. Those people knew where he lived and subjected him to ongoing intimidation and harassment to such an extent that he was forced to flee his home. He is not the only example of when intimidation and harassment got so much out of hand that people were forced from their homes.

Another example involving Department of Housing tenants relates to a family which was forced to pack up and, with the help of the department, move to another place of residence. Of course, apprehended violence orders can be taken

out to prevent this treatment. In both of the incidents I have related that is exactly what happened. If there are breaches of AVOs and offences are committed, penalties can be imposed. However, in the example concerning the family the children were subjected to so much harassment and intimidation—being encircled as they walked out the front gate, being harassed, intimidated or obstructed when they walked down the street or tried to catch a train—and life became so intolerable for the parents that the family simply had to move.

My response to any civil libertarian concerns that may be raised is that that family, the pensioner and the two boys and their girlfriends also have legal rights as well as the civil right to go about their business, whether that involves going to school, to the shop, down the street to catch a train or simply walking down the street in which they live. Those people too have a fundamental right to undertake those activities freely, without obstruction, intimidation or harassment. For those reasons I welcome and support this bill.

**Debate adjourned on motion by Mr Windsor.**

## **BILL RETURNED**

The following bill was returned from the Legislative Council with amendments:

Local Government Amendment Bill

## **BUSINESS OF THE HOUSE**

### **Allocation of Time for Discussion**

**Mr KNOWLES:** On behalf of the Premier I give notice of business to be dealt with on 29 April under Standing Order 100:

Crimes Legislation Amendment (Police and Public Safety) Bill, all remaining stages, 7.30 p.m.

**House adjourned at 10.33 p.m.**