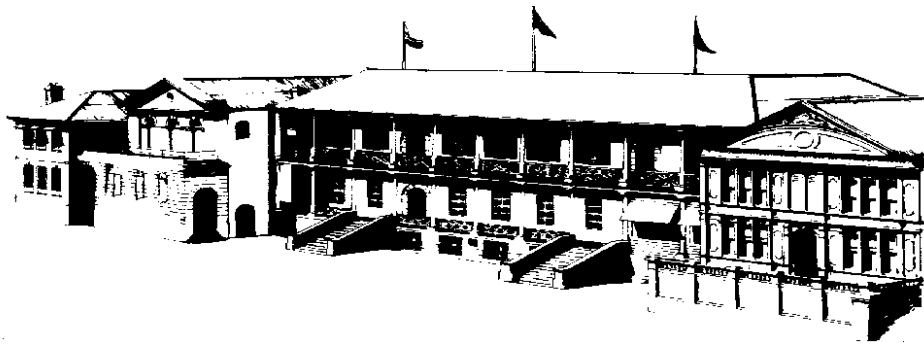




NEW SOUTH WALES



Legislative Assembly

**PARLIAMENTARY
DEBATES**

(HANSARD)

**FIFTY-FIRST PARLIAMENT
THIRD SESSION**

OFFICIAL HANSARD

Wednesday, 6 May 1998

LEGISLATIVE ASSEMBLY

Wednesday, 6 May 1998

Mr Speaker (The Hon. John Henry Murray) took the chair at 10.00 a.m.

Mr Speaker offered the Prayer.

COMPANION ANIMALS BILL

Bill introduced and read a first time.

Second Reading

Mr E. T. PAGE (Coogee—Minister for Local Government) [10.02 a.m.]: I move:

That this bill be now read a second time.

The introduction of this bill is part of the Government's commitment to comprehensively review animal welfare legislation in New South Wales. The bill provides a sound framework for the management of companion animals into the next century and reflects current community values and expectations about animal welfare. The bill will replace the existing Dog Act. Since the passage of the Dog Act in 1966 patterns of pet ownership have changed considerably, partly as a result of different approaches to urban development and work force participation. Community attitudes and expectations about what constitutes responsible pet ownership have also changed over this time. The underlying philosophy of the 1966 Dog Act does not meet the needs and expectations of the people of this State as we approach the new millennium.

The Government's aim has been to introduce workable legislation which promotes the welfare of animals and a balance between the needs of people in the community who own companion animals and those who do not. Responsible ownership includes considering the impact of companion animals on neighbours and those in the wider community as well as addressing environmental concerns. The term "companion animal" was chosen to reflect the animal and community welfare focus of the new law. A companion animal is one which is kept for the welfare and benefit of both the animal and its owner. If they are to be truly our companions, our cats and dogs need our time, attention, care and control. When animals become a problem for neighbours or wildlife it is often because they are not being given the care they deserve.

Australia has one of the highest rates of pet ownership in the world. Studies have shown that four out of every five Australians have had a pet at some point in their lives. It is estimated that there are some two million companion animals in New South Wales, comprising 800,000 cats and 1.2 million dogs. The Companion Animals Bill acknowledges the positive contribution pets make to our society. It also acknowledges that most pet owners act responsibly. In the majority of instances, companion cats and dogs are valued and much loved members of the family and do not create a nuisance for the community. Maintaining affordability of pets to all families has been a major consideration in developing the legislation. The provisions have been developed to keep costs to responsible owners as low as possible while still reflecting real costs.

Throughout the development of the bill specific consideration has also been given to its impact on rural communities. While some of the problems associated with the keeping of companion animals, such as barking dogs, are more relevant to densely populated urban areas, the majority of issues are equally relevant to both urban and rural communities. Dog attacks and the impact of cats on native wildlife are just two examples. Significant penalties are proposed for those who do not do the right thing by their companion animals and who allow them to impact adversely on other members of the community. It is a small number of irresponsible pet owners who cause most problems for the community. Their animals are the ones that roam the streets, pollute public areas, cause property damage, or attack people and other animals. These irresponsibly owned animals also provide the link between the domestic and feral animal populations that do such harm to Australia's native fauna.

The object of this bill is to provide for the effective and responsible care and management of companion animals by promoting the welfare of companion animals; promoting community understanding and acceptance of the important role played by companion animals to many people in our society, including those who are socially isolated; creating a system of permanent identification and lifetime registration for companion animals; providing a legislative status for cats as well as dogs; strengthening restrictions applying to

dangerous dogs; reducing the number of animals which are abandoned and euthanased; reducing the number of unowned and feral animals; and promoting local companion animal planning and control strategies. The provisions of the bill are a product of an extended consultation process.

In January 1996 I appointed a working party representing a wide range of animal welfare and environmental groups as well as local and State Government. Throughout the process I have consulted broadly with representatives of other organisations and government agencies. Just under 10,000 written submissions were received in response to the green and white papers. Forty-six per cent of submissions in response to the white paper supported the proposed legislation and a further 40 per cent gave qualified support, agreeing with the underlying principles but suggesting a variation on some specific provisions. Many of these suggestions have been incorporated into this bill. I will now outline the significant features of the bill. New South Wales will be the first State in Australia to introduce permanent identification and lifetime registration for all companion animals. The point of permanent identification will be separate to the point of registration.

All companion animals born after the commencement of these provisions will be required to be permanently identified either by 12 weeks of age or at the time of sale or transfer of ownership. The separation of permanent identification from lifetime registration accommodates the many submissions which called for stronger provisions for the desexing of animals. It will allow time for desexing of animals before registration, which will be encouraged by heavily discounted fees. Permanent identification will be added to existing requirements relating to the sale and vaccination of animals so that all new animals, and ultimately all owned animals, will be covered by the new identification system. Recent technological developments have made the statutory use of permanent electronic identification systems a viable and cost-effective option. The means of identification will be set by regulation.

This will be by use of a microchip, about the size of a grain of rice, which will be injected under the skin at the back of the animal's neck. For the animal the procedure is like receiving an injection. Once implanted, the microchip attaches to the muscle tissue, which anchors it in place. A scanner can then be used to read the identification number of the microchip which is referenced to the animal's details on the register. Microchips have a number of advantages over traditional means of identification.

Collar tags can be lost or removed, leaving the animal without any form of identification. Tattoos can fade or be changed. Microchips provide a means of identification which will give each animal a unique number which can only be removed by a veterinarian. Removing a microchip for a purpose other than an animal's welfare will be an offence. Permanent identification will provide greater protection for animals and increase return rates of lost animals. It will also serve as a means to identify irresponsible owners and will provide a means of clearly distinguishing unowned animals.

Suppliers of microchip technology will be required to comply with international standards. Implanting of microchips is not an act of veterinary science in New South Wales. The legislation will allow for the certification of microchip implanters and the development of a code of practice for insertion to ensure the animals are treated humanely, to ensure sterile procedures are followed, and to ensure a reliability and consistency in implanting. I am assured that the technique involving a passive electronic device does not cause discomfort or harm to the animal. I might add, I was present when my dog received an implant, and she did not even know it had happened. Currently each council maintains its own dog register. These registers are not necessarily compatible and problems have arisen in returning lost dogs to their owners when the dog has strayed out of the council area where it is registered. An accessible statewide register under statutory control, making full use of current technology, will remove this problem.

A confirmation certificate of registration will be provided to owners when their animal's details are added to the register. Records will be maintained of the bulk distribution of microchips to approved implanters for cross-checking. The register will comply with statutory privacy requirements. Access to details held on the register will only be given on entering an authority code identifying the caller. Inquiries to the register will be logged. To complement permanent identification, the bill will replace the existing annual registration of dogs by councils with compulsory lifetime registration of cats as well. Easily visible external identification tags will also be required.

Permanent identification and lifetime registration will encourage compliance by making registration easier and by promoting a more positive focus on the benefits for the owner and the companion animal. Permanent identification and lifetime registration will increase the likelihood of return of lost animals to their owners. The bill provides exemptions from permanent identification

and lifetime registration for farm working dogs and police dogs. Racing greyhounds will also be exempt from the bill's requirements for permanent identification while registered as racing dogs, on payment of a lifetime registration fee. While farm working dogs are currently required to be registered under the Dog Act, in reality very few farmers have complied since there are few, if any, benefits to them.

After consulting the New South Wales Farmers Association, and on the basis that the majority of farm working dogs do not leave their owner's property and will not directly benefit from the provisions in the bill, farm working dogs are exempted from the provisions for permanent identification and lifetime registration. Farmers may, of course, voluntarily permanently identify and register their dogs. Farmers living near townships or who use their dogs in stockyards, or who have valuable breeding dogs, will be encouraged to permanently identify their dogs.

There is an existing and highly effective national identification system for the greyhound industry. Consequently, greyhounds registered with the Greyhound Racing Control Board will be exempted from the requirement to be permanently identified and registered through a council. The fee for registering a greyhound with the Greyhound Racing Control Board will include a one-off amount to be forwarded to the Companion Animals Fund. Should registration with the Greyhound Racing Control Board lapse, greyhounds must be permanently identified and registered through a council, at a fee which takes into consideration any payments already forwarded by virtue of registration with the Greyhound Racing Control Board to the Companion Animals Fund.

An ongoing co-ordinated and effective community education program is a central component of the bill. There is provision for a proportion of the lifetime registration fees to be used to establish a statewide companion animals fund. This fund will be used to develop and conduct community education campaigns and to produce resources which may be used by local councils. Local councils will also be encouraged to take a more active role in community education at their local level. This strategy will be central to achieving the objects of the legislation and ensuring that the expected benefits to the community, pet owners and the companion animals themselves become a reality.

The bill alters the fee structure proposed in the white paper. As permanent identification and registration have been separated, the fee for

permanent identification will not be set by regulation but will be left to market forces. The cost of microchips has reduced substantially recently as a result of more suppliers coming into the market and the unit cost reducing as demand has increased. In New South Wales vets who have been charging as much as \$70 for supply, implantation and entry onto the register are now charging \$35. The Canine Council of New South Wales runs microchipping days at a charge of \$15 per animal identified. One animal welfare group is presently advertising the availability of microchips for between \$5.50 and \$7, depending on numbers purchased.

If local councils decide to hold their own microchipping days, the total cost per animal will be around \$10. This is about the same cost as that of buying a collar for the animal and much less than the average cost of vaccinating an animal. The benchmark lifetime registration fee for a responsible owner with a desexed animal will be \$35. This compares favourably with existing fees of \$48 for a desexed dog that lives for 12 years. It will also be administratively simpler to register an animal once rather than have to register it every year. This \$35 benchmark fee will apply also to entire animals owned by registered breeders.

In order to provide an incentive for people who are not registered breeders to desex their animals, the lifetime registration fee for an entire animal will be \$100. A recent survey of cat and dog owners found that 90 per cent of owned cats and 61 per cent of owned dogs are already desexed. There is still room to improve on that figure and so help to reduce the numbers of unowned, unwanted and feral animals in our community. The Government believes that rather than introduce compulsory desexing, the objective can be appropriately achieved by providing a strong financial incentive via the registration fee structure.

Consistent with the provisions of the existing Dog Act, pensioners owning a desexed animal will pay a lifetime registration fee of only \$15. This compares favourably with the existing fees of \$18 for a desexed dog that lives for 12 years. Trained assistance animals will be required to be permanently identified and registered but will be exempt from any registration fee. Local councils will retain 85 per cent of the total revenue generated by registration fees and 15 per cent will be remitted to the Companion Animals Fund for community education programs and to finance the operations of the proposed Companion Animals Board. Existing owners of registered dogs will have three years to comply with the new permanent identification and lifetime registration requirements. During this three-

year transition period, responsible owners who have complied with the Dog Act will be eligible to remain on a fee similar to their existing registration fee.

Existing owners of cats will be exempted from the requirement for permanent identification and registration. The new requirements will apply only to kittens and adult cats which are sold or transferred to owners on or after the date on which the relevant sections of the Act commence. In the interest of the welfare of the cats, existing owners will be encouraged to voluntarily permanently identify and register their cats. Local councils acknowledge that rates revenue has always been utilised in the enforcement of the Dog Act. The majority of funds to implement the bill will come from dog and cat owners via registration fees. It is envisaged that the new arrangements will allow councils to allocate sufficient additional resources to properly implement the new legislation. This will mean more effective policing of offences involving dogs, including ensuring less pollution on our streets and in our waterways, fewer roaming dogs off leashes in our parks, fewer attacks on native wildlife by roaming or feral cats and dogs, and better policing of the new and much stricter controls on dangerous dogs.

The Government will also consider using the same funding mechanism that was used by the former Government in 1993 to enable councils to implement the additional requirements under the Local Government Act. The former Government allowed each council to increase its general rating revenue by 1.2 per cent using the normal annual rate-pegging processes. The Government will consider using a similar process in the context of setting the 1999-2000 rate-pegging limit to ensure the new Companion Animals Act is properly implemented. An amount of around 5¢ a week per rateable assessment will be considered subject to councils consulting extensively with their local communities during the preparation of local companion animal management plans.

The bill provides for the creation of a statewide Companion Animals Advisory Board. The board will advise me on matters relating to the care and management of companion animals and on community education and advertising campaigns appropriate to the successful introduction of the bill. The board will also act as a resource body to assist local councils in successfully implementing the new requirements at the local level. The board will work closely with the Department of Local Government, complementing departmental staff expertise in local

government with board members' expertise in animal welfare and management.

As a community we are concerned about the numbers of unwanted animals which are handed in to pounds and animal shelters each year. Many of these animals cannot be rehoused and are euthanased. These provisions make us aware of the particular responsibilities we have to manage animals which have not been desexed, both to ensure the welfare of the animals concerned and to reduce the number of unplanned kittens and puppies for which responsible owners are not able to be found. Throughout the development of the bill there has been considerable community debate on whether the number of animals a person can own should be restricted. The primary concerns relate to the animals being well cared for and maintaining community amenity. As long as owners can ensure these issues are addressed, the bill does not place a limit on the number of animals that can be kept on a property.

Councils will retain their ability to limit numbers under the Local Government Act 1993 in particular instances where there is a problem. Most of the existing provisions of the Dog Act 1966 in relation to dog control are included in the bill. This includes the provisions relating to detaining any stray animal and delivering it quickly to the council pound. In addition there is provision for codes of practice for the care and management of companion animals to be developed. Each dog owner will receive a copy of the code, stressing responsible management and outlining the dangerous dog provisions. The bill makes separate provision for nuisance and dangerous dog orders. Dogs declared dangerous will be subject to more stringent controls, including the display of a specified dangerous dog sign and muzzling the dog when in public places. Individual orders may include other specific conditions. Dogs declared dangerous will be identified as such on the register, and will be required to be desexed.

There is provision for appeal and revocation of dangerous dog orders. The bill also makes provision for immediate detainment of a dog which has attacked or threatened to attack, while a dangerous dog order is being processed. Repeat offences will carry more stringent penalties. A court may order the destruction of a dog or prohibit an individual from owning a dog. As promised, the Government is strengthening the provisions applying to dangerous dogs. The Government has listened to and acted upon the widespread community concern about continuing dog attacks. Penalties for offences

involving dangerous dogs will be significantly increased to deter irresponsible ownership practices and better education on the handling of dogs will be provided to all dog owners. Certain dogs, termed "restricted dogs" in the bill, will be the subject of more stringent controls and higher penalties for any breaches of the Act. The restricted dogs listed in clause 55 of the bill are pit bull terriers, American pit bull terriers, Japanese tosas, Argentinian fighting dogs and Brazilian fighting dogs. These are the dogs currently listed in the Commonwealth's customs regulations as being prohibited imports.

Irresponsible ownership will also be discouraged by the provisions relating to disqualification from owning a dog. Clause 22 of the bill lists the circumstances in which a person can be disqualified from owning a dog. For instance, if the owner has been convicted under section 35A of the Crimes Act 1900, the owner will be permanently disqualified. This penalty is appropriate given the seriousness of the criminal offence involved. The bill contains the power to make regulations in respect of the regulation and accreditation of trained assistance animals. Provisions for private security industry dogs will be developed by the Minister for Police and contained in the second-stage provisions of the Security Industry Act 1997. The inclusion of cats within the scope of the bill is an essential component of the management of cats. Without a legislative framework for domestic cats control of stray and feral populations is impossible.

The bill provides protection for responsibly owned cats and protection of ownership of cats by members of the community. Owners of cats will have similar rights and responsibilities to the owners of dogs. This does not mean that a cat jumping a fence to sit in the sun in the neighbour's yard will be described as a nuisance cat under the new Act. The circumstances by which a nuisance order will apply to a cat are set out in clause 30 of the bill and include preventing the cat from causing injury or damage to any person, animal or property. Stray or nuisance cats and cats found in areas designated for the protection of wildlife may be seized and detained. In accordance with the wishes of many of those who made submissions on the white paper, there is no general compulsory cat curfew within the provisions of the bill. Rather than introducing a time-limited curfew, which would be difficult to enforce, cat owners will be expected to maintain reasonable control of their animals at all times so that they do not create a nuisance or danger within the community.

There will be an active community education campaign encouraging owners to contain cats on

their property that will particularly focus on owners training new kittens. Specific restrictions may apply to individual cats that are subject to a nuisance order. In commending the bill to the House, I formally place on record my thanks to the members of the New South Wales companion animals working party, whose commitment, energy and advice have been instrumental in ensuring that this bill becomes a reality. I also thank Ros Riordan, a member of the ministerial staff, who did a tremendous job in bringing together all this information. I commend the bill to the House.

Debate adjourned on motion by Mr Rixon.

**LIQUOR AND REGISTERED CLUBS
LEGISLATION AMENDMENT (COMMUNITY
PARTNERSHIP) BILL**

Bill read a third time.

**PARLIAMENTARY CONTRIBUTORY
SUPERANNUATION LEGISLATION
AMENDMENT BILL**

Second Reading

Debate resumed from 28 April.

Mr WHELAN (Ashfield—Minister for Police) [10.26 a.m.]: The Government will move three amendments at the Committee stage. With the leave of the House I table those amendments at this stage to give honourable members an opportunity to consider them. These amendments, which will be moved in Committee out of an abundance of caution, will ensure that there is no question that the powers of the Legislative Council be altered, contrary to section 7A of the Constitution Act. There is no constitutional restriction on effecting the powers of the Legislative Assembly because, as honourable members would be aware, section 7A was inserted to prevent the Legislative Council being abolished directly or indirectly without the approval of the people in a referendum. The first amendment which the Government will move will remove any limitation on the power of the Legislative Council to vote upon laws amending the Parliamentary Contributory Superannuation Act.

The limitation will now apply only to the Legislative Assembly. The outcome will still be the same, however, because the law amending the Parliamentary Contributory Superannuation Act cannot be passed without the concurrence of the Legislative Council and this House will be restrained from voting on such an amendment without the prior approval of the Parliamentary Remuneration

Tribunal. The other two amendments are consequential amendments which are required to remove references to members of the Legislative Council in the provisions which deal with the tabling and gazettal of Parliamentary Remuneration Tribunal certificates. I understand that the honourable member for Manly proposes to move some amendments in Committee. He is not in the Chamber at the moment, but I suggest that he circulate his amendments so that this issue can be debated.

Mr HARTCHER (Gosford) [10.27 a.m.]: The Opposition supports the proposal that these matters be assessed by the Parliamentary Remuneration Tribunal. The Opposition has every confidence in the ability of the Parliamentary Remuneration Tribunal to develop a fair system which will look after the interests of the community of New South Wales and ensure that there is equity in relation to superannuation for members of Parliament. The Opposition has no objection to the amendments to be moved by the Government in relation to the presentation of a certificate from the Parliamentary Remuneration Tribunal to the Legislative Assembly, as it appreciates that section 7A of the Constitution Act requires that any variation of the powers of the Legislative Council be consented to by the people of New South Wales in a referendum. The Opposition is interested to see the amendments of the honourable member for Manly, and it may respond further to them in Committee.

Mr KINROSS (Gordon) [10.29 a.m.]: I have just received a copy of the Parliamentary Contributory Superannuation Amendment Bill and wish to comment on a number of matters relating to the process that enabled the introduction of this legislation. On 8 December last year—being a continuation of the sittings from 26 and 27 November due to one long bell—concerns were expressed as to whether members of Parliament knew about attempts made to have legislation redefine and increase their salary such that it would include their electorate allowance resulting in an increase in their superannuation. At no stage since, and including that day, nor prior thereto, was I aware of any attempt to include in a member's superannuation package an allowance that would take account of an increased salary to include the member's electorate allowance. I recall being present when the Parliament reconvened on 8 December at about this time, although I am not sure whether I was in the Chamber on that day. Nowhere in either the Minister's second reading speech or the legislation was there a clear reference to the inclusion of the electorate allowance, thus increasing a member's salary.

I was caused some concern, therefore, when Mr Martin Chulov, in relation to another issue,

asked me what I had to say about superannuation. I do not know why Mr Chulov saw fit to ask me that question in my discussions with him in February. As I said to him then, at no stage did I have any knowledge about this. The *Sydney Morning Herald* of 22 January published an article headed "MPs super trustees to grill Whelan." Given that a committee has been set up by this Parliament to protect members' obligations and benefits there is a concern as to whether those obligations and benefits ought to go before that committee. Is a committee entrusted to guard and protect the investment of members' funds under a duty to vet, cull or have input into the policy process if there is to be an increase in the benefits of members of Parliament? That may well be a decision for the Government.

The only analogy that came to my mind then was that if the Government set up an environment committee, for example, and it asked for input from a catchment management committee then I should expect it to be clear—if the Government were serious about giving the committee teeth, if the Government were serious about effecting change—that any policy change to do with the environment ought to go through that committee. By analogy, if matters of policy or principle go before a subcommittee charged with examining issues relevant to a particular subject, the parliamentary trustees, of which I am one, should have been given the task of examining the issue of members' superannuation. As I have said, at no stage was I consulted prior to the decision being made.

Given that the buzz word in the community is "conspiracy" and given the wording of the legislation, not to mention the Minister's second reading speech, it is clear that the media and the taxpaying public were entitled to ask whether there was a conspiracy in this issue. It certainly causes me concern that I was not made aware of that aspect of the legislation. Nor were any of my trustee colleagues aware of it—other than the Minister, perhaps—if one believes the comments made in the *Sydney Morning Herald* article of 22 January. Accordingly, we are left in some doubt as to how the issue came about. As I have maintained since becoming a member of the House, it is my belief there is no point in trying to obfuscate through the detail or hide details in black and white print. The public expects us to be open and accountable and it expects transparency in this process.

The public is losing faith not only with members of Parliament but with parliaments in general because people are sick and tired of the cloak-and-dagger approach and the passage at midnight of amendments designed to prop up the benefits of a select group of the community, to the

exclusion of most others. When this issue was raised in my electorate the comments made ran along the lines that members of Parliament are not paid enough and, given that members are not paid enough, how stupid we were to try to pass such an amendment rather than put our cards on the table, as people would probably have agreed to what was proposed had they been aware of the facts. I believe that there is a great deal of community support for that view. If we were open with the community, people would have a better understanding of the hours that most of us work and of the benefits and remuneration that a member of Parliament ought to receive.

As I told the journalist who asked me the questions earlier this year, this issue should not be looked at in isolation. The issue ought to be examined taking into account the entitlements and benefits generally of members of Parliament. It ought to be examined in light of the package provided to members of Parliament compared to benefits and remuneration provided in both the public and private sectors. Subsequent events have laid a cloud over the Parliament in connection with travel warrants. I reiterate the relevance of transparency in superannuation and all entitlements of members of Parliament. On that basis, I believe that this bill is appropriate. It repeals the previous amendment.

If the Government is sincere in its intention to refer the matter to the Parliamentary Remuneration Tribunal, as it did in connection with the travel issue, His Honour Justice Brian Sully will have the opportunity to determine the appropriateness of all benefits of members of Parliament, including those released by the honourable member for Manly with the guideline to members' entitlements. Superannuation is but one form of a benefit. Admittedly, there is a criticism in the community that members of Parliament do not receive their superannuation benefit when they are 55, 60 or 65, as the rest of the community does, but when they leave the Parliament. The Premier was left with no choice but to make this amendment. I have no doubt that the real story will emerge at some time and that truth may prevail. I support the bill.

Dr MACDONALD (Manly) [10.38 a.m.]: I support this bill. I have already indicated to the Leader of the House my intention to move amendments at the Committee stage. All honourable members are aware that an amendment was made to the Parliamentary Contributory Superannuation Act in the early hours of the morning of 6 December 1997. It was stated at the time that the purpose of the legislation was to include members' expense

allowances within the definition of "salary" in the Act, which had the flow-on effect of increasing members' superannuation. We are all aware also of the public outrage that followed. It was subsequently stated that the legislation was designed to bring members' superannuation in line with Federal superannuation schemes, but the public remained unconvinced. The effect of the increase in members' superannuation was varied. It would have an effect on the budget.

The way in which the legislation was passed has clearly tarnished the reputation of the Parliament. The public finds it a particularly offensive example of secrecy and lack of proper consultation. A conflict of interest was involved in members of Parliament awarding themselves a large superannuation increase. Further, the legislation was introduced by an evasive method. The Council of Social Service of New South Wales was particularly repulsed by the legislation because approximately one million people live in near poverty in New South Wales. At the time I spoke out strongly against the bill. In a letter dated 12 January, the day after the effect of the legislation was reported in the media, I asked the Leader of the Opposition and the Premier to do all they could to have the legislation repealed and suggested that any proposed amendments to the Act should be referred to an independent tribunal. In a letter dated 12 January to the Auditor-General, Mr Harris, following a telephone conversation with him, I stated:

Further to our telephone conversation today, I wish to formally request that you examine the financial implications of this piece of Legislation and the impact it will have on the public purse.

As you are aware, the Legislation was passed with minimal scrutiny just prior to Christmas, and assented to on 17th December. It has not yet been acted upon according to my conversation today with the State Superannuation Board. My intention is that the Legislation be repealed but I see an important role for the Office of the Auditor General to assess the impacts of this Legislation in the public interest. I would appreciate if you would proceed and make an appropriate report.

The Auditor-General replied to me in a letter dated 13 January. He said:

Thank you for your letter of 12 January about the December 1997 amendments to the *Parliamentary Contributory Superannuation Act 1971*.

I understand that the Premier today announced that his Government would request the Parliament to repeal the legislation with retrospective effect. If the Parliament agrees, depending on the terms of the repeal, I would not need to undertake the review which you requested and which I agreed to do.

Although this issue is all but closed—

and I ask the House to take note—

it does give force to your view (advanced in the October 1997 Report of the Standing Ethics Committee "A Draft Code of Conduct . . .") that transparency of decision-making warrants attention. I am today writing separately to that Committee supporting your views.

The Auditor-General supports transparency of decision making, as opposed to the secret and evasive decision making that occurred in this case under the cover of darkness. Last night I argued that transparency of decision making should be built into the draft code of ethics, but the House did not support me. In fact, I think I was the only member who supported that proposal. The public did not like the legislation being passed in a cloak-and-dagger fashion. The Premier acknowledged the huge public outcry and indicated in a press release of 13 January that the Government would repeal the amendments and introduce legislation to ensure that further amendments would be determined by an independent tribunal. The Premier has kept his word. He also said that members of Parliament should not set their own remuneration.

This bill, firstly, repeals the amendments that were made in December and, secondly, creates a system whereby future proposed amendments to the Act must be assessed by the Parliamentary Remuneration Tribunal. Those are positive aspects. However, in the second reading speech a quaint legal argument was advanced about its negative aspects—and this place is full of lawyers who all have a view on that argument. Parliament will be passing legislation that, by requiring the approval of another body, will restrict its capacity to legislate. I will be interested to see how the community, legal profession and courts deal with that matter in the future.

Mr Whelan: Let alone the upper House.

Dr MACDONALD: This groundbreaking legislation restrains the lower House. I understand the Leader of the House intends to introduce an amendment which will exempt the upper House. Perhaps that has already been done in the other place. I will move amendments in the Committee stage which seek to expand the role of the Parliamentary Remuneration Tribunal. Under those amendments, the tribunal will review the current parliamentary superannuation scheme, compare the benefits and entitlements that are currently enjoyed by members of Parliament with the entitlements of members of other superannuation schemes and examine the issue of members' eligibility to receive superannuation entitlements. It is no secret that people can be elected to Parliament in their 20s,

leave in their mid-30s and receive a superannuation pension for the rest of their lives. Does the community consider that reasonable? A decision on such matters is required from the tribunal.

Also under my amendments the Parliamentary Remuneration Tribunal will investigate the impact of the parliamentary superannuation scheme on the State finances and consider termination of the present scheme. Further, the tribunal will report to Parliament by July 1998, and if it is deemed that the scheme is to be altered from now the Parliament will abide by that decision. Also, the tribunal will take public submissions into account. In a review of the current scheme and any future proposed increases or amendments the tribunal will have regard to the work value and performance of members and the scheme's impact on State finances. The public clamoured for this legislation in January, it was promised in March and has finally been introduced a couple of months late. It must be passed through this House. It will be welcomed by a concerned community that was appalled by the introduction of the legislation last year.

In my public comments I have not blamed any single member of Parliament for the passing of the legislation in the middle of the night. The blame lies with the system. A raft of legislation was received from the upper House at the end of a parliamentary session, and the passage of this bill occurred when the system was clogged up with legislation. The public's reaction highlights the need for open accountability and the establishment of committees to deal with such legislation. Further, legislation should not be rammed through Parliament a few weeks before Christmas. We all must share the blame. It was the fault of the system, not of an individual member. I support the legislation. I seek support from both sides of the House for my proposed amendments that will lead to a review of the existing scheme.

Mr WHELAN (Ashfield—Minister for Police) [10.47 a.m.], in reply: With the leave of the House I seek to comment now, rather than in the Committee stage, on the proposed amendments of the honourable member for Manly to assist members in their deliberations. The honourable member for Manly has put forward amendments relating to two issues. The first issue deals with the way in which the Parliamentary Remuneration Tribunal must deal with proposals to amend the Parliamentary Contributory Superannuation Act. The second issue relates to requirements for the tribunal to conduct a detailed review of the scheme established by that Act. The honourable member's proposed amendments on the first issue seek to require the

tribunal to assess all amendments against evidence of increased work value and performance and to have regard to the effects of any future amendment on State finances.

These proposed amendments are unnecessary. The tribunal's consideration of superannuation, which is envisaged in the honourable member's amendments, is already incorporated within section 14 of the Act. The introduction of specific requirements could hamper the capacity of the superannuation fund to comply with the necessary Commonwealth regulation. The issue of work value was raised during debate in the Legislative Council. The Government's response to this request remains the same—that while the amendment appears plausible, superannuation encompasses many administrative tasks and taxation arrangements which are regulated by the Commonwealth. In fact, many of the amendments made to this Act in the past, and I would envisage in the future, have been in response to changes in the Commonwealth regulatory environment.

The bill will allow the tribunal to determine whether changes are warranted without making unnecessary inquiries which may impact on the State's ability to meet Commonwealth time frames. The tribunal will also consider the impact on State finances imposed by any amendment to the Act. Already inherent in the Government's bill is a requirement that the tribunal consider the present and future liabilities of the superannuation fund before deciding whether an amendment is warranted. The amendment to insert section 14A(2)(c) in the Act makes provision for the tribunal to obtain actuarial advice from any source which will enable it to determine the impact on State finances of any proposed amendment.

I refer to the second major issue contained in the proposed amendments of the honourable member for Manly, which will require the Parliamentary Remuneration Tribunal to undertake a comprehensive review of the scheme. This review includes whether the entitlements are appropriate compared to those received by members of other schemes. It also includes the criteria for determining whether benefits are payable, the impact of the scheme on State finances and whether the scheme should be terminated and alternative arrangements made. I shall concentrate my comments on the practicalities of the review proposed by the honourable member for Manly, which are cause for a considerable degree of concern. The question of whether it is appropriate to legislate for review is clearly administrative in nature. Many administrative reviews are being undertaken all the time in the

process of government. The review proposed by the honourable member for Manly does not fit these arrangements. Such reviews are successfully and more appropriately conducted outside of the legislation.

Other practical issues must be raised in response to the amendment relating to the selection of the Parliamentary Remuneration Tribunal as a review body, and the reporting date of 31 July. The tribunal comprises one judge who carries the responsibilities and workload that come with such an appointment. The tribunal is at the moment conducting its annual review of parliamentary allowances and must submit its determination report to the Chief Justice by the end of May. Further, the Chief Justice would expect as a matter of protocol to be consulted on a proposal which has an impact on the time of a Supreme Court judge.

As a result of these statutory activities I have severe doubts that it would be reasonable to ask the tribunal to carry out such a comprehensive review as envisaged in the amendments proposed by the honourable member for Manly. This is particularly so given the reporting date set by the proposed amendments. Similar reviews recently conducted in the Commonwealth, Western Australia and Tasmania have required the allocation of significant resources and the shortest time taken was almost eight months. It cannot be reasonable to ask a single judge with other significant commitments and limited resources to complete a similar task in less than three months. Further, I am advised that there is no Government response to the recent Western Australian review, which recommended closure of the existing scheme to new members.

The result of the Commonwealth review of its parliamentary superannuation scheme is a majority report and there are three minority reports on particular aspects. Essentially the Commonwealth review, which was conducted by a Senate committee, has recommended a parliamentary tribunal review mechanism similar to that being proposed by the Government in New South Wales. There is yet to be an official Government response to the report. The review of the Tasmanian system reached similar conclusions to that of Western Australia and also recommended the closing of the scheme to new members. Again there has not yet been a Government response to the submitted report. It is the Government's view that any further consideration of the New South Wales scheme should await the outcome of developments in other jurisdictions so as not to compromise an Australiawide consistency.

I conclude my comments by drawing the attention of honourable members to the primary purposes of the bill. The first is to respond to the demands of the New South Wales public and reverse last year's amendments to the definition of "salary" in the Parliamentary Contributory Superannuation Act. The second is to introduce an independent review mechanism for future changes to the Act. For the reasons I have discussed, the Government does not support the package of amendments proposed by the honourable member for Manly. The Government does not support the first amendment he proposes to move in the Committee stage for the reasons already outlined. The Government does not support the honourable member's second amendment. In response to his third amendment, the Government has argued that the tribunal is already required to consider the impact on State finances. Therefore, the Government does not support the third amendment proposed by the honourable member for Manly.

The fourth amendment proposed by the honourable member for Manly would remove the provisions that apply the general powers of the tribunal to its new superannuation considerations. These powers are reinstated in a new section by proposed amendment 5. The Government does not support the fourth amendment proposed by the honourable member for Manly. In relation to amendment 5, the Government has outlined its concerns about the practicalities of the review and the appropriateness of including such a review within the legislation governing the Parliamentary Remuneration Tribunal. The Government does not support the fifth amendment proposed by the honourable member for Manly.

The honourable member for Manly was not present when I indicated that the Government would move amendments in the Committee stage with an abundance of caution. The Government's amendments ensure that the power of the Legislative Council cannot be altered contrary to section 7A of the Constitution Act. No constitutional restriction affecting the powers of the Legislative Assembly exists because, as honourable members would be aware, section 7A was inserted into the Act to prevent the Legislative Council being abolished directly or indirectly without the approval of the people in a referendum.

The Government's first amendment removes any limitation on the power of the Legislative Council to vote on laws to amend the Parliamentary Contributory Superannuation Act. The limitation will now apply only to the Legislative Assembly. The outcome will still be the same, however, because a

law that amends the Parliamentary Contributory Superannuation Act cannot be passed without the concurrence of the Legislative Assembly, and this House will be restrained from voting upon such an amendment without prior approval of the Parliamentary Remuneration Tribunal. The Government's other two amendments are consequential amendments that are required to remove references to members of the Legislative Council in the provisions that deal with the tabling and gazettal of the certificate of the Parliamentary Remuneration Tribunal.

In Committee

Schedule 2

Amendment by Mr Whelan agreed to:

- No. 1 Page 5, schedule 2, lines 7 and 8. Omit "or the Legislative Council".

Schedule as amended agreed to.

Schedule 3

Dr MACDONALD (Manly) [10.58 a.m.], by leave: I move amendments Nos 1, 4 and 5 standing in my name in globo:

- No. 1 Page 6, schedule 3[1], line 9. After "1971" insert ", and to examine and report on the Parliamentary Contributory Superannuation Scheme as provided by section 14B".
- No. 4 Page 7, schedule 3[2], lines 14-20. Omit all words on those lines.
- No. 5 Page 7, schedule 3[2]. Insert after line 20:

14B Tribunal to examine and report on the Parliamentary Contributory Superannuation Scheme

- (1) The Tribunal is to examine and report on the Parliamentary Contributory Superannuation Scheme and, in particular, on the following:
- (a) the level of benefits and entitlements under the Scheme compared to those ordinarily available to members of other superannuation schemes, and the justification for differences having regard to the work value and performance of members of Parliament,
 - (b) the eligibility for benefits under the Scheme, including the time and age at which members should become eligible for those benefits,
 - (c) the impact of the Scheme on the finances of the State Government,

- (d) whether the Scheme should be terminated and other superannuation arrangements made for members of Parliament (such as private superannuation arrangements).
- (2) Before the Tribunal presents its report, it must give the public an opportunity to make submissions on the matters the Tribunal is required to consider and take those submissions into account.
- (3) The Tribunal is to present its report to the Minister before 31 July 1998. The Minister is to cause the report to be tabled in each House of Parliament within 5 sitting days of that House after the presentation of the report.
- (4) The Tribunal's functions under this section cease on the presentation of its report under this section.

14C Application of other provisions of this Act

- (1) Section 14 applies to the Tribunal in the exercise of its functions under this Part in the same way as it applies to the exercise of its functions in making determinations.
- (2) Without affecting the generality of section 14, the Tribunal may, in considering how to exercise its functions under this Part, invite submissions from the Trustees of the Parliamentary Contributory Superannuation Fund.

I intend to call a division on these amendments because I feel so strongly about them. These amendments try to improve and maintain public confidence in the entitlements and benefits of politicians. Honourable members should bear in mind the public outrage that occurred when members of Parliament tried to increase their superannuation five months ago. This bill seeks to repeal that legislation. The bill should go one step further and build confidence in the political process and in the politicians' superannuation scheme by having the scheme reviewed by the Parliamentary Remuneration Tribunal.

Nothing can be more reasonable than the existing scheme—which many would argue is overgenerous to politicians—being examined by an umpire or a referee. The Minister has argued that a single judge of the Parliamentary Remuneration Tribunal would not have the resources to deal with the matter, which is a fatuous argument. It is up to the Government to provide those resources. The Auditor-General has indicated that he is willing to assist. My staff have had conversations with him and he believes that three months is a reasonable time in which to prepare a report of a review of the existing scheme.

That is one of the most lame excuses I have ever heard. At the moment the community believes that politicians receive excessive benefits—travel entitlements, special entry cards to various facilities, and generous telephone reimbursements. It is felt that politicians are very well provided for. I have publicly stated that I have no major criticisms of the members' entitlements and benefits guide book, but these things should be properly reviewed. In the House I asked the Premier how he intended to deal with the members' guide to entitlements and benefits. He said that he would refer it to the Industrial Relations Commission. That was an appropriate response but I am waiting for it to be done. I had suggested it to him. The matter is being shifted to the referee to see whether the entitlements are reasonable and consistent with community expectations and with what members of the general public receive.

My amendments propose that the existing parliamentary scheme be reviewed by the tribunal. The existing scheme is generous: members of Parliament who retire after seven years service receive 50 per cent of their salary indexed for the rest of their life. Members of Parliament who have retired from Parliament in their mid to late thirties receive that superannuation for the rest of their life. Is that overgenerous? People in this Chamber would argue that it is not overgenerous because of the price they pay to enter politics and the sheer volume of work they undertake. But members of the public are not convinced. So let us convince them by having the matter reviewed by the Parliamentary Remuneration Tribunal. That is all I am asking; that is all the amendment seeks to do.

My opinion is that the superannuation scheme is overgenerous, but members of Parliament are not paid particularly well in view of the salaries being offered in the private sector to people who do much less responsible jobs and work much fewer hours. Many members have come from very senior professions—particularly from law, a few from medicine, from accountancy and from the corporate sector—with a lot to offer in this Chamber. They have made significant sacrifices. I will not argue that members of Parliament are overpaid: the general manager of any council in New South Wales receives \$150,000 or more, which is a lot more than members of Parliament are paid. But I suspect that it is not in line with community expectations for a member of Parliament retiring from politics in his mid-thirties to receive such a generous superannuation payment for the rest of his life. Therefore, the situation should be reviewed.

My first amendment merely seeks to alter the functions of the tribunal to take that review into account. My fourth and fifth amendments, as outlined by the Leader of the House, seek to omit clauses 5 and 6 of schedule 3 on page 7 and, in a sense, to introduce the terms of reference for the examination by the Parliamentary Remuneration Tribunal of the existing scheme and the reporting requirements. The amendments were dealt with in my speech during the second reading debate. The tribunal is to look at the quantum of the superannuation payments, the eligibility, the impact of the scheme on the finances of the State and a number of other matters, and is to report before the end of July. I seek the support of honourable members on this. From indications earlier I thought the Government would support my proposal. I wonder why it will not be supported. How can the Government argue to the public that the scheme should not be reviewed now but it would be fine for it to be reviewed in the future? Are members feeling threatened in some way? Why will neither of the major parties support the amendments? I cannot understand it.

Mr WHELAN (Ashfield—Minister for Police) [11.05 a.m.]: I want to correct a fundamental flaw in the argument put forward by the honourable member for Manly and repeat what I said earlier in response to the amendments proposed by the honourable member. The honourable member knows the situation much better than most because three or four weeks ago he asked the Premier a question about the parliamentary management board. In reply the Premier, on behalf of the Government, said:

At first glance there is a strong argument for having members of Parliament put their case on remuneration and entitlements before the Industrial Commission, like every other worker in the State.

He then went on to say:

I will seek advice from the Attorney General, and Minister for Industrial Relations on the possibility and practicalities of that proposal.

That has been done. But in all fairness the Attorney, on such a difficult and complex issue, could not be expected to provide the Government or the Premier with an indication one way or the other as to whether the Industrial Relations Commission is the appropriate forum. The Premier has stated the view of the Government. We await what the Attorney says. If the Industrial Relations Commission is the appropriate forum and the practicalities of the proposal are satisfactory, the commission will determine remuneration and entitlements of members of Parliament, as it does for every other worker.

Mr HARTCHER (Gosford) [11.07 a.m.]: As I indicated during the second reading debate, the Opposition supports future assessments in relation to any increase in contributions and entitlements of members being made by the Parliamentary Remuneration Tribunal. The Opposition supports the Industrial Relations Commission, by its president, being invited by the Attorney to look at members' entitlements. The Opposition believes that this process should be transparent, equitable to the community of New South Wales and provide a fair approach to members of Parliament who are chosen to represent the community of New South Wales.

The honourable member for Manly is aware of the prospective invitation to the Industrial Relations Commission and he is aware of the future determination by the Parliamentary Remuneration Tribunal. Any determination by the tribunal will necessarily involve consideration of comparable remuneration in other parliaments, the work value of what members of Parliament do, and how they are remunerated, because their superannuation is calculated on their remuneration. For all those reasons the assessment will take place, just as any assessment of our entitlements as members of Parliament by the Industrial Relations Commission will involve an examination of what members of Parliament do, how they do it and how they are remunerated in comparison with members of other parliaments, and what their superannuation entitlements should be.

All of these procedures are on the public record and in train. All these things will happen. The proposed amendments of the honourable member for Manly add nothing to what is already taking place. The principle of the transparency of members' entitlements has been established for a long time and it is strongly supported by the coalition parties, which are extremely conscious of the desire of the people of New South Wales that there be equity in relation to members of Parliament. We will uphold that principle. Accordingly, I make clear on behalf of the coalition that we will support references to the Parliamentary Remuneration Tribunal and the Industrial Relations Commission once their format is determined. The amendments of the honourable member for Manly do not add anything to the process and they are therefore extraneous and, in a sense, irrelevant.

Mr HUMPHERSON (Davidson) [11.09 a.m.]: I heard the debate when I was in my room and I felt constrained to make a contribution in response to the sanctimonious grandstanding of the member for Manly. Over the past several years he has failed in his role, yet he tries to preach from the altar he has

created for himself. He asserted that he is above it all and is basically fighting a rearguard action against the major parties. That is absolute piffle. His proposal for a review is nothing more than a stunt designed to enable him to grandstand in the local and metropolitan media for his own political purposes. He seems to suggest that he is different from other members of Parliament, and he distances himself from the parliamentary superannuation mess. He asserts that he had nothing to do with it.

I shall put the facts on the record. Contrary to his suggestion this morning, the member for Manly either was not present in the Chamber last December or ignored his responsibilities as a member of Parliament. Where was he on the day when this legislation was passed? He was not in the House and one questions whether he was in the building. He was not fulfilling his responsibilities as a member of Parliament, bearing in mind that he was elected on the platform of "keeping the bastards honest". However, he was not even present to review legislation introduced by one of the major parties.

Over the past seven years he has made great play of saying that the major parties need a handbrake and that is the role of the Independents. He has failed to carry out that role and is seeking to rewrite history. The member for Manly implied that he acted promptly. He did not act promptly, because more than a month elapsed before he made comments against the parliamentary superannuation increases. He joined the bandwagon following public outrage. Almost every member of Parliament has expressed regret about the role that they played in this matter, yet the member for Manly has said nothing. He is as responsible as all other members of Parliament for what occurred, but he has washed his hands of the matter. He has engaged in sanctimonious, hypocritical grandstanding the likes of which I have never seen or heard before.

The member for Manly is trying to rewrite history to ensure that he comes out of this clean and everyone else is dirty. He will not get away with it because he is as responsible as everyone else. He knows that the Parliamentary Remuneration Tribunal and the Industrial Relations Commission have the ability to set up the review that he seeks, but he merely wants a cheap headline. He was absent without leave in December when he should have been doing his job. He should tell his constituents where he was on that day. The member for Manly is also pious in his grandstanding about taxi warrants and other issues. He is the most active North Shore member to obtain his taxi voucher at 9.31 p.m. so that he can return to Manly. He should not preach to

us. If he is not kept accountable by his constituents, he will certainly be kept accountable by me.

Dr MACDONALD (Manly) [11.13 a.m.]: What a trifling contribution from someone who is rarely seen in this House and who never has a bright idea. His contribution hardly warrants a response. It is part of a North Shore combined coalition campaign to try to win back the seat of Manly, but everyone will see through it. This review is a genuine attempt to legislate something that has merely been promised. I am surprised that Opposition members—and the honourable member for Davidson has gone quite pale—who have been members of this place for a long time believed the response the Premier gave to a question I asked about referring relevant matters in the "Members' Guide" to the Industrial Relations Commission for external scrutiny. The Premier said:

I will seek advice from the Attorney General, and Minister for Industrial Relations on the possibility and practicalities of this proposal.

The honourable member for Gosford said there was no cause for worry, that the matter will be referred to the Industrial Relations Commission and that there is no need to build into the Act a provision requiring a review by the Parliamentary Remuneration Tribunal. I do not accept that, because I do not believe this Government, and I do not believe you lot on the Opposition benches. I certainly do not believe the Government, which says that the matter will be referred to the Industrial Relations Commission. The Premier hopes that this matter will go away. I have no faith that the entitlements, remunerations or benefits will ever be referred to the IRC but, if they are, I will welcome that. Honourable members should not try to worm out of this but should take this opportunity to build into the legislation a review of the existing scheme. They should not accept the argument that it will happen some time in the future.

The Parliamentary Remuneration Tribunal and the Industrial Relations Commission are appropriate bodies. Perhaps the bill should be amended so that it can be referred to the IRC, though that probably would be outside the leave of the bill. If the Opposition argues that I am just grandstanding because a review by the Parliamentary Remuneration Tribunal is unnecessary and that will be done by the IRC, it should move an amendment to that effect. That would demonstrate its honesty. Honourable members do not want the matter referred, because they do not want scrutiny and accountability. I seek support for my amendments. I will not resile from them in view of the Premier's answer to my question some weeks ago.

Mr HARTCHER (Gosford) [11.15 a.m.]: It ill behoves any member to claim to have a monopoly on parliamentary integrity, and the member for Manly has demonstrated that is his attitude: he does not believe the Government or the Opposition. The people of New South Wales are invited to believe only one person—the member for Manly. His recollection is so poor about the superannuation issue that even today he suggested that the bill passed through this House at night, when in fact it was eleven o'clock in the morning. And where was the member for Manly? Was he doing what he was paid to do by the electorate of Manly or was he skulking somewhere else and ignoring his responsibilities? He cannot wash his hands of everything that happens in this place and then months later ask the people of New South Wales to believe only in his integrity, not in that of the Government or the Opposition. He does not have, and never will have, a monopoly on integrity or parliamentary principle. He suggests that he is the only member who is concerned about fairness and equity on superannuation issues—

Dr Macdonald: On a point of order. This may be the first point of order that I have taken in seven years. This is the Committee stage of the bill and we are dealing with amendments to refer the existing scheme for review to the Parliamentary Remuneration Tribunal. I ask you to draw the member back to the leave of the amendments.

The CHAIRMAN: Order! The member should confine his remarks to the amendments. However, as he is responding to what was said by the member for Manly his comments are not unreasonable.

Mr HARTCHER: The member for Manly knows that the amendments he has moved are irrelevant, extraneous and probably outside the leave of the bill, but he merely seeks to grandstand in the local media. He is a hypocrite because he had nothing to say back in December. He waited to see whether there was media and public concern and he then jumped on the bandwagon. Back in December he knew, or should have known, everything that was happening; however, he proclaimed this morning that he alone has the monopoly on integrity. That is an insult and adds salt to the wound. I reiterate that the Opposition supports transparency of process and a proper investigation by the Parliamentary Remuneration Tribunal and the Industrial Relations Commission. The member for Manly should not grandstand following media headlines.

Ms MOORE (Bligh) [11.18 a.m.]: I support the amendments. It is interesting that members seek

to attack in an abusive way the honourable member for Manly because he has moved a constructive amendment about something on which the community feels strongly. Honourable members seek to discredit the honourable member for Manly in the eyes of his constituents instead of looking creatively at his proposal. I object strongly to that. This relates to accountability and all honourable members know how angry the community was when the 2.00 a.m. deal was hatched between the Hon. J. P. Hannaford, the Hon. R. S. L. Jones and the Hon. M. R. Egan.

I understand that the Hon. Richard Jones has said that he was told to ensure that the honourable member for Manly and I did not know about the plan that was hatched at 2 o'clock in the morning. In the past the Hon. Richard Jones has made contact with us on issues of concern to him, particularly issues related to the environment. That is just a brief aside on the way in which this plan was hatched at 2.00 a.m. Eventually the bill came back to this House on 8 December, along with a number of other important bills that were being finalised, including the Environmental Planning and Assessment Amendment Bill and the Totalizator Legislation Amendment Bill. Also slipped through the House at that time was the Auditor-General's report on the showground. That is the matter to which I was addressing my mind that morning—the report brought down which showed that the Government had been prepared to spend more than \$100 million—

Mr O'Farrell: So you missed it too?

Ms MOORE: Yes, I did. I am quite prepared to admit—

Mr O'Farrell: Where were you when the bill was going through?

Ms MOORE: I was learning of the—

The CHAIRMAN: Order! The honourable member for Bligh will address the Chair.

Ms MOORE: I am happy to tell honourable members that I was that morning addressing my attention to the Auditor-General's report into the showground, showing that the Government was prepared to spend—

Mr Whelan: Can we get back to talking about superannuation?

Ms MOORE: I know that the Government does not want to talk about that report, which was slipped through that morning and not discussed in

this House, just as the superannuation bill was not discussed in this House but was slipped through. It was slipped through so carefully that it took a month for the media to catch up with it. Hardened journalists did not catch up on it for a month, so how could anyone expect the Independents to know about that, with the extraordinary workload that we have, especially when I was dealing with something as important as the Auditor-General's report on the showground which revealed that the Government was prepared to give Murdoch more than \$100 million worth of land and subsidies? That is what was going through the House at that time.

Mr Whelan: Could we come back to superannuation, please?

Ms MOORE: Yes, I will come back to superannuation, because that is another matter that should have been discussed on 8 December but was slipped through. It has been established that two important matters were not discussed on 8 December. It is an indictment of the way this Parliament is being run that both matters were allowed to be dealt with in that way. If the Carr Government had respected the principles of the Charter of Reform—which the Premier announced, with great fanfare, that he would honour when he came to government—none of this would have happened.

I say this to the Leader of the House: if this House and the Legislative Council had followed responsible sitting hours then nothing could have been slipped through at 2 o'clock on Saturday morning, as the superannuation legislation was. If the Government had been committed to allowing general legislation to lie upon the table of the House for five days, and landmark legislation to remain on the table for 28 days, this would not have happened because there would have been public scrutiny; there would have been full debate, and not the guillotining and gagging that happens so regularly. This Government is not honouring any of those commitments that it made. The Leader of the House laughs. I think that just about sums up the attitude of the Government to accountability and scrutiny. Therefore I support the honourable member for Manly in what he is trying to do to make this place accountable. His proposal is in line with the thinking of the electorate, even if that is not the thinking of the Government.

Mr KINROSS (Gordon) [11.22 a.m.]: When I spoke in the second reading debate I omitted to raise the fact that, on the question of apportioning blame, it is nice to know that even journalists will attribute blame to themselves. I refer to Pilita Clark's article

"Right in front of their eyes" in the *Sydney Morning Herald* of Saturday, 17 January 1998. By way of background to the bill I wish to make some comments, with leave, related to the processes by which this Parliament functions. What is the role of the media in covering important issues? I relate some comments made by Pilita Clark in her column:

David Nason, *The Australian's* NSW political correspondent, could not remember this week exactly what he was doing in the small hours of December 6, the final parliamentary sitting of 1997.

I recall, as the honourable member for Gosford said, that it was Monday, 8 December, at about 11 a.m. that the bill was returned to this place, it having concluded in the Legislative Council in the early hours of Saturday, 6 December—

Neither could Mark Riley of the *Sydney Morning Herald*, nor Nell Sands of the Australian Associated Press (AAP) news agency.

But one thing was certain. No-one in the parliamentary press gallery was reporting that night on what would become the biggest political story in NSW in months.

The CHAIRMAN: Order! I understand the point that the honourable member is addressing, but his comments must be relevant to the amendments before the Committee.

Mr KINROSS: I sought leave to go beyond the leave of the bill in relation to this matter.

The CHAIRMAN: Order! Leave was neither sought from nor granted by the Chair.

Mr KINROSS: I will come back to the leave of the bill. What I have been saying is relevant to media coverage of important issues and how they are dealt with under a proper democratic system. The Minister for Police will recall that he interjected, when the House was dealing with parliamentary committee reports, and referred to my preselection. My point had nothing to do with that; it was to do with the fact that at the last minute this Government decided to bring on a myriad of committee reports and have them debated hell for leather. I was simply seeking delay because I had been unable to speak to the chairman of one of those committees, the honourable member for Newcastle.

Mr Whelan: You did have 18 months to talk to the chairman.

Mr KINROSS: You had 18 months to deal with reports that had been around since April 1997. And I am no "sanctimonious bastard", either. What I am trying to say is that this is not a bad piece of legislation, but it is a watershed measure for it

provided the catalyst for the people of New South Wales, who want accountability and transparency in the procedures by which Parliament introduces legislation on which there has been a lack of consultation, or when the legislation is not clear about what it seeks to achieve; or if in fact, because the intent of the legislation may be clear, there would be those who would seek to have it passed by the Parliament but nonetheless it is hidden from their eyes. The article continued:

It would take five weeks before taxpayers would learn, via Riley in the Herald, how generous they had been to their elected leaders.

I have concerns about this. The honourable member for Manly made the point that we are all involved in this process and in the parliamentary system, but one thing for sure is that the government of the day runs the system. It sets the boundaries, orders and mechanisms by which legislation is brought on for debate.

The CHAIRMAN: Order! The honourable member has not been addressing the substance of any of the amendments before the Committee. He must link his comments to the amendments and may not make a second reading speech in Committee.

Mr KINROSS: I thought I could speak at more length in Committee with the leave of the Minister. Be that as it may, I have some sympathy with the suggestion of the honourable member for Manly about this matter being reviewed by the Industrial Relations Commission. I am not sure who will review it. Where do we stand in relation to the promise apparently made by the Premier to the honourable member for Manly? In fact, it was more than a promise; it was a statement made in the Parliament. After all, a Labor Party promise has no value. The Premier said in the House that this measure would be dealt with by the Industrial Relations Commission. I am not sure what is the appropriate forum. All I am saying is that the review forum, be it the Parliamentary Remuneration Tribunal or the Industrial Relations Commission, must have an appropriate review mechanism.

I want to hear more comment in this place as to which is the appropriate body to review this measure. For my part, I would have thought it is the Parliamentary Remuneration Tribunal because that body has been set up to deal with the entitlements of members. This bill is a watershed on the democratic process and on the setting up of accountability and transparency mechanisms to ensure that issues will not be clouded and that the people of New South Wales understand what the entitlements of members

are so that the public may have input to the process. If this matter does come before Justice Sully for review, I do not believe he will have enough time or resources to properly and adequately deal with it. Therefore it will be necessary for someone else to consider the issue, be that the President or Chairman of the Industrial Relations Commission or the head of some other body.

Dr MACDONALD (Manly) [11.29 a.m.]: I am pleased that some progress has actually been made in this debate. I welcome the comments of the honourable member for Gordon. One can always be sure that when he contributes to a debate he will not become angry and rant and rave but will debate the matter logically. The honourable member for Gordon and a number of other speakers have agreed that a review is needed. The honourable member for Gosford said that we should accept the assurance of the Government that the review will be undertaken by the Industrial Relations Commission. However, he did not argue that a review was not needed. I am not confident, and I am suggesting that the House should not be confident, that the review matter will be dealt with by the Industrial Relations Commission. The review should not be left to the vagaries of the political system; it should not be left in a state of uncertainty. I urge the Committee to support the amendments.

Question—That the amendments be agreed to—put.

Division called for. Standing Order 191 applied.

Ayes, 2

Dr Macdonald
Ms Moore

Question so resolved in the negative.

Amendments negatived.

Dr MACDONALD (Manly) [11.33 a.m.], by leave: I move amendments 2 and 3 standing in my name in globo:

No. 2 Page 6, schedule 3[2]. Insert after line 26:

- (b) must have regard to the work value and performance of members of Parliament, including whether any increased benefits provided by the amendment reflect increases in that work value and performance, and

No. 3 Page 6, schedule 3[2], line 30. After "Fund" insert ", and its consequent impact on the finances of the State Government".

The amendments merely seek to expand the terms of reference of the Parliamentary Remuneration Tribunal. The Minister addressed that matter in his remarks, and I will not take much of the time of the House in dealing with them. However, I seek support for the amendments. The Council of Social Service of New South Wales argued strongly that when the tribunal considers any future increase in superannuation it should take into account work values and the performance of members of Parliament. Any increased benefits that result from the amendments should reflect increases in work value and performance. That does not ask a great deal. The Minister has argued that it is already inherent or implied in some way. However, there is no disadvantage in including the amendments in this legislation. Amendment 3 relates to a requirement that the consequent impact on the finances of the State Government be taken into account. Is it not reasonable to argue that any future increase in superannuation should take into account those matters?

Mr WHELAN (Ashfield—Minister for Police) [11.35 a.m.]: I indicate once again that this matter is already dealt with in the current legislation. The amendments are superfluous and may tend to read down the Act.

Amendments negated.

Amendments, by leave, by Mr Whelan agreed to:

- No. 2 Page 7, schedule 3[2], lines 4-8. Omit all words on those lines. Insert instead "of the Legislative Assembly requesting the determination. If the member proposes to proceed with or support the amendment, the member is to cause the certificate to be laid before the Legislative Assembly (unless a certificate to the same effect has already been laid before the Legislative Assembly in the same Session of Parliament)."
- No. 3 Page 7, schedule 3[2], lines 11-13. Omit all words on those lines. Insert instead "notified by any member of the Legislative Assembly that the member proposes to proceed with or support the amendment."

Schedule as amended agreed to.

Bill reported from Committee with amendments and passed through remaining stages.

Message sent to the Legislative Council seeking its concurrence with the Legislative Assembly's amendments.

Mr ACTING-SPEAKER (Mr Gaudry): I take this opportunity to welcome to the gallery

students of Liverpool TAFE, which is located in the electorate of the honourable member for Liverpool. During the previous debate the House was visited by students from Canley Vale High School, which is in the electorate of the honourable member for Fairfield.

**POLICE INTEGRITY COMMISSION
AMENDMENT (RECORDS) BILL**

Bill introduced and read a first time.

Second Reading

Mr WHELAN (Ashfield—Minister for Police) [11.39 a.m.]: I move:

That this bill be now read a second time.

It is the Government's policy that evidence acquired by the police royal commission in the course of its inquiries should be disseminated to law enforcement agencies so that it can be investigated and prosecutions commenced if there is sufficient evidence. The royal commission was not an end in itself. Prosecutions flowing from the evidence it generated continue, as do investigations into matters raised before the commission. The bill is intended to assist this process by transferring the role of assessing and disseminating the royal commission's records to a permanent body, rather than a temporary body, and ensuring that it has the necessary power.

By the time the police royal commission handed down its final report in August 1997 it had collected an enormous amount of material on the subjects of police corruption and paedophilia. The normal course after a royal commission has reported is for its documents to be bundled up and sent to the Archives Authority. In this case it was not appropriate to do so as much of the information received required further assessment and investigation by appropriate law enforcement agencies. Justice Wood took two different approaches in relation to the royal commission's records. The police corruption material was transferred directly to the Police Integrity Commission. With respect to the paedophilia material, however, Justice Wood sought the establishment of a royal commission wind-up team through the Premier's Department and issued a dissemination order under section 30 of the Royal Commission (Police Service) Act which permitted the material to be disseminated to relevant law enforcement agencies so it could be investigated. It was intended that the wind-up team would complete its work by the end of 1997.

It now appears that the job is far greater than originally anticipated. The wind-up team hopes to finish its assessment and dissemination of the material by 30 June 1998, at which time it will be disbanded. However, the increase in investigations into paedophilia by the Child Protection Enforcement Agency and strike force CORI of the New South Wales Police Service, as well as other law enforcement agencies, has meant a continuing demand for information from the royal commission's records, which will involve the further dissemination of material. There are also many subpoenas for documents which need to be dealt with as a matter of urgency. It is not appropriate for this burden to be placed on the Archives Authority. It might also slow down or impede investigations if the material were transferred to the Archives Authority. That is because particular expertise is needed to operate and search the computer record system developed specifically for the royal commission.

Familiarity with the records is also necessary. Without this expertise and familiarity, searches may not be comprehensive and documents may not be produced in a sufficiently timely fashion to meet the requirements of subpoenas and investigations. The Police Integrity Commission already has expertise in operating the royal commission's computer record system, and many of its officers have familiarity with the records as they transferred across from the royal commission. The most practical solution, therefore, is to give the Police Integrity Commission the role of disseminating this information to law enforcement agencies. This is also most appropriate because the Police Integrity Commission will then administer both categories of the police royal commission's documents and will have the power to investigate the material when appropriate or provide the information to other investigatory bodies when it falls within their jurisdiction without any artificial distinctions being made between paedophile material and police corruption material.

I am advised that the Police Integrity Commissioner is prepared to accept this responsibility. It is intended that a small unit will be established within the PIC comprising a lawyer, a research officer and a registry officer to deal with these records. Computer support will also be provided. It is also intended that work will commence upon transferring the computer records of the royal commission into a form that can eventually be sent to the Archives Authority once the demand for this material has significantly decreased. Section 56 of the Police Integrity Commission Act and section 30 of the Royal Commission (Police Service) Act contain the same rigorous secrecy provisions and the same power to disseminate information to

law enforcement agencies when the commissioner certifies that it is in the public interest to do so. When that information is disseminated it can be used for investigatory purposes, but it cannot be divulged to others, except for the purpose of a prosecution or disciplinary proceedings.

Proposed clause 2B(4) of schedule 3 to the Act will ensure that section 56 of the Police Integrity Commission Act applies to the police royal commission paedophile material so that it can be disseminated to law enforcement agencies. Proposed clause 2B(8) ensures that the information disseminated by the Police Integrity Commission can be used not only for prosecutions instigated by a Police Integrity Commission investigation, as is currently provided for in section 56, but also for prosecutions instituted as a result of the police royal commission's inquiry, as is currently the case under section 30 of the Royal Commission (Police Service) Act. The other purpose of the bill is to prevent prosecutions arising from police royal commission evidence from being frustrated by the taking of technical legal points. The royal commission wind-up team has been disseminating documents to law enforcement agencies pursuant to a dissemination order issued by Justice Wood under section 30 of the Royal Commission (Police Service) Act.

It may be argued, however, that the paedophile material was also within the possession of the Police Integrity Commission, because the documents remained physically within the royal commission's former premises when the building was taken over by the Police Integrity Commission. If the Police Integrity Commission is considered to have custody and control of these documents, then arguments arise as to whether they should be dealt with under the Police Integrity Commission Act or the Royal Commission (Police Service) Act. In practice, this is a meaningless argument because the provisions concerning the dissemination of the documents are the same in each Act. However, the Government is concerned that this technical argument may be taken in future cases in an effort to slow down proceedings or have evidence struck out. The Government wishes to remove any possible doubts or uncertainties that could be exploited in legal proceedings to frustrate the prosecution of offenders.

Accordingly, the bill makes it absolutely clear which legislation applies and ensures that the dissemination of royal commission documents is valid regardless of the Act under which the dissemination occurred. Proposed clause 2B(2) of schedule 3 to the Act confirms that any future or past transfer of royal commission records to the Police Integrity Commission is legally valid.

Proposed clause 2B(3) confirms that the previous dissemination of documents under the Royal Commission (Police Service) Act is legally valid. Proposed clauses 2B(4) and 2B(5) ensure the validity of the dissemination of documents under section 56 of the Police Integrity Commission Act. Proposed clause 2B(6) is a consequential provision which ensures liability does not flow in relation to any of these Acts. Proposed clause 2B(7) resolves any conflict between the secrecy sections in the Royal Commission (Police Service) Act and the Police Integrity Commission Act.

Proposed clause 2B(9) has been inserted for more abundant caution to confirm that the divulging of information includes the transfer of the whole record. Proposed clause 2B(10) makes it clear that the documents can be transferred in other ways, such as under the Archives Act, and that it is not intended to affect the operation of the Telecommunications (Interception)(New South Wales) Act 1987. The purpose of this bill is to facilitate the investigation and prosecution of paedophilia. It achieves this aim in two ways: first, by ensuring that there is a permanent well-equipped body that can investigate material on its own behalf or provide law enforcement agencies with information relevant to their investigations in a comprehensive and timely manner and, second, clarifying the applicable legislation so it is not possible to take technical legal points in prosecutions which may delay or frustrate them. I commend the bill to the House.

Debate adjourned on motion by Mr Tink.

STATE RECORDS BILL

Bill introduced and read a first time.

Second Reading

Mr DEBUS (Blue Mountains—Minister for Energy, Minister for Tourism, Minister for Corrective Services, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [10.47 a.m.]: I move:

That this bill be now read a second time.

The purpose of this bill is to make provision for the creation, management and protection of the records of public offices of the State. The new legislation will preserve the best provisions of the Archives Act 1960 and extend them with a view to facilitating the transaction, monitoring and auditing of official business through improved record keeping; developing and implementing standards, codes of

best practice and guidelines for managing official records in all formats—paper, film and electronic—and over the full range of government and official activity; and ensuring the orderly disposal of official records of the State and the preservation of those of continuing value so that they will be available in due course for public access and use.

The impetus for change comes mainly from two sources: first, a perception that governments and other public institutions should be made more accountable, coupled with a recognition by several royal commissions in New South Wales and interstate of the link between accountability and good record keeping and, second, the rapidly developing switch from paper-based to electronic business processes, with their ever-changing and generally transient technologies which require decisions on evidential value and preservation of records to be made at the point of record creation, instead of final disposal, as has been traditional. Like the 1960 Act, the new legislation will apply only to public offices and their records and not to private individuals or organisations.

However, the ambit will be much wider than that of the current Act and will embrace Parliament, the courts, State-owned corporations, local government and universities. The coverage will be deeper and wider than the 1960 Act. It will include every element in what is known as the records continuum. It will promote a consistent and coherent regime of management processes from the time of the creation of records and, before creation, in the design of record-keeping systems through to the preservation and use of State records as archives. The existing Act is concerned only with the preservation and public use elements in the continuum and treats them in isolation.

The core provisions are as follows. Part 2 of the bill, which relates to the records management responsibilities of public offices, sets down the general obligations of public offices of the State with respect to the creation, management, protection and preservation of their records. Public offices will be required to make and keep such records as may be necessary to record fully and accurately the functions, activities, transactions, operations, policies, decisions, procedures, affairs, administration and management of the public office. To this end they will be required to establish and maintain a records management program in conformity with standards and codes of best practice. Public offices will also be responsible for maintaining accessibility to records which are dependent on equipment or technology, such as electronic records.

Part 3 of the bill, which deals with protection of State records, establishes special measures for the protection of the public records of the State against neglect, unauthorised loss, destruction, damage, alteration or transfer. Generally, public offices will not be allowed to dispose of State records, transfer their possession or ownership, take or send them out of New South Wales, or damage or alter them without the approval of the State Records Authority. This provision is similar to one in the 1960 Act. Part 4, which deals with the authority being entitled to the control of State records not currently in use, confers certain rights and obligations on the proposed State Records Authority. The State Records Authority will be entitled to the control of State records which are no longer in use for official purposes by the public offices which created them or by their successors.

Records more than 25 years old will be presumed to be not in use but the decision on this will rest with public offices, which may make a still-in-use determination. The State Records Authority's entitlement to control of a State record no longer in use will not extinguish, limit or otherwise affect any right or interest of another person or body in the State record. Part 5 of the bill, which relates to the recovery of estrays and other State records, provides for the recovery of records owned by the State that are outside its control without lawful authority. The State Records Authority will be empowered to recover estrays, including taking action through the courts, and will also be able to direct and assist public offices to recover estrays. Part 6, which deals with public access to State records after 30 years, confers an entitlement to public access to those State records that are at least 30 years old and open to public access under the Act.

There will be a new statutory open access period providing for public access to State records which are more than 30 years old, irrespective of whether the records are under the control of the State Records Authority or a public office. This open access period is to be given statutory effect for the first time. Currently, access is provided on the basis of a Premier's direction issued in 1977 requiring public offices to transfer all records 30 years old and no longer in use to the Archives Authority to be made available for public access and use. The exceptions will be records more than 30 years old which public offices have closed to public access for reasons including confidentiality or privacy, in accordance with guidelines to be issued by the Attorney General. Part 7, which deals with the authority and the board, establishes the State Records Authority of New South Wales. The new authority will be a continuation of the Archives

Authority and will be a body corporate controlled by a board of nine members appointed by the Governor.

The authority's functions will include developing and promoting efficient and effective methods, procedures and systems for the creation, management, storage, disposal, preservation and use of State records; providing for the storage, preservation, management and provision of access to records in the authority's possession; and advising on and fostering the preservation of the archival resources of the State, whether public or private. The members of the authority will comprise a nominee of the Presiding Officers of Parliament, a nominee of the Chief Justice and seven government-nominated members representing departments and administrative offices, declared authorities, State-owned corporations, law enforcement agencies, local government, the private sector and the interests of professional historians and other users. The State Records Authority will have a director and staff who will continue to be employed under the provisions of the Public Sector Management Act 1988.

Although the new legislation will be far more comprehensive than the 1960 Act in terms of both the kinds of public offices which will be covered and the range of their record-keeping activities. It will also be more flexible. Public offices and the State Records Authority will be able to negotiate and, when and if required, vary the extent of the coverage to suit resources and commitments as they change over time. This flexibility will be achieved by three mechanisms: savings and transitional regulations which will enable deferment of the application of all or parts of the Act to some public offices or to some of their records; regulations under the new Act whereby some public offices or some of their records may be exempted from all or some of the records management, control of records and public access provisions; and the State Records Authority will be able to vary some requirements, for example, by permitting departures from records management standards and codes, when this is necessary or desirable to accommodate the specific needs of public offices. The State's public records need to be managed as a total resource. This is a responsibility for government agencies operating within comprehensive guidelines. New comprehensive State records legislation will allow the State Records Authority to meet its responsibilities to improve the records management of agencies and will further clarify the responsibilities of State agencies in this area in carrying out their official business. I commend the bill to the House.

Debated adjourned on motion by Mr Fraser.

GAS PIPELINES ACCESS (NEW SOUTH WALES) BILL**Bill introduced and read a first time.****Second Reading**

Mr DEBUS (Blue Mountains—Minister for Energy, Minister for Tourism, Minister for Corrective Services, Minister for Emergency Services, and Minister Assisting the Minister on the Arts) [11.57 a.m.]: I move:

That this bill be now read a second time.

The Gas Pipelines Access (New South Wales) Bill continues the reform of the natural gas industry in New South Wales begun by the Carr Government with the introduction of the Gas Supply Bill in 1996, which established an interim third-party access regime for the State's gas distribution systems, the first such regime in Australia. Gas pipelines are a natural monopoly in that alternative pipelines connecting seller and buyer are usually not economically feasible. Consumers have, therefore, had little choice but to buy a bundled package of gas and gas transport services. Providing third-party rights of access to gas pipelines promotes competition, provides choice for the consumers and lowers gas prices. At the time of the introduction of the Gas Supply Bill New South Wales was participating in a national process under the Council of Australian Governments to develop a uniform national regulatory framework for third-party access. However, the slow progress at the national level and the significant potential benefits to the State's gas consumers led the Carr Government to a decision not to wait for a national access regime but to implement an interim regime in New South Wales.

The Government's decision of 1996 has been vindicated by the fact that the national process took a further 18 months to arrive at an agreed position. In that time the Independent Pricing and Regulatory Tribunal has approved an access undertaking for the AGL distribution system in New South Wales. According to the tribunal, the approved AGL access undertaking will lead to large reductions in average prices for gas transportation for the State's large industrial and commercial gas users from \$2.26 to \$1.05 per gigajoule by 1999-2000, a fall of almost 60 per cent in real terms. There are indications that competition in gas supply is emerging which will result in further savings in their gas bills.

The Carr Government's decision to proceed with an interim access regime has also stimulated investment in the gas industry. An interstate pipeline

linking Wodonga in Victoria to Wagga Wagga in New South Wales is being constructed. Another pipeline linking Longford in Victoria to Wilton in New South Wales is currently being considered jointly by BHP Petroleum and Westcoast Energy. The construction of these pipelines will allow New South Wales to source gas from Bass Strait, thereby reducing New South Wales' dependency on gas from the Cooper Basin. The New South Wales access regime, which was based on the 1996 draft version of the national code, has served its purpose as an interim measure.

The national code has undergone significant refinements and improvements since 1996. With the endorsement of the national code by the Council of Australian Governments it is appropriate that a national regime be now adopted. The adoption of a national regime by all jurisdictions is the most effective way of promoting free and fair trade in gas between jurisdictions and would be most beneficial to New South Wales as it is the only mainland State without commercially viable reserves of natural gas. The access code is the key element of the national access regime. It contains principles which are to be uniformly applied in regulating third-party access to natural gas transmission and distribution pipelines throughout Australia.

The access code is designed to provide a degree of certainty as to the terms and conditions of access to the services of specific gas infrastructure facilities, place obligations and responsibilities on pipeline operators and users, ensure that access to pipelines is provided on fair and reasonable terms and preserve the flexibility for commercial negotiation. A schedule to the code details the transmission and distribution pipelines that will be covered under the provisions of the code when it is given legal effect. The 1997 natural gas pipelines access agreement commits all jurisdictions to introducing legislation to apply the access law as enacted as schedules to the South Australian Act. All jurisdictions are in the process of introducing legislation to apply the same access law and code. The agreement requires reciprocal approval by the relevant Ministers of all other jurisdictions. The bill has received such approval in accordance with the agreement.

I now turn to specific provisions of the bill. The purpose of the bill is, first, to provide an open and transparent process to facilitate third-party access to natural gas pipelines to facilitate competition in the gas industry and provide choice to the consumers; second, to encourage investment in the industry and promote the efficient development and operation of a national natural gas

market which will lower gas prices to the benefit of New South Wales consumers; third, to provide a right of access to transmission and distribution networks on fair and reasonable terms and conditions by safeguarding against excessive transportation prices and unfair and discriminatory access conditions; and, finally, to encourage the development of an integrated pipeline network which will enhance competition and interstate trade in gas.

This will reduce New South Wales' dependency on gas from the Cooper Basin in South Australia. A national integrated pipeline network will enable New South Wales to source gas from other States, for example, from Bass Strait in Victoria. This will not only lead to lower gas prices but also enhance the security of gas supply to New South Wales. Part 2 of the bill identifies the persons and bodies with regulatory responsibility and decision-making powers in New South Wales under the access law. The bill provides for access to transmission pipelines in New South Wales to be regulated by the national regulator, the Australian Competition and Consumer Commission. Access to distribution pipelines in New South Wales will be regulated by the Independent Pricing and Regulatory Tribunal until the New South Wales Government decides to transfer this responsibility to the national regulator.

For this reason schedule 1.1[1], which provides a mechanism for the transfer of the regulation functions, will not be proclaimed until the Government decides on the date to transfer the regulatory functions to the national regulator. The New South Wales Minister responsible for administering the Gas Pipelines Access (New South Wales) Act will retain the function of agreeing to amendments to the law and the code even when the regulatory functions have been transferred to the national regulator. The Independent Pricing and Regulatory Tribunal, in carrying out its functions under the Gas Pipelines Access (New South Wales) Act, will not be subject to the control or direction of the Ministers administering either the Independent Pricing and Regulatory Tribunal Act or the Gas Pipelines Access (New South Wales) Act.

Part 3 of the bill confers the necessary functions and powers on the Commonwealth Minister and Commonwealth bodies. It also confers power on Ministers, regulators and appeal bodies of other jurisdictions when regulation of a cross-border distribution system is vested in another jurisdiction. In the interests of national consistency and cost effectiveness, clause 16 confers criminal and civil jurisdiction on the Federal Court for the purposes of the access law. For the same reason clause 18 applies the Commonwealth Administrative Decisions

(Judicial Review) Act 1997 in relation to matters arising out of the access law.

Schedule 2 to the bill makes various savings and transitional provisions to carry forward the AGL access undertaking that has been approved by the tribunal under the interim New South Wales access regime. The provisions also bring forward access undertaking applications made to the tribunal or any outstanding arbitrations. Clause 7 of schedule 2 to the bill provides for a number of transmission pipelines owned and operated by AGL to continue to be classified as distribution pipelines for regulatory purposes on an interim basis. This will allow transitional issues to be worked through. The clause provides a mechanism for responsibility for the access regulation of these pipelines to be transferred to the national regulator at a date to be determined by the Government.

The national regime exempts parties from the payment of stamp duty for transactions made to comply with requirements to ring fence, or legally separate, retail functions from transmission or distribution functions of a business. The stamp duty exemption ensures that the Government makes no windfall gains from the ring-fencing requirement. The Gas Industry Restructuring Amendment (Customer Contracts) Act 1997 currently exempts AGL Gas Networks Ltd's ring-fencing arrangements from stamp duty. For reasons of consistency and competitive neutrality, clause 9 of schedule 2 provides for the same arrangements to apply to the network systems of Great Southern Energy and Albury Gas Company Ltd.

The New South Wales Government has been an active participant at the national level to bring about the national uniform gas pipelines access regime. The regime which this bill proposes to establish will, when implemented nationally, facilitate free and fair trade in gas within and between jurisdictions, encourage infrastructure investments and employment in New South Wales, provide choice to customers, increase security of gas supply in New South Wales and, more importantly, lower gas prices which will make New South Wales industry more competitive and, in turn, generate more employment. I commend the bill.

Debate adjourned on motion by Mr Phillips.

PUBLIC AUTHORITIES (FINANCIAL ARRANGEMENTS) AMENDMENT BILL

Second Reading

Debate resumed from 8 April.

Mr PHILLIPS (Miranda—Deputy Leader of the Opposition) [12.07 p.m.]: The Opposition does not oppose the amendments to the Public Authorities

(Financial Arrangements) Act. The object of the bill is to enable the Treasurer to provide a guarantee to make contractual and debt obligations binding upon the successor to a government authority. The bill is essentially about increasing certainty for the private sector. The coalition is eager to foster an environment that is conducive to greater private sector involvement in the financing, construction, management and maintenance of major infrastructure projects and in which the private sector can have confidence. The Opposition, as it often does, sought advice from the private sector as to the effectiveness of the legislation. The advice that we received is that while the aim of the bill is commendable the inclusion of the succession guarantee provision is misleading and confusing.

When a private sector financier is dealing with a government authority it wants an assurance that it is dealing with the Crown. It gets this assurance from a statutory guarantee that is already provided for in the Public Authorities (Financial Arrangements) Act. The concern is that the succession guarantee now proposed will be offered in substitution for the existing guarantee under the Act. The problem is made worse because the succession guarantee calls itself something which it is not. We are advised that the instrument described in the clause is not a guarantee in the legally understood meaning of the term; it is a novation and it is something less than a guarantee. This point is important not only because the term is misleading but also because we are advised that the incorrect concept of a guarantee has flawed the clause in such a manner as to leave the Government seriously legally exposed in certain circumstances.

Other concerns have also been raised about the financial equivalency of the successor authority. For example, following a restructure or termination of a statutory authority, the financial capabilities and the ability of the successor authority to honour performance and/or ancillary obligations could be substantially reduced from those of the original authority. In such a circumstance the obligations are guaranteed by the Government following a legal process which has established the ability of a successor authority to honour the contractual obligations. Such unnecessary complexities can be avoided by an amendment which clearly identifies that the Government is the guarantor, eliminating the need for the obligations to be transferred to a successor authority. The bill adds legal complexities and hence may reduce certainty in contractual negotiations between the private sector and the Government.

The amendments could be interpreted as an attempt by the Government to limit the scope of the guarantee by placing a buffer between the government authority bound by the obligation and the Crown. The failure to provide this clear guarantee in effect causes apprehension and uncertainty for the private sector about the bona fides of the Government in relation to certain projects. It is for the above reasons that the Opposition strongly suggests to the Minister and his Government that they seek additional legal advice from the private sector before proceeding any further. I stress that point. We understand that there has been little, if any, consultation with the private sector on the bill. The Opposition will not oppose the bill in this House but it is the responsibility of the Minister and the Government to get this legislation right. The consequences of the amendments are not what the Government intends and it should look at them again before the bill is sent to the other place.

Mr YEADON (Granville—Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney) [12.13 p.m.], in reply: I thank the Deputy Leader of the Opposition for his contribution to the debate. His advice has been noted and I am sure that the Minister will take it on board. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

MARINE SAFETY BILL

Bill introduced and read a first time.

Second Reading

Mr YEADON (Granville—Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney) [12.15 p.m.]: I move:

That this bill be now read a second time.

It is with great pleasure that I introduce the Marine Safety Bill. It represents a milestone in the maritime history of this State and is the culmination of considerable work to make sure that it meets the expectations and needs of the boating public and the maritime industry. The bill will lie upon the table until 8 June to allow further discussion and

consultation. This approach further demonstrates the Government's commitment to an important initiative dealing with safety on the State's ports and waterways. The bill stands as a significant achievement in the area of marine safety. It takes up the difficult and involved task of consolidating the various marine safety Acts into a marine safety bill drafted in a simple and easy-to-read style.

Under my delegated authority the marine agencies constituting the ports portfolio are required to enforce the marine legislation currently contained in five separate Acts and their 12 associated regulations. Some of the legislation dates back to the turn of the century and it is not unusual to come across rather archaic wording. The marine agencies do not have a problem understanding the legislation because they constantly use it. Unfortunately, the same cannot be said for commercial, recreational and trading vessel operators, and the general public. The need for these people to consult so many different pieces of legislation makes it difficult to understand the regulations covering waterways.

Honourable members would be aware that one goal of the Government is to make good laws which are easy to understand. This bill does just that. Having said that, I would like to place on record the fact that the Government has taken the effort to ensure that the bill contains all the provisions necessary to maintain the highest standards of safety in the ports and waterways of this State. However, despite such diligence, it is possible new circumstances which adversely affect marine safety could require a legislative response. Should such a circumstance arise, I will not hesitate to bring an amendment to this place if that is the only way I can ensure the maintenance of marine safety.

I now turn to some of the more significant new provisions of the bill which are not part of the existing marine safety legislation and which deserve mention. My first point is critical to the improvement of marine safety—it involves the investigation of marine accidents. To make sure that accidents can be investigated properly, clause 17 allows a vessel involved in an accident to be detained for the purposes of conducting an investigation. In the case of an investigation, this provision will allow an investigator to interview the master and others on the vessel. While on the one hand the provision enables the conduct of a proper investigation, it does not give an investigator carte blanche to detain a vessel indefinitely. A vessel cannot be detained for more than 48 hours unless it is authorised by order of a magistrate, who would need to be satisfied as to the merits of such an order.

My second point is that people who use our waterways have a right to do so without fear of harm or injury. However, that right carries with it a corresponding obligation to act safely and responsibly. Accordingly, clause 18 provides safety regulations for water-based activities such as surfboard riding, swimming and diving as well as for the safety of vessels navigating in the waters. For example, there have been instances in which vessels in narrow channels with limited room to manoeuvre have had accidents involving people in the water, such as divers. This provision will put in place public warning procedures for people using our waterways. Government has a responsibility to protect people in and on the water and that is what this clause is providing.

I need not remind honourable members that this State is gifted with the finest waterways in Australia. Therefore it is not surprising that there is considerable demand from people wanting to use the waterways. This inevitably places considerable pressure on our waterways because of the competing and, at times, conflicting demands of interested parties. Considerable pressure arises in the case of commercial and recreational users with competing interests.

The Government has been aware of these pressures and has taken steps to ensure that equity prevails between the parties. In the case of aquaculture, licences provide for the exclusive use of an area of navigable water. Balancing this use with that of other water users is just one way in which the Government seeks equity. Aquaculture farmers want to protect their business interests, however, recreational and other boaters also need to be considered. In the case of oyster leases, there have been incidents involving boats running into unmarked oyster leases at night. Because the leases were abandoned by their bankrupt owners, they were not adequately marked and have therefore become a danger to safe boating.

Clause 16 will therefore require aquaculture interests to obtain my approval prior to the granting or renewal of any aquaculture lease over navigable waters. This provision has a twofold purpose. First, it will ensure that aquaculture leases do not encroach upon boating and shipping channels when it is in the public interest that those channels are kept available for safe navigation by vessels. The second purpose is to ensure that safe navigation of vessels is not endangered by aquaculture leases which are already established in areas of navigable waters and are not adequately marked. It should be noted that one of the objectives of this bill is to ensure, as far as is reasonably practicable, that the navigable waters of

this State are made as safe as possible for all users. Clause 16 of the bill will assist in attaining that aim. I should emphasise that this provision does not, other than the inclusion of certain conditions, affect the renewal of a lease to which a lessee is entitled under the Fisheries Management Act 1994 or the grant or renewal of a lease of a class prescribed in the regulations.

I now draw the attention of honourable members to the existing legislation which requires a person engaged in the operation of a vessel to submit to a breath test and, if necessary, a breath, blood or urine analysis. This provision applies if someone driving a watercraft is suspected of operating under the influence of alcohol or drugs, or has been involved in an accident on the water. However, these provisions currently do not apply to many recreational activities, such as waterskiing, aquaplaning and paraflaying, which require a high level of concentration. These activities are often undertaken at high speeds requiring a high level of alertness and an ability to respond quickly. Participating in these activities under the influence of alcohol or drugs has the potential to result in serious injury or death, should there be a high-speed collision or other accident.

A similar situation occurs in the case of an observer in a waterskiing vessel who is required to observe the person being towed and to report to the driver any matter which could affect the safety of that person. Consequently, the observer would also be required to be free from the influence of alcohol or drugs. Clause 19 of the bill extends the existing alcohol and drugs testing regime to persons engaged in the recreational activities outlined above. I now draw the attention of the House to the final point I would like to mention in relation to the additional provisions in the bill. Honourable members would be aware that, under the existing legislation, the administration of breath tests, and subsequent breath, blood or urine analyses, can be administered only by officers of the New South Wales Police Service. This area of testing, which I will refer to as the testing regime, has received careful consideration by the Government and at issue here is the matter of optimising maintenance of on-water safety.

For a number of years, officers of the Waterways Authority have maintained a strong presence on the water. Their core responsibility is to ensure the safe and environmentally responsible use of State waters by vessels and others engaged in water-based activities. An integral part of these responsibilities is the requirement to investigate marine accidents to determine their causes and make suitable recommendations to prevent recurrence.

Because alcohol and drugs can be contributing factors in accident situations, these officers request the attendance of police officers at an accident on the water to administer the testing regime to those involved. Given the geographical layout of the waterways in this State, police officers are, on occasion, required to travel considerable distances, taking some time to administer such tests. This practical aspect can undermine the effectiveness of an investigation.

To boost the effectiveness of investigation, the Government has decided that the existing Waterways Authority resources should be used to complement the resources of the New South Wales Police Service. Waterways Authority officers already have enforcement powers under the existing marine legislation. The new provision builds on these powers through schedule 1 to the bill and enables officers to administer the testing regime after the police commissioner is assured that they have attained the required level of competence. Before these officers commence enforcing the provisions, they will receive intensive training to prepare them for this task, similar to that provided to police officers. The training will also encompass issues associated with the powers of arrest which will need to be exercised if a person refuses to submit to a breath test. Consistent with this Government's commitment to consultation, I intend to release the bill for public comment for a reasonable period of time prior to its debate. This will give the commercial and recreational boaters around the State, the maritime industry and the general public an opportunity to peruse the bill and provide comments, which will be assessed and incorporated as necessary. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

JUDICIAL OFFICERS AMENDMENT BILL

Second Reading

Debate resumed from 8 April.

Mr KINROSS (Gordon) [12.26 p.m.]: The Opposition will not oppose the bill and I will be the only Opposition speaker on it. However, a number of points need to be made. I welcome the appointment of an additional two members to the Judicial Commission to provide additional representation as a reflection of the wider community interest. However, I ask the Minister for Community Services who is at the table, who does not have the carriage or an understanding of the issue, to ascertain why a country representative cannot be a community representative on this body. In view of the many criticisms in the wide

community about judicial decision making, lack of accountability and so forth—and I shall refer to that later—country areas are entitled to representation because there is a difference between city and country thinking. Even though judges often travel on circuit, they need feedback from a country representative. I do not know whether an amendment will be moved about this, but I question the absence of a country representative on the Judicial Commission. All honourable members would remember the comment made by Justice Derek Bollen of South Australia about a little more than rough handling and other such comments made about women by judges.

The Judicial Commission plays an important role in the process of educating the judiciary and the wider public on what is involved in the judicial decision-making process. Indeed, many books have been written about the politics of the judiciary. I refer to a book written and so titled in 1997 in England by a J. A. G. Griffith, who served on the staff of the London School of Economics from 1948, as professor of English law from 1959 and then professor of public law from 1970, until his retirement in 1984. He is no relation to the excellent Senior Research Officer of the Parliamentary Library research services. The book relates to the different types of factors and criteria that enter into the judicial mind when making a decision. The Judicial Commission is one of the accountability mechanism for keeping checks and balances on the judiciary, and it is amply protected by having chief justice appointments and divisional heads of courts to reflect the views of the judiciary. This bill seeks to broaden the input and feedback to the judiciary via additional representatives from the community. I believe that additional country representatives, or at least representatives from non-metropolitan areas, ought to be appointed to this body.

This is an important measure because in effect it is proposed that the Attorney General shall nominate the representatives following consultation by the Minister with the Chief Justice. The question to be asked is, "Who is to be the Chief Justice?" It has been mooted that the Chief Justice will be the Attorney General himself. We know it has been said that the Premier has put the kybosh on that proposal and has told Mr Shaw, "No, it cannot be you, Mr Shaw. We need you within our party." That is understandable, given that everyone else is deserting the ship—a sinking ship at that. It is important therefore that we know who will be the next Chief Justice and whether discretion should reside in the Chief Justice following consultation with the Attorney General, especially in this transitional period, because we have yet to be informed by this Government who will be the next Chief Justice.

The Chief Justice holds an extremely important post. Alex Mitchell wrote in last Sunday's *Sun-Herald* that it would be Jim Spiegelman. It remains to be seen who will be appointed. I doubt whether Jeff Shaw has been ruled out, in spite of the Premier's reported comments. It is important for this House to know who will be appointed, to enable proper debate on the bill. Will Jeff Shaw appoint people to the body proposed by the bill in consultation with a person who may be an Attorney General designate? That is an important point to be discussed in this debate. Should it be addressed by the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women or perhaps the Minister for Police, who represents in this House the Attorney General?

I return to some other provisions in the bill. It is important to bear in mind the issue of judicial accountability, which this bill seeks to expand. An excellent background paper, No. 1 of 1998, entitled "Judicial Accountability" was produced by Gareth Griffith of the New South Wales Parliamentary Library research service, whom I referred to earlier. A number of comments are made in that paper, which I commend to all persons, analysing the issues involved in judicial accountability, which is to be enhanced by the bill through the appointment of additional representatives on the commission.

Honourable members should bear in mind a number of points made by judges and commentators about appropriate mechanisms for accountability. In relation to the system of judicial accountability, Evan Whitton recently wrote a book entitled *The Cartel*, a copy of which I have yet to have signed by that eminent journalist. The book was the subject of some commentary in the 8 April edition of the *Australian Financial Review*. An article in that newspaper reported that Justice Michael Kirby, of the High Court, took the legal critic to task. The article stated:

One of Australia's most senior judges, Justice Michael Kirby of the High Court, hit back last night at criticism of the adversarial system of justice with a diplomatic broadside against legal journalist Mr Evan Whitton.

I think each gives both sides of the argument in dealing with criticisms of our judicial system, criticisms which are touched upon in the research paper. However, the article in the *Australian Financial Review* goes further in its criticism of the system. Community input to judicial accountability and the Judicial Commission could include issues the subject of the article. For example, is the adversarial system the most appropriate system? Should we adopt the inquisitorial system often used in the European courts? After all, the public is always interested in trying to arrive at truth and justice. Frequently truth and justice are anything but

that which the law provides. That is why people are losing faith in the legal system. They are losing faith in the parliamentary institution as well, as has been demonstrated in the past few days. So it is important that community input be strengthened. An appropriate amendment could be made by articulating that a representative of country communities be appointed.

Many other interest groups have expressed the belief that they would have more effective input to the judicial system if the suggestions that I have made were taken on board. I am aware of comments by the Hon. Franca Arena in the other place about Mr Barry Hart and others who might have valuable input. If I am not mistaken, Mr Hart was involved with the Chelmsford Action Group and has concerns about the appropriateness of judicial decision making and the level of justice achieved in the Chelmsford fiasco and saga.

I will not take up more of the time of the House. However, I ask the Government to take on board the suggestion about more effective community representation, including representation from outside the Sydney metropolitan area or even the Sydney Basin. That expansion of community input and consultation surely will make our democratic process, which is predicated on an independent judiciary and Parliament and Executive Government, more effective. That could only better serve the interests of the community and the public. If the community's interests are not served more effectively, there will be even further loss of faith and confidence in our judicial and parliamentary institutions. Who knows whether their faith will crumble. I hope not. I ask that this issue be considered quickly by the Government, and I look forward to the Minister's comments in reply.

Mrs LO PO' (Penrith—Minister for Fair Trading, and Minister for Women) [12.37], in reply: I made some inquiries and I am led to believe that it is within the discretion of the Attorney General, after speaking with others, to nominate whomever he chooses, be that someone from the city or the country. The Act does not preclude appointment of a representative from the country. I do not know the full extent of the concerns that the honourable member has, but if he has concerns he should get in touch with the Attorney General.

Motion agreed to.

Bill read a second time and passed through remaining stages.

PROFESSIONAL STANDARDS AMENDMENT BILL

Second Reading

Mrs LO PO' (Penrith—Minister for Fair Trading, and Minister for Women), on behalf of Mr Whelan [12.38 p.m.]: I move:

That this bill be now read a second time.

Mr KINROSS (Gordon) [12.38 p.m.]: The Opposition will not be opposing the bill. The Act which the bill seeks to amend was introduced in 1994 by the coalition Government. The Professional Standards Amendment Bill, amongst other things, provides for the setting up of schemes by associations, including in particular trades or professions, to limit the liability of such members. This is important legislation. I remember the Hon. Michael Lavarch ringing the Minister for Police, who was then leader of Opposition business in this House, to say "Back off" because he had a real concern about joint and several liability which remained unresolved prior to the introduction of the 1994 Act. I may stand corrected on this, and the Minister might clarify the issue, but I think that New South Wales is the only State that has in force this type of legislation, which goes some way towards limiting liability. However, I believe that there is an important entitlement in relation to limitation of liability for associations.

The legislation recognises that if members of the community sue professional people who have unlimited liability, as provided by the common law, that argument could result in professionals packing up their bags or trade associations deciding not to provide services because it is no longer cost-effective. We are starting to see that in the medical profession in America and in this State. Members of the medical profession are concerned about the extent to which the insurance premiums that they must take out for their and the public's protection are a sufficient disincentive to continue to practise. Those premiums are becoming a more prohibitive cost, and that is something that this Government should monitor carefully.

The Professional Standards Council, in conjunction with the Council of Professions, recommended a number of the amendments to the legislation, which are welcome. A review of the schemes set up by trade associations or professions will ensure that there is monitoring and that a sufficient level of liability exists. In relation to that ongoing liability and accountability, the prudential supervision that has been put in place will be

monitored by the Professional Standards Council. It is all well and good to allow a liability to be limited, but if the liability is not continually monitored by the council there is the potential for abuse. So the council will have an important role in monitoring this legislation to ensure that it achieves the objectives that the former coalition Government established and that this legislation continues as an incentive for professional and trade associations or anyone else to fulfil those criteria.

Members of the public may not be sufficiently aware that, for example, a group of plumbers could establish a limitation on liability. Establishing a limitation on liability is often seen to be the province or bailiwick of the medical profession, including doctors and dentists, lawyers, and so on, when in fact it is available to any group of persons who practise a particular trade or profession in accordance with the principles espoused by the 1994 Act. People need to examine this more carefully if they wish to avail themselves of this protection. They should avail themselves of the protection because of the prohibitive cost of practising their professions resulting from increasing insurance premiums, and common law negligence claims made against professionals by a number of members of the public. I believe this strikes a balance between those competing claims, that is, of unlimited liability that the common law might allow and the interests of the profession in serving the public by continuing to practise their trade or vocation. On that basis the Opposition will not oppose the bill.

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [12.46 p.m.], in reply: I thank the honourable member for Gordon for his contribution and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

[Mr Acting-Speaker (Mr Clough) left the chair at 12.47 p.m. The House resumed at 2.15 p.m.]

OFFICE OF THE OMBUDSMAN

Report

Mr Speaker announced, pursuant to section 31AA of the Ombudsman Act 1974, receipt of the report entitled "Police Adversely Mentioned at the Police Royal Commission", dated May 1998.

INTERNATIONAL NO DIET DAY

Ministerial Statement

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [2.17 p.m.]: Today is International No Diet Day. It presents an opportunity to reaffirm the important message to women and young people to enjoy a balanced diet and reject social pressures to model themselves on unrealistic body images. No Diet Day gives us a chance to repeat important messages to women about their bodies. They should be encouraged to celebrate all that is beautiful and positive about their bodies rather than to strive for an impossible ideal. The message young women are given is that if they are not thin, tanned, hairless, glossy and extremely beautiful, they are not valued. Young women need to feel that they are valued for their personalities and minds, and the contributions they make to the community. It is worth reminding ourselves that it is not just a healthy body we should strive for, but also a healthy self-esteem.

Sadly, we still hear of too many young women dieting because they mistakenly believe they are overweight. Many put their health at risk by going on fad diets, which only undermines their health and happiness and can endanger their lives. Much of the research into this matter paints an alarming picture of what women think of their bodies. Studies have shown that between 30 per cent and 60 per cent of women diet at any one time, and that the majority of adolescent girls want to be thinner, even those who are within the normal range for body weight. I am proud to say that this Government is addressing the problem. It has fulfilled its election commitment to set up a forum for industry, consumers and the Government to discuss concerns about the portrayal of women in the media. In August 1996 my parliamentary colleague the Minister for Health, Dr Andrew Refshauge, and I held a summit on body image and eating disorders.

Following the recommendations of the summit, we established a ministerial advisory committee on body image and disordered eating. The committee comprises representatives from the fashion, media and advertising industries. The committee is considering a range of ways to develop a healthy body image and encourage a range of different images for women in the media. The committee has produced a poster aimed at raising awareness about poor body image among young women. The poster, which carries the message "It isn't your body you need to change—it's your mind", won two prizes in

1997 at the women's advertising awards. Later this month a statewide consumer consultative forum will meet to discuss the possibility of setting up a New South Wales association for body image and eating disorders. Today, on No Diet Day, the key message is one of acceptance: every body is beautiful in its own way. But we also have a responsibility to treat our bodies well and ensure a healthy, well-balanced diet. I urge young women everywhere to love and accept their bodies just the way they are.

Mrs SKINNER (North Shore) [2.20 p.m.]: On behalf of coalition members I am extremely pleased to support No Diet Day. The coalition recognises how important it is to lead a healthy lifestyle and to be conscious of the dangers of inappropriate dieting. I urge the young women who are present in the gallery today to accept and be very pleased with themselves. They should be positive about the aspects of themselves that make them very special. Eating appropriately is an extremely important ingredient of a healthy lifestyle. It is also important to recognise that problems, such as anorexia and obesity, are real ones that need to be addressed through the health system. My colleague the member for Lane Cove introduced the first media award to encourage the media to use more realistic models to promote the shape to which people should aspire.

Years ago I attended one such media forum at which Ita Buttrose was a guest speaker. I implore the media to improve the way in which it portrays women's bodies and body images. There is still a long way to go, but improvements have been made. I am sure that all honourable members support those improvements. However, today we have spoken mostly about women. Equally it is terribly important for men to be positive about the sorts of things that they can do to improve their health through appropriate dieting. I join with the Minister in saying that people should take care when they are considering dieting. As a mother I am greatly concerned that young people are caught up in fad dieting after reading articles and advertisements encouraging what I consider to be inappropriate dieting. The message for everyone—a message that has been around for a long time and which is supported by the health profession—is that we should all embark on a balanced diet, exercise regularly, and engage in fun, clean living.

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 Kinross, Mr MacCarthy, Mr Merton, Mr O'Doherty, Mr O'Farrell, Mr Photios, Mr Richardson, Mr Rozzoli, Mr Schultz, Ms Seaton, Mrs Skinner, Mr Smith and Mr Tink.**

Land Tax

Petitions 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 **Dr Macdonald and Mrs Skinner.**

Wagga Wagga and Albury Radiotherapy Clinics

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

Gunning District Community Health Service

Petition praying that adequate funding be maintained to meet the needs of the Gunning District Community Health Service, received from **Mr Schultz.**

Ryde Hospital

Petition praying that Ryde Hospital and its services be retained, received from **Mr Tink.**

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.**

Northside Storage Tunnel

Petition praying that plans to construct a storage tunnel from Lane Cove to North Head be abandoned, and that the allocated funds be used to find a long-term sustainable solution to sewage disposal, received from **Dr Macdonald.**

Motor Vehicle Registration and Insurance Charges

Petition praying that registration and insurance charges for motor vehicles, motorbikes, trailers and caravans be reduced, received from **Mr Woods.**

Manly Wharf Bus Services

Petition praying that plans to move bus services from Manly wharf to Gilbert Park be abandoned, received from **Dr Macdonald**.

Pig Hunting

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

REORDERING OF GENERAL BUSINESS**Land Tax Legislation Amendment (Protection of Private Homes) Bill**

Mr COLLINS (Willoughby—Leader of the Opposition) [2.35 p.m.]: I move:

That general business order of the day (for Bills) No. 21 have precedence on Thursday, 7 May.

The victims of the Carr Government's land tax hike want this bill debated urgently. They want relief from Labor's savage tax increases, which are hitting families across this State, and hitting them hard. They want to know why the independent Valuer-General was bullied and threatened by the Treasurer's office for telling the truth to last Monday's upper House inquiry about Labor's land tax, just as Pastor Dennison was intimidated by a late night phone call from the health Minister for the crime of telling the truth about Labor's rural health disaster.

Labor's message is clear as crystal: tell the truth in this State and you will cop it, but—as the member for Kogarah knows—tell lies and you get special protection. The Treasurer is furious that the Valuer-General let the cat out of the bag and revealed that Labor's land tax on family homes will strike a massive 4,000 families across this State—not 2,700 as Labor previously claimed. It is urgent that the bill be debated because many families, even more than previously thought, will be saved from paying the tax if the legislation is passed. It is urgent because with every day that passes home owners are hurt more. It is urgent because while Labor takes more and more in taxes, people who cannot afford Labor's land tax own less and less of their homes. Most of all, it is urgent because no-one should be taxed for living in one's own home.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 42

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

Noes, 43

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

Pairs

Mr Brogden	Mr Aquilina
Mrs Chikarovski	Mr Gibson
Mr Glachan	Ms Hall
Dr Kernohan	Mr Hunter
Mr O'Doherty	Mr Langton
Mr D. L. Page	Mr Nagle

Question so resolved in the negative.

Motion negatived.

Mr SPEAKER: I note the presence in the gallery of the board members of the Illawarra Retirement Trust headed by the chief executive.

QUESTIONS WITHOUT NOTICE

MINISTER FOR POLICE LICENSED PREMISES OWNERSHIP

Mr COLLINS: My question is to the Premier. In an area with more than double the assault rate of the remainder of New South Wales—The Rocks—has the Orient Hotel been identified by the Bureau of Crime Statistics and Research as the number one assault hot spot? Given that the Orient Hotel is the police Minister's pub, how can the Premier claim to have any credibility in fixing street crime near licensed premises?

Mr CARR: Who drafts their questions? I have said in this House previously that I will require the Minister for Police to sell the hotel he owns when the Leader of the Opposition requires National Party members on his front bench to sell the farms they own.

HABITUAL TRAFFIC OFFENDERS

Mr HARRISON: My question without notice is to the Minister for Transport, and Minister for Roads. What is the Government doing to tackle the problem of habitual traffic offenders?

Mr SCULLY: I acknowledge the tireless advocacy of the honourable member for Kiama for road safety for the families in his electorate. Honourable members will recall my announcement yesterday of the Government's tough new package of penalties for serious traffic offences. That was the first serious review of some major traffic offences in more than 15 years and includes tripled penalties for those who drive whilst disqualified or when their licences have been suspended, cancelled or refused. It also includes gaol terms of up to 18 months for those who drive having never been licensed, and double penalties for failing to stop after an accident or for high-level speeding and drink-driving. The Government's message to law-abiding road users is that it is committed to ensuring their safety on our roads.

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

Mr SCULLY: The percentage of road users who continue to commit serious traffic offences is relatively small. However, they continue to pose the most serious risk to other road users and to pedestrians. The Government's message to those who continually flout accepted community standards is that the full weight of the law will be brought down on them. To deal with those hard-core hoons who thumb their noses at the police and the community, and who put the lives of innocent road users and pedestrians at risk, a scheme is proposed to ensure that those who repeatedly commit major offences are given the harshest penalties.

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

Mr SCULLY: The Government's message to repeat serious traffic offenders is, "Three strikes and you're out".

Mr SPEAKER: Order! I place the Deputy Leader of the National Party on two calls to order.

Mr SCULLY: The scheme proposes that a driver will be declared an habitual offender by a court if convicted of three major offences in five years. The declaration of a person as an habitual offender will occur when the third major conviction is recorded. The Parliament's strong message to the courts will be that it will be a compulsory requirement to declare a person an habitual offender upon conviction for the third major offence in five years. Having been declared, the driver will be disqualified from driving for five years, unless the court orders otherwise. The court may order any period of disqualification, provided it is not shorter than two years. It is important to note that there is no upper limit to the period of disqualification. In the most serious cases a court will be empowered to order a disqualification for life. The disqualification period will be additional to any period of disqualification imposed for the third major offence or any existing disqualification.

Warning letters will be issued to drivers who are convicted of two major offences within a five-year period. Those drivers will be put on notice that if they offend again, they risk a lifetime ban from driving. The scheme will provide for severe penalties for those who drive while subject to being declared an habitual driving offender. Proposed penalties for driving whilst declared an habitual offender will align with the very high penalties for high-range drink-driving, including a gaol term of up to 18 months for a first offence. A range of serious offences will count towards being declared an habitual offender. These include high-range prescribed concentration of alcohol offences,

exceeding the speed limit by more than 45 kilometres per hour, driving whilst disqualified, driving with a licence that is cancelled, suspended or refused, and unlicensed driving.

The habitual offenders scheme will include only offences committed after the commencement of the scheme. It will be widely publicised before implementation. With the implementation of this scheme New South Wales again leads the nation in putting in place serious measures to improve road safety and crack down on irresponsible drivers. More than 500 people are still dying on the State's roads every year. To the small minority of repeat offenders who continue to commit the most serious traffic offences, the Government gives this warning: "Three strikes and you're out—possibly for life. Don't risk it."

MINISTER FOR POLICE LICENSED PREMISES OWNERSHIP

Mr TINK: My question without notice is directed to the Minister for Gaming and Racing. Did private investigator Ken Waters, acting on behalf of the Sydney Cove Redevelopment Authority in an objection to the Orient Hotel's licensing application, swear in an affidavit that intoxicated hotel customers were supplied with alcohol by bar staff and other patrons? What has the Minister done to investigate these allegations of the offence which carries a \$5,500 fine under the State's Liquor Act?

Mr FACE: I know nothing about the matters that have been raised. As always I will ask the acting director of compliance to supply me with a full report on the matter and I will report back to the House.

TOTALIZATOR AGENCY BOARD PRIVATISATION

Mr THOMPSON: My question without notice is to the Premier, Minister for the Arts, and Minister for Ethnic Affairs. What restrictions will the Government place on the sale of TAB shares?

Mr CARR: The float of the TAB has been well received by an enthusiastic New South Wales public. The float does not occur until late June but already one million people have requested a prospectus. Small investors will pay 10¢ less than stockbrokers' clients. In today's *Daily Telegraph* the float and its management received an endorsement from what might be considered an unpredictable

source. Terry McCrann, who is known as a conservative commentator, has said, "This is the people's float."

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

Mr CARR: One would think that the Deputy Leader of the National Party would not interject about a financial matter after losing \$50 million on Luna Park.

Mr Souris: On a point of order. The Premier cannot be allowed to make false statements when answering a question. I believe that I have not been called to order for interjecting. The Premier is making a false statement when he says that I interjected. I did not.

Mr SPEAKER: Order! I do not uphold the point of order. The Deputy Leader of the National Party may avail himself of the opportunity to make a personal explanation at the conclusion of question time.

Mr CARR: \$50 million! I am glad he was a qualified accountant. Imagine how much would have slipped through if he had not had accountancy qualifications! McCrann, who is an astute commentator, said:

Every investor—battler, silvertail—

Mr Phillips: He says Egan should be Premier.

Mr CARR: I never said he was infallible on political commentary. However, in judging the appeal of floats, he is fairly astute. He said:

Every investor—battler, silvertail, and big institution—should emerge a winner from this.

I am grateful that he did not use that overworked expression "the mums and dads". He avoids that cliché. He said every investor, the silvertails at one end of the spectrum, right through to the battlers, will get a go with this float. That is the way the float has been put together—to give the small investor a real start. The TAB shares will be offered at a fair price. I want to ensure there is a fair set of rules for buying shares. No-one will have inside running. The process will be transparent and the Government accountable. Today a directive has been issued to Ministers informing them of guidelines for themselves, their partners, staff and public servants associated with the float.

Mr Hazzard: You don't trust them.

Mr CARR: You should talk about trust—wills and trusts. These guidelines will ensure public confidence in the conduct of the float and satisfy the Corporations Law and other laws. The guidelines make it clear that Ministers and their spouses or partners cannot buy TAB shares for one year after shares start trading on the Australian Stock Exchange. They also provide that ministerial staff and their spouses or partners, public servants and other government employees who have had access to confidential TAB information cannot buy TAB shares for one year after trading starts. Any Minister, ministerial staff, public servant or other government employee who has a continuing regulatory role in relation to TAB wagering or gaming must not participate in the float or buy TAB shares while performing that role, or for a year thereafter. The guidelines provide that family companies and trusts in which Ministers, their spouses or partners have an interest cannot participate in the share issue, and this also applies to ministerial staff and their spouses and partners.

The guidelines also provide that applications cannot be made by a Minister or officer in the name of other family members, and, finally that Ministers, ministerial staff, public servants and other government employees who have had access to confidential TAB information must not disclose this information to family members or others. So those are the rules, and the rules are clearly stated. Isn't the float going well? And doesn't the Deputy Leader of the Opposition, with all his dire predictions about the float, look very foolish! Numerous are the occasions in this House when at question time he has asked a question to the effect: is it going to fall over tomorrow? Is the racing industry in New South Wales about to withdraw tomorrow? Again and again we had those types of questions from him. But the experts look at this float quite differently. Full marks to Gary Pemberton! He is doing a great job for the Government on this. What a great job!

Mr Collins: Tell us about electricity while you are at it.

Mr CARR: I invite the Leader of the Opposition to make his next question to the Premier one on electricity, because I have got some very interesting information to give the House. There is the challenge—a question to the Premier about electricity.

Mr Photios: Will you privatise it?

Mr CARR: This question to me is about the TAB. I take the standing orders of this place seriously. I have been asked a question about the TAB. I would not stray to talking about electricity. How dare you put that proposition to me! Put the next question to me about electricity because it is a subject I am itching to address.

MINISTER FOR POLICE LICENSED PREMISES OWNERSHIP

Mr ARMSTRONG: My question is to the Minister for Police. Did the Sydney Cove Redevelopment Authority actively oppose his Orient Hotel being given a 24-hour licence, saying it would lead to an increase in alcohol abuse and result in a loss of safety throughout The Rocks, Millers Point and Sydney central business district areas? Why is there no complete public record of the Licensing Court proceedings on this sensitive issue regarding the Minister's hotel?

Mr SPEAKER: Order! It is a longstanding rule of this House that Ministers cannot be asked questions about their personal affairs. Questions should be directed to matters within the administration of the Minister. The Minister may answer the question, but he should understand that if he chooses to do so, that may create difficulties for other Ministers who are entitled to the protection to which I have referred.

Mr WHELAN: I have advised the House repeatedly that I do not get involved in the day-to-day management of the Orient Hotel or, for that matter, any other interest that I have. Secondly, implicit in the question is an assertion of opposition by the Sydney Cove Redevelopment Authority to certain licensing of the hotel. I am unaware of any matters that relate to that. The Leader of the National Party also suggested towards the end of his question that some court papers are missing. I suggest he go straight from here to the Independent Commission Against Corruption and report that.

SCHOOL STUDENT LITERACY ASSESSMENT TESTS

Mr WATKINS: My question without notice is to the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs. What are the results of the 1998 year 7 literacy tests?

Mr AQUILINA: Today is delivery day for lifting literacy standards. Today is the day on which

the Government demonstrates that the \$112 million investment in lifting the literacy standards of our children is delivering results. Today, with the release of the 1998 English language and literacy assessment test results—the results of more than 92,000 students—we demonstrate that all the resources and efforts of teachers, parents, taxpayers and the Government that have been ploughed into literacy strategy are paying off. Right from the very beginning, lifting literacy standards has been the Government's commitment and aim. Today we have proof that we are delivering on that commitment. We have proof that the commitment, dedication and expertise of the teachers in our schools have been a key to the success in lifting literacy standards in our schools, particularly in primary school and in year 7.

In general terms, the results I am releasing today show that the average results in writing, reading and language of more than 92,000 year 7 and year 8 students across New South Wales are higher than they were last year and that in fact New South Wales is leading the nation. More than 54,100 year 7 students and 38,600 year 8 students sat for the 3½ hour English language and literacy assessment test in March at all government high schools and 35 non-government schools. The results show that the average results in writing, reading and language for year 7 in 1998 are higher than they were for the 1997 year 7 students. They show also that the re-tested year 8 students also achieved higher scores than they did in their year 7 results last year, indicating that their writing, reading and language had improved during the school year, with greatest improvement in reading.

Particularly pleasing are the results indicating that the small number of low-achieving students identified in 1997 as requiring additional assistance have improved at a faster rate than the rest of the student population during the year. It is important to highlight a few specific facts and findings from the results. The average score for this year's year 7 students is higher than that for last year's year 7 students. In writing the mean score increased from 87 per cent to 88.2 per cent, in reading it increased from 86.6 per cent to 88.3 per cent, and in language it increased from 86.4 per cent to 88 per cent. In writing, 96 per cent of 1998 year 7 students have elementary to high-range writing skills, with 30 per cent scoring results in the high-skill category and 4 per cent in the low category. This 4 per cent of students have now been identified as requiring additional assistance. In reading, 94 per cent of 1998 year 7 students have elementary to high-range reading skills, with 33 per cent scoring results in the high-skill category and 6 per cent in the low category. This 6 per cent of students have been

identified as requiring additional assistance. In language, 92 per cent of 1998 year 7 students have elementary to high-range language skills, with 35 per cent scoring results in the high-skill category and 8 per cent in the low category. The average score for this year's year 8 students is higher than it was last year when they did the test in year 7, indicating that their writing, reading and language skills have improved over the past year.

Mr Jeffery: You've got members asleep now, John.

Mr AQUILINA: The honourable member for Oxley may not think that improved literacy standards in our schools is important, but I assure him it is. He can go back to sleep if he wishes. I remind the honourable member for Oxley that these results show that the students in the schools in his electorate, indeed the schools around the State, are improving at a rapid rate—well beyond the Federal benchmark set by David Kemp last year—and are indeed leading the nation in terms of improving literacy standards. As I was saying, writing, reading and language skills have improved over the past year. For example in writing, the average score for this year's year 8 students increased from 87 per cent to 89.1 per cent, in reading it increased from 86.6 per cent to 90.1 per cent, and in language it increased from 86.4 per cent to 89.5 per cent.

The ELLA test is a key element of the Government's \$112 million drive to lift literacy standards and provide teachers, parents and the Government with an unprecedented level of information about students' literacy skills. A key component of the ELLA testing initiative was the distribution this week of individual students' results to parents and teachers detailing their children's literacy levels and standards—the kinds of results that parents and teachers have not had in the past. Parents and teachers can feel secure, knowing that they are getting the full picture of what their children learn, understand and know. These tests provide valuable information for teachers and parents so they can pinpoint potential problems before they emerge. I again emphasise that these tests are given in March of year 7 to alert year 7 teachers to the precise strengths and weaknesses of the students. Each student who needs additional assistance will receive an individual assessment by specialist teachers who have been trained in how to provide expert targeted assistance. These results are critical to help teachers, parents, schools and the Government to make well-informed decisions about implementing targeted programs for students who need additional assistance and the allocation of resources across the State.

A few weeks ago I reminded this House that an independent report entitled "Making a Difference" found that 93 per cent of teachers had a better idea of their students' literacy skills and 88 per cent of teachers believe that the ELLA tests will help them to teach their subjects more effectively and improve student learning. Teachers have given the ELLA tests a big tick; they know that they are now better armed to improve the literacy standards of their students and the students who require help. More than 90 per cent of parents were pleased that their child had done the test and believed the reports helped them to understand their child's reading and writing skills. Today's results are further evidence that the Government's commitment to literacy through initiatives such as reading recovery, the basic skills test and this ELLA test, and the extensive training for teachers and the new curriculum materials, are helping teachers and parents to improve student literacy skills.

I have been informed that the Federal Minister for Employment, Education, Training and Youth Affairs, David Kemp, is disputing these figures without seeing the results. He does not know what the results are but his advisers have already propped him up to dispute the figures and the fact that New South Wales is producing the best literacy results in this nation. I ask the Federal Minister to stop talking about lifting literacy standards and to do something about it. The \$112 million being spent on literacy in New South Wales schools is New South Wales taxpayers' money. We want to see some Commonwealth dollars to improve literacy standards; we do not just want words from the Federal Minister.

MINISTER FOR POLICE LICENSED PREMISES OWNERSHIP

Mr PHILLIPS: My question without notice is directed to the Minister for Police. Why did the police offer no objection to his Orient Hotel being granted a 24-hour licence when six months earlier they identified the hotel as the No. 1 assault hot spot in The Rocks? Is the fact that the Orient Hotel is well known as the police Minister's pub the reason for the police remaining silent?

Mr WHELAN: I have a feeling of déjà vu about today's question time. I remember those terrible days in opposition when we would run out of policy issues and everyone would turn to me and say, "We could always dig out Ryan's hotel." We would dig out Ryan's hotel, find out a bit of mud and muck, and see what we could do. We could throw it over but the issue went away eventually. I

will repeat what I said earlier: I have nothing to do with the day-to-day management of the hotel.

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

Mr Phillips: Why didn't the police object?

Mr WHELAN: If the Deputy Leader of the Opposition wants to pick up the phone and ask the commissioner he should do it. I do not know the answer to his question.

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

Mr Phillips: What have you got to hide?

Mr WHELAN: Nothing, which is why I have suggested to the Deputy Leader of the Opposition that if he wants to see the Commissioner of Police he should just pick up the phone and arrange to see him. If he wants to contact the Independent Commission Against Corruption he should just do it. Do not ask me for permission; just do it.

ENERGY INDUSTRY OMBUDSMAN

Mr RUMBLE: My question without notice is to the Minister for Energy. What is the Government doing to protect electricity consumers?

Mr DEBUS: The honourable member for Illawarra has a strong interest in consumer protection. Under the Carr Government New South Wales consumers already have the most secure and cheapest supply of power in the country. Today I am able to announce that the Government will introduce new consumer protection regulations that will give ordinary householders the best protection in Australia. In fact, under the Government's new rules electricity companies will have to pay consumers if they fail to live up to the standards. Consumers will have extra protection. The Government is establishing an energy Ombudsman to investigate complaints about service and to protect consumers' rights. The new regulations will help to protect consumers across New South Wales by guaranteeing a minimum standard of service through the establishment of the Energy Industry Ombudsman, by setting up consistent disconnection procedures and by continuing social programs such as the energy accounts payment assistance scheme. Under the guaranteed minimum service standards, companies must maintain the quality of the service they provide to consumers, and pay a rebate if the minimum standard is not met. The Government is

getting behind consumers to ensure they get the best service from our companies.

Mr Phillips: But you own all the electricity units.

Mr DEBUS: The honourable member for Maitland wants to do so. Did the Deputy Leader of the Opposition notice that last April the *Newcastle Herald* reported that the honourable member for Maitland said, "We are not going to sell them. We are not going to sell electricity." The honourable member should talk to him about that. He should ask the honourable member for Maitland and the Leader of the National Party. He will only sell a bit of it.

Mr SPEAKER: Order! The Minister will refrain from responding to the interjections and continue his answer.

Mr DEBUS: If an electricity company fails to connect power by the day it said it would, \$60 will be taken off the consumer's account for each day the company is late, up to a maximum of \$300.

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

Mr DEBUS: If a consumer reports a broken street light the company will inform the consumer of the date by which it will be repaired. If the company fails to fix the light by the given date the consumer's next account will be credited with \$15.

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

Mr DEBUS: If an electricity company makes an appointment to visit a consumer, it must be on time.

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

Mr DEBUS: If the company is more than 15 minutes late for an appointment, the company will have to credit the consumer's next account with \$25.

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

Mr DEBUS: If a company fails to give adequate notification of interruptions to electricity supply because of routine maintenance, it will have to credit consumers' accounts by \$20.

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

Mr DEBUS: These are real financial penalties that will provide electricity companies with plenty of incentive to provide the level of service that the community needs and expects.

Mr SPEAKER: Order! I place the Deputy Leader of the Opposition on three calls to order. I call the honourable member for Wakehurst to order for the second time.

Mr DEBUS: Given the essential nature of electricity supply, superior customer service is vital.

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

Mr DEBUS: Electricity companies will be obliged to provide a free 24-hour, seven-day-a-week telephone inquiry line to help consumers access information and report problems. The Energy Industry Ombudsman will investigate and assist in resolving disputes over bills, disconnections and security deposits.

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

Mr DEBUS: The ombudsman will also enforce the service guarantee rebates. The Government will make it a mandatory condition of the electricity companies' licence that they belong to the energy industry ombudsman scheme. The Energy Industry Ombudsman will be independent of the companies, involve no cost to consumers and allow consumers to choose whether decisions are binding. A mandatory disconnection procedure will be established to ensure that all customers are treated equally. Companies will be required to provide at least two written notices of the intention to disconnect, reasonable attempts to make telephone or face-to-face contact to try to resolve the matter and five business days notice from the last notice or contact before disconnection action is taken.

Consumers will have time to contact the Energy Industry Ombudsman or to seek help through the energy accounts payments assistance scheme. They will also be able to consider flexible payment options, such as paying their bills in instalments. People will know and understand their rights and, importantly, companies will know them too. These regulations will also guarantee the future of an important scheme for people facing hardship

and those with special needs. The energy accounts payments assistance scheme has been a great success, and I want to ensure that future governments that may not have the same commitment to social justice as this Government do not abandon people facing hardship, illness or difficulties because of their age. Therefore, all companies will be obliged to provide pensioner rebates, concessions for people on life-support systems and hardship assistance under the energy accounts payments assistance scheme.

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

Mr DEBUS: Those opposite want to sell electricity. This scheme means that less well-off people can feel secure in switching on the heater during winter or keeping a light on overnight without too much concern for the cost. This major series of reforms clearly sets out the electricity industry's obligations to its customers. It will provide greater security for consumers and give them more confidence in relation to their rights in disputes.

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

Mr DEBUS: By establishing universal service obligations the package will ensure that rural consumers will receive the same benefits as consumers living in urban areas. Everybody will be treated equally. This continues the Government's many reforms in the electricity industry. Members of this House will be interested to know that New South Wales householders already enjoy the cheapest power in Australia. In Victoria, which honourable member's opposite hold up so frequently as the model we should follow in electricity reform, an average household pays \$165 more than the average household in New South Wales.

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

Mr DEBUS: The citizens of New South Wales will now be covered by consumer protection that put coalition governments and the rest of the country to shame.

CORRECTIVE SERVICES SUPERINTENDENT Mr GEORGE CLARKE

Mr COCHRAN: My question without notice is to the Minister for Corrective Services. Will he confirm that Corrective Services Superintendent George Clarke has been under investigation by the Independent Commission Against Corruption? If so,

why was he allowed to go on a study tour to Canada at taxpayers' expense?

Mr DEBUS: I cannot believe that members opposite choose to raise the question of Superintendent George Clarke. This man has been charged in Canada with a sexual offence. My recollection is that a member of the previous Government was charged with 37 such offences—and the coalition gave him \$100,000 in legal expenses. The honourable member for Gosford and the honourable member for Cronulla argued passionately in this House that one had to presume that he was innocent until proven guilty. We should all do the same.

Mr Photios: On a point of order. The Minister has been preambled, one might say, and his point is totally irrelevant. My point of order, which relates to relevance, is: did he approve a trip for Superintendent Clarke or not?

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

Mr DEBUS: I am not aware whether Superintendent Clarke is under investigation by ICAC but, of course, by definition I am often not aware of such things.

Mr COCHRAN: I ask a supplementary question. If Superintendent Clarke is revealed as being under investigation by ICAC will the Minister suspend him immediately?

Mr DEBUS: Superintendent Clarke is already the subject of disciplinary proceedings within the department.

Mr SPEAKER: Order! The member for Monaro has asked a supplementary question. He will listen to the answer in silence.

Mr DEBUS: Nobody should be—

Mr SPEAKER: Order! I place the Leader of the Opposition on three calls to order.

Mr DEBUS: Superintendent Clarke is already the subject of disciplinary proceedings. They will take their course.

BROKEN HILL ENVIRONMENTAL LEAD CENTRE

Mr BECKROGE: My question without notice is directed to the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs. What is the Government doing to protect children in Broken Hill from the effects of environmental lead?

Dr REFSHAUGE: Seven years ago the children of Broken Hill were facing a major health problem: 80 per cent of children under five years old were shown to have unacceptably high levels of lead in their blood. Several children were so seriously affected that they had to be evacuated for specialist treatment. Lead contamination in Broken Hill is a result of naturally occurring lead and previous smelting and mining activities. The problem is exacerbated by wind erosion and water erosion after heavy rainfall. Lead poisoning is dangerous. It can cause damage to the brain, kidney, liver and the nervous system. In fact in 1897 a Brisbane doctor published the world's first medical article detailing childhood lead poisoning. In 1993 the former Government established the Broken Hill Environmental Lead Centre and committed \$3.4 million to a short-term strategy. But much more was needed. In 1996 the Carr Government committed \$8.4 million over five years for a long-term strategy.

New South Wales Health, the Environment Protection Authority and the Broken Hill community have been working closely on this unique project. Their goal is to reduce the blood lead levels in children to below the standards set by the National Health and Medical Research Council and the work has been highly successful. The average blood lead levels have been almost halved and the proportion of children under five with above national guideline levels has been reduced from 85 per cent to 43 per cent. The proportion of children under five with very high blood lead levels has fallen from 10 per cent to less than 1 per cent. These achievements have sparked national and international interest. The Broken Hill Environmental Lead Centre is considered one of the most successful projects of its kind in Australia. The early focus was on screening of all Broken Hill children under the age of five and gaining community acceptance and support. Children most at risk were identified and families were helped to find and remove any source of contamination from their homes. As well, there were personalised education programs and dust reduction.

As the number of children with high levels were reduced the project was broadened to include primary prevention. While the project so far has been an outstanding success, the work to even further reduce the risk to children is continuing. Currently the Environmental Lead Centre focuses on several key areas. The blood lead levels of children and pregnant women is monitored. This includes blood taken from the cord of newborns. Families with children at risk are provided with counselling and education along with an assessment of the lead risk in their homes and, if necessary, any source of lead contamination is removed. Contaminated land also undergoes remediation. The program includes

work on public, private, government and company-owned land.

Importantly, community education and awareness programs have been implemented in schools, the health service and the general community. The Environmental Lead Centre has produced a range of written material, videos and information kits. There is also environmental monitoring of soil, water and dust. This is a fine example of how government can work with communities to improve the quality of their lives. The project is a credit to New South Wales Health, the Environment Protection Authority and the Environmental Lead Centre, but most importantly, the success of the project is a credit to the people of Broken Hill. With the help of committed and dedicated staff from the agencies I have mentioned, the Broken Hill community has tackled a significant and complex problem. This is yet another example of the Carr Government working to secure a healthier future for our children.

MINISTER FOR POLICE LICENSED PREMISES OWNERSHIP

Mr FACE: In regard to a question directed to me earlier today about the Orient Hotel, contrary to what was alluded to in the House I am advised that the court records are available. The Licensing Court is an independent body. If anyone has any information to the contrary they should immediately refer it to the Independent Commission Against Corruption.

CORRECTIVE SERVICES SUPERINTENDENT Mr GEORGE CLARKE

Mr DEBUS: Briefly, for the benefit of the House and in amplification of an answer that I gave earlier in question time, to my knowledge Superintendent Clarke, the former Governor of Parramatta gaol, has been interviewed by ICAC as a witness in relation to another matter, but to my knowledge he has not been investigated himself. But as I said when I gave my answer to the original question, I do not know everything that ICAC is doing.

Questions without notice concluded.

CONSIDERATION OF URGENT MOTIONS

Sydney Opera House World Heritage Listing

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [3.37 p.m.]: My motion is urgent because this Parliament needs to send a message to Canberra to get on with the nomination of the Sydney Opera

House in its harbour setting to the World Heritage Committee. It is urgent because nominations close on 1 July this year. It is urgent because co-operative efforts over the last two years between the State and Commonwealth have failed to see the Prime Minister forward the nomination and, as a consequence, this Parliament should record its unanimous support for my motion and this Government's support for the Sydney Opera House in its harbour setting to receive World Heritage listing.

The motion is urgent because when the Commonwealth has had opportunities in the past to submit a nomination to the World Heritage Committee it has either missed the boat or failed to deliver, first in 1996 and again when it failed to forward the nomination in 1997. This failure makes this year's opportunity even more important, particularly as we move towards the year 2000 Olympic Games. I contend that this motion is urgent because, put simply, enough is enough. A nomination, which was prepared more than two years ago, was paid for by the Commonwealth, and as the deadline for submission of that nomination looms ever closer we must send a message to Canberra that we expect our national Government to show leadership and vision.

Crime Levels in Country New South Wales

Mr ARMSTRONG (Lachlan—Leader of the National Party) [3.39 p.m.]: This matter is urgent because of figures released last week by the Bureau of Crime Statistics and Research. Last year the town of Dubbo had 999 homes broken into. Orange had 451 break and enters, an increase of 20 per cent on the previous year.

Mr Whelan: On a point of order. The Leader of the National Party well knows that he is limited to debating priority, in exactly the same way that the Minister for Urban Affairs and Planning debated why his motion should receive priority. The honourable member should not debate the substance of the motion. He continually flouts the rulings of this House. I ask that the honourable member be given a warning and if he does not comply he be directed to sit down.

Mr ARMSTRONG: On the point of order. The Minister for Police takes a point of order because he is embarrassed about the crime statistics. He is trying to prevent debate on crime in this State because it will highlight his failure as the Minister for Police in the administration of that important portfolio.

Mr SPEAKER: Order! The Minister has taken a point of order that the Leader of the National Party is debating paragraph (b) of his

motion, which asks the House to note that almost all country towns and districts are again experiencing unacceptable levels of crime, instead of addressing the reasons his motion should receive priority. I uphold the point of order.

Mr ARMSTRONG: This matter should receive urgent consideration because of the enormous concern of citizens about the escalation of crime in many country towns, such as Dubbo, Orange, Cessnock and Bathurst. It is urgent that the matter be debated if citizens are to feel safe in country towns. The good work of the police is acknowledged, but they receive poor support from the police Minister and the Government.

Mr Whelan: On a point of order.

Mr ARMSTRONG: The Minister for Police is embarrassed by what I am saying.

Mr Whelan: I am very happy to have the matter debated, but it is for the House to decide which motion proceeds.

Mr SPEAKER: Order! Is the Minister taking a point of order?

Mr Whelan: Yes.

Mr SPEAKER: Order! When the Minister takes a point of order he should address the Chair.

Mr Whelan: I was replying to the Leader of the National Party. I said that I am happy to debate the matter at any time. I repeat, the honourable member is limited to priority debate as to why the matter should proceed. This is the second time, probably the two hundredth time, that the Leader of the National Party has refused to abide by your rulings, Mr Speaker. He is entering into a debate on the motion. The House will make a decision about which motion is to be debated. The honourable member is defying your rulings, Mr Speaker, and those of previous Speakers, and is clearly out of order. He should be directed to sit down.

Mr ARMSTRONG: On the point of order. I accept the Minister's offer to debate the matter at any time, and I nominate now. I look forward to the Government's support for my motion.

Mr SPEAKER: Order! The Leader of the National Party is not speaking to the point of order. He will resume his seat. The Minister's point of order has some validity. Paragraph (c) of the motion of which the Leader of the National Party has given notice seeks to condemn the Government for allowing lawlessness to affect the wellbeing of all people on the coast and inland of New South Wales. The Leader of the National Party was debating that

part of the motion rather than dealing with the reasons his motion should receive priority.

Mr ARMSTRONG: This matter is important to all of the people of country New South Wales. The increase in crime in country towns is symptomatic of problems that are occurring right across rural New South Wales. The fear and lack of confidence in country communities in New South Wales is as a result of neglect by this Government.

Mr McManus: On a point of order. I am reluctant to take a point of order because the Minister for Police has already done so three times. The Leader of the National Party is deliberately flouting the rules and is entering into the substance of the debate. I also ask that he be directed to sit down.

Mr SPEAKER: Order! On this occasion the Leader of the National Party was complying with the standing orders.

Mr ARMSTRONG: This matter must be heard because it is urgent. [*Time expired.*]

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

The House divided.

Ayes, 44

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

Noes, 41

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

Pairs

Mr Carr	Mr Brogden
Mr Harrison	Mrs Chikarovski
Mr Langton	Mr Glachan
Mr Knight	Dr Kernohan
Mr Nagle	Mr O'Doherty
Mr Rogan	Mr D. L. Page

Question so resolved in the affirmative.

SYDNEY OPERA HOUSE WORLD HERITAGE LISTING

Urgent Motion

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [3.55 p.m.]: I move:

That this House condemns the Prime Minister, the Federal Minister for the Environment and the Federal Government for their failure to submit "The Sydney Opera House in its harbour setting" as a nomination for World Heritage listing despite the fact that they have been in a position to do so since 26 July 1996, and calls upon the Prime Minister to immediately forward the nomination to the World Heritage Committee.

World Heritage listing is of course the most prestigious status that can be granted to a national icon. There are currently 469 sites on the World Heritage List of the United Nations Educational, Scientific and Cultural Organisation. Of those, 11 are located in Australia: Kakadu, the wet tropics of

Queensland, the Great Barrier Reef, central eastern Australian rainforest, Lord Howe Island, Uluru-Kata Tjuta National Park, Willandra lakes region, western Tasmania national parks, Shark Bay, Fraser Island and the Riversleigh-Naracoorte fossil mammal sites.

Of those 11, there are no sites that represent buildings or structures. All are sites of unquestionable environmental and/or cultural significance. Indeed, of the 469 sites around the world, only five are inscribed specifically for their twentieth century cultural properties. Of those, the Auschwitz concentration camp in Poland is clearly not identified for its architectural significance, thus leaving only four outstanding buildings and structures of the twentieth century listed for their architectural values anywhere in the world. They are Niemeyer and Costa's Brasilia; Gaudi's Parque Guell-Palacia Guell, Casa Mila in Barcelona; Gropius' Bauhaus and its sites in Germany; and Asplund's Skogskyrkogarden cemetery in Sweden.

Mr Hazzard: What does that look like?

Mr KNOWLES: I have been to all of them. Interestingly, there are no works by, for example, Frank Lloyd Wright, Mies van der Rohe or Le Corbusier. Sadly, there are also no works by another internationally regarded architect—Joern Utzon. Without a doubt, Utzon's most famous work, the Sydney Opera House in its magnificent harbour setting deserves, on any test, to join that unique group of twentieth century buildings and receive World Heritage listing for its outstanding architectural value alone. However, the Opera House in its harbour setting represents more than just Australia's finest architecture. It is, as the nomination document states, a continuing cultural landscape which, through the sequence of the physical markers of Fort Denison island and the harbour bridge, and the arrival of the First Fleet in 1788, illustrates significant stages in human history.

Sydney Cove is the site of one of the most important confrontations between indigenous Australians and our first settlers. Without question it is the fulcrum between our past and our future. It signifies the place where our nation set a new course and took its place in the world more than 200 years ago. World Heritage listing would not only celebrate those things: it would, of course, celebrate the staggering aesthetic beauty of our harbour and our Opera House and would also recognise Utzon's development of new procedures, almost a new mathematics of architecture, to enable those glorious white sails to appear to billow majestically over the harbour setting. [*Quorum formed.*]

Suspension of Standing and Sessional Orders

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [3.59 p.m.]: I move:

That standing and sessional orders be suspended to allow the Minister for Urban Affairs and Planning to have unlimited time to speak to the motion.

Mr HARTCHER (Gosford) [4.00 p.m.]: The Minister seeks to suspend standing and sessional orders so that he can have unlimited time to speak to his motion. That is a courtesy that is not extended generally to the House.

Mr Beckroge: Don't call a quorum then.

Mr HARTCHER: The Constitution Act requires that there be 20 members present in the House at all times. The attitude of Labor Party members towards their Minister and the Constitution Act was to evacuate the Chamber as soon as the Minister for Urban Affairs and Planning took the call. The Opposition has more respect for him and believes he should be given an audience. The Minister's remarks should not simply be recorded in *Hansard* or shown on television. The Opposition wants the Parliament and the Labor Party to hear the Minister, who has much to say. Members would like to hear his pearly words of wisdom, and he should be given that opportunity. However, all Labor Party members left the Chamber. The only members present in the Chamber were the Leader of the Opposition, the honourable member for Murrumbidgee—a sterling member—and the honourable member for Cronulla. The honourable member for Wakehurst puts up his hand but he was actually outside the Chamber.

Mr Gaudry: On a point of order. The member for Gosford, in calling for a quorum and then listing the members present, failed to mention the honourable member for Gladesville and me. We were here supporting the Minister. He has lied to the House.

Mr SPEAKER: Order! The member for Newcastle may make a personal explanation at the appropriate time if he so desires. The member for Gosford may proceed.

Mr HARTCHER: The honourable member for Newcastle claims to have been in the Chamber. If so, he was not listening because I did not call for a quorum. I was not present. I have to confess to the

Minister for Urban Affairs and Planning that I did not wait to hear him because I knew exactly what he was going to say. It is the tired, old repetition. In fact, there is a template in the Premier's office which begins, "Matters for urgent consideration: That this House condemns the Federal Government" and the words for the day are just typed in. The Government has reduced the Parliament of New South Wales to a sheer farce. Every day a motion for urgent consideration is moved for blatant political purposes—to help the Labor Party's struggling mates in Canberra; the pathetic, hapless Federal Leader of the Opposition, Mr Beazley, who is known as the most pathetic Leader of the Opposition since Bob Carr. He and Bob Carr share that air of hopelessness.

The Minister seeks to have unlimited time and not be subject to the constraints of the House, its standing orders or the Constitution Act. He wishes to be immune from all processes, yet everyone else must observe the standing orders and the Constitution Act and bow down in favour of the New South Wales Government. The Opposition does not accept that. The Minister should comply with the standing orders, which clearly stipulate that there should be a quorum. If the Government Whip is so hopeless in the administration of the House that he cannot maintain a quorum, he should resign from his position and give it to someone who is even less competent, such as the member for Bulli, who would probably hold the candle for the most incompetent member of this House.

Mr Collins: There are certainly others.

Mr HARTCHER: The Leader of the Opposition says there are others on the Government benches. The Opposition will run a contest that all members will be able to enter as to who is the most incompetent Government member.

Mr Collins: It will be like a Senate ballot paper.

Mr HARTCHER: As the Leader of the Opposition said, it will look like a Senate ballot paper. The names will not all fit, and the prize will be lunch with Kim Beazley, who is a monument to parliamentary incompetence. The Government believes that the standing orders and, more significantly, the Constitution Act of New South Wales are its own creation. Suspension is denied.

Question—That standing and sessional orders be suspended—put.

The House divided.

Ayes, 45

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

Noes, 41

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

Pairs

Mr Carr	Mr Brogden
Mr Harrison	Mrs Chivarovski
Mr Langton	Mr Glachan
Mr Nagle	Dr Kernohan
Dr Refshauge	Mr O'Doherty
Mr Sullivan	Mr D. L. Page

Question so resolved in the affirmative.**Motion for suspension of standing and sessional orders agreed to.**

Mr KNOWLES: I thank the House for its indulgence and the honourable member for Gosford in particular for his contribution to the debate. Before I was rudely interrupted I was making the point that the Opera House in its harbour setting, represents more than just Australia's finest architecture. It is, as the nomination for World Heritage listing states, a continuing cultural landscape which, through a sequence of physical markers at Fort Denison island and the harbour bridge, and the arrival of the First Fleet in 1788, illustrates significant stages in human history. Sydney Cove is the site of one of the most important confrontations between indigenous Australians and our first settlers. Without question, it is the fulcrum between our past and our future. It signifies the place where our nation set a new course and took its place in the world more than 200 years ago.

World Heritage listing would not only celebrate those things; it would, of course, celebrate the staggering aesthetic beauty of our harbour and our Opera House, and would also recognise Utzon's development of new engineering procedures, almost a new mathematics of architecture, to enable those glorious white sails to appear to billow majestically over its harbour setting. Nomination of the Opera House for World Heritage listing can be made only by the Australian Government. That is, John Howard has to sign the paperwork to be sent to UNESCO and its affiliate organisations to allow an application for World Heritage listing to be considered. It is now a crucial time for John Howard to forward this information on behalf of all Australians. He has until the end of June to do so, before we miss out for the third year in a row.

Obviously, the New South Wales Government supports this nomination—no strings attached. In fact, the Premier signed the nomination documents in 1996. I have the nomination in my hand. It is now two years old. It was forwarded, together with correspondence of support, to both the Prime Minister and to Senator Robert Hill. The nomination continues to languish on Senator Hill's desk for want of Federal Government commitment. The Commonwealth's failure to act is bizarre in the extreme. Though the Howard Government gives a number of strange reasons for its failure, the facts reveal that it is bizarre in the extreme for that Government not to have forwarded the nomination. The first and foremost is that the Commonwealth

actually paid for this document. It was the Commonwealth that paid the \$200,000 for the nomination to be prepared in the first place. That is, it was the Commonwealth, with the support of this State, that actually wanted the nomination prepared. Second, there is overwhelming support for the nomination—support which frankly goes beyond partisan politics and would stand as a symbol of national pride to future generations of all Australians.

Unquestionably, this is one of those issues that has the power to unite communities and all Australians in a bipartisan fashion, and to support a truly national icon. Third, the World Heritage Committee has already indicated that it would welcome the nomination of the Opera House in its harbour setting, so the way is clear for the nomination to proceed. Coincidentally, and indeed fortuitously, the author of the nomination, Joan Domicelj, currently represents Australia on the International Centre for the Conservation and Restoration of Monuments, one of the affiliate organisations of UNESCO, that is, the body that assesses the nomination.

So the Commonwealth Government is paying for the nomination, the transmission of the nomination to the World Heritage Committee has overwhelming support, and the person who prepared the nomination is actually now a member of the parent UNESCO body that will consider the nomination. Since 1996 they have all been saying: please send it, we would like to see it, we would give support—not political support, but bipartisan community support—to listing the Sydney Opera House in its harbour setting as the fifth twentieth-century architectural structure in the world on a list of 469 items that have achieved World Heritage listing, and the only built form structure in Australia to become number 12 on the list of items in Australia that have reached World Heritage listing status. When attempts have been made to find out why the nomination has not been delivered to UNESCO by the Federal Government, the response has been a series of rather weak excuses. For example, in a letter from Minister Hill to the President of the Australian Division of the International Centre for the Conservation and Restoration of Monuments the Minister said:

We do not believe that World Heritage Listing is appropriate to Australia's circumstances.

What circumstances? What does that mean? After all, 11 other items in this country already have World Heritage listing status. World Heritage listing has been described as the equivalent of a gold medal

at the Olympic Games or a Nobel Prize. It should be a cause for intense national pride, not avoidance and embarrassment. It would be the same as Senator Alston's advising the Swedish academy that it should not bother to consider Australians for nomination for the Nobel Prize because literary merit is sufficiently recognised in this country. It would be like Andrew Thompson advising the International Olympic Committee that Australian athletes should not be considered for gold medals because in this country there is sufficient recognition for our sportsmen and sportswomen.

We simply cannot ignore the fact that the Opera House in its harbour setting is most deserving of World Heritage listing and it is being denied that nomination. Dennis Sharp, in his standard history of twentieth century architecture from 1972, writes that the Sydney Opera House is "a building which will take upon itself the role of a symbol for the city if not for the whole continent". Twenty-six years later, Dennis Sharp's view has been proven to be correct. Today the Sydney Opera House is more generally known and admired than perhaps any modern work of architecture. It is a landmark. Its stylised image will serve as part of our logo for the 2000 Olympic Games. The nomination states:

The Sydney Opera House in its Harbour Setting reflects the outstanding universal values of a recent architectural masterpiece in an ancient, still evolving cultural landscape. The area includes the inner waters of Sydney Harbour, itself the site of a colonial-Aboriginal encounter of great significance, and three symbols of nineteenth and twentieth century history, the highlight of which is Joern Utzon's Opera House.

The property illustrates the themes of twentieth century architecture and the cultural heritage of Australia, both of which are under-represented on the World Heritage List. Its inclusion will therefore assist in creating a more universally representative List.

The Commonwealth Government has had the nomination, which it paid for, for almost two years. It missed the deadline for submission for consideration by the World Heritage Committee in 1996. It failed to submit the nomination for consideration again in 1997. The Commonwealth Government has until 1 July this year to redeem itself. Clearly, there is no logical reason why the nomination cannot proceed. New South Wales has a world-class icon at Bennelong Point, the nomination is of world-class standard, and the Prime Minister does not appreciate it. When the Sydney Opera House finally receives its World Heritage listing, and I have no doubt that it will, it will be the only site in our nation that will have been inscribed on the World Heritage register to represent Australia's life since the First Fleet. As I said earlier, that

should be a cause for celebration and national pride, not procrastination and equivocation. Our national Government should demonstrate the necessary leadership on this issue and forward the nomination without further delay.

Mr COLLINS (Willoughby—Leader of the Opposition) [4.25 p.m.]: The Minister for Urban Affairs and Planning gave the Opposition no notice of this motion. His bleatings about bipartisanship ring extremely hollow. The Labor Party, in a spirit of bipartisanship, asks members of this House to support this motion condemning the Prime Minister, the Federal Minister for the Environment and the Federal Government. Every day this Parliament sits one of the Ministers opposite troops into this Chamber and seeks to condemn the Federal Government for something, for anything, for whatever. So every day this Parliament hears a diatribe comprised mostly of falsehoods and sprinkled with the odd truth but otherwise devoid of fact, content and political reality.

However, the Government hopes that it is tantalising enough to get some gullible person on the sixth floor to write a story reporting the nonsense that Ministers spruik in this House. The Government is a victim of its own childish antics. The nonsense indulged in by the Government daily in this House simply has to stop. I make the following genuine offer to the Minister. If he rephrases his motion to ask the Federal Government to support the nomination of the Sydney Opera House in its setting and he removes the political slanging from the motion, he will have the Opposition's support. I challenge the Minister to recast his motion in a bipartisan manner.

[*Interruption*]

The Minister is speaking across me because he is trying to deflect attention from his partisan vulnerability. He is exposed. At this time every day the Government indulges in this partisan exercise. At this time every day there is a partisan ritual played out by members of the Labor Party, because it is the only thing they know how to do. That ritual is played out with monotonous regularity, and it has come back to bite them. When a Minister eventually comes up with an issue that has some substance, namely, the World Heritage nomination of the Sydney Opera House in its setting, he cannot help but go for the cheap, political shot. He has to go for the political jugular and attack the Howard Government, instead of seeking to achieve a unanimous resolution supported by the Opposition and those on the crossbench. I would not be sure about those on the crossbench; I had better let them

speak for themselves. Why would the Opposition support such a motion? We would support it because I raised this matter directly in a conversation with the Prime Minister last week. This is not news to the Opposition. I have raised the matter with the Prime Minister on a number of occasions. In fact, I wrote to him before the meeting last week. I will put the letter on the record. It reads:

Dear Prime Minister

I am aware that the Commonwealth has decided against nominating the Sydney Opera House in its harbour setting for inclusion in the World Heritage List.

I am also aware that the Government is aware of the uncertainties that might be generated by the nomination, especially in relation to responsibility for land management of the precinct.

However, I write to urge you to reconsider that decision prior to the June 1998 deadline for submissions to the World Heritage Bureau.

The Sydney Opera House is no doubt amongst the architectural marvels of the modern world. Together with the Sydney Harbour Bridge, it is amongst the undisputed icons and most-recognised constructions of this century. The building is an engineering first, a cultural site of immense significance, and Australia's premier tourist attraction.

The nomination of the Sydney Opera House would be a fitting way to recognise the cultural value and tourism significance of the building.

Whilst I acknowledge that the nomination might, at most, impose modest obligations on the Commonwealth, I believe the extent of that liability can easily be limited if some agreement with the State Government can be reached. I believe it would be unreasonable if the Premier were not prepared to work towards striking such an agreement.

I would welcome the opportunity to discuss this matter with you when we next meet.

Yours sincerely

Peter Collins QC MP

LEADER OF THE OPPOSITION

Mr Knowles: Table the letter.

Mr COLLINS: The Opposition does not have the right to table letters or any other documents in this Parliament, as the Minister well knows. I raised this issue with the Prime Minister on 24 April by way of correspondence, and I met with him last week and raised it personally. Obviously, the Prime Minister can speak for himself, but why would the Prime Minister deal with the Minister for Urban Affairs and Planning opposite or with the absent Premier? Where is the Premier, the Minister for the

Arts, the Minister responsible for the administration of the Opera House? The Premier was not here for the Langton debate and he is not here for the Opera House World Heritage listing debate. The State has an absentee Premier. So far as the arts portfolio is concerned, for the first time in the recorded history of this State, the Minister for the Arts is a Minister in name only.

He has transferred the workload to, of all people, the Minister for Corrective Services. Those involved in the arts can draw their own conclusions about that joining of portfolios. The Premier has walked away from his portfolio and from the Sydney Opera House, which is the symbol of the city of Sydney. The Premier is not in the House to lead the debate. He delegated it to a Minister who is noted for leading the Commonwealth on, for suggesting that everything is fine and then pulling the rug out at the last minute. Why would the Federal Government listen to the Minister for Urban Affairs and Planning? He has no credibility whatsoever. The Premier has no interest in this issue, despite the fact that because of his title as Minister for the Arts he should have the greatest interest of any member of this House.

Honourable members have heard about the significance of the Sydney Opera House, a building with which I am intimately familiar. I was responsible for the Sydney Opera House for seven years, and I invited Joern Utzon to return to Australia to be acknowledged for the great gift he gave the Australian people. I endorse the recommendation but I ask the Minister to recast the motion. If he is in any way sincere he will rewrite the motion. If the Premier had the slightest interest in this issue, he would be in the House to lead the debate for the Government. Having received no indication from the Minister opposite, I am left with no option but to move the Opposition's amendment to the motion. I move:

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

"this House condemns the Premier, the New South Wales Minister for Urban Affairs and Planning and the New South Wales State Government for their failure to protect the Sydney Opera House by allowing development at East Circular Quay despite the fact they have been in a position to do so since 4 April 1995."

My colleague the honourable member for Vacluse will elaborate on the amendment. It is a matter of record that the fate of East Circular Quay was determined by the absent Premier almost nine years ago when he approved a 20-storey office tower on one of Sydney's most sensitive harbour-front sites. I quote from the *Sydney Morning Herald* of 15 February 1997:

The papers were signed just four days before the 1988 election that swept the Labor Party from power, despite political conventions which stop major decisions being made during election campaigns.

The Premier is not game to take part in this debate because he would have to explain why he breached the convention that caretaker Ministers should not make major political or financial decisions. The Premier, Bob Carr, when he was environment and planning Minister in 1988, sealed the fate of East Circular Quay, and the Opposition wants to know why. He has never explained that to this Parliament and that is why he has not taken part in this debate. That is why he sent his errand boy to the Chamber to do his work for him and to cover for him in the same gutless way that he was not prepared to participate in the Langton expulsion motion. I commend the amendment to the House.

Mr GAUDRY (Newcastle) [4.35 p.m.]: I was warming to the bipartisanship of the Leader of the Opposition. He has written a letter to the Prime Minister in which he obviously urged the Prime Minister to change his view and, after three long years of waiting, support this excellent World Heritage nomination, which was funded by the Federal Government to the tune of \$200,000. It is a fabulous autumn day in Sydney. After the rain the skies are clear. I went for a walk to the botanic gardens and saw again that absolutely splendid piece of architecture and memorial to Utzon, the Sydney Opera House.

I am sure that every Australian is proud of the Opera House. It is a part of our cultural heritage in the setting of Sydney Harbour. By any world standard that is a magnificent setting. The setting of the Opera House is detailed clearly in the nomination. It takes in the Sydney Harbour Bridge, the sweep of the harbour and the botanic gardens, Mrs Macquarie's chair, Fort Denison and all the other areas around the harbour. I will read from the nomination of the Sydney Opera House and its harbour setting to remind honourable members why the setting is so important. Page 28 of the nomination states:

The inner harbour is traversed daily by commercial shipping accessible to the general public by tourist and privately owned boats and ferries. There are 12 public wharves within the nominated area and 27 public ferries in service on the harbour carrying 15 million passenger journeys a year, most of which converge on Circular Quay and Sydney Cove adjacent to the Opera House. The inner harbour is the focus of annual celebrations, such as the Sydney to Hobart yacht race, Australia Day and New Year's Eve fireworks. As in the 1988 bicentennial celebrations, the inner harbour will feature in the year 2000 Olympiad with several games events such as yachting, triathlon and marathon races centred on this area. Circular Quay is the major focus for tourism in Sydney, and

its facilities were upgraded significantly for the 1988 bicentennial celebration.

Whether they see the Opera House from the harbour, the botanic gardens, or from the air many people arriving in Sydney treasure the memory. That is why it is important that it be World Heritage listed. The Federal Government, which paid for the listing, is dragging the chain. Obviously it is an embarrassment to the author of the report, who is a member of the International Council on Monuments and Sites and, no doubt, a member of the body that made the decision. Gough Whitlam, who was previously deeply involved, is also obviously embarrassed. The *Sydney Morning Herald* has written several editorials on the matter. One of them stated:

Mr Whitlam, who served on the World Heritage Committee from 1983 to 1989, argues that a listing for the Opera House would add immeasurably to world attention focused on Australia, particularly in 2000 when Sydney will be the Olympic city. He argues, too, that the listing will confirm forever the "outstanding universal value" of Mr Utzon's masterpiece.

The concerns about the impact of the East Circular Quay development ("this excrescence")—

obviously Mr Whitlam's words—

are dismissed by Mr Whitlam as not being a relevant consideration. Given his experience in the area of WHR listing, this is a critical observation. Mr Whitlam has been insistent too, that the State Government and the Federal Government must collaborate now to ensure that the nomination proceeds. Unfortunately, in this, as in too many other important matters, there is a lack of goodwill on both sides.

There is certainly no lack of goodwill on the part of the New South Wales Government. It has promoted this nomination and forwarded it. The Federal Government needs to come quickly into line.

Mr DEBNAM (Vaucluse) [4.40 p.m.]: I place on the record at the outset that the Leader of the Opposition said we are prepared to support the nomination motion if the Minister for Urban Affairs and Planning takes the politics out of it. I suppose that gets to the crux of the matter. This motion is not about sincere support of the nomination at all; it is simply about Federal Government bashing. This is the weekly exercise of the Minister for Urban Affairs and Planning, who has nothing to do but espouse political rhetoric in this Chamber. Each week the Minister mounts a leadership bid. I read in an article in the *Bulletin* that this Minister is a whinger, not a leader. The more I think about it the more I believe that that is a precedent for leadership of the Labor Party. By the time we hit the election

on 27 March next year New South Wales will have had Bob Carr as a whingeing leader of the Labor Party for about 11 years. Perhaps that is long enough.

This nomination has the sad fingerprints of the Labor Party all over it. It has not been able to elicit support for the nomination in recent years. It has been in office now for a little over three years and it has mismanaged this issue. The wording of the Minister's original motion refers to "a Sydney Opera House in its harbour setting". Let us look at that harbour setting. A few months ago—it seems a little longer—the Minister put forward a plan for the management of Sydney Harbour. Basically, the Minister is saying, "Trust us." But look at the record of this Government. Have a look around the harbour. When the Minister said, "Trust me. Give me the harbour. I will manage it properly in your interests", many of those properties were under the control of the State Government. This Minister had already messed them up. This Minister and his Premier have already tried to sell off Strickland House.

Mr Knowles: On a point of order. I recognise that the member for Vaucluse does not have a lot to say about this matter, but he cannot talk about a matter that is beyond—

Mr DEBNAM: Get on with it.

Mr Knowles: Do not be rude, and do not interrupt. It is actually the honourable member's time that I am wasting, so I really do not mind too much. I suspect that the honourable member is trying to make me take more time because he does not have very much to say. This motion, which is quite specific, refers to a nomination which is entitled—this wording is set out in italics in the nomination—"Sydney Opera House in its harbour setting."

Mr SPEAKER: Order! The member for Vaucluse will cease interjecting. The Minister will not respond to the interjections.

Mr Knowles: It is difficult to take a point of order with the honourable member interjecting. Even though I assume that the honourable member for Vaucluse has not seen the detail of the document to which I have referred—even though it has been around for two years—the point is that Strickland House and some of the other sites that are being discussed are not within a bull's roar of the Sydney Opera House and this nomination. The motion, which is very specific, relates to this document and this nomination. This is not an opportunity for the

honourable member for Vaucluse to roam free up and down the harbour and the Parramatta River as he sees fit.

Mr SPEAKER: Order! I draw the Minister's attention to the amendment that has been moved by the Leader of the Opposition. Having regard to the terms of the amendment, the member may refer to East Circular Quay.

Mr DEBNAM: This Minister is a sensitive little flower. I can tell when I am getting close to the heart of a matter because the Minister immediately takes a point of order and stumbles over his words. This Minister is so sensitive about the words "harbour setting". Whether it relates to Strickland House, to the edge of the harbour, or to Circular Quay, which the Minister now owns, it is his problem. For three years we have had deception, breakdowns, secret meetings, denials, a Premier who signed off the nomination in the early days of 1988, and a Minister who did his best to ensure that there was obstruction on this issue for three years—a Minister who defied the wishes of the community which really wanted the East Circular Quay issue resolved. This matter is all about deception on the part of the Minister.

Mr WATKINS (Gladesville) [4.45 p.m.]: This House must consider urgently why Sydney Opera House in its harbour setting has not been submitted by the Federal Government for World Heritage listing. This House must make its view clear and it must call on the Prime Minister to take that step. The Opera House deserves to be listed as a World Heritage item. We learned today that Australia has 11 sites on the World Heritage List. Only two are in New South Wales. Seven of those 11 sites are on the World Heritage List for solely natural reasons and only four have natural and cultural attributes, and those cultural attributes relate to our indigenous people. Australia does not enjoy having a purely cultural site on the World Heritage List. However, if any cultural site in Australia deserves such a listing it is the Sydney Opera House. Nothing on the World Heritage register represents life in Australia since 1788. That shortcoming can be addressed if the Sydney Opera House is listed.

We learned today that nomination was first proposed in 1980 and in June 1996 a detailed nomination document was submitted. Unfortunately, that nomination document has not been accompanied by a formal nomination by the Australian Government. It is unclear why the Prime Minister is against the nomination. An amount of \$200,000 has been spent preparing the document, but the nomination has been shelved. Mr Howard should not

be fearful of taking the nomination step. He has the support of the New South Wales Government; he has the support of the people of New South Wales; and I think he would have the support of every thinking person in Australia. If he grasps this opportunity he will be acknowledged as a Prime Minister who cares about heritage issues and who has a vision for the history and future of Sydney Harbour. At the moment he fails in all those areas.

Unless the Federal Government nominates the Opera House before 1 July, all the work that has gone into the nomination will have been for nothing; it will be scrapped because the criteria for nomination are changing. That \$200,000 to which I referred earlier will have been wasted and years of work will have been lost in achieving an eventual listing. Eventually the Sydney Opera House in its harbour setting will be listed. We should be aiming for such a listing now. Ms Domicely, the author of the nomination report, said that the nomination reflects "the outstanding universal values of a recent architectural masterpiece in an ancient, still evolving cultural landscape". To refuse to nominate this unique building and its environs will be a waste of resources, a waste of time and a waste of a special opportunity which will enable Australia to acknowledge and celebrate the unique beauty of this place and the cultural icon it has become throughout our nation.

The Sydney Opera House is one of the most recognisable buildings in the world. It symbolises Sydney and stands as an icon of modern Australia. What a fine symbol it is! It stands on Bennelong Point, a location rich in heritage and history both for Aboriginal and European settlement. It is a stunning architectural creation sitting in an ideal location. The clean lines and sail-like shells dominate the Sydney landscape and provide a magnificent gateway to the city. It is truly one of the wonders of the world.

The Sydney Opera House is the centre and heart of Australia's modern cultural endeavours. Opera, ballet, drama and orchestral companies of world standard, which reflect Australia's depth of culture, perform in this unique setting. Further, it provides a meeting place for the people of Sydney and New South Wales on a range of cultural, political and entertainment issues. Finally, as has been noted by several speakers, it is a tourist attraction without peer, attracting thousands of overseas tourists every year. One can only imagine how many photographs have been taken by international tourists using the Sydney Opera House as a backdrop.

The Opera House is quintessentially Australian and should be recognised as a site of world importance. I do not know why the Prime Minister has rejected its nomination for World Heritage listing. I do not know whether it is because the nomination has the support of the Labor Government of New South Wales, whether he is embarrassed about other issues concerning Sydney Harbour, or whether he has a twisted view about international treaties. This Parliament should unanimously appeal—and in doing so speak on behalf of all people of Sydney and New South Wales—to the Prime Minister to urgently nominate this classic building and its environs for World Heritage listing.

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [4.50 p.m.], in reply: We learned today that the Leader of the Opposition believes that the motion should be supported but the word "condemn" should be deleted. What other word should we attach to a government that has had a document sitting on its desk for two years, yet has failed to deliver a nomination that would be welcomed by a committee whose membership includes the person who wrote the nomination? Not only should the Federal Government be condemned but, based on what the Leader of the Opposition revealed in this Chamber today, the motion should be amended to include the Opposition in the New South Wales Parliament.

The Leader of the Opposition advised today that, given his long-standing commitment and involvement in the arts as a former Minister for the Arts and a person involved in the management of the Opera House, he had discussions with the Prime Minister and wrote to him on 24 April urging him to join with every other Australian by submitting a nomination for World Heritage listing. But if the Leader of the Opposition is enamoured of the Opera House and supportive of the commitment of all Australians to have it listed for World Heritage, what was he doing between 26 July 1996 and 24 April 1998? If he is desirous of the nomination being transmitted to the United Nations Educational, Scientific and Cultural Organisation and its affiliate bodies, what was he doing for the past two years? Absolutely nothing!

As a hallmark of the Leader of the Opposition's record, it is somewhat of a travesty that when he spoke to a debate about the fundamental issue of World Heritage listing for one of Australia's greatest icons only eight of his colleagues stood behind him. I can remember what it was like to be in opposition. It was hard and horrible, but when our leader came into the House to speak we were all

here behind him. The best the Opposition could come up with was eight people. The Leader of the Opposition waxed lyrical for the first five minutes about this important motion, and then he got to the nub of his concern—the fact that he was no longer the Minister for the arts. First-night Peter was upset that he could not go to the Opera House any more in his bow tie, spats, top hat and cane. The facade of bipartisanship dropped immediately and he moved an amendment to condemn the Government because of its failure on harbour administration.

I make this observation: if anyone wears a crown of thorns of guilt about the lack of a nomination of the Opera House for World Heritage listing and the development of East Circular Quay, it is none other than the former Treasurer of New South Wales, the Leader of the Opposition, Peter Collins. He gave \$1 million in stamp duty concessions to a multinational company to allow the East Circular Quay development to take place. I have the letter from John Fahey that indicates who is responsible and the local environmental plan documentation signed by Robert Webster that made it happen. Members opposite may refer to editorials in the *Sydney Morning Herald* but I have the documentation that says it all. That is why the Leader of the Opposition bolted after he finished his contribution. He moved the amendment, got out of the House fast and left it to Dopey to carry the can. He knew that his paw prints were all over the deal—a million dollars worth of free kicks to a multinational company.

Mr Debnam: On a point of order. I take exception to the Minister's personal abuse. The Minister flouts your rulings, Mr Speaker.

Mr SPEAKER: Order! The member for Vacluse objects to being called Dopey by the Minister. The Minister will refer to the member by his correct title.

Mr KNOWLES: Sleepy, Happy, Grumpy, Snow White?

Mr SPEAKER: Order! The Minister will refer to the member for Vacluse by his correct title.

Mr KNOWLES: It has been suggested that it might be the vacant viscount of Vacluse. I apologise and withdraw my remark. [*Time expired.*]

Question—That the words stand—put.

The House divided.

Ayes, 44

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

Noes, 42

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

Pairs

Mr Carr	Mr Beck
Mr Gaudry	Mrs Chikarovski
Mr Langton	Mr Glachan
Mr Nagle	Dr Kernohan
Dr Refshauge	Mr O'Doherty
Mr Scully	Mr D. L. Page

Question so resolved in the affirmative.

Amendment negated.

Motion agreed to.

BUSINESS OF THE HOUSE

Private Members' Statements: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow an additional five members to make private members' statements at this sitting.

NATIVE VEGETATION CONSERVATION ACT

Matter of Public Importance

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [5.05 p.m.]: I ask that this House note as a matter of public importance the progress being made on the implementation of the Native Vegetation Conservation Act in New South Wales. The Government places a high priority on the Native Vegetation Conservation Act and it is committed to its success and the implementation of the various reforms that have been announced. The Act came into effect on 1 January this year and it is in line with the national and international guidelines on land clearing. New South Wales is the fourth State in Australia to introduce land clearing legislation. South Australia introduced such laws back in 1985, Victoria did so in 1989, and Western Australia did so in 1995. Therefore, there is nothing new in the fundamental principle contained in the New South Wales legislation.

The Federal Government also locked this country into the Kyoto protocol in December 1997 with the aim of limiting greenhouse gas emissions to 8 per cent of 1990 levels by 2012. This is an important issue and many people support the Native Vegetation Conservation Act in New South Wales in response to that issue and many other environmental issues. Yet despite the need for the Act there has been criticism of it—mainly due to the processes. Having listened to the criticism, I have introduced important changes to the administration of the Act which, given a fair consideration by the community, will leave any problems or criticisms behind us.

In recent months the Government has doubled the number of staff in the Department of Land and Water Conservation who will deal with land-clearing applications. I announced that when I visited Walgett and addressed between 300 and 400 farmers

at a public meeting held to discuss this issue. I have also simplified the application process and have done away with the \$100 application fee, which was very irritating to some farmers. Trade-offs will be recognised: land-clearing applications will be considered in light of the number of trees farmers plant on other parts of their properties or other environmental activities which they undertake.

Last week the Government announced much shorter processing times for land-clearing applications, which was a response to one of the major criticisms of the legislation. The aim is that processing of applications for small-scale clearing should take from two to 15 days; for medium-scale land clearing up to 30 days; and for larger-scale clearing, which may have a catchment impact or be of State significance, up to 40 days. We have worked hard to make the Act work and we are continuing to work hard to make it work. Many people support the Act and are keen to see it operating successfully.

Mr Fraser: Name them.

Mr AMERY: The honourable member should go to a few more conferences instead of to his National Party branch meetings. Go to those meetings by all means, but he should broaden his outlook and see what other rural people are saying. Regardless of the broad view held of the legislation, unfortunately the New South Wales Farmers Association seems determined to have the Act repealed. The association has been consulted on the legislation regularly and I am keen to continue that consultation. I question the commitment of the New South Wales Farmers Association and its willingness to take part in discussions on native vegetation. Yesterday was the first meeting of the Native Vegetation Advisory Council, which is a community-based advisory body set up under the Act to report back to me on native vegetation issues. Concerns can be raised through a representative advisory council and feedback is then provided to me.

Mr Fraser: How many farmers are on it?

Mr AMERY: Quite a number. I shall mention them in a minute. Members of the Native Vegetation Advisory Council come from a wide range of backgrounds. They include farmers, the State Catchment Management Committee and representatives from local government, State government and other agencies. The chairman is a farmer by the name of Robert McCarthy. Other members are: Tony Catanzariti and Roland Breckwoldt, who represent rural interests; John

Benson of the Royal Botanic Gardens, who was a nominee from the National Herbarium of New South Wales; Councillor William Bott represents the National Shires Association; David Papps is from the National Parks and Wildlife Service; Don Hayman represents New South Wales Agriculture; Ian Campbell is from the Department of Urban Affairs and Planning; Graeme Douglas and Peter Wright represent the Nature Conservation Council; Kerry Pfeiffer is from the State Catchment Management Co-ordinating Committee and is also a farmer, and Michael Lee, who is with the Department of Land and Water Conservation.

The Government is also awaiting nominations from the New South Wales Aboriginal Land Council and the New South Wales Farmers Association, which has been invited but has failed to nominate its own representatives for the council. The New South Wales Farmers Association lobbied the Government to ensure it was represented on the council, the Government agreed and made provision for this representation in the Act, yet the New South Wales Farmers Association has not nominated a member. Despite its criticisms, it has decided not to join the council. I wonder at its approach, which has both surprised and disappointed me.

The advisory council is an important body which will report back to me on statewide native vegetation. It will also establish a native vegetation conservation strategy. The strategy is a key element of the Act and will examine native vegetation management. The advisory council will also promote education and awareness of native vegetation issues, and perhaps the honourable member for Coffs Harbour could take up that education role. The New South Wales Farmers Association is failing to properly represent its members by not joining the advisory council. It should be keen to promote the interests of its fee-paying members.

I would welcome representatives from the association around the discussion table because it would be beneficial for all concerned. If the association can organise a gathering of farmers to demonstrate outside the Parliament, as they did last week, surely in the interests of the proper workings of the Act these problems can be talked through. It was said last week, and I will say it again, that the farmers who demonstrated last week and voiced their concerns about the waterfront dispute demonstrated outside the wrong parliament. They should have demonstrated outside Federal Parliament, which is where the dispute began.

I have outlined already the improvements the Government has made to the administration of the Native Vegetation Conservation Act. It has streamlined the application process and is making

good headway in its commitment to involve community representatives. The first meeting of the Native Vegetation Advisory Council was held this week. The chairman has given me positive feedback that everyone is committed to working out a constructive strategy for managing native vegetation in this State. I am impressed with the level of commitment and enthusiasm with which council members approach their tasks and I wish them every success over the coming months.

I should like to remind the House that regional vegetation committees are being set up to establish regional vegetation management plans. These committees are also community based and provide an important forum for local people to express their views. In my opening comments I referred to Acts of Parliament dealing with native vegetation that have been introduced in other States. Unlike the legislation in the other States the New South Wales Act is community based. Regional vegetation committees have already been established at Walgett and in the western Riverina. Plans are already under way to set up committees in the mid-Lachlan, northern floodplain, southern Mallee, Clarence and Richmond regions. Moree will have its own regional vegetation committee in the future.

Interestingly, the New South Wales Farmers Association has just nominated representatives to sit on the Walgett and western Riverina regional vegetation management committees. The association will bow to pressure at a regional level to represent its members, but has yet to come forward with a representative for the statewide body. The Government is committed to the successful operation of the Native Vegetation Conservation Act and is progressing well. The measures now in place, including the full operation of the Native Vegetation Advisory Council, are a major step forward under the Act. I urge all members of this House and the community to assess the Act over a period of time and give it a fair go. I will be pleased to listen to any suggestions for reform.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

CHRISTINA NOBLE CHILDREN'S FOUNDATION

Mr MARKHAM (Keira) [5.15 p.m.]: I bring to the attention of the Parliament an important woman who is visiting Australia this month, Christina Noble. She is a woman of incredible dedication to young people and homeless street

children in Ho Chi Minh City in Vietnam. She arrived in Australia on 2 May and will leave on Tuesday, 26 May. She has undertaken a heavy workload so that she can spread the word throughout this country about the Christina Noble Children's Foundation. Christina Noble was born in the Liberties, the slum area of south-west Dublin in Ireland. Her mother died when Christina was 10 years old. She was the daughter of an alcoholic father and was sexually abused and raped. At the tender age of 18 years she found herself pregnant and went to live with her brother in England. She had this vision of wanting to do something for children in a similar situation. In 1989 she found herself in Ho Chi Minh City and, after a couple of years negotiating with governments, was able to set up a centre and hospital in that city. Since that time some 70,000 children and poor working-class families have been assisted by the foundation. A number of years ago Christina wrote a book entitled *Bridge Across My Sorrows* which described what had happened to her as a young child and what she was doing in Vietnam. In her book she stated:

I came to Vietnam because of a dream I had almost 20 years ago. The dream told me to work with the street children of this poor, jangled, disease-ridden country. You might laugh at that. You might say it was nothing but a dream and only someone who is Irish would act on a dream as if it were a message from God. And you could be right. After all, my coming here was not anything I could explain then or anything I can explain today. I had a dream—a vision if you will—that ordered me to Vietnam. That is all.

In 1996 my wife, Melissa, and I visited Ho Chi Minh City, and because my wife had read the book we sought out the foundation at the address 38 Tu Xuong-Q3 in Ho Chi Minh City. For a number of hours we spoke with Christina and then visited the hospital and the sunshine class where young children are being taught to read and write. Christina Noble is here to promote her work. A documentary will be shown on ABC television on Tuesday, 12 May, at 9.00 p.m. That documentary will relate Christina's life. The story is titled "Mama Tina". The documentary was launched in Ireland in February this year by the Irish President, Mary McAleese, who recognised the courage and dedication of this incredible woman. The documentary is being distributed worldwide.

For anyone wishing to meet this incredible woman while she is in Sydney, to learn what she is doing, the Christina Noble Children's Foundation Australia-Vietnam Link Committee will be hosting afternoon tea at 3.00 p.m. on Sunday, 17 May, at the Carlton Crest Hotel, 169 Thomas Street, Haymarket. On Saturday, 23 May, there will be a cocktail party at 6.00 p.m. at The Forum, the Grace Hotel, 77 York Street, Sydney. I believe it is

important that the House know about this incredible, unselfish, and caring woman—a woman who has given her life to the orphaned and street children of Vietnam. I have nothing but praise for Christina Noble. The House, I am sure, would support me in thanking her for everything she has done and will continue to do. [*Time expired.*]

BEGA DISTRICT HOSPITAL FUNDING

Mr SMITH (Bega) [5.20 p.m.]: I raise a very important issue—the future of health services in the electorate of Bega, and particularly the Bega District Hospital. The Bega community has fought for a number of months to try to save its regional laundry, which is located on the hospital campus. Until about two weeks ago the laundry employed 12 people. The Southern Health Service closed it on the pretext that it was uneconomic and that the machinery was worn out. That decision was made without any public consultation whatsoever. Not even its own health council, which was set up in response to public outcry about lack of input to such decisions, had the opportunity to consider the closure. To add insult to injury, the health council had its induction meeting on the very day that the laundry was dismantled.

Ideology took over, and Bega lost 12 jobs. The laundry had been put out to tender on two other occasions in recent years. The outcome from both tenders was that the Bega hospital laundry service won the tender; it was in fact efficient and competitive. Southern Health Service, in its wisdom, chose not to put the laundry up for public tender, though that would have proved to the satisfaction of all concerned whether the laundry was still maintaining its competitive edge. It is incredible that Southern Health Service has stated that the equipment was old and inefficient, when that same equipment, on closure of the Bega laundry a couple of weeks ago, was trucked off to be used in Wollongong.

It is also incredible that over the past few years \$300,000 had been put into the laundry for the replacement of boilers in particular, \$86,000 was spent on the stores building, and another \$180,000 was spent to stock the stores and buy linen. It was agreed that the total of the last two amounts, that is \$226,000, would be returned to the Bega District Hospital if the laundry ever closed, because the hospital was providing that equipment for servicing of the area for which it was responsible, not just for use in its own hospital. Of course, that money has not been returned to the hospital. Altogether the funding was more than half a million dollars, yet Southern Health Service insists on referring to the equipment as antiquated.

People on the far south coast rely not only on the Bega hospital but also on the hospitals at Pambula, Moruya and Batemans Bay. They believe they are entitled to, and in fact deserve, an assurance from the Minister that hospital services will not be downgraded still further. The rumours floating around at the moment are that the next thing in the firing line of Southern Health Service is the Bega hospital stores. Closure of those stores would mean the loss of another five jobs. It also seems likely—because trials are going on in Moruya—that the kitchens of the four hospitals will be closed and patients will be given imported chilled food, thereby cutting more jobs and reducing even further the level of comfort that patients enjoy. In fact, patients are now complaining that they are forced to sleep in beds where the linen is not changed regularly and that hospital pyjamas are no longer provided in emergencies.

Ever since the Carr Government came to power in New South Wales health services in my electorate have been in absolute turmoil. The first act of the Government was to unceremoniously sack local and district hospital boards, which consisted of members of the community who cared enough about their hospitals and health services to donate their time and energy to ensure that they were run effectively and efficiently. This is not just my story; it is the whole community speaking. We have had massive rallies up and down the far south coast. At Bega 3,000 demonstrated in Littleton Gardens, a similar number demonstrated in the main street of Merimbula, and about the same number in the main shopping centre of Batemans Bay.

Southern Health Service endeavoured through a draft management plan to close the operating theatres at both Batemans Bay and Pambula hospitals. This would have resulted in both hospitals being little more than a first aid station which, given the huge growth in both areas and a high proportion of elderly retirees moving to the coast, has caused fear and concern. It was only through community vigilance and action that this ill-considered action was averted. We might have saved our operating theatres, but we have been left with a strong feeling of distrust in Southern Health Service. Hospitals in the area have always enjoyed the highest level of public support. Now, however, there is a sense of hesitation and uncertainty, as people have a growing conviction that any funds raised and equipment purchased for their particular hospital might be whisked hundreds of kilometres away to another hospital within the Southern Health Service's jurisdiction or beyond. [*Time expired.*]

CHILD-CARE SERVICES

Ms MEAGHER (Cabramatta) [5.25 p.m.]: This evening I bring to the attention of the House the disastrous impact of the Howard Government's cuts to child care in New South Wales and in particular on the electorate of Cabramatta. Since it came to office the Howard Government has taken the knife to child-care funding. Since April 1996 Mr Howard has cut \$896 million from child care nationally. New South Wales alone has lost \$300 million in overall funding and nearly \$26 million in operational subsidies. John Howard's demolition job on child care has had a devastating effect on young families in western Sydney.

Fairfield City Council, which covers the Cabramatta electorate, prepared a submission for the Senate Community Affairs References Committee inquiries into children's services regarding the status of local child care since the coalition's cuts. It makes depressing reading. The report shows that fees in council centres have increased by 26 per cent, or by \$44 per child per week. In the Fairfield local government area the average income is around \$220 a week. So, quite clearly, fee increases of this magnitude are beyond the capacity of young families, and that is taking its toll.

Over the past two months 123 children in the Fairfield local government area were not able to take up places in council-run facilities because their parents could no longer afford the fees. Long day care vacancies have skyrocketed by 97 per cent in the space of a year. Why? Because parents can no longer afford to work. Angry parents have said that huge fee increases have forced them out of the work force completely, or into part-time work. For others the fee increases have made it too expensive to look for work or to continue job training.

Tragically, some parents have said to me that they are better off on the dole than working to pay for child care. In fact, local child-care centres that once had long waiting lists are now displaying banners advertising vacancies. Teaching standards have dropped, teachers have been retrenched, and less qualified teachers are being employed because of the budget cuts. Meals are no longer being offered at the Bonnyrigg Heights centre, and parents must raise money to replace equipment. Many centres are on the brink of collapse, and the Fairfield Community Resource Centre, a long day care centre at Villawood, closed its doors in April. Parents in Sydney's west are being slugged by Howard, and there is still worse to come.

On 1 January 1999 parents will have to pay full fees upfront and keep their fingers crossed for a rebate. It will be an impossible task for many families. That date, 1 January 1999, marks the complete dismantling of this country's once proud system of child care. Howard can add this to his list of other great achievements: the dismantling of accessible aged care, the dismantling of university education, the dismantling of quality health care, the dismantling of industrial mediation, and the dismantling of public housing policy, to name just a few.

Howard's child-care system is failing families in Sydney's west. One would have thought that the Federal Liberal members would have joined this Government in the fight against cuts, but there has been silence from all except one: Jackie Kelly. The more fees have increased, the more services have been cut, the more child-care centres have been closed; the more families have been forced out of child care, the more Jackie Kelly has said everything is okay. Recently in the House of Representatives Mrs Kelly made the appalling claim that Howard's package was helping the west. The truth is a sad tale of cuts, closures and fee slugs. An investigation by Penrith city councillors revealed:

There have been substantial fee increases in all council centres and a significant number of families have either withdrawn from long day care and the reduced utilisation of services is threatening the viability of some centres.

It also noted that women have reduced their participation in or withdrawn from the work force because they believe that cuts to child-care funding have reduced their career opportunities. In the face of this overwhelming evidence it is time for Jackie Kelly to pull her head out of the sand, stop defending John Howard, and fight for the families and kids of Sydney's west. Western Sydney families are doing it tough under Howard, and they need someone who will fight for them, not sell them out. I take this opportunity to call on John Howard to use Mother's Day as an opportunity to return funding to child care and give a break to the families in Sydney's west.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [5.30 p.m.]: I congratulate the honourable member for Cabramatta on advising this House of the savage impact that the Federal Government's cuts to child care are having on western Sydney in general and particularly her electorate. This is part of the Howard Government's systematic pattern of cutting back on essential services and shifting the costs to the State Government. As has been shown time and again in

this Chamber, this is happening not only in child care but also in health and my own portfolio of education. Honourable members of this House should take every opportunity they can to let the public of New South Wales know of the savage cuts that the Howard Government is making throughout New South Wales, particularly in areas of high need such as western and south-western Sydney, to the provision of essential services in child care, education and health.

COWRA DISTRICT HOSPITAL EQUIPMENT MAINTENANCE

Mr ARMSTRONG (Lachlan—Leader of the National Party) [5.32 p.m.]: I am extremely concerned about the State Government's lack of maintenance of life-saving medical equipment at Cowra District Hospital. I refer to the maintenance of X-ray equipment, which is used in every major city hospital in Sydney. I am reliably informed that if an X-ray machine in a major public Sydney hospital breaks down, that machine is repaired within 7 days. Yet, similar equipment in Cowra hospital which is meant to serve the country people of the Lachlan electorate has been left broken since last year. I am sure any reasonable person would find this lapse in essential repairs to be unacceptable. This continuing breakdown in equipment means that people in my electorate who would normally have undergone X-ray procedures at Cowra hospital now have to travel for more than an hour to Bathurst.

A Cowra resident who needs to undergo a simple medical procedure is forced to make the round trip from Cowra to Bathurst, a distance of 214 kilometres. If the same situation occurred at a major hospital in Sydney, the patient would have to drive to Lithgow hospital and back to travel a similar distance. Every time Cowra people need an X-ray they have to travel a round trip equivalent to the distance from Sydney to Lithgow and back. But no Sydney patient would ever have to travel such a distance to undergo medical procedures. If the machine at the patient's local hospital broke, it would be fixed in a week or less. If the patient could not wait a week, he or she would only have to travel a few kilometres to the nearest major Sydney hospital. This choice is not available to residents of Cowra, yet they pay the same taxes as Sydney residents pay. People in the Lachlan electorate pay for a full-service facility at Cowra hospital, yet they are not provided access to it. I suggest that this situation should not be allowed to continue.

The Minister for Health has made a written statement that he plans to review the entire future of

X-ray facilities in the central western region of New South Wales. This begs the question: how can a proper review be done when normal operations are simply not happening in one of the major hospitals in the region? In other words, how can X-ray activity at Cowra hospital be fairly reviewed for efficiency when no X-ray procedures are being carried out and the burden is being carried by other hospitals? A review should not even be contemplated until every service normally provided by Cowra hospital is again operational. I believe the only fair course of action is to repair the Cowra X-ray equipment immediately.

The X-ray machine at Cowra District Hospital is more than just a health facility. This is a breakdown in the services being provided by the hospital and the Government to the Cowra community. Not only is the hospital disadvantaged but the community is also disadvantaged from being offered a comparable level of health service. Also disadvantaged are people who intend to come to the Cowra region to invest in Australia's fastest-growing white wine area and those who might come to Cowra to invest in dairying. An article in one of this morning's Sydney newspapers stated that a dairy has just been established in Cowra which is the largest of its type in Australia today and the most modern technological dairy in eastern Australia.

People who might come to Cowra to take up positions in the public service, be it in the police, the Department of Agriculture, New South Wales Fisheries, or whatever, will be severely disadvantaged if they cannot have access to an X-ray machine. It will discourage people from decentralising and will discourage governments from decentralising departments. Last year the Government announced that it would create three new jobs in Cowra in the Department of Land and Water Conservation. Those jobs have simply not been filled. I suspect that one of the reasons for that might be that people know there is not an X-ray machine at the local hospital. So the Government's lack of maintenance of medical equipment at Cowra hospital is disadvantaging the economy of the community as well as the health of the community and it is working against the interests of country people. Opposition members are not surprised because we understand the cavalier attitude that the Government has adopted, firstly, to health services in country areas of New South Wales and, secondly, to the general health and wellbeing of country people.

PORT HACKING DREDGING PROPOSAL

Mr McMANUS (Bulli) [5.37 p.m.]: I am pleased that the Minister for Mineral Resources, and

Minister for Fisheries is in the Chamber today because I wish to bring to the attention of the House misleading statements recently attributed in the local media to Sutherland Shire Councillor Andrew Hodson concerning a Port Hacking dredging proposal. Port Hacking is a shallow estuary and continuous movement of sand creates shoals. These shoals cause navigation difficulties for large vessels such as ferries and game boats. However, shoals also provide an important natural habitat for many species of fish, invertebrates and vegetation.

Maintenance dredging is the dredging required to sustain or restore tidal flow and to maintain navigation routes for vessels, or for other reasons such as removal of silt, sand and other material from swimming areas, stormwater pipes or aquaculture leases. The basis for the most recent maintenance dredging in Port Hacking was a memorandum of understanding and a Government commitment in 1995. The Department of Land and Water Conservation removed approximately 55,000 square metres of sand from the navigation channels and the sand was deposited in deep holes at Burraneer Bay and near Lilli Pilli, which are areas within Port Hacking. New South Wales Fisheries issued a permit with conditions that required the scientific monitoring of seagrasses, the Ship Rock Aquatic Reserve and the benthic invertebrates of the region. Independent scientific monitoring by Ecology Lab Pty Ltd reported as follows:

The disposal of spoil material in Burraneer Bay has led to the formation of a large mound and several smaller mounds that have persisted 18 months after the dredging operation ceased. It seems likely that the spoil mound will be a permanent feature of the bathymetry of Burraneer Bay.

A recent survey showed that more than 40 per cent of the residents of Port Hacking are concerned about the ecology of the estuary. New South Wales Fisheries is also concerned about protecting this healthy estuary or mitigating the impact of dredging on it. New South Wales Fisheries is not against dredging, as Councillor Hodson implied. Based on the recent independent scientific research I have mentioned New South Wales Fisheries has major concerns about the cumulative impact of the disposal of sediment into deep-hole habitats. It is particularly concerned about the impact on benthic invertebrates. Navigation and boating are important, but so is biodiversity. New South Wales Fisheries and this Government are committed to the preservation of biodiversity.

I support the community's need for dredging in navigational channels, but the spoil should not be disposed of in the deep holes. I acknowledge that it might be more costly to dispose of the spoil on land

or to reuse the spoil. However, that consideration must be balanced against the enormous value of a healthy and diverse environment. It behoves no-one for people like Councillor Hodson of Sutherland Shire Council to decry public servants who are merely charged with the responsibility of ensuring that our marine habitats are always protected.

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [5.41 p.m.]: The honourable member for Bulli always fights hard for the people not only in the Wollongong area but also those on the south coast and in the area up to the Georges River. He has highlighted the weakness of using small-minded, quick-fix methods to overcome a major problem. I have always been consistent and I will remain so. Prior to the 1995 election I stated publicly that the sand removed from Port Hacking should be sold. The Cronulla sandhills are virtually depleted. The storage of sand is causing problems.

It would make a great deal of sense if it were removed, stockpiled and sold. If that were done, the marine habitat would not be ruined. Alternatively, it should be taken by barge to an area where it can no longer cause the harm it is presently causing to this unique and vital area. Filling deep holes with 55,000 cubic metres of sand is a stupid, quick-fix way to get rid of the sand; it will ruin the marine habitat. It is not the way to go. I commend the honourable member for Bulli for his initiative, his drive and his desire to ensure that the spoil is disposed of properly. I will ensure that the stupidity of those who continue to be irresponsible, like Councillor Hodson, will be highlighted.

NORTH SYDNEY LEAGUES BOWLING CLUB ONE HUNDRED AND TENTH ANNIVERSARY

Mrs SKINNER (North Shore) [5.43 p.m.]: On Friday, 24 April I had the privilege of attending the opening of an exhibition in the Stanton Library, North Sydney, to mark the one hundred and tenth anniversary of the North Sydney Leagues Bowling Club. The club was founded in 1888 as the St Leonards Bowling Club, and was situated, as it is now, in St Leonards Park, North Sydney. In 1905 it became the North Sydney Bowling Club and the North Sydney Leagues Bowling Club on the occasion of its happy marriage with the North Sydney Leagues Club in 1990. The anniversary exhibition comprised photographs, trophies and historic memorabilia, including a special painting which was recently unearthed, covered in cobwebs and dust. It has now been lovingly restored after being declared of considerable value when examined

by art experts. The painting depicts the first small clubhouse, which has a high-pitched, striped metal roof curving over the surrounding verandahs. It is similar to the restored pavilions of the neighbouring North Sydney Oval.

The exhibition also marked the release of a historical record compiled by the club to mark its anniversary. However, as was noted on the opening of the exhibition, the anniversary of a club of 110 years standing is really about the people who have been members. It is about the enormous contribution they have made over that time to the success of bowling and to the enjoyment of those who have played this most popular of sports, whether they be local bowlers or visitors. I can vouch for the fact that bowling is indeed a popular sport. I was comparing notes with my colleague the honourable member for Coffs Harbour about our fathers, who for many years drove us mad with tales of bowling. It is undoubtedly true that they both derived a great deal of pleasure from the sport. North Sydney Leagues Bowling Club is believed to be one of the oldest clubs operating, and it has enjoyed much success.

Since its first friendly matches with the city clubs Rosehill and Balmain in the 1880s it has gone on to host interstate and international tournaments. Members of this Parliament will recall that last year the North Sydney Leagues Bowling Club was the most gracious host of the annual parliamentary bowling tournament. The club has enjoyed remarkable success in its 110 years. It has won 39 New South Wales, metropolitan and zone pennants, 13 of which were in top grades. In addition, members have won 12 State championships, four of them in singles, and many more district and zone events.

The historic highlights of the North Sydney Leagues Bowling Club reflect the development of the north shore of Sydney. For example, in April 1932, with the opening of the Sydney Harbour Bridge, a major bowls tournament involving 226 teams was officially opened at the club. Many famous bowlers have made the North Sydney club their home over the past 110 years. There are too many to mention without offending those I would have to omit because of time constraints. Women bowlers who played one day a week by invitation from the 1930s eventually became a significant part of the club in later years and continue to be so. As is noted in the foreword to the history by current President, Mr Darryl Tutton:

We owe a great debt to those early members who had the vision to set up the club in a location which has an outlook unequalled by few clubs and probably not bettered by many.

Over the years, because of the location, many groups have used our greens, some going back over 50 years. This gives North Sydney the opportunity to extend comradeship and good fellowship beyond our own membership and reflects some of the basic principles of our sport.

That comradeship and good fellowship is the key to the success of bowling clubs like the North Sydney club and bowling clubs generally. The club extends a welcome and warm hand to visitors, whether they are other bowlers or members of the community who do not bowl, but who visit for other reasons. The North Sydney Leagues Bowling Club has held other social functions over the years, beginning with card games and concerts in the early days through to major functions like the Celtic Festival that is now held in North Sydney. From the start the club has also been generous in making substantial donations to the community.

The earliest recorded donation was in 1916 to the Red Cross. To this day the club continues to contribute regularly, particularly to health services and hospitals, including the Royal North Shore Hospital, which are, of course, of significant interest to me. I congratulate all those who have been involved with North Sydney Leagues Bowling Club over the years. I wish to single out only two of those who have been most active in recent times, and they happen to be in the gallery tonight: the immediate past President, Mr Ian Neill, and his wife, Ann, who is also a keen bowler and a major stalwart of the club. They are joined by their daughter, Marion, who is celebrating her birthday, and her husband, Mark Bell. On behalf of the people of the lower north shore and beyond I wish the club a very happy one hundred and tenth anniversary.

Mr ACTING-SPEAKER (Mr Mills): I also welcome the representatives of North Sydney Leagues Bowling Club to the gallery.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.48 p.m.]: I add my congratulations to North Sydney Leagues Bowling Club, especially to its immediate past President, Ian Neill, who is in the gallery tonight. He hosted the interstate parliamentary bowls tournament in 1996. What a great venue the club was! On Sunday afternoon I happened to be with Gordon Wicks, the State President of the Royal New South Wales Bowling Club, at the Burwood Colliery Bowling Club in my electorate. He told me he had attended the celebrations at the North Sydney Leagues Bowling Club and that the club was one of the first bowling clubs to be established in New South Wales. I was surprised when he told me the first club was Balmain. He mentioned one or two

others that had been established prior to the North Sydney club coming into being. At that time the North Sydney club was certainly not as developed as it is now.

North Sydney Leagues Bowling Club is famous in a number of ways. It is the site where, when I was shadow spokesperson, I had the honour of commissioning junior bowls in New South Wales, in company with the honourable member for North Shore. I pay tribute to the North Sydney Leagues Bowling Club for the way it has carried out its operations. The North Sydney Leagues Club took over the North Sydney Bowling Club and that has been to the benefit of the bowling club. I have singled out the club in recent legislation as being one that will benefit from being treated as an individual site. The club will, of course, continue its wonderful work on the north shore. I congratulate the club on its anniversary. Gordon Wicks said that he spent a wonderful day at the club. It is great to see Ian, his daughter and family in the gallery tonight. I congratulate Ian and the club. [*Time expired.*]

GOSFORD SHOW ONE HUNDRED AND TENTH ANNIVERSARY

Ms ANDREWS (Peats) [5.50 p.m.]: In 1888 the Gosford and Brisbane Water Agricultural, Horticultural and Fruit Growers Association was formed and the inaugural Gosford show was held. The following year Gosford show organisers were honoured to have the then New South Wales Premier, Sir Henry Parkes, accompanied by Lady Parkes, arrive by train from Sydney on 5 April to officially open the show in the morning and then proceed to Mann Street, Gosford, to open the new school of art. In those days the great northern railway line was operating but the railway bridge over the Hawkesbury River did not open until 1 May that year.

The year 1998 marks the Gosford show's one hundred and tenth anniversary. It was a pity that the heavens opened up last weekend, on 2 and 3 May, as the crowds which were anticipated did not eventuate because of the inclement weather. History certainly has a habit of repeating itself. In a local newspaper article of 24 May 1989 it was recorded that 1938 marked the golden jubilee of the Gosford show. The article did not indicate why the public did not attend the show that year. It was probably due to wet weather. Despite an impressive program of events and show trade displays, money was lost on that show. In 1998 society is, of course, much more sophisticated. This year the showground trust wisely took out insurance to cover a downturn in attendances because of indifferent weather.

In 1938 it was claimed that only one show had been missed in the show's first 50 years. During the Second World War, and in the post-war years, a break of three years occurred with the show making a return in 1947. In 1983 the Gosford show held an open day for handicapped and disabled persons. This broke new ground in New South Wales. It was the first occasion on which this had been done. Undoubtedly the show's most dedicated exhibitor was the late Mrs Ida Sterland of Lisarow, who, prior to her death in 1988 at the age of 91, won numerous prizes for her cakes and jams over a period spanning 76 years.

The show was not held in 1996 because of the unsafe condition of light poles surrounding the main ring trotting track, and in 1997 it moved off site to the Wyong racecourse and that year was called the Central Coast Show. Last weekend the show made its return to Gosford after an absence of two years, and I hope that it is there to stay. In the intervening two years some areas of the showground have undergone a significant facelift. The year 1997 saw greyhound racing make a triumphant return to Gosford showground. That came about as a result of the co-operation of the Minister for Racing and Gaming, the Hon. Richard Face, and the then Minister for Land and Water Conservation, the Hon. Kim Yeadon. Under the guidance and support of those two Ministers the Gosford Showground Trust was rejuvenated. I pay tribute to the current hard-working and dedicated trust members, namely, Mrs Roma Stonestreet, chairperson; Mrs Margaret Reckless, secretary; Messrs Perce Fletcher and Robert Fletcher, Greyhound Breeders, Owners and Trainers Association; Bob Williams, GBOTA; Phil Perkins, GBOTA; R. Hurst, GBOTA; Greg Webb; and Councillor Chris Holstein.

Mr Peter Anderson is a co-opted member representing the Gosford District Orchid Society. The society holds its orchid spectacular at the showground in August each year and this popular event draws visitors from all over the State. The Minister for Gaming and Racing has visited Gosford showground on a number of occasions to attend greyhound race meetings. He has always shown his strong support for the upgrading of this facility, realising the popularity of this sport on the central coast. At a Gosford greyhound race meeting held on 14 February 1998 the Minister announced that further funding would undoubtedly be injected into upgrading facilities at Gosford showground. Over the past two years grants totalling \$338,218 have been approved to facilitate the resumption of greyhound racing at Gosford showground.

Since its inception in 1972 the Racecourse Development Fund has provided more than \$525,406

towards improvements at the showground. This expenditure has secured the future of this recreational area for future generations of central coast residents. I take this opportunity to place on record my appreciation to the Minister for Gaming and Racing and the Minister for Information Technology, the former long-serving chairman of the GBOTA, Mr Cyril Rowe, and members of the showground trust for the key roles that they have played in bringing this about. May the Gosford show and the showground go from strength to strength. I extend my congratulations to all concerned on the show's one hundred and tenth anniversary.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.55 p.m.]: I thank the honourable member for Peats for bringing the improvements at Gosford showground to the attention of the House. The showground is administered by a trust appointed by the Minister for Land and Water Conservation. In keeping with one of the Government's pre-election promises, I arranged with the Minister for Land and Water Conservation for the trust to be fully representative of user groups, particularly greyhound racing interests. I believe that it has been successful. Greyhound racing is currently conducted at the showground by the Gosford branch of the Greyhound Breeders, Owners and Trainers Association, and race meetings are conducted on 40 days each year.

Late last year I approved a significant level of funding from the Racecourse Development Fund to finance a number of refurbishments for the racecourse following an earlier closure of the track as a consequence of an order from WorkCover. Following an inspection of the track, I also agreed in principle that the racecourse should be developed into a major regional greyhound centre, or what is known as a track of excellence. That recommendation was subsequently considered by the Greyhound Racing Authority, which gave in principle support to the proposal. Following the privatisation of the Totalizator Agency Board, the Racecourse Development Fund will be wound up and the assets and liabilities of the fund, including an amount of \$50 million from the proceeds of the sale of the TAB, will be transferred to the racing industry.

All future racecourse development funding will be determined by the Greyhound Racing Authority in accordance with the greyhound racing industry's intracode agreement. I have no doubt that the Greyhound Racing Authority will give full consideration to the future development of Gosford showground. On 14 February I made an official

announcement to that effect. What a great night that was! The central coast branch of the Surf Life Saving Association, together with its chief executive officer, Peter James, provided all sorts of entertainment. That is what greyhound racing is all about. I congratulate all those concerned, including the former chairman of GBOTA, Cyril Rowe, and the honourable member for Peats on what she has done for greyhound racing at Gosford

POLLUTION CONTROL REGULATIONS

Mr PEACOCKE (Dubbo) [5.57 p.m.]: In my electorate of Dubbo, particularly in the area close to Dubbo called Tullamore, are a number of intensive piggeries. My grievance relates to the proposed pollution control regulations and how they impact on the pig industry, not only in my electorate but across New South Wales. The first issue is the administration fees, which I consider to be totally and grossly unrealistic. The proposed regulations provide for over-the-top administration fees without taking into account the proposed load-based fee. The second issue is the inequity between industries. The pig industry appears to have been singled out in the regulation with its fees for licence renewal being about 10 times more than those in other industries involving animals, such as cattle feedlots, which are calculated on a live weight land basis. Another matter is the unrealistic fines.

The regulation includes provision for a totally and grossly unrealistic fine of \$9,500 for being one day late with the payment of fees. The renewal fee for a 600-sow piggery is \$19,000. These fines, fees and conditions can be changed at any time by the Environment Protection Authority with the Minister's consent and without parliamentary consultation. Piggeries employ sustainable reuse programs to produce valuable products such as biofertilisers. Because they do not discharge wastes they are non-polluters. The piggery operators recycle organic fertiliser on land as nutrients for crops. That is usually a preferred option to the use of chemical fertilisers. Members of the Dubbo and district pork producers group run efficient operations and spend millions of dollars in the local economy, approximately \$250,000 per 100 sows annually.

The imposition of unnecessarily high fees will further erode the viability of this important industry in my electorate. A highly complex form of licensing is now used. One of my constituents has provided me with a copy of his licence, which is 12 pages long and contains 85 conditions. One would have to be a Philadelphia lawyer to understand what they mean. This constituent runs a first-class operation. Every bit of waste from his piggery is

safely treated, used and recycled on the property. That brings me to another issue. Recently, two inspectors from the Environment Protection Authority, without prior notification, entered his piggery.

These days piggeries take extraordinary care to avoid the introduction of exotic disease. Shoes have to be covered and all sorts of quarantine precautions taken before entry is permitted. Not only did the two inspectors not exercise the courtesy of advising my constituent of their inspection, but they came straight from another piggery and walked into his extremely hygienic piggery. They could easily have introduced a very serious disease. To illustrate the situation, a manual published by the EPA, under the heading "Handling the carcasses", states:

The carcasses should be sprayed with sump oil if immediate burial or burning is impractical. They should be heaped up in a secluded spot away from watercourses and sump oil should be spread liberally over the heap. The oil discourages flies and scavengers. The heap can then be burned later.

If I did that in my backyard I would be prosecuted. It is absurd. I raise the issue for the further attention of the Minister. [*Time expired.*]

PENRITH SPORTS STADIUM

Mr ANDERSON (St Marys) [6.02 p.m.]: I bring to the attention of the House the appreciation of my local community for the generous grant of \$150,000 that was announced yesterday by the very capable Minister for Sport and Recreation, the Hon. Gabrielle Harrison. I am pleased the Minister is in the House. The management committee of Penrith Sports Stadium has embarked on an ambitious program of providing facilities of excellence for the sporting community of the region. The stadium was opened in July 1989 and offered the residents of the local area a multipurpose indoor sporting facility. The original board of the Penrith Sports Stadium comprised representatives of Penrith Basketball, New South Wales Basketball and Penrith City Council. Since that time there has been a number of changes and New South Wales Basketball has relinquished any role in the running of the stadium.

The board is now made up of representatives of the community, Penrith City Council and Penrith Basketball. The area serviced by the stadium extends from Faulconbridge in the west to Mount Pleasant in the north to Warragamba in the south and Erskine Park in the east. Many sports are played at the stadium, the three main sports being basketball, netball and volleyball. The participation of 450 teams in various competitions at the centre, ranging from competitions between infants schools to

veterans' competitions, highlights the great need for this facility. The grant announced yesterday by the Minister will encourage Penrith City Council and the Penrith Sports Stadium management committee to continue with the program on which they have embarked to extend the facility. The committee has entered into an agreement to borrow \$2.2 million for the provision of additional facilities, which are greatly needed.

I have mentioned a number of sporting bodies that currently use the facilities, but the present stadium is inadequate to cater for the growth of the local area; it is growing at twice the State's average. The need for facilities increases every day. The provision of further facilities will cater for the young people of our community. The number using the stadium over the past couple of years has increased by 40 per cent. Many people want to use the facility. The venue is presently used for the Sydney Junior Basketball Championships, the Sydney Senior Basketball Championships, the New South Wales Junior Basketball Championships, the New South Wales State League Basketball, metropolitan west secondary and primary school basketball and secondary schools volleyball competitions, the Continental Basketball Association, Little People Basketball team training and the Nepean Hospital Neo-Natal Fundraising Basketball Challenge.

So a considerable number of people come from throughout the region to use the facility. The Government is progressive in its provision of sporting facilities. This is another example of its encouragement and assistance to the development of stadiums for the people of metropolitan areas. Other speakers have talked about the provision of facilities in their electorates. I am pleased that the people of western Sydney region has not been forgotten, and I know that as long as this Minister remains in her present portfolio we will not be forgotten.

Ms HARRISON (Parramatta—Minister for Sport and Recreation) [6.07 p.m.]: The Government is delighted to provide the funding for this facility. I congratulate the honourable member for St Marys on his continual advocacy of the benefits of the Penrith Sports Stadium, which has been a great boost to the Penrith area. It is a well-managed facility that caters for a wide variety of sports and for a large proportion of the local population. The comments of the honourable member for St Marys highlight the importance of the local facility to the community and the support that it receives. The events at the stadium are reported in a regular weekly column in each of the local newspapers. Whilst it is a community facility, it is also a regional facility and

a number of important events are held there. They include the Australian square dancing titles.

The management committee is working with Penrith City Council to promote the stadium as a training venue for the Sydney 2000 Olympic Games. The venue has held international events in the past, including the Australia-Korea volleyball international competition. I understand that a three-day challenge between 20 schools from the United States of America and 20 local schools will be held there next year. The management committee has been proactive in its marketing of the stadium, whilst at the same time providing facilities for the local community. In the past the stadium has catered for active participation by disadvantaged groups. The provision of this grant will improve the opportunities for those groups.

Between 1989 and 1991 the number of Aboriginal and Torres Strait Islanders who live in the Penrith area has increased by 187 per cent. Currently three teams comprised entirely of Aboriginal players participate in the senior basketball competitions at the stadium. Next year the stadium, which has supported wheelchair sports for a number of years, will be the venue for the Panthers wheelchair basketball team. I was particularly interested to note that the short stature group has used Penrith Sports Stadium as its training venue for the past eight years, and will continue to do so for the next three years. The Government previously provided a grant to that group to travel to Brisbane to compete in the national championships, which it won. Congratulations! [*Time expired.*]

NATIONAL PARKS AND WILDLIFE SERVICE ENTRY FEE INCREASES

Mr SCHULTZ (Burrinjuck) [6.09 p.m.]: On 15 April, following public outcry about national park entry fee increases to Kościuszko National Park the Minister for the Environment, quite responsibly, put out a press release saying that the Government had placed a one-year moratorium on increases to entry fees into Kościuszko National Park in recognition of the special circumstances affecting the region following the tragic landslide of last year. In the press release the Minister went on to say:

Accordingly, I have directed the National Parks and Wildlife Service to halt the introduction of increased fees at Kościuszko and new fees at parks outside the Sydney region.

I will not play cheap politics with the Minister because I appreciate that she reacted to the public outcry, regardless of whether she was forced to do it. But the Minister may not be aware that park

entry fees are not the only increases creating massive problems. She should look at National Parks and Wildlife Service management in Kościuszko National Park. I received a letter from Kościusko Mountain Retreat, Sawpit Creek, following representations I made and my public comments defending the rights of people visiting Kościuszko National Park facing increased park fees. Kościusko Mountain Retreat wrote:

Annual Community Service Charges . . . are fees imposed by the service at a Regional level, Snowy Mountains Region in our instance, for the provision of services such as water supply, sewerage treatment and garbage disposal facilities, the equivalent to municipal and shire council rates.

Unlike municipal and shire councils those responsible within the Service for the computation of these fees apply them in a manner that suits the Regional Office without having to answer to the likes of the Minister for Local Government or the Prices Justification Tribunal or the Department of Fair Trading.

If they determine that it is desirable to launch projects, or recover losses from unexpected capital works, or recover losses from bungled works, or recover the costs of inefficient operations in addition to the day to day provision of these services they simply apply increases and charges proportionate to their ends.

We do appreciate that upgrades and capital works may become necessary for the Service from time to time to meet EPA requirements, but for the Service to apply increases in the order that they have to recover these costs from lessees is unacceptable. Indeed, these increases over recent years have become unbearable for our business . . .

For the trading year **96/97** our ACSC was a whopping **\$35948.86**

Similar business operations outside of the Kościuszko National Park . . . boundary . . . pay council rates in the order of \$5000 to \$6000 PA.

For 97/98 the Service is now demanding an increase of \$18105.46 to \$54054.32, a leap of 50.4% on last year's charge.

. . . over the last ten years of our operations . . . the ACSC have now increased 137.75%.

. . . The computation of their annual *rates* increases must be pegged in a similar manner to Shire and Municipal bodies. The Service and its officers must be made to answer to a higher authority to prevent this type of abusive overcharging.

The Minister for the Environment probably does not know about these exorbitant charges. I implore the Minister to investigate this iniquitous situation and do something constructive to make the National Parks and Wildlife Service introduce charges that are commensurate with the local government and other government body charges that ordinary people are subjected to. It is a serious issue. The charges will be passed on to the people who use the services of the resort. They will be penalised. The National

Parks and Wildlife Service, in its stupidity, once again has demonstrated to me as the member for Burrinjuck and other people that it is incapable of managing the park in a proper and efficient manner as it ought to be managed.

Ms ALLAN (Blacktown—Minister for the Environment) [6.14 p.m.]: The Government has already acknowledged the special circumstances affecting Kościuszko National Park and in particular the residents of Thredbo. Following extensive consultation with representatives of the Jindabyne-Kościusko business community I placed a one-year moratorium on the proposed visitor entry fee increases for the park. Given the significant injection of funding of approximately \$30 million in the past 12 months by the Government to assure Thredbo and the Snowy region, it is wrong to accuse the Government of failing to contribute a significant proportion of the funds required to sustain viable commercial enterprises in Jindabyne and Kościuszko. The National Parks and Wildlife Service operates an annual account for the provision and maintenance of facilities such as water supply, sewerage, waste disposal, freight, environmental management, et cetera, for Perisher, Smiggin Holes, Blue Cow and Guthega resorts.

The account includes operations and maintenance only and does not include capital works to upgrade infrastructure. Government bears the sole burden of the latter. The service has kept annual community service increases to a minimum over the last few years—between 1 per cent and 4 per cent approximately. The costs have increased in order for the service to meet the cost of maintaining existing facilities and services to regulatory requirements and appropriate maintenance standards. The infrastructure is ageing and deteriorating, including water supply lines, waste collection, and sewerage. It is apparent that the previous coalition Government let this happen by ignoring repeated requests for appropriate levels of funding by the service, as the honourable member is well aware.

In 1997-98 the total cost of servicing Kościusko Mountain Retreat is \$54,054 compared with \$35,948 in the previous year. The cost is attributed by the service to an increase in the cost of garbage disposal and the cost of increasing wages for water and sewerage services. The provision of municipal services is directly related to the operation of the ski resorts and the Government generally is not in a position to subsidise these costs. However, I am more than happy for my staff to meet with the honourable member for Burrinjuck as well as the representatives of the Kościusko Mountain Retreat to discuss the problem.

TAFE FUNDING

Mr ROGAN (East Hills) [6.16 p.m.]: In March I was approached by the New South Wales Teachers Federation, as I am sure most members of the House were, following the Federal Government cutbacks to technical and further education. I have a TAFE college in my electorate at Padstow.

Mr Aquilina: A great TAFE college.

Mr ROGAN: Yes. I also attend presentations at Bankstown TAFE, in the electorate of my friend and colleague the honourable member for Bankstown. Understandably, I am concerned about reduced TAFE funding. The Teachers Federation has urged me and other members to examine priorities and ensure that funding is allocated so that TAFE remains the major provider of vocational and further education in this State. Cuts to New South Wales to meet the objectives of the Federal Government to implement user choice through the new apprenticeship scheme and "growth through efficiencies" are not acceptable, as the federation points out.

The Federal Government has made a whole range of cuts. The slash-and-burn policies implemented by the Greiner Government upon being elected in 1988 are now being followed by the Federal Government under Prime Minister Howard. I predict that the Federal coalition Government will meet the same fate as the Greiner Government did. After one term it was almost not re-elected in 1991. Obviously there is a limit to how much money the State can provide when the Commonwealth makes funding cuts. In two successive Commonwealth budgets there was a reduction in funding for recurrent vocational education and training in New South Wales—of \$44.8 million in 1996-97 and \$13.2 million in 1997-98. The Commonwealth is reducing real funding to the vocational education and training sector and therefore to TAFE New South Wales, the major training provider in this State.

The abolition of Commonwealth funded labour market programs has also severely limited opportunities for education and training for people to get "job ready". At the same time, the Commonwealth is introducing new training policies, placing increased demands on the sector and expecting the States to meet any additional costs for these initiatives out of efficiencies to be found in State systems. Implementation of the Commonwealth's new apprenticeship policy will put pressure on State resources as the expected increase in numbers seeking traineeship training will have to

be funded by the State, as will the Australian recognition framework and the introduction of training packages. On top of this, it is estimated that the financial impact of the youth allowance on the New South Wales vocational education and training sector will amount to \$15 million per annum commencing in 1999, with additional young people seeking to be accommodated in TAFE.

The Commonwealth's recent offer of funds to the States to soften the impact of the youth allowance falls well short of New South Wales requirements. TAFE colleges are undertaking marvellous work but it is being severely undermined by the Commonwealth Government. The Minister for Education and Training is committed to ensuring that TAFE provides the necessary training and education for its students. I urge all honourable members to speak out against the Federal Government's unacceptable cuts. Given the cuts New South Wales has suffered since the election of the Howard Government, it is impossible to pick up the funds from elsewhere. I raise this matter principally because I am aware of the excellent training facilities that are provided at Padstow TAFE. I was present when the first sod was turned and I attended the official opening of the college several years ago. [*Time expired.*]

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [6.21 p.m.]: I congratulate my friend and colleague the honourable member for East Hills on bringing to the attention of the House the Howard Government's dramatic cuts to TAFE funding and training generally in this State and around Australia. I responded earlier to comments made by the honourable member for Cabramatta in relation to cuts to child-care funding. It is equally important to note that New South Wales has been hard done by with respect to TAFE funding.

The honourable member for East Hills also pointed out that for several years now Padstow TAFE has carried out impressive work, as have all TAFE colleges around the State. Education and training Ministers from around Australia whom I meet at councils and conferences have told me that New South Wales TAFE is the envy of all other States because it has a strong equity policy and offers high-quality and diverse courses. However, these are under threat because of the Howard Government's cuts. New South Wales funding has been cut by \$72 million so that all growth in apprenticeships must be absorbed by New South Wales taxpayers. This year alone the Government has had to find \$42 million for growth in

traineeships as opposed to \$25 million last year. The Government will continue its commitment to TAFE to expand and provide top-class services despite the Federal Government's savage cutbacks.

Mr ACTING-SPEAKER (Mr Mills): Order! The honourable member for Coffs Harbour will cease interjecting by counting down the clock out loud. That is disorderly. If he offends in a similar way again, I will call him to order.

M2 RAMPS

Mr MERTON (Baulkham Hills) [6.23 p.m.]: I have spoken on many occasions regarding the need for the construction of the M2 west-facing ramps at Windsor Road, Baulkham Hills. With the first anniversary of the M2 almost upon us it must be acknowledged that the M2 has greatly improved access to the city for the people of north-western Sydney and the Riverstone electorate. The M2 has been a great success for people living in The Hills, Blacktown and surrounding districts, which includes Labor-held electorates. Residents from those electorates appreciate that the coalition Government held firm against the loud minority voices to ensure that the M2 went ahead. Travel times to the city from the west and the north-west have been reduced considerably and the Westbus Pty Ltd direct service to the city has been a huge success, with many people choosing this method of transport to travel to their workplaces in the city. Once again I am calling on the Minister for Roads to agree to the immediate construction of the much-needed M2 west-facing ramps at Windsor Road. It is imperative that the ramps be constructed without delay. The people of Winston Hills are subject to enormous traffic problems with congestion in the shopping centre and nearby areas. Construction of the M2 ramps would alleviate this congestion. I received a letter dated June 1997 from the Parliamentary Secretary for Roads which stated:

It is now proposed to conduct a further survey of local traffic patterns when these have stabilised following the opening of the motorway in order to further assess the need for the ramps.

These traffic patterns are to the detriment of the people of Winston Hills. The assessment should be well and truly over and action should be put in place forthwith to construct the ramps. I have made representations on behalf of many of my constituents, who urge that these west-facing ramps be constructed to take the traffic out of once quiet streets. I shall give a couple of examples. In November last year I wrote to the Minister for Roads on behalf of Baulkham Hills Shire Council again seeking the early construction of the ramps. However, as of today's date no further advice has

been received from the Minister. On 24 February I wrote to the Minister on behalf of Mr Cowan-Lunn of Seven Hills Road, who stated that there is increased traffic on that road due to the lack of west-facing ramps. The Minister replied on 6 March stating that the matter was being examined. As of today's date no further word has been received.

On 2 March I wrote to the Minister on behalf of Mr W. Cleveland of Arthur Street, Baulkham Hills, who expressed his concern about the increasing traffic flow in his area because of the lack of ramps. The Minister replied on 10 March that the matter was being examined. Since that date no further word has been forthcoming. The time for stalling is well and truly over. Now is the time for action. I call upon the Minister for Roads to immediately instigate the construction of the M2 west-facing ramps at Windsor Road. It is also noted that on 26 February 1996, prior to the last Federal election, the former member for Parramatta wrote to a number of his constituents in the Winston Hills area and stated:

I am very pleased to advise the discussions between Federal and State Government have led to an agreement on a dollar for dollar funding for the western facing ramps from Windsor Road to the M2. The Federal Minister, Mr Brereton, has already transferred \$8.7 million in Federal road funding on the condition the new ramps are built.

I understand that Mr Elliott will again be the Labor candidate for the Federal seat of Parramatta. How will he explain what happened? Will he say the cheque was in the mail or that it did not arrive? Was the money transferred for the M2 ramps? If not, surely his credibility is shot to pieces. That is of little importance when compared with the unnecessary traffic that Winston Hills constituents are being subjected to. Everyone accepts that the M2 is a great success, but it could be significantly improved if local traffic could be eased through the construction of these ramps. I ask the Minister for Education and Training to make representations to his ministerial colleagues stating that the job is nearly done but that an extra \$8 million should be spent on the construction of ramps to improve the amenity of life for residents, to ensure that children can be safe and to ensure that families return to the serenity they enjoyed prior to the increased traffic conditions.

BUILDING INDUSTRY PAYMENT SECURITY LEGISLATION

Mr HARRISON (Kiama) [6.28 p.m.]: I wish to raise a social justice issue: the need for security of payment legislation. Today I appeal on behalf of subcontractors in the building industry for the early

introduction of security of payment legislation to protect subcontractors and their employees from financial ruin when major building firms go into liquidation. While I am aware that at present a parliamentary committee is inquiring into this matter, I am fearful that representatives from the big end of town—for example the Australian Bankers Association, the Property Council of Australia, and the Australian construction associations—are intent on circumventing any real action. At present large building corporations have access to substantial amounts of interest-free capital that they can use at their discretion, while subcontractors are unable to get even credit without first providing guarantees, and as a result many of them have lost their homes or been declared bankrupt.

Over recent years some have gone as far as committing suicide because of financial problems that have arisen through the collapse of building companies. Some 95 per cent of the people on any building site are specialist subcontractors. Invariably, they carry much of the financial load of paying wages for employees, buying building materials and so on. When the main contractor goes to the wall, assets are taken over by the liquidator, who will advise the subcontractors, "Even though you bought these materials, they are not yours, they belong to the site, and you cannot remove them from the site." That is an extremely unjust result. It should be addressed. There has been talk about that for years. I presume that all members of this House, at one time or another, have had subcontractors make these sorts of complaints to them. Even government bodies are not exempt from these problems. I could point to some substantial failures that have occurred involving the Sydney Cricket Ground Trust, the Shoalhaven District Memorial Hospital, a Department of Housing development at Shell Harbour, the new Wyong Shire Council administrative building, the Pacific Power ETAC Centre at New Lambton—the list goes on.

Those are substantial developments that have seen contractors go into liquidation leaving subcontractors to hold the bag. Invariably, when companies are wound up and residual moneys are paid to the banks, the banks grab either all or most of the money to cover debts owing to them, leaving subcontractors and their employees out in the cold. There have been reports of suicides related to people being left without a feather to fly. Another problem that arises is that a subcontractor who has an unpaid debt of, say, \$4,000 and makes inquiries about how to recover that debt may find that the legal costs associated with trying to recover it might be as much as \$10,000. So, faced with throwing good money after bad, the subcontractor may well decide

to bear the burden of the loss rather than use his own meagre resources on litigation.

On the other hand, at the end of liquidation proceedings directors of failed building corporations can walk away from their problems, set up another shelf company and start their operations all over again. The fact that a parliamentary committee is looking into these matters is pleasing, but we should be doing more than looking into these issues. This is a Labor Government that has 10 months left in office before the next election, and I appeal for urgent action to ensure that the interests of small subcontractors in the building industry and their employees are protected by the introduction of appropriate security of payment legislation. I urge the Government to consider this matter urgently, and I ask the committee to wind up its affairs quickly and get on with making recommendations. [*Time expired.*]

HASTINGS HEADWAY FUNDING

Mr OAKESHOTT (Port Macquarie) [6.33 p.m.]: I wish to note my support of a local service for people with brain injuries named Hastings Headway. Hastings Headway was funded in May 1996 to provide a community access program for people with a brain injury who are living in the Hastings and surrounding areas. The grant was for \$18,600. As this amount was not sufficient to provide support to clients with high support needs, a request was made to the Motor Accidents Authority of New South Wales for assistance, and a one-off grant of \$10,000 was received. When the funding came through in 1996 a co-ordinator was appointed, and the service was developed over 40 weeks, with submissions being made to the Department of Ageing and Disability and the Motor Accidents Authority for ongoing funding. The submission to Department of Ageing and Disability was not successful, however, the Motor Accidents Authority approved another grant of \$50,000 for a 12-month period.

During the past 12 months, with the support of volunteers, families and consumers, Hastings Headway has put in place a service for people who previously were socially isolated and had no access to community resources other than limited day care programs for the elderly and people with a mental illness. I am told that brain injury has been made a priority by the mid-north coast area planning committee, with a recommendation to pick up the funding for Hastings Headway, which is a requirement for future funding by the Department of Ageing and Disability. This is a commendable priority, and I now urge all involved in the planning

committee to fight hard for the retention of Hastings Headway.

The unfortunate news that prompted me to raise the matter in the House this evening is that the Motor Accidents Authority has notified Hastings Headway that unless it has a commitment to ongoing funding from the Department of Ageing and Disability by 30 June 1998, then funding from the Motor Accidents Authority will cease. If, however, the Department of Ageing and Disability gives a commitment to fund Hastings Headway from July 1999, then the Motor Accidents Authority will fund Hastings Headway for another 12 months. I urge the Motor Accidents Authority, the Minister for Ageing, Minister for Disability Services, the Premier, and the Government in general to support Hastings Headway in its efforts to gain ongoing funding within 12 months. Whilst it is a difficult task for the local group, it will be made all the easier if the Government recognises there is a lack of services for people with brain injuries and their families in regional New South Wales, and in particular it will be made easier if the Government recognises Hastings Headway has demonstrated its importance to our local community by its individual success and broad community support.

This service was initiated by a group of worn-out carers who decided to help themselves. However, if Hastings Headway does not secure ongoing funding, then all the hard work of this dedicated group of people will have been for nothing. The following points are unique to the situation faced by Hastings Headway. First, due to the regional isolation of the Hastings, there is a lack of other support services for people with acquired brain injury. Second, there is broad recognition of the lack of disability services in general on the mid-north coast. Third, and comparatively, funding bodies have not shown equality in funding to brain injury issues. Fourth, there are issues of access and equity. For example, people with an acquired brain injury are unable to access disability services for people with an intellectual disability even though those services operate with individual packages. Finally, Hastings Headway is essentially a self-help group consisting of people with a brain injury, their families and friends, and it provides many hours of volunteer support, such as management, administration and hands-on service provision.

I have been informed by Hastings Headway that it has held discussions with the Department of Ageing and Disability. I also understand these discussions proved fruitless, with the department indicating that it cannot allocate ongoing funding and that this could only be done by the Premier. My

appeal tonight therefore is not just to the Motor Accidents Authority to reconsider its position, but also to the Minister for Ageing, Minister for Disability Services, and to the Premier to strongly consider the option of providing recurrent funding for what is a very successful local support service for people with disabilities. On several occasions I have visited Hastings Headway. I can confirm that it is a valuable and much-used organisation, and that it has improved the life skills of those with acquired brain injury in the Hastings. Currently, there are 10 participants within the Hastings Headway program, and overall approximately 20 people have been helped since the program started in 1996. Their backgrounds are mixed, their brain injury circumstances are varied, and the improvements in their quality of life and life skills are varied. However, at all times throughout the running of the Hastings Headway project there has been a consistency of care and compassion that has broadened the life options available to all consumers and their families. Hastings Headway is working. I therefore encourage the Premier, the Minister, and the Government in general to work for Hastings Headway.

LIVERPOOL CITY NETBALL ASSOCIATION THIRTIETH ANNIVERSARY

Mr LYNCH (Liverpool) [6.38 p.m.]: I draw to the attention of the House the thirtieth anniversary of the Liverpool City Netball Association—the LCNA—and the marvellous work that the association has done over the last 30 years. The thirtieth anniversary of the association was celebrated at a debutantes ball held on Friday, 24 April, at the Roma Classic Lounge in Liverpool. The association commenced its existence in 1968. It was established as the Southern Districts Women's Basketball Association on 23 April 1968. Four women in particular were responsible for the decision to establish the association, namely Barbara Long, Jan Hiron, Betty Cansdell and Norma Millington. A first executive was then established, consisting of B. Long, J. Hiron, B. Cansdell, J. McIlvenie, A. Barr, G. Bennett, V. Hampson and N. Millington. The association's history booklet records that Norma Millington donated the \$2 necessary to open the association's first bank account.

The genesis of the Liverpool City Netball Association sprang from blindingly obvious and inescapable facts of urban development and demography. Thirty years ago, in the early 1960s, massive residential development took place in the Liverpool region. This typically involved the relocation of young families to new greenfield suburbs that had precious few resources and

facilities. For men and boys, rugby league clubs and the like were developed. However, there were even fewer facilities or sports clubs for women and girls. These were the objective factors that created the environment from which the association sprang. As the area developed, so did the association. It now has some 15 associated clubs with a combined membership of more than 1,200 people. Some of the affiliated clubs include: OLMC Netball Club, which was established in the mid 1980s; Liverpool Catholic Club Netball, started in 1972; Pink Panthers Netball Club, founded in 1983; Miller Sports Club, formed in 1966; Woodlands Club, established in 1968; Prestons Netball Club, commenced in 1967; and Mount Pritchard Community Netball Club, which joined the association in 1968.

The original games were played on grass courts. Those courts were marked with sump oil, mops and watering cans. When games ran late in the evening the courts had to be lit by the headlights of cars. This has now improved dramatically. There is now an impressive complex at Collimore Park, with 24 asphalt courts. Makeshift structures such as tents have now been replaced by a permanent administration building and canteen. The first stage of an office and meeting room was completed and officially opened in 1985 by my predecessor in this place, the Hon. George Paciullo. Three years later the first stage was completed with a downstairs office, toilets and dressing room.

Much of the success of an organisation such as the Liverpool City Netball Association must rest upon the competence, vision and commitment of its executive. An association will benefit also from consistency and continuity in its executive. The LCNA has been extremely lucky with its executive, both in the individual members' abilities and their consistency in serving on the executive. I note particularly that the following persons are presently on the executive and have had an impressively long involvement with the association: Kath Whiteley has been on the executive for some 29 years and involved with the association for 30 years; Maureen Long, 20 years and 30 years respectively; Cath Penning, 20 years and 30 years; Estelle Lawler, 20 years on the executive and 25 years with the association; Ann Brown, 13 years and 20 years respectively; Bev Wilson, 11 years and 20 years; Kathryn Martin, four years and 20 years; Denise Quinn, 10 years and 20 years; and Maureen Murray, two years on the executive and 20 years on the association.

The leadership of the specific office holders should also be acknowledged. The president of the

association is Maureen Long, the secretary is Cath Penning, and the assistant secretary is Estelle Lawler. Much official recognition has been given to the association and its work. Four members of the association have been presented with the Ann Clark service award, namely: B. Long in 1978; K. Whiteley in 1980; C. Penning in 1990; and M. Long in 1997. Additionally, in 1982 Barbara Long had a park in Liverpool named after her. Three executive members have also received Liverpool City Council heritage awards: B. Long in 1985; C. Penning in 1991; and E. Lawler in 1994. In 1991 Cath Penning won the Leo Sullivan sports award.

Many outstanding achievements have been made by the association's netballers. The most recent notable player is Nicole Cusack. Nicole began to play with Woodlands Park Club when she was seven years of age. She played in the junior representative team when she was 11 years old. She was eventually selected in the under-16 State team. Nicole has since gone from strength to strength to become New South Wales captain, Australian player of the year and sportswoman of the year. Many other players from the association have been selected for the State netball team, and members of the association have coached the State team. At the thirtieth anniversary of the LCNA on 24 April the debutantes were presented to the Mayor of Liverpool, the Hon. George Paciullo. I attended the function, as did my colleague the honourable member for Cabramatta. I note that Estelle Lawler was responsible for much of the hard work that went into the success of that function.

[Mr Acting-Speaker (Mr Mills) left the chair at 6.43 p.m. The House resumed at 7.30 p.m.]

NATIVE VEGETATION CONSERVATION ACT

Matter of Public Importance

Debate resumed from an earlier hour.

Mr SOURIS (Upper Hunter—Deputy Leader of the National Party) [7.30 p.m.]: Farmers across the State protested outside Parliament House last Tuesday to express their complete disgust with the Carr Government and the Minister for Agriculture, and Minister for Land and Water Conservation who is supposed to be their supporter. It is incredibly ironic that within one week of that demonstration the Minister said, during debate on a matter of public importance in this House, that the Government had taken everything into consideration, and could solve the problems with the Act by doubling the staff, fiddling around with the application fee, planting a few trees as an offset and

reducing the processing time for applications. That is not what is wrong with the Act. The Act is wrong, not the administration of it and not how long it takes to get bad news.

The other issues are all irrelevant. The Act is fundamentally flawed: it is based on a false premise and is utterly unworkable. The legislation will destroy the trust of the farming community in conservation measures that had been achieved over many years through co-operation with land-holders, the Government and the conservation community, in relation to conservation, total catchment management and landcare. All of those tremendous initiatives have been undermined by the actions of the Carr Government and the Minister, which will plague this Government to its grave. This Act and its forerunner, State environmental planning policy 46, represent the Carr Government's incredible insensitivity toward the problems that exist on the land and give no credit whatsoever to the actions of country people over the years in their efforts to address conservation issues.

It was amazing to be in this Parliament just hours after the demonstration in Macquarie Street had concluded, hours after thousands of farmers had called upon the Premier and the Minister for Agriculture, and Minister for Land and Water Conservation to listen to at least one or two of the presentations. When the Premier came into the House he said, "I do not know what is wrong with all these farmers. It has rained. The heavens have opened and they are all building their arks." That is an incredibly insensitive statement. In other words, the Premier was hurling abuse at this wonderfully productive sector of our community. The Minister for Agriculture, and Minister for Land and Water Conservation should not smile. He came into the chamber straight after the Premier, during the same question time, and said, "I would rather be at a far more important meeting down at Town Hall to address the wharfies; the productive battlers of this community, the people whose working conditions and lifestyles are being debilitated."

No-one is suggesting that the Minister should not go to the Town Hall or that he should not address whomever he wants to address, but for the Minister to say that one section of the community is not equal to another section of the community is tantamount to class warfare. The Minister ought to be ashamed of himself! He also said that the farmers had been whipped into hysteria and that is why they were in Macquarie Street. In case he had not noticed, farmers are a very conservative group. They do not like to demonstrate: they hate it; it is against their nature. But the Government's introduction of

SEPP 46 and the Native Vegetation Conservation Act, coupled with the treatment meted out for years to farmers by the Government and the Minister, were too much.

Finally the farmers rose in protest and came to Macquarie Street to tell the Minister and the Government what their standing is in the bush. The farmers took the Minister at face value. When the Government changed hands the Premier said, "The drought is the greatest social issue facing Australia today." The farmers accepted the Premier at face value. They showed him the greatest courtesy and hospitality, but it turned out to be a media stunt, a photographic tour—posing for a couple of photos with shire presidents at the airport. That transparent insincerity has now come home to roost. I do not know whether the Government was dreaming about winning any country seats, but it can forget the dream; it can forget about winning any country seats in New South Wales. It will win nothing.

The Government's treatment of country people, its slash and burn approach, its introduction of SEPP 46, its interpretation of the Native Vegetation Conservation Act and the comments made when the Premier refused to speak to farmers when they were in Macquarie Street are all coming home to roost. It takes a lot for the farming community to demonstrate. In fact, I cannot remember such a demonstration previously. No doubt there was one years ago. Farmers are now strongly opposed to the Government and the Minister. Today the Minister for Agriculture, and Minister for Land and Water Conservation tried to deflect criticism of his bungled handling of this important issue. A seminar organised by the Environmental Defenders Office last Friday attempted to bring together all the stakeholders. The Minister for Agriculture, and Minister for Land and Water Conservation opened the seminar and made some interesting points. He stated on numerous occasions that since last Tuesday's rally land clearing was not an issue and only 300 applications had been lodged with the department.

Yet he admitted to the conference that the Act and water reforms had dominated his time in both of his portfolios. With such a harsh Act and such a harsh, insensitive Government, it is no wonder that the Act has occupied his time whilst he has been the Minister. This matter of public importance deals with progress. That is an interesting use of the word "progress". No progress has been made. The Government has destroyed the trust and the conservation efforts of people in rural New South Wales. It has marked itself as the great destroyer of country New South Wales. The word "progress"

should not be used when honourable members talk about the Native Vegetation Conservation Act. One can hear farmers laughing from the bush and across the sandstone curtain at such an idiotic title for a matter of public importance. Today's matter deals with the notion of progress created by the Carr Government. However, it is interesting to note the judgment handed down last week in the Land and Environment Court by Justice Talbot in relation to a breach of SEPP 46. In his reasons for judgment Justice Talbot stated:

I described the definitions in SEPP 46 as convoluted, obscure and difficult to construe . . . the task of understanding what the definition of "specified native grasslands" means is a daunting one which no party found easy to resolve.

The Government is taking people to court in respect of SEPP 46. If the Government had any decency, having already admitted by introducing the Act that SEPP 46 is a complete failure, it would at least suspend court action so that those who are incorrectly before the court will not be prosecuted.

If the Minister had any decency he would stop prosecutions under this new Act, at least for a period. But he has no interest in this issue. He wants to attack farmers, take them to court, and fine them. He wants to do everything he possibly can to destroy the productive capacity of rural New South Wales. He wants to do everything he can to destroy productivity and conservation measures in the bush. The Minister does not know how much damage he has done. He does not know the extent to which he has impeded conservation and environmentalism in the bush. Justice Talbot said that the Government unintentionally ruined the good news matter of public importance of the Minister for Land and Water Conservation today by making a mockery of the Minister's claim that progress has been made on the implementation of the Native Vegetation Conservation Act. Justice Talbot stated in conclusion:

Although the offences occurred during the moratorium period allowed under an environmental planning instrument that no longer has effect, the principles of SEPP46 are now enshrined in legislation enacted as the Native Vegetation Conservation Act 1997.

A judge of the Land and Environment Court said that, as the Government's Act still enshrines all the errors and all the misinterpretations of SEPP 46, it too is flawed and ought to be abolished. [*Time expired.*]

Mr McMANUS (Bulli) [7.40 p.m.]: Honourable members have just heard the most incredible hypocrisy from members of the National Party. The Deputy Leader of the National Party

made spurious comments about the Carr Government making impossible changes that no-one can accept. Similar legislation was introduced in South Australia 20 years ago, in Victoria in 1989 and in Western Australian in 1995 without any consultation.

Mr Souris: You are not even a rural member.

Mr McMANUS: In the view of members of the National Party, anyone who does not have a farm does not have a say. The families living in farming communities in my electorate know more about farming than any member of the National Party. What a ridiculous argument put forward by members of the National Party!

Mr ACTING-SPEAKER (Mr Clough): Order! I call the Deputy Leader of the National Party to order.

Mr McMANUS: Three conservative governments in this country have introduced similar legislation, but only one Opposition is not prepared to accept it. Every time there is a Federal election these goons from the National Party, who have to find reasons for their re-election, visit the poor, unfortunate farmers who work hard and put stupid ideas into their heads, based on their thinking, and encourage them to demonstrate against the State Government on an issue that concerns the Federal Government. A few days ago farmers demonstrated against the actions of a union when that problem should be addressed by Howard and Reith—it had nothing to do with the Carr Government.

The Native Vegetation Conservation Act, which was introduced in December 1997, came into effect in January 1998. In 1992 all States and Territories, including New South Wales, became a signatory to a national strategy for ecologically sustainable development. One of the commitments of the national strategy was to arrest the decline of native vegetation by the year 2000 and to limit further broad-scale clearance. The former coalition Government lacked the guts, the leadership and the commitment to do anything about it. Every time this House debates an issue of rural importance in this place Opposition members raise matters that have been in the bottom drawer for seven years—matters on which they were too gutless to act.

When this Government came into office it established that something had to be done about this problem before Opposition members in rural seats allowed things to be destroyed in their own electorates. Someone has to bite the bullet. Conservative governments in other States have bitten

the bullet, but when this Government does so the Opposition perceives it as a problem. If conservative governments are prepared to introduce legislation such as this, what is wrong with it? The Government sees nothing wrong with attempting to ensure the productivity of farmers over the next 20, 30 or 100 years. The bunch of goons opposite realise that they will have trouble getting back into government. They are in trouble in their own electorates, so they stir up farmers, who should really be on their farms. Every time we have an election Opposition members do the same thing. One month before the last Federal election Opposition members stirred up farmers in Orange. They are doing it again. This is just another political stunt. The conservative governments in South Australia, Victoria and Western Australia have never tried to change their legislation. Opposition members should tell the farmers that, when they get into government, this legislation has to be changed.

Mr Slack-Smith: We have.

Mr McMANUS: Tell the farmers in South Australia and in Western Australia that the legislation is wrong. Let them know that this Opposition is the odd one out. However, Opposition members know that there is something to be achieved by this legislation. I would love to be able to address that issue. People in rural New South Wales are waking up to members of the National Party. Members of the National Party are being dictated to and they are following that line to ensure that they are re-elected. Every time there is an election members of the National Party lose ground in rural areas. No matter what happens Opposition members are doomed. [*Time expired.*]

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [7.45 p.m.], in reply: I thank the honourable member for Bulli for his support for the motion. I will make a few comments in response to the matters raised by those honourable members who spoke in debate on this matter. I am disappointed at the response of members of the National Party to this matter of public importance. It has been mentioned in this debate that we are leading up to an election. I would have thought that, within a year of an election, Opposition members would have had some comments to make about native vegetation and clearing controls—some new strategy or policy. However, they said that the Native Vegetation Conservation Act is fundamentally flawed, that it is unworkable, and that it has taken away the farmers' trust. Progress has been made moving from SEPP 46 to the new Act and the new procedures. The Deputy Leader of the

National Party, who led for the Opposition in debate on this matter, said that doubling staff to implement this legislation was not good enough; that doing away with fees would not achieve anything; and that solving the turnaround time and introducing trade-offs on properties would not assist anyone. What is wrong with the Act as outlined?

Mr Slack-Smith: Everything.

Mr AMERY: The honourable member for Barwon said, "Everything." That is a comprehensive response to the legislation. Honorable members opposite will have no credibility on this issue until they state clearly what they are talking about in relation to native vegetation clearing. The community waits for the Opposition's response. The Deputy Leader of the National Party said that SEPP 46 was a disaster and that is the reason this legislation was introduced. We had to replace the legislation. SEPP 46 was an interim control measure, a measure introduced whilst there was public consultation. The honourable member for Barwon was correct when he said earlier in an interjection that other States do not have an Act like this Act. New South Wales is the only State that has regional committees, farmers and communities involved in native vegetation plans. This Act is different from the Acts in other States, as the Government involves the communities.

I will briefly reply to one or two of the points made by the Deputy Leader of the National Party. He commented on the Premier's feelings towards farmers. I do not believe that any previous Minister for Agriculture, conservative or Labor, would have received as many phone calls from his Premier as I receive from the present Premier about the impact of rainfall on rural industries and the welfare of regional areas. The Deputy Leader of the National Party also referred to last week's demonstration by farmers. We all know that demonstration was a response to the battle on the wharves. He misrepresented my comments and claimed that I had attended another demonstration in Sydney.

I said that I did not attend, despite the fact that the other demonstration was a protest at the loss of jobs. The farmers' demonstration was a protest to make a political point. However, I did make a mistake in my initial contribution. I said that plans were well under way to form regional committees in the mid-Lachlan, south Mallee and northern flood plains regions. I have been corrected. The committees have been established and are well on the way to providing plans. Things are even more advanced than I previously claimed.

[*Interruption*]

The honourable member for Bulli has said it all. It has been a political stunt by the Nationals—a few demonstrations to try to whip up some activity.

Mr ACTING-SPEAKER (Mr Clough): Order! The member for Myall Lakes may interject as often as he wishes, but he will not do so from a standing position.

Mr AMERY: I have visited about 48 country towns this year.

Mr Photios: Name them.

Mr AMERY: I will name them tomorrow. Some of the reforms in the legislation were made in response to matters that were raised with me by the farming community over the past five months. I refer to speeding up the application process, increasing staff numbers, withdrawing application fees and conservation farming being rewarded with trade-offs.

Discussion concluded.

**FISHERIES MANAGEMENT ACT:
DISALLOWANCE OF FISHERIES
MANAGEMENT (GENERAL) AMENDMENT
(REVIEW PANEL) REGULATION 1998**

Mr J. H. TURNER (Myall Lakes) [7.52 p.m.]: I move:

That this House disallows paragraph 3 Schedule 1 of the Fisheries Management (General) Amendment (Review Panel) Regulation 1998 made under the Fisheries Management Act 1994 which was published in Government Gazette No. 62 on 27 March 1998 at page 1848 and tabled in the House on Tuesday 7 April 1998.

This regulation will undoubtedly have a number of outcomes that can only be deleterious to the fishing industry of New South Wales. I will briefly outline some of them now because I want to spend some time dealing with the Crown Solicitor's advice to the Department of Fisheries or the Minister for Fisheries. This regulation will only create conflict within the industry. The coalition seeks to disallow the part of the regulation that relates to third-party appeals. That part of the regulation will create conflict because it will result in one fisherman dobbing in another, an extremely anti-Labor practice. I have no difficulty with the proposition that bureaucrats should undertake an investigation to ensure the endorsement of only those who are eligible.

However, this regulation will cause fishermen to turn against other fishermen. Small country

towns, which are the backbone of the fishing industry in New South Wales, will turn against each other. The fishing industry is family oriented, and this regulation will cause family to turn against family. There is no question that that will be the outcome. The impasse that prevents finalisation of debate on share managed fisheries and the Minister's preferred restricted fisheries will continue. While that debate continues people in the industry do not have security or direction. The debate has gone on for far too long.

To give an example, a fisherman seeks to borrow money from a bank to buy or renovate a house, or pay for a daughter's wedding or a father's funeral. When the bank asks for security the fisherman offers his fishing licence. When asked whether the licence is unfettered, the fisherman says that a third-party appeal can be made against the endorsement until 30 June 1999. The bank will not lend money to the fisherman because the licence may be taken away because of this regulation. The fisherman cannot use goodwill as security for a loan. The regulation also promotes debate about the restricted fisheries determination regulation. That cannot be resolved until there is a determination on who is entitled to fish in either the restricted fisheries or the share managed fisheries. Because the Minister had to cave in to the upper House, he is under an obligation to resolve the matter of restricted fisheries by the end of September. But this regulation provides that there will still be an entitlement to an appeal until 30 June 1999.

I turn to the Crown Solicitor's advice that was obtained by the Government about disallowance of the regulation. I disagree with that advice and query the terms of the brief. The advice, which is only two pages in length, and the letter from the Minister to those on the crossbench in another place, for some reason unknown to me and the Hon. D. F. Moppett, who gave notice of the disallowance motion in the other place, seem to dwell on whether there is confusion between part 4 division 6 of the Fisheries Management Act, which, coincidentally, refers to District Court appeals, one aspect of the disallowance motion, and part 8 division 6 of the Fisheries Management (General) Amendment (Review Panel) Regulation 1997, which is now incorporated in part 8 division 6 of the Fisheries Management (General) Regulation 1995.

On behalf of myself and the Hon. D. F. Moppett, I assure the House, the Minister and the Crown Solicitor there is no confusion between the two divisions. It is merely coincidental that one of our central arguments against this regulation should refer to matters contained in division 6 of the

Fisheries Management Act, which concerns appeals to the District Court. I cast no aspersions on the Crown Solicitor. She could only advise about what she was briefed on. After reading the Crown Solicitor's advice my only conclusion is that the Crown Solicitor's brief from the department must either have been lacking in content and material or designed to seek an opinion that would, at best, muddy the waters of this disallowance motion or, at worst, mislead. I assure the House that neither the Hon. D. F. Moppett nor I have confused the two divisions. Specifically the Crown Solicitor's advice, which is dated 1 May 1998, stated:

I understand that a motion is to be introduced into the Parliament to disallow the 1998 amendment on the grounds that "Division 6" referred to in Clause 214G is not Division 6 of Part 8 of the legislation but Division 6 of Part 4 of the Act, and that the effect of Clause 214G is therefore to enable a review to overturn an appeal to the District Court. I am asked to advise whether this is a current interpretation of Clause 214G.

I gave notice of my motion on 28 April. It was simple and unambiguous. There is no mention of division 6 of any regulation or Act. Why the Crown Solicitor would couch her words in her advice of 1 May 1998 as "I understand that the motion is to be introduced", et cetera, is not known to me in view of the fact that my motion had been lodged some two days before in terms first mentioned, but it strengthens my argument that the brief to the Crown Solicitor was to elucidate an advice convenient to the Government and not on the facts of the matter. Because of what appears to be clearly flawed briefing, the Crown Solicitor's advice, although I am sure it was given in good faith in response to the brief given to her, does not address the issues.

That part of the regulation which is subject to this disallowance refers to third-party appeals. The Opposition maintains, in the face of the Crown Solicitor's advice, that the regulation still enables the review panels set up by the regulation or the Minister to overturn a District Court decision. The regulation says at clause 214G that "a person may request a review of a determination that another person is eligible for an endorsement to which this Division applies, including an eligibility determination which is made following a review under Division 6". There are two parts to what may occur under that clause. First, "a person may request a review of a determination that another person is eligible for an endorsement to which this division applies". That is simply where a person has been granted an endorsement on his catch history without the necessity of going to the original review panel set up following the notification of endorsement in May last year.

The second part refers to an endorsement that is given "following a review under Division 6". This refers to the granting of an endorsement following an appeal to a review which was required to be lodged by December 1997 following advice to a fisherman that he or she had not been endorsed in a particular fishery. In the event that a fisherman is not successful in his "review under Division 6" of the Fisheries Management (General) Regulation 1991, it follows that he can appeal coincidentally under division 6 of the Fisheries Management Act under section 126 to the District Court of New South Wales. Section 126 states, inter alia:

(1) a person who is dissatisfied with any of the following decisions under this part may appeal against the decision to the District Court

(a) The refusal to issue a relevant authority to the person or review the person's relevant authority.

A relevant authority is defined under section 125 as, inter alia, "a commercial fishing licence or an endorsement on a commercial fishing licence". Clearly, a person denied an endorsement when they were issued in March of last year and then subsequently denied an endorsement under the original review process has the right to appeal to the District Court. Indeed, I know of fishermen who have done just that. In the event that the District Court, under section 127(1)(c) should "set aside a decision and substitute a new decision" in favour of a fisherman, he or she is deemed as being duly endorsed in that fishery. [*Time expired.*]

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [8.02 p.m.]: First I seek leave to table for incorporation in *Hansard* the Crown Solicitor's advice. That will help the honourable member for Myall Lakes.

Leave granted.

1st May 1998

Dr John Glaister
Director of Fisheries
Locked Bag 9
PYRMONT 2009

Dear Dr Glaister

RE: FISHERIES MANAGEMENT (GENERAL) AMENDMENT (REVIEW PANEL) REGULATION 1998

1. Advice Sought

1.1 Part 4 of the *Fisheries Management Act 1994* deals with the management of commercial fisheries. Division 3 of Part 4 is concerned with what are known as restricted fisheries. Commercial fishing within a restricted fishery requires an endorsement upon the fisher's licence (section 112).

1.2 Division 6 of Part 4 provides for appeal to the District Court in respect of a decision under Part 4, including appeal against the refusal of an endorsement.

1.3 Part 8 of the *Fisheries Management (General) Regulation 1995* also deals with restricted fisheries. Division 6 of Part 8, which took effect on 28 February 1997, provides an alternative means whereby a person who has been determined as being ineligible for an endorsement may obtain reconsideration of that determination.

1.4 Part 8 has now been further amended, with effect from 27 March 1998, by the *Fisheries Management (General) Amendment (Review Panel) Regulation 1998*, so as to add Division 7. Clause 214G(1) is as follows:

"214G Application for review of determination by third party

- (1) A person may request a review of a determination that another person is eligible for an endorsement to which this Division applies, including an eligibility determination that is made following a review under Division 6."

1.5 I understand that a motion is to be introduced into Parliament to disallow the 1998 amendment on the ground that the "Division 6", referred to in clause 214G, is not Division 6 of Part 8 of the Regulation but Division 6 of Part 4 of the Act, and that the effect of clause 214G is therefore to enable a review to overturn an appeal to the District Court. I am asked to advise whether this is a correct interpretation of clause 214G.

2. Advice

2.1 Such an interpretation is, in my view, incorrect, for the following reasons:

1. The context in which the expression "Division 6" occurs is Part 8 of the Regulation. It should therefore be understood as meaning Division 6 of Part 8, and not Division 6 of something else, even the Act under which the Regulation was made.
2. The eligibility determination in respect of which a third party may now seek reconsideration is a determination following a *review*. Division 6 of Part 4 of the Act, by contrast, refers to an *appeal*, not a review.
3. It is an implausible construction of the Regulation that it should enable a Minister, by fiat, to overturn the decision of a District Court judge.
4. The clause, so construed, would be void as being repugnant to section 127(4) of the Act, which states that the decision of the District Court on an appeal "is to be given effect to" by the Minister or other relevant person.

3. Conclusion

The words "Division 6" in clause 214G(1) refer to Division 6 of Part 8 of the Regulation, not Division 6 of Part 4 of the Act.

Yours faithfully

Lea Armstrong
A/Assistant Crown Solicitor
for Crown Solicitor

I wish to make some clear observations. Why would the Opposition try to disallow this regulation? Is it because the regulation is flawed? We all know the process that takes place when a regulation is drawn up. The scrutiny it receives goes well beyond my administration, and it is done properly. Any person opposite with any legal training would know that. Has disallowance been moved because of a legal technicality or is the honourable member for Myall Lakes looking for an escape clause after making a fool of himself in trying to disallow the regulation? I draw attention to the press release by John Turner MP, shadow minister for fisheries, headed "District Court issued licence under challenge". I will table that now for people to observe. It is flawed. I table it for information. Why is the House debating this motion tonight?

Mr J. H. Turner: On a point of order. The Minister has to seek leave to table it.

Mr MARTIN: It is your press release.

Mr ACTING-SPEAKER (Mr Clough): Order! The Minister and the member for Myall Lakes will resume their seats. Is the Minister placing the document on the table for information?

Mr J. H. Turner: No he is not; he said that he tabled it.

Mr MARTIN: I said that I tabled it for information.

Mr ACTING-SPEAKER: Order! If it has been tabled for information it is available for other members.

Mr MARTIN: The motion has been moved so that the honourable member can get out of trouble. Mr Acting-Speaker, I draw your attention to the honourable member's pen being used near the document. It would be appropriate to ask the Clerks to copy it.

Mr J. H. Turner: You can have a look at the document. There is no pen. Don't misrepresent me!

Mr ACTING-SPEAKER: Order! I have asked the attendant to copy the document. The copies will be given to me. The honourable member for Myall Lakes is entitled to a copy. The other will be given to the Minister.

Mr MARTIN: It is appropriate to ask why this motion has been moved in the House. It has been moved because the Opposition wants to play personalities; it does not want to get on with the job

of governing for the benefit of New South Wales. The intent of this regulation is clear. The objects of the regulation are to give people third-party rights and to introduce hardship clauses to assist people who cannot pay fees. That is clear on the front of the extract from the *Government Gazette*. Rumours abound in the fishing industry. People come to me and ask, "Why is he getting endorsement?" Let them have their day in court and let it be known that the review panel is run independently of me. The panel includes a retired magistrate, a fisherman and a public servant who understands the process. Its proceedings are somewhat like a land board hearing. It has integrity plus. It has just finished inquiring into region seven on the south coast, and I understand that the parties are happy with the process. If this goose opposite wants to try to undo that, it is a sad day for New South Wales. These people opposite think they can govern. The fishing fraternity has to realise that a government process is taking place.

Mr J. H. Turner: On a point of order. I would like to know the ruling, Mr Acting-Speaker, that gives you the right to take those papers from the attendant which have been tabled in the House without a copy being given to me on the way through.

Mr ACTING-SPEAKER: Order! The member for Myall Lakes has anticipated what I intend to do. The Minister made alleged that you had made an alteration to the original document. I have examined the copies and I find no alteration on them. That being so, I will now hand a copy to the member for Myall Lakes. However, I resent his questioning my competence to do what I have done. As the occupant of the chair I have the right to examine the document.

Mr J. H. Turner: Mr Acting-Speaker, I apologise to you and acknowledge your integrity. I ask that the Minister withdraw his allegation that I tampered with the document.

Mr ACTING-SPEAKER: That is a reasonable request.

Mr MARTIN: On this occasion I will withdraw the suggestion that the honourable member tampered with the document.

Mr J. H. Turner: I ask the Minister to withdraw the accusation.

Mr ACTING-SPEAKER: Order! The member for Myall Lakes and the Minister are splitting straws. The Minister has withdrawn the

suggestion that the member for Myall Lakes tampered with the document. I have now asked the attendant to give a copy to the member for Myall Lakes and the Minister. An additional copy will remain on the table. The debate will not be delayed further.

Mr MARTIN: A great deal of time has been wasted and I have only 10 minutes to debate the motion. The Opposition is trying to run the brief of a group of people who turned up at my office door this morning with a letter from ProFish which stated that the first time ProFish became aware of the regulation was after it was gazetted. ProFish admitted that it had made an error and apologised for that. I table the letter for observation. This is a battle between personalities in an endeavour to cause instability in the fishing industry. The fishing industry has settled down and is trying to come to terms with the change in management provided for in the 1994 Act that was rushed through this Parliament with little consultation.

I am giving every fisher in this State an opportunity to be part of a fishery, and I am becoming angry with the halfwits from outside and inside the Parliament who are trying to undermine the security and orderly system of fishing. The fishing industry is under extreme pressure. I could say a great deal but time prevents me from doing so. Eighty meetings have been held up and down the coast about security in the system of management sought by fishermen. That system is being implemented. The Government does not want legal-eagle views; it wants a sound management system. Some people in the industry have not responded to correspondence asking who they represent. The Government will consult directly with the industry.

There will now be an opportunity for third-party rights. If it is asserted that someone should not have endorsement because of bodgie figures, the matter can be dealt with by the review panel. The honourable member for Myall Lakes is a qualified lawyer but he cannot even read legislation. He takes the brief after being told to run the case but he does not understand what it is about. This measure is about giving people a fair go; it is about giving those who cannot afford the hearing fee an opportunity to have that fee waived. It also provides people with their day in court, so that if someone has cooked the books or extra information has become available that will allow someone to fish, those matters can be dealt with in court. The Government asks for a fair go for every fisherman in this State. It will not stand behind someone who runs a brief for any ratbag who may try to upset the sound management of fisheries in New South Wales.

Mr JEFFERY (Oxley) [8.12 p.m.]: I support the motion moved by the shadow minister for fisheries. For the past 10 minutes the Minister has ranted and raved. That does him no credit. The fishing industry is important to my electorate and over the years many coastal villages have been established around the fishing industry. The Minister is pitting fisher against fisher. He is using the old trick of divide and rule to conquer and repress.

Mr Martin: Your reputation with the oyster farmers is not too good.

Mr JEFFERY: I saved the oyster industry. The Minister should ask Barrie Unsworth, a former Premier of his State, who personally thanked me and said, "Good on you, Bruce, you have done something that other people have not been prepared to do".

Mr Martin: You are joking!

Mr JEFFERY: I am not joking. The Minister should ask Barrie Unsworth. He has oysters in the Nambucca River in my electorate and one day when he was no longer Premier he thanked me personally in this building. The Minister does not know what he is talking about.

Mr ACTING-SPEAKER (Mr Clough): Order! The member for Oxley will return to the subject matter of the motion.

Mr JEFFERY: I will, but the Minister sent out a bit of berley.

Mr Martin: And you took the bait!

Mr JEFFERY: Yes. The Minister has had one success: he has created chaos in the fishing industry. Fishers will now end up spending time in court instead of being on their boats earning a living. They should be out there catching fish but the Minister wants them in the courts fighting one another. The Minister should speak to the fishers because he knows that the industry is in turmoil because of his inept, gross inefficiency. I represent an important commercial fishing sector of the mid-north coast and it is angry about the Government's proposal. The Minister should talk to those at the coalface.

Mr Martin: It is because of your 1994 legislation.

Mr JEFFERY: The Minister has missed the boat. The fishers are experiencing a scaling down of their industry because of reviews, appeals,

determinations and the Minister's backflips. The Minister cannot even comply with his own regulations. He should concede that he will be unable to meet the deadlines set out in the termination regulation passed by the upper House. A third-party fisher has until June 1999 to lodge an appeal. Therefore, no management arrangements can be put in place to sustain our fisheries resources, either shared or restricted.

Mr Martin: What rot!

Mr JEFFERY: It is not rot. They cannot proceed until all participants have been identified and all appeals determined. The Minister should examine his own law. This is a disgraceful state of affairs. We are out at sea, adrift in a boat without oars. The Minister knows that the industry has grave concerns about the process involved in third-party appeals as proposed by the regulation. The amendment allows the Minister the override a District Court decision.

Mr Martin: It does not.

Mr JEFFERY: It does, and it is unconstitutional.

Mr Martin: It does not.

Mr JEFFERY: We will find out about that. When the people of this State went to the election in 1995 a referendum calling for the independence of the judiciary was overwhelmingly supported. This Minister now wants to override decisions of the court. The Minister is in error because inherent in our Westminster system of democratic government there must be a separation of powers. The proposal offers only uncertainty to the industry and unbridled power to the Minister. His ineptitude is borne out by his inability to comply with his own regulations which were forced on him, I concede, by the upper House in a previous disallowance debate. The Minister is floundering in a sea of regulation. Termination of restricted fisheries is ostensibly scheduled to finish in September 1998.

There is no reasonable argument for this regulation as it stands. Resolution cannot possibly occur by September 1998 because nothing can happen until all endorsements and appeals are settled. The regulation allows third-party appeals to be lodged by June next year, with hearings to follow. By the time the Minister is through interfering, the Sydney 2000 Olympic Games will be over. The Minister is obviously intent on extending restricted fisheries well into the next century. It is impossible for the Minister to comply

with the deadline he has been forced to set. Despite his denials the Minister has always supported the continuation of restricted fisheries. The Minister can rant and rave but he has been caught in his own net of intrigue and he has spawned a monster.

The Minister knows as well as any member of this Parliament, including Government members, that third-party appeals by licensed commercial fishermen against each other is destructive and divisive. It is a tool that the Minister is trying to use against them. This is a mockery of self-regulation principles which are designed to unite the industry. The Minister is drawing the crabs again. In rural areas the fishermen know each other and one another's families. They work together and co-operate, sharing their experiences and enjoying common lifestyles. Imagine the devastating effect that this regulation would have on the social fabric of country towns such as South West Rocks, Laurieton, Port Macquarie, Coffs Harbour and others. These are towns in which the fishing industry is the historical cornerstone of the community.

How can these men and women continue to work in harmony when they must continually be looking over their shoulders or spying on their colleagues? It results in one fisherman spying against the other for a piece of silver. Hanging over their heads is the interfering Minister who started all this. Now the Minister will review all these decisions, confirming them or referring them for further review. The Minister will even change a review panel's decision. This is rule by a few, an ochlocracy that is suppressing and strangling the industry, entangling those in it in a bureaucratic maze and appeal process. Why is the Minister doing this? He says it is all in the name of management. My definition of his administration is mismanagement. The Minister has a lot to answer for. He has gutted the industry and dominated the agenda.

The shadow minister, the honourable member for Myall Lakes, is acting absolutely appropriately when he asks this House to disallow this regulation in relation to third party appeals. I ask the Minister to listen carefully to the honourable member for Myall Lakes when he replies to the debate on this disallowance motion. The Minister rudely interrupted the honourable member when he spoke to the motion. I ask the Minister to extend to the honourable member the courtesy of allowing him to finish and give a clear legal definition by which the Minister should be bound. The Minister should act responsibly and say he is sorry. He has mucked this up. If he admits that he mucked it up, that he was wrong—

Mr Martin: The only thing I am sorry about is that the fishermen of New South Wales have been done over by your mob.

Mr JEFFERY: They have been done over by this Minister. They are looking forward to a change of government. In March next year they will get that. I am leaving this place, but the fishermen have said to me, "Bruce, you should be standing again because, although we might not have voted for you last time, we would certainly vote for the National Party next time."

Mr ANDERSON (St Marys) [8.22 p.m.]: I would like to put the debate into context. Who are the people pushing for this disallowance? Who are the people behind this push? It is a group called ProFish. I have a copy of a letter that group sent to the Minister for Mineral Resources, and Minister for Fisheries calling for support for the motion. But who are they? They are not prepared to say. They are some sort of secret society. Are they a body elected by the commercial fishers? Is it a real commercial fishers group? Of course not. If it were, the group would be proud to stand up and be counted. It is not prepared to do that. The Minister has written repeatedly to ProFish asking the group who they represent, and what their relationship is with the industry and other industry bodies. He has received no reply. On 7 November last year the Minister wrote to the group, but still it did not respond. The Minister is still awaiting a reply.

Mr J. H. Turner: A few minutes ago the Minister waved around a letter from the group.

Mr ANDERSON: That was a letter sent in support of disallowance. It did not say who the group were, what they were about, who they represent, or what their interests are in the industry. ProFish did not respond to the Minister's letter. The Minister wrote again on 17 March this year—a fine day, St Patrick's Day. The group could not or would not answer. They are not prepared to tell the truth about themselves. However, they are prepared to deal with the honourable member for Myall Lakes, and he is prepared to run with their motions and bits of information. He does not care who they represent. He was looking for an issue to run with in this place, and he will grab any line that is thrown to him.

I would like to mention a number of people in this debate. These people initially were involved with the ProFish group. The first is the mysterious Mr Darbyshir, who was supposedly appointed as executive officer last year. After one letter he disappeared, not to be sighted or heard from again.

Nobody knows where he is. Nobody can contact him. Then up pops a Mr Michael Mobbs, purportedly advising the group on legal matters. From what we have heard tonight, it was some advice! ProFish claims that the regulation will allow the Minister to override the judgments of the District Court. I suggest that is totally untrue. I have here an explanatory note which says:

This section specifically states that "a decision of the District Court on an appeal is to be given effect to by the Minister . . ."

In other words, the Minister has no discretion to overturn a District Court decision. I wanted to make that clear to Opposition members. The honourable member for Oxley asserted in the latter stages of his speech that the Minister was trying to override the District Court. That is clearly not so. He was misleading the House and its members by making that claim. The Minister got advice from the Crown Solicitor, who described the legal advice as "implausible" and "repugnant". That is the sort of terminology used by the Crown Solicitor on questions asked of him. Let us hope we hear no more legal opinions from ProFish, because I believe they waste the time of this Parliament. Another person then came on the scene, the chairman-elect, Mr Gary Sturgess. Reluctantly, Mr Sturgess put his name to the apology that was forwarded acknowledging a failure in the legal advice provided.

Mr J. H. Turner: It did not say that. Read it properly.

Mr ANDERSON: This gentleman also disappeared into the background. Will he be another of the executives who have disappeared from the scene? The Minister correctly asked, "Who are these people?" They do not seem to be representing anybody. It seems that this group picks up anybody and runs with any Philadelphia lawyer's advice that it can get. Another who came on the scene was Mr Graeme Burns. Poor Mr Burns! He came into the organisation obviously not knowing a great deal and finished up carrying the can for all the misinformation emanating from the group. He had to sign off the apology and admit that the advice that ProFish had got was wrong. He was left to make excuses. Despite the fact that the legal advice was wrong, the Opposition continues with its disallowance motion. That shows a lack of credibility in the Opposition case. The group acknowledged that the advice it got was wrong but decided, "We will keep going. We won't back off now." There has been no sign of another person involved in the early days of ProFish, the signatory Mr Hillyard. ProFish finally had to admit that it had been caught out. Now there is no sign of Mr

Hillyard, one of the executive members of the organisation.

Mr J. H. Turner: He is on a rural leadership program in Western Australia.

Mr ANDERSON: He is not involved at all. He cannot be found.

Mr J. H. Turner: He is on a rural leadership program.

Mr ACTING-SPEAKER (Mr Clough): Order! The honourable member for Myall Lakes will have an opportunity to speak in reply. If he persists in ignoring the warnings of the Chair, he may not be in the Chamber when the vote is taken.

Mr ANDERSON: The unfortunate thing about all this is who pays for all this. Who pays the cost? The fees collected from fishermen pay for it. These people claim to be leaders in the industry, but when it comes to giving sound advice and counsel they are found wanting. They waste fishermen's time and money. It is about time they came clean with the Government and told the truth. It is about time they came clean with the honest, hardworking fishermen of New South Wales who want to get on with the job of catching fish and told them how their hard-earned money is being spent. It is about time they stopped pestering this Parliament with vexatious and meddlesome petitions such as the one that is before the House.

Mr SHEDDEN (Bankstown) [8.31 p.m.]: The regulation, the subject of this motion, will be examined by the Regulation Review Committee tomorrow—Thursday, 7 May. On 10 March the Minister for Mineral Resources, and Minister for Fisheries independently wrote to the committee saying that, in response to industry representation, he had asked Parliamentary Counsel to draft an amendment to the regulations to improve the review process by authorising the Restricted Fisheries Review Panel to consider applications for review lodged by a third party. The Minister said that since the introduction of restricted fisheries some industry members had made representations to New South Wales Fisheries concerning the allocation of endorsements to their colleagues.

The Minister stated further that, consistent with the intent to allocate endorsements representative of an applicant's historical participation in a fishery, these representations had been referred to the review panel for fair, independent and confidential scrutiny. The Minister said that the review panel required the authority of

this regulation to consider these third-party reviews. On the face of the Minister's statements, the intent of the regulation certainly seems equitable, in the sense of affording other members of the community a voice in the determination of particular endorsements.

However, the legislative framework in which the regulation operates is obviously complex, as can be seen from the remarks made by the honourable member for Myall Lakes. For this reason I suggest that the debate be deferred for a couple of weeks to allow the committee to complete its examination of the regulation. Perhaps the honourable member for Myall Lakes should brief the committee so that his arguments can be reviewed in depth. I am not in a position to agree that the regulation will have the effect that the honourable member for Myall Lakes foresees, and accordingly I oppose the motion.

Mr J. H. TURNER (Myall Lakes) [8.33 p.m.], in reply: In view of the comments of the honourable member for St Marys, the Minister for Fisheries, and particularly the honourable member for Bankstown, the Chairman of the Regulation Review Committee, I indicate that the Opposition will not consent to the matter being deferred. The honourable members to whom I referred mentioned the advice of the Crown Solicitor and my interpretation of it. I would like to take that matter further. When I spoke in support of my motion I referred to the fact that in the event that the District Court, under section 127(1)(c), set aside a decision and substituted a new decision in favour of a fisherman, the fisherman was deemed to be endorsed in that fishery. The Crown Solicitor's advice in relation to clause 2(2.1)(3) refers to a contrast of appeal versus review with reference to the Fisheries Management Act. I again emphasise that the Act is not the issue in this matter, except that coincidentally it allows District Court appeals. No contrast can be made between appeal and review. Clause 2.1(4) of the Crown Solicitor's advice states:

The Clause so construed would be void as being repugnant to section 127(4) of the Act which states the decision of the District Court on an appeal "is to be given effect to by the Minister or other relevant person".

I agree that that is the case when there is a District Court appeal. A person seeks an endorsement in the first instance, is refused, seeks a review—not a third party review, the subject of this disallowance motion—under the regulations, is refused, goes to the District Court and is endorsed. The Minister or other relevant person—in this case his director—must give effect to the decision of the District Court. So we have an endorsed fisherman. His endorsement, even given by the District Court, ranks

pari passu of equal weight with the ordinary given endorsements. It has no more or no less weight than a person who was endorsed originally or by the review panel in the first instance. Once the appeal is heard by the District Court and given effect to under clause 214G there is an endorsement "to which this Division applies".

This means that the endorsement, like any other endorsement, is liable to be challenged by a third-party appeal. Therefore, any third-party fisherman can appeal against the endorsement as though it was originally granted or granted on review. Indeed, the person lodging the third-party appeal under this regulation may not even know that the fisherman's endorsement that he or she is appealing against received endorsement from the District Court. To say that those who have received an endorsement from the District Court, which endorsement on issue from the Department of Fisheries will bear no difference from any other endorsement issued by the department, is to say two things. First, those who have received endorsements from the District Court are immune from appeal under clause 214G of this regulation. Second, the endorsement creates two classes of fishermen—one that is liable to appeal by another up until 30 June 1999 and therefore in jeopardy concerning its livelihood until the time for appeal closes and, in the case where they have had an appeal lodged against them, until the appeal is heard; and those who have had what I will call a District Court endorsement who have immunity, as it is claimed by the Minister and the Crown Solicitor, from the third-party appeal.

If that be the case, I believe that the regulation would have provided for that eventuality, but it does not. The regulation was silent as to the District Court endorsements. In my opinion the endorsements should stand after effect is given to the decision by the Minister or other relevant person at a standing, no more and no less, than an endorsement issued in the first instance or at a first instance review. Therefore I contend that this regulation will give the Minister or the review panel established under the regulation to hear third-party appeals the power to overturn District Court endorsements. This is because, as I mentioned, a District Court endorsement ranks pari passu with any other endorsement. Therefore, a third-party appeal may lie against that endorsement and in the first instance that would go to the review panel set up by this regulation. The review panel may not know that the endorsement was attained through the District Court. The panel could uphold the third-party appeal and set aside the endorsement, thereby overturning the District Court decision.

In the same example the review panel may dismiss the appeal, allowing the fisherman to keep his endorsement. Under this regulation the review panel is to send its decision to the Minister who, under clause 214L of this regulation, can either confirm the determination that was reviewed by the panel or set the determination aside and substitute a new determination. It would therefore be possible for the Minister to set aside the panel's decision to uphold the endorsement, but under clause 214L the Minister can ignore that decision by setting it aside and substituting a decision to, for example, cancel the endorsement, thereby cancelling an endorsement issued by the District Court—that is, overturning the District Court decision.

One may see a ludicrous situation where, if the Minister does overturn the District Court decision, the fisherman will return to the court under section 216(1)(a) on the grounds of the refusal to issue the relevant authority already issued by the District Court. This regulation is fatally flawed, it is wrong, and it is obvious that the Chairman of the Regulation Review Committee knows it is flawed because he sought to adjourn the matter. The Minister must also know it is flawed because he was in lengthy consultation today with the chairman of the Regulation Review Committee.

Mr Martin: On a point of order. The statement made by the honourable member impugns the integrity of the Regulation Review Committee and is a falsehood. I would ask you to direct the member to withdraw it.

Mr ACTING-SPEAKER (Mr Clough): Order! The member for Myall Lakes has the right to introduce material in reply. No point of order is involved.

Mr J. H. TURNER: I do not challenge your ruling, Mr Speaker, and not for the Minister's sake but for the sake of the honourable member for Bankstown, for whom I have enormous respect, I will withdraw that comment voluntarily. I made great comment about this press release. It may well contain my words but it is not my press release. The Minister was very reluctant to give me a copy of it. He was not too happy when I said I wanted a copy of it. In fact, he made a song and dance about my having a copy of it. That is not my press release. It has words that I may have said but it is not my press release.

Mr Martin: On a point of order. The honourable member is implying that dishonest acts

are occurring in relation to the circulation of press releases. In view of the statements made by the honourable member it ought to be put on the public record that the press release was handed to me. One can see the names on it and every other detail. If the member wants to deny it is his statement, he should do so. Outside of this place he should call the police if people are doing what he is suggesting is the case.

Mr ACTING-SPEAKER: Order! I do not need the assistance of the member for Ermington. The member for Myall Lakes has denied that he issued the press release. He is entitled to do so if he believes the Minister has made an error. However, if the document is fraudulent I advise him to take the action suggested by the Minister.

Mr J. H. TURNER: The honourable member for St Marys alleged that this disallowance motion was at the behest of ProFish. I can assure the House that I lodged this disallowance long before ProFish or anyone else contacted me. I lodged the disallowance because it was wrong and it would create enormous conflict in the industry. Also, I had recently travelled the entire south coast and when I told people about it they were aghast.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 39

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

Noes, 44

Ms Allan	Mr McManus
Mr Amery	Mr Markham
Mr Anderson	Mr Martin
Ms Andrews	Ms Meagher
Mr Aquilina	Mr Mills
Mrs Beamer	Mr Moss
Mr Clough	Mr Neilly
Mr Crittenden	Ms Nori
Mr Debus	Mr Price
Mr Face	Mr Rogan
Mr Gibson	Mr Rumble
Mrs Grusovin	Mr Shedden
Ms Hall	Mr Stewart
Mr Harrison	Mr Sullivan
Ms Harrison	Mr Tripodi
Mr Hunter	Mr Watkins
Mr Iemma	Mr Whelan
Mr Knight	Mr Woods
Mr Knowles	Mr Yeadon
Mr Langton	
Mrs Lo Po'	<i>Tellers,</i>
Mr Lynch	Mr Beckroge
Mr McBride	Mr Thompson

Pairs

Mr Brogden	Mr Carr
Mrs Chikarovski	Mr Gaudry
Mr Collins	Mr Nagle
Dr Kernohan	Mr E. T. Page
Mr O'Doherty	Dr Refshauge
Mr D. L. Page	Mr Scully

Question so resolved in the negative.

Motion negatived.

FARM DEBT MEDIATION AMENDMENT BILL

Second Reading

Debate resumed from 2 May.

Mr SLACK-SMITH (Barwon) [8.57 p.m.]: The Farm Debt Mediation Amendment Bill, which will amend the Farm Debt Mediation Act 1994, will enable debtors and creditors to mediate before a creditor takes enforcement action in respect to a farm debt.

Mr E. T. Page: I hope you are going to support it.

Mr SLACK-SMITH: Most definitely. Quite often mediation between farmers and creditors is a

stressful, long and difficult process. Farmers who are expected to travel to Sydney to mediate with bank officials can be absent from their farms for two or three days, which encourages them to finalise matters, sign deeds and get on with their lives. This legislation will give them a 14-day cooling off period in which to consider the mediation agreement and, more importantly, seek professional advice. That provision in this legislation is not new. When one purchases a home one is given a cooling off period. One can go away and determine whether or not the decision that one has made is right. The objects of this bill are:

- (a) to apply the Act to enforcement action taken in relation to hire purchase agreements entered into by farmers, and
- (b) to clarify the application of the Act in relation to bankrupt farmers, and to remove the requirement that invitations for mediation specify a time and place for mediation, and . . .
- (d) to change the periods for which certificates issued under the Act entitling creditors to proceed with enforcement actions against farm mortgages are in force, and
- (e) to subject agreements reached during, or at the conclusion of, mediation sessions under the Act to a 14-day cooling off period . . .

Barry Buffier of Westpac supports the amendments because they counter the power imbalance that has existed for a long time. Jill Lester of the Commonwealth Bank is opposed to the 14-day cooling off period following mediation. I guess that one out of two is not bad, especially when dealing with banks. The New south Wales Farmers Association is unhappy with proposed new section 11B(4)(b). After investigation, I consider that there is only one aspect that may be of some substance, that is, that the mediator must be independent and impartial. At present the banks generally pay the mediators. I agree with the old adage that he who pays the piper calls the tune. Mediators should be further removed from banks than they are at present. The Opposition does not oppose the bill and agrees to the inclusion of a 14-day cooling off period.

Mr PRICE (Waratah) [9.00 p.m.]: I wish to speak briefly on the Farm Debt Mediation Amendment Bill, which clarifies and strengthens current legislation. The bill clarifies the functions of mediators to ensure that their role is to mediate between a farmer and creditor for the purpose of arriving at an agreement for present arrangements and future conduct of financial relations. It is important that the mediator, as selected and agreed to by both parties, is a competent person. In those circumstances conditions will be applied to future appointees to mediate. They will receive training and

pass evaluation as a mediator to a standard that is comparable to the guidelines of the Law Society of New South Wales. That is a significant qualification and would certainly separate the good from the bad in terms of competency to act in a quasi legal situation.

They will be required to practice in six sole mediations and/or in co-mediations that are acceptable to the Rural Assistance Authority. Again, that provision is another checking mechanism whereby people who believe they are competent can be tested and their appointments confirmed. They must have an affinity with rural industries and an understanding of finance and financial management. That might seem obvious, but some people do not consider such a qualification is necessary. Egos are great, but the qualification is required and that has been reinforced by this amendment. They also must have the ability to carry out the functions of a mediator as set out in the Act. That provision is fairly precise and encourages both parties to have faith in the mediator. To reinforce that, they are required to attend a training seminar approved by the Rural Assistance Authority.

The bill will ensure that the Act covers enforcement action that is taken in relation to hire purchase agreements entered into by farmers. That important provision is an extension of the existing Act. These days hire purchase agreements can involve vast amounts of money. The problems associated with finance are of equal concern to the farmer whether in times of stress, drought or other incidents that could cause a loss of income. The bill also makes the application of the Act clear as it relates to bankrupt farmers. It is not appropriate for the Act to apply to bankrupt farmers or farming companies that are in liquidation, because the farmer will not have the power to settle the matter at mediation. The rights to the property will be in the hands of the trustee in bankruptcy, an administrator or receiver of the company. Those matters are important to note. Unfortunately, some people are not aware of those conditions and attempt to undertake the mediation process when they have no legal standing.

The bill removes that prospect and makes it abundantly clear as to who can receive the benefit of the mediation process. The removal of the requirement that the invitation to commence mediation be at a specific time and place will ensure that the farmer has input into the selection of a mediator, venue and date. As has been previously stated, the introduction of a 14-day cooling off period is an important and essential factor, given the

current circumstances of rural industries. I fully support the bill.

Ms SEATON (Southern Highlands) [9.04 p.m.]: Farm debt mediation is one of the most important facilities available to farmers, especially in recent years when several adverse external impacts have hit farmers hard and caused great financial hardship. I will speak tonight about the proposed amendments to the Farm Debt Mediation Act 1994, which are not opposed by the Opposition. Rural hardship has led to the forced sale of large and small properties which, in some cases, have been held in single families for generations. Properties that were previously unencumbered were mortgaged, with the active encouragement of banks, to finance speculative or other ventures. Borrowers were caught by the escalating interest rate increases of the Hawke Government years, when interest rates rose above 16 per cent up to, in many cases, 20 per cent. Some farmers have never recovered.

Despite the fact that the Premier believes that the drought is over, I assure the House that the effects of drought continue. The Southern Highlands and southern tablelands regions, and many areas represented by my colleagues on this side, are still struggling with those effects. It is too late for some graziers to expect pasture growth when the winter temperatures set in, and many dams are still empty, including the Sydney catchment. Farmers in Australia have made huge progress towards world best efficiency. In many cases costs are beyond the farm gate, such as in transport and on the wharves. The plight of farmers has more to do with external costs and overseas tariff protection than with their own practices. That is a source of great frustration to many farmers. In my electorate the impact of ovine Johne's disease on affected and non-affected farms has created particular financial stress on local sheep producers as the debate regarding eradication and zoning continues.

The Department of Agriculture added to that stress in recent months when it contemplated public release of interim zoning information. In the view of many the release of that information would have compounded the already unfair emphasis and stigma on my electorate's sheep producers. The Minister for Agriculture met this afternoon with me and Mr Alix Turner, one of my constituents. I thank the Minister for listening to Mr Turner and others who provided him with information about ovine Johne's disease. In the context of ovine Johne's disease and farm debt mediation, I also acknowledge the recent undertakings of the four big banks in a meeting with the Minister for Agriculture, which I was invited to

attend. After hearing about ovine Johne's disease, the banks agreed to take a more measured approach to farmers suffering financial penalties and undertook not to let the recent acquisition of the disease in a particular flock be the reason for a heavy-handed debt recovery action if the farm, prior to becoming disease affected, was commercially viable. I sincerely hope they maintain that undertaking.

The honourable member for Barwon has outlined the coalition's approach to this amendment bill. I understand that the New South Wales Farmers Association supports many of the measures. I will outline some existing concerns about which I hope there will be further consideration within the context of this bill at a later stage. I now refer to a matter in my electorate which will be the subject of future mediation. A family in the region with a long and successful history in farming, like many others, has been caught up in falling prices, drought and the effects of a general decline in rural areas. In Goulburn the decline has affected property values in town and impacted on farm values. The family owns a large farm which is mortgaged to a bank. I have been given permission to speak about their general circumstances, but to respect their privacy I will not identify them. I can discuss the matter further with the Minister if he wants more information.

At some stage in the life of that mortgage two tenanted properties in the town which were also owned by the husband and wife were mortgaged as security on the large farm loan. A farm, a farm debt, non-farm properties and a non-farm debt were involved in this matter. The bank moved to settle the debt on the farm property and served a mediation notice on the family in March giving the family three months to attend and commence mediation. On the other hand, a notice was also served under the Real Property Act regarding the mortgages on the two town properties indicating that the period for repayment of the mortgage on the them had expired.

There is a difference in the treatment of farm property and non-farm property in this case. That is reflected in the Act; there is no dispute by the family concerned about that. But in practical terms there is no difference between the debt on the farm and the debt on the town property. They are two components of the overall debt. They are very much linked because the value of the town property is influenced by the fortunes of the rural sector. The fact that both components of the debt cannot be considered together in the same mediation process seems illogical, especially in view of the fact that the bank would appear to have a better chance of

recovery of the total debt if both components of the debt were considered in globo.

If the bank were to compel the sale of the town properties separately from any outcome with the farm properties, it is arguable that it would diminish the value of the town properties because there would be a forced sale in adverse circumstances, and it would potentially remove one option from the mediation process which might see successful managing through of the larger debt, if the income streams from the tenanted properties enabled the farmer and the bank to achieve a better outcome from the process. I have written to the bank asking whether all the properties can be considered within the one mediation process in the hope that a practical outcome can occur in the mutual interests of the parties concerned. But I truly fear for the future of the 72-year-old woman who, after a lifetime of saving, hard work and good management of the family business, faces a dramatic situation at this stage of her life.

Another case was mentioned in the rural counsellor's report for my area published on 2 March. It also relates to ovine Johne's disease, in that a flock was found to be affected by the disease. It was the first case of the sale of an affected property in the area that the rural counsellor was aware of. The result was devastating for the farmer. The sale price of the property was 30 per cent lower than the bank valuation. Terms were: settlement in 12 months with deposit paid to the bank; stock to be removed within 42 days; and no agistment or leasing fee payable until settlement. That illustrates the practical problems being faced by farmers in the area.

Farmers have reported to me, and I understand to some of my colleagues, that there is a problem in relation to the definition of "mediator". The amendment bill generalises and slightly contracts the functions of the mediator as compared with the existing functions of the mediator defined in the Act, in which "mediator" is defined as "a mediator for the time being accredited by the Authority pursuant to arrangements instituted by the Authority under this Act". There is no reference in the definition to the mediator being impartial. Many farmers are finding that some banks are not approving recommendations of particular mediators which do not suit the interests and ambitions of the bank in a particular case. In the case of the family I have just talked about, I have been advised that its

recommendation of a mediator was rejected by the bank. Farmers feel that mediators are being selected with the interests of the bank in mind without sufficient consideration of the interests of farmers. I ask that further attention be paid to that point in the hope that positive changes will be made.

The Opposition does not oppose the amendment bill. I have already expressed concerns about the role of the mediator and suggested that in future consideration could be given to a better definition of "mediator" to include at least a mention of impartiality being part of the role. Nothing in the amendment bill relates to that point but I hope that it will be considered in the future. I trust that the amendments in the bill will serve the needs of farmers and make the relationship between farmers and banks in these very difficult circumstances fairer and easier to handle.

Mr CLOUGH (Bathurst) [9.16 p.m.]: This is a trip down memory lane for me because at the beginning of 1993 the then Opposition commenced the fight to have the Farm Debt Mediation Act passed by the Parliament. We succeeded towards the end of 1993 and the Act was proclaimed in early 1994. Before I go on to speak about that legislation, I commend the honourable member for Southern Highlands for highlighting the approach of the banks to people borrowing money from them. I have some knowledge of the matter. The most encouraging aspect of the whole process is the attitude of the National Party, which has changed completely since the days of the coalition Government. I put it down to the good sense of those people who have had in their electorates farmers affected by the high interest rates that applied under the debt arrangements for farmers prior to the introduction of the Act.

The highest interest rate I heard of was in the case of a Gilgandra farmer. He was paying an interest rate of 40 per cent on a loan because he could not meet the outrageous demands of the banks. The representations that were made by the then Opposition would invariably result in an extension of about six weeks. For people trying to raise \$300,000 to \$400,000, for the smaller amounts, and much more than that for the larger amounts, the extensions meant absolutely nothing. A younger man from Gilgandra, Mr Altman, his father and his family were completely wiped out as a result of the attitude of the banks in those days. I say to Wayne Altman: thank you for what you did by putting your farm at risk to help those around you.

The important part of the bill is that it gives people a 14-day cooling off period. In the early days of mediation farmers did not know the procedures.

They were not coerced into using a mediator by the banks but they had very little choice because they did not know how the system worked and invariably they found that mediation took place all day, and even then was not finished. The banks played it hard. The then Government played it hard, because sitting in the adviser's chairs in the Chamber was the representative of the Australian Bankers Association, Mr Cullen. The Government at that time fought hard to prevent the Act from coming into being.

It is to the credit of coalition members, in particular National Party members, that they acknowledged this measure as a lifeline for farmers. It was not debt forgiveness; it was never intended to be that. It was an opportunity in the lead-up to discussions between the lending authority and farmers for farmers to trade themselves out of debt. Some did; most did not. Many farmers were forced off the land into urban areas of country New South Wales; many lost their farms and came away with barely enough to buy a house in town. The Commonwealth Bank was totally irresponsible in the way it threw money around. The State Bank, as it then was, engaged in what can only be described as shady deals with select customers who picked up properties on the cheap through inside knowledge.

Today all the banks are as bad as one another. They charge the maximum interest that is available. The conditions they imposed in the past cause farmers to fall behind; very few had much chance of getting out of debt. Today, with interest rates much lower, farmers are able to trade their way out of trouble in a good season. That was not possible prior to the implementation of the Farm Debt Mediation Act in early 1994. I recall back in those years travelling throughout New South Wales as chairman of the then Opposition's farm debt mediation review committee. I visited places such as Gilgandra, Coonamble, Warren, Nyngan, Narromine, Dubbo, Armidale, Guyra, Lismore and Murwillumbah explaining to people the provisions of the Farm Debt Mediation Act. Many farmers saw it as an opportunity to escape repayment of debt. Sadly, that was not the intention. Many, however, in particular a group of people I met at Armidale one night, realised that the legislation gave them breathing space and an opportunity to put their affairs in order.

Invariably, older farmers, although vastly experienced, are not good businessmen. Consequently, when they were advised by their banks to buy properties adjacent to their own, they did just that to build up their holdings. However, they could not foresee that the changing world financial market would destroy their dreams and

take from them what they had worked for many years to obtain. I am sure the honourable member for Northern Tablelands can confirm that many long-established farmers in the New England district have been forced to leave their properties. I commend the Minister for Agriculture for introducing this bill. He was the shadow spokesman for consumer affairs at the time this legislation was enacted; the present Minister for Mineral Resources was the shadow spokesman on agricultural matters. This is the most significant legislation to have been introduced by any Opposition parties since I have been a member of Parliament.

The tales of sorrow and woe that have been recounted to me in my electorate office in Lithgow will never be forgotten by me. Numerous files, as many as 250, contain accounts of terrible action taken by banks against local farmers. I do not blame any government specifically for that, suffice it to say that the Federal Government at that time with its policy of economic rationalism had a significant impact on the farming community of this State. New South Wales is the only State with farm debt mediation legislation. I am proud to have had some involvement in its introduction and passage through this Parliament. That legislation alone has made my time as a member of Parliament worth while.

Mr CHAPPELL (Northern Tablelands) [9.25 p.m.]: My electorate in the New England region has limited scope for agricultural activity. It is restricted to broadacre grazing for wool, beef and prime lambs. Despite the experience farmers have gained, the drought, low commodity prices and rising costs of the past few years have caused continuing negative incomes for many grazing families. It is very distressing to witness hard-working, knowledgeable, long-established farming families, through no fault of their own, going under financially, because of circumstances over which they have no control.

I shall relate the experience of a Guyra family which for several generations had farmed productively in the region. Because it had made all the right decisions in the past it decided to expand its holdings to enable the sons of the family to have land of their own. Unfortunately, after expanding they were hit with high interest rates, falling prices and rising costs. The family was wiped out financially. The decision seemed to be the right one, but circumstances were against them. It is tragic when such a thing happens to people who are the salt of the earth.

Several years ago a number of members—and I readily admit to being one them—expressed concern that banks would make access to finance unreasonably difficult for farmers, in the result that, in some instances, finance was not approved to maintain farming enterprises. Members representing rural areas acknowledge that the mediation process has worked reasonably well for some farmers; however, for others things have not fared so well. Whether it is perception or reality does not matter very much: somewhere along the line someone must take notice of that fact.

Generally speaking, the farm debt mediation process seems to have worked more in favour of the banks than for farming families. A reason for that could be that farm debt mediators tend to work only once on a case involving one particular farming family but time and again on cases involving a particular bank. A professional mediator when considering where his next job will come from will be unlikely to fight the banks to the nth degree to gain satisfaction for a family he or she will represent only once. I do not suggest that farm debt mediators have sold out their farm family clients in favour of the banks, but whether it be perception or reality the balance seems to be tipped in favour of the banks. A further consideration is that banks deal with these situations routinely and employ people skilled at dealing with farming families.

The farm family, on the other hand, goes through this process probably only once and therefore is unskilled, creating an imbalance in the negotiating abilities of the parties around the table. The imbalance could be exacerbated by the farm debt mediator fixing an eye on where his or her next job might come from or whether he or she will continue to be acceptable to the banks in future. Perhaps a mechanism should be put in place to try to right the balance. A cooling-off period at least allows the farming family, having gone through the exhausting process of mediation, which it is not used to handling, to agree to a potential outcome, go home and think about it, talk to the wife, or father, or to dad and the sons. They need to be able to ring up the accountant next morning and say, "This is the deal that I have agreed to. What do you think?" Many may be advised, "You do not seem to have done so well out of this. Perhaps you should think again."

That is what the amendment is basically about, and that is why I support it. It will at least allow the farming family time to reflect on the deal it has done. The family will have been very much the

amateur pitted against the professional, but at least the family will have time to reflect, and perhaps seek wiser counsel, before deciding whether it has done reasonably in the circumstances. I know from speaking to a number of families that they are prepared to negotiate a reasonable settlement with the banks. But at the end of the process a number of farming families have come away from that process feeling that they came a poor second and wishing there was in place a mechanism to at least balance the scale to give them a fair go at the mediation and in the negotiation process.

That is why I support the amendment. I believe the intent generally is right. I wish there were a better mechanism available. We may yet find one in which we can be guaranteed that the mediator is always, in reality and in perception, absolutely neutral. I am not sure, in the overall scheme of things, that that will be possible. But if we continue to work towards that goal, then all will be better served. Certainly farmers could find themselves, often through no fault of their own, in a very difficult period in their enterprise and perhaps facing the stark reality of bankruptcy and losing an asset that may have been in the family for generations before them. I am pleased to support the bill. I hope that it will tip the scales back towards neutrality. If we can do even better in the future, I will support a further amendment.

Mr WINDSOR (Tamworth) [9.32 p.m.]: I support the Farm Debt Mediation Amendment Bill 1998 for a number of reasons. It is interesting that this legislation is back before the Parliament some four years after it was introduced. The honourable member for Bathurst and the Minister for Agriculture would know that when the Minister was in opposition I moved about 10 amendments to the original Farm Debt Mediation Bill. At that time I had concerns that the financial system could be put in a straitjacket. I and the Minister, who used his ability to overview circumstances at the time, were able to modify the original legislation. At the time I was criticised for intervening in the process and convincing some of the Independent members that they should have a closer look at the impact of the legislation on the financial system.

Now that government has changed hands, it is interesting to see that the amendments proposed to the Farm Debt Mediation Bill are fairly minor. They are basically in response to circumstances that have evolved since, rather than reflecting changes that were proposed to the original bill. The 10 amendments I moved went some way towards reducing the friction between the financier and the borrower at the time. When the honourable member

for Bathurst spoke earlier in this debate he said that this bill is not about debt forgiveness. That was an issue on which I took a strong view at the time of the introduction of the original bill. I believe the amendments then made to the bill converted what was in a sense a political reaction into a practical mediation process involving the borrower who was experiencing difficulties and the lender who had entered into contracts.

In effect, the bill was, and still remains in my view, a process that brings people together before catastrophe strikes. That does not mean that catastrophe cannot strike again. However, the real benefit of the legislation has been that it has brought people together to talk out problems. Honourable members of this place know that if people can be brought to a table to discuss a problem, the problem can often be resolved or a way around it can be found. I believe this bill is very much cast in that framework. It proposes a process that brings people together to talk. In the intractable attitudes that had developed at that time, some farmers were not prepared to talk, and bankers did not want to talk because they believed they could move people on and did not want to look them in the eye. In that respect, the legislation has been successful.

Having said that, it is my opinion that the longer-term problems faced by farmers are not being addressed by government generally. I do not direct that comment particularly at the State Government, because the Federal Government has a much larger role to play than the State Government. But some competitive forces that have come into play in the finance industry have created opportunities for many within the farming community. Even though the long-term nature of agriculture still has not been sufficiently acknowledged by the financial system, there has been a great deal of progress in that regard since 1994. That change has reflected not only changed economic circumstances such as inflation and lower interest rates, but also some of the competitive pressures that evolved within the financial system.

I am aware that some of the members of this Chamber are farmers. In 1994 it was not possible to obtain long-term, interest-only finance for periods up to eight years, terms that would be more in line with the nature of agriculture due to its response time being much longer than it is in a normal business activity. However, those sorts of arrangements are now possible because there are in the market some real competitive pressures at work. Co-operative style financial organisations have been starting up. I encourage the Minister to have a close look at this matter because there are ways of keeping overheads down.

Contracts can be closely scrutinised with a view to reducing considerably the margins that the financier has to charge to maintain viability. A number of interesting co-operative arrangements are available at the moment. On the other hand, there are also some problems. Some organisations that seek no-frills finance, with low interest over long terms, sometimes must obtain finance from other sources. If competitive pressures become so great, and the marketability of these products results in these arrangements being pushed onto the farming community, the resultant circumstances could be that the lender will have the difficulties that the farmers had in the late 1980s and early 1990s.

Open slather and competitive pressures do not necessarily create utopia in the financing of agriculture. In that sense members of the farming community could get into trouble once again because of low-interest, long-term financing if the financial arrangements are not iron-clad. Over the past few years much progress has been made in the way in which financial packages are put together by the banks and other financial institutions. The banks particularly have extended the terms of their loans and removed the flexible interest rate from many of their products. There are other problems that governments should be looking at. I am straying a little from the leave of the bill, but those matters should be mentioned. The Minister for Agriculture will be pleased to learn that they do not depend on the actions of the State Government. In recent weeks the members of the maritime union have paraded up and down and there has been a great deal of toing and froing.

However, in the 1980s and the early 1990s Australian agriculture faced an artificial domestic cost structure, which was created over many years by many different forces. It still faces that structure. One of my objections to the non-practical nature of the Opposition's submission to Parliament about the original bill was that it did not recognise the real reasons why farmers were getting into trouble at that time. It was easy to blame the banks for that. We can all blame the banks. I do not claim that the banks were blameless, but they were not and are not the sole cause of some of the cost-structure problems faced by agriculture. Members of this House have talked about level playing fields, agreements and multilateral arrangements. The Federal Government will probably sign an agreement that in my view will have the potential to disseminate Australian agriculture. Over many years arrangements have been entered into and intractable positions have become ingrained into our community, as a result of which people believe they have certain rights. In my view not the least of those

claimed rights has resulted in what has happening on the waterfront for many years now.

No-one denies people the right to gainful employment. But the biggest problem that the farming community and others in the primary sector have faced is cost structure. A number of other issues then come into play. Federal governments of both persuasions have said that the only way out is to have a level playing field and competitive pressure. We do not have competitive pressure, with which the farming community has to deal, either at home or on the international market. However, relatively minor things add to the cost of any agricultural operation when distance becomes part of the equation. In my view distance does not come into the economic rationalist argument. Before the coalition Government took office federally it talked about removing some of the cost impediments to agriculture and export industries generally.

However, Federal excise is still charged on diesel trains that transport coal, wheat and other products to port. That amount of that excise in New South Wales is of the order of \$50 million. Some years ago it was a third of the operating loss of the State Rail Authority; I am not aware of the present proportion. It is an hypocrisy for any government to claim that the farming or mining sectors have to compete on a level playing field when they still face those sorts of charges. Why the Federal Minister for Primary Industries has not removed that sort of cost impediment is beyond me. I support the campaign of the honourable member for Bathurst to allow a farmer in his electorate to have tyres placed in the soil as a preventive erosion measure. The Environment Protection Authority has carried on stupidly in relation to that matter, and I want to help in any way I can to convince the authority to reconsider. A similar situation has occurred in the Tamworth area, and I encourage the honourable member for Bathurst to pursue these idiots to the nth degree. I thank the House for allowing me to digress from the subject matter of the bill.

Mr ELLIS (South Coast) [9.47 p.m.]: I am pleased to support the bill. I also support the views of the honourable member for Bathurst, with whom I have communicated on a number of occasions in regard to farm debt mediation and problems with banks—and I have big problems with banks! I have attended a number of mediation sessions with both my constituents and the constituents of other members. If members of this House have not attended mediation sessions, I urge them to do so because it is a worthwhile experience, particularly when the mediation session finishes at 3.30 a.m. or 5.30 a.m. and the parties are a husband and wife or

a family who do not have the funds to obtain legal representation. They are in a strange environment and in some cases the mediator is on friendly terms with the bank, which pays his fees.

One matter that needs to be addressed is the attempt to provide impartial mediators who are sympathetic to the strange environment and the daunting experience that these farmers and other small business people have to endure. Members should help their constituents who ask them for help in the mediation process. Mediation sessions should not take an unreasonable time; they should be conducted in a time frame. The bill provides for a 14-day cooling off period. Mediation sessions generally start at 10.00 a.m. and in some cases at 2.00 a.m. or 3.00 a.m. the next day the parties will sign the documents merely to get away.

The legislation should limit the amount of time that people are put in such an unnatural environment, and ensure that they are comfortable. Banks have professional teams and insider knowledge, or regular communication via videos. I am aware of one case in which a bank rejected the mediators of the victims, as I call them. The bank refused to mediate unless it could appoint a mediator of its choosing. The 14-day cooling-off period will enable the victims to go home, think about what happened and perhaps take some other action. I am in contact with barristers and mediators. I am hopeful that in the not too distant future I will be able to introduce further amendments to the Act to strengthen it even more. People regard the legislation as providing an avenue to obtain documents, which the banks are not providing, to enable them to come to grips with the problem.

I have a couple of hundred cases in my office from all over the State—two filing cabinet drawers full of documents—which make it clear that the banks have made errors in handling accounts. The Act should be strengthened to help people in difficulties with banks and to make the banks more responsible under the Act. Banks have to be monitored all the time. I have sent letters to the Australian Competition and Consumer Commission—ACCC—and the Banking Ombudsman asking for their views on the effect banking franchises may have on customers. A banking product should not be sold in the same way that a franchise for McDonalds or Kentucky Fried Chicken is sold. One has to wonder whether the franchise is set up to create another obstacle for the person who will have difficulties with the banks.

Privacy can be an issue when one deals through a franchisee. Banks have certain obligations under the Privacy Act, but what control or

responsibility do banks have when information is leaked from a franchisee? Who does the victim approach to seek compensation? If a franchisee gives incorrect information that results in a problem for the customer, does the customer approach the franchisee or the bank? I received a letter from a bank that is quite contradictory. In one instance it says that a victim of wrong information can attempt to have the problem righted under the current code of banking conduct by approaching the bank, but in another paragraph it says that the franchisee has to take out insurance policies for all and sundry. Therefore the franchisee would be responsible for any incorrect information.

On the one hand the bank says it will not make any difference, that a victim of incorrect information or an error which results in a financial loss can approach the bank, but on the other hand it says that the franchisee has to have insurance to cover that possibility. Does the person with a legal complaint go to the bank or to the franchisee? The new system needs to be examined. I have had no problem with the new owners of the State Bank and it may act with all the right intentions, but some banks are more pig-headed than others. If franchising is successful other banks will follow the same path, but not all banks will use it correctly. It will be necessary to continue to revisit the Farm Debt Mediation Act and perhaps consider making it a small business Act incorporating small businesses. A farm is a small business, as are fish and chip shops, hardware shops, tyre dealers, et cetera. They all deal with banks, they are small businesses, they employ people and they get into difficulties just as much as people on the land, but in different ways.

People are vulnerable. Some of the legislation that requires signed regulations or documents to spell out details more clearly is a step in the right direction. There is definitely not a level playing field. If small businesses have been financially burdened or wiped out, they still should have the opportunity to approach the bank to seek compensation for the bank's errors. Banks are normally covered by Federal legislation, but because the State Bank, prior to its sale, was owned by New South Wales, it is still subject to this legislation. When the New South Wales Government next meets with the other representatives from other governments I ask it to put pressure on the Federal Government to introduce appropriate legislation to bring the banks to heel and not let them win all the cases. They have a never-ending pocket. I support the bill.

Mr SMALL (Murray) [9.57 p.m.]: I support the Farm Debt Mediation Amendment Bill. Object (e) of the bill is extremely important:

to subject agreements reached during, or at the conclusion of, mediation sessions under the Act to a 14-day cooling off period and to provide for the rights of farmers and creditors in relation to the cooling off period.

To understand the hardship and difficulties faced by primary producers and graziers over the years one has to go back to what started it all. In the 1981-83 period New South Wales suffered one of the most severe droughts of all time. That was followed by rising interest rates and consequently low commodity prices which set a precedent that hurt the farming industry enormously. Farmers borrowed money because of the prevalent drought conditions of the early eighties. After 1985 interest rates accelerated to 16 per cent or above, and that really caused great difficulty. Deregulation of the banking industry has resulted in an amalgamation of banks. These circumstances conspired to induce a period in the later part of the 1980s which was extremely hurtful to rural communities and people on the land.

Given those circumstances, people were looking at every type of enterprise to avoid paying high interest rates. They had to deal with the banking industry in a way in which they had never had to deal with it before. Farmers who were badly squeezed took their stories to the media, which was not the way to go. They should have gone to their banks and negotiated with them. Unfortunately, that was not the course that they took. The rural assistance boards and the Rural Assistance Authority were then established to try to assist people on the land. Farmers were subsequently assisted with interest rates, subsidies, loans and farm build-up programs. The Rural Credit Act was then introduced in an attempt to deal with farmers when farm machinery was repossessed. That Act was found by the banking industry to be unsuccessful. Some credit companies were taken on, but those cases were lost.

Money lending then became more difficult, especially for the purchase of farm machinery. After the introduction of the Rural Assistance Authority the Government introduced rural counselling services—a completely new concept in the industry. Rural counselling representatives are still available for consultation and farmers also have available to them farm mediation. In the mid-1980s, when I assisted up to 15 farmers per week who had found themselves in great financial difficulty, I dealt on most occasions with banks or the Rural Assistance Authority. It was after that period that rural counselling services were introduced. I was pleased that that occurred as it played an important role in helping rural representatives like me who have so many other matters to deal with. The farming industry needed all the help that it could get. Strangely enough, dairy farmers never came to me

for assistance. That is understandable, given the cash flow of dairy farmers as opposed to woolgrowers, who receive two payments a year, the first from the wool and the second from their lambs.

However, when wool prices were low it made it exceptionally difficult for woolgrowers. Dairy farmers have come to me for assistance with environmental development and irrigation problems. Because I represent a diverse area of agricultural enterprises, farm mediation has been beneficial in recent years. As I said earlier I, together with land-holders and banks, have tried to sort out many problems. We are now faced with exceptional circumstances due to the drought and changed arrangements because of legislation introduced by Federal and State governments. The Minister for Agriculture would know that only weeks ago 70 per cent of our State was suffering from the drought. Farmers have suffered enormously from drought conditions over the years. The rules and guidelines that apply to exceptional circumstances are tight. Centrelink, which has been established to assist welfare, has presented some difficulties for my constituents.

Farmers who have had to sell their properties or who have had their properties sold by a banking company—and that happened last year—have gone to Centrelink to try to obtain a resettlement loan. That is creating enormous problems for farmers who are entitled to those concessions. As the honourable member for Northern Tablelands said earlier, mediation is not assisting those farmers. Banks have had experience in mediation but a lot of farmers have not had—and nor would they want—that experience. They hope that they are never placed in a position where they have to mediate. However, that has happened. There are areas in this legislation about which the Opposition is concerned. The Farm Debt Mediation Amendment Bill provides for a 14-day cooling off period to ensure there is fairness of play between lenders and borrowers, or bankers and the farming community. They must have protection in this area and they must be given an opportunity to get on with their lives or start again. The important thing is that they can start again. The resettlement loan, to which I referred earlier, will enable them to buy a house or get a job.

The Federal and State governments are working together to try to drought-proof properties by providing taxation incentives and by building up farm investments to provide security in the form of water and stock fodder. However, that has not happened because of the way in which the drought has affected the rural community over the past 12 months. I draw to the attention of honourable

members the difficulties which gave rise to the introduction of mediation. Mediation was never considered in the Depression years—in the 1930s—when many farmers were forced off the land. Unfortunately, over the last few years, a large number of farmers have had to leave the land. I support the Farm Debt Mediation Amendment Bill. I am glad that legislation is being introduced by this Parliament to assist the farming community. It will provide benefits through communication, links and discussions between the banking industry and the farming community. It will help them to understand their problems and overcome them.

Mr ACTING-SPEAKER (Mr Mills): I welcome to the public gallery members and guests of the Pennant Hills Apex Club, who are celebrating their 500th meeting.

Mr KINROSS (Gordon) [10.09 p.m.]: Our friends in the gallery may be farmers, if only Pitt Street farmers. I well remember that about two years ago the *7.30 Report*, in one of its less biased segments, presented to the Australian public a scene of farmers gathered at an auction of a rural property by the bank as mortgagee in possession. There was not one bidder. That depicted a community united in action. The farmers were saying unequivocally to the banks: you have not shown any interest in negotiation, we will not show any interest in making a bid. I suggest to the Minister for Agriculture that was another form of mediation. It was well received, given the critical comments that have been made of bank practices up to date.

As other speakers have said, credit should be given to the coalition for the introduction of the original legislation and further amendments that provide added protection to the farming community. One of those amendments extends the application of the Act so that it will not now apply to a farmer whose property is the subject of a bankruptcy petition by any person. Currently the Act only applies to a bankruptcy petition presented by a farmer or a creditor. A petition presented by any person presents further protection to the farmers pending mediation and negotiation settlements. Other speakers have referred to section 11, but I will not go into detail about that nor about some of the comments by the Westpac and Commonwealth banks in relation to the wording of that section.

It is appropriate that proposed new section 11A and proposed new section 11B have been amended. Proposed new section 11A has been amended by providing a 14-day cooling off period for any agreement entered into by a farmer and creditor during or at the conclusion of a mediation

session. Proposed new section 11B confers a right on the farmer to rescind an agreement during the cooling off period. It is in that respect that the work that was initiated by the coalition Government when in power in 1994 continues. Alan Jones often gives examples of the bad practices of banks and a New South Wales Democrat Senator Paul McLean, who I believe now lives in Tasmania, wrote a book about fraudulent bank practices that he uncovered, as well as John McLennan. That book was titled *Bankers and Bastards*. The honourable member for South Coast also has produced cogent examples about the practices of the former State Bank in relation to some of its dealings. I commend the honourable member for his good work on that issue. On that basis the Opposition does not oppose the bill.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [10.12 p.m.], in reply: I will not be able to respond to all of the contributions made tonight. I thank the honourable member for Barwon who led for the Opposition and the honourable members representing the electorates of Waratah, Southern Highlands, Bathurst, Northern Tablelands, Tamworth, South Coast, Murray and Gordon for speaking on this bill. The honourable member for Barwon and a number of other speakers referred to concerns that were raised by the New South Wales Farmers Association. A letter was sent to me on 5 May from the association signed by Peter Comensoli, chief executive, highlighting a number of the association's concerns about the wording and technicalities of paragraphs (a) and (b) of proposed new section 11B(4). The Government is prepared to accept those concerns, and I have circulated some amendments that I propose to move in the Committee stage. The amendments have been redrafted slightly differently to the requests of the association, but the association is happy with the amendments.

The honourable member for Bathurst referred to the history of the bill. He complimented me on introducing this legislation when I was the shadow minister. It is a shame that the honourable member for Gordon was not in the House to hear his contribution. The honourable member thought that because the bill was introduced in 1994 it was introduced by the then coalition Government. In fact, it was Opposition legislation, a private member's bill moved by me. I congratulate the honourable member for Bathurst. Rural communities in central New South Wales became frustrated because they did not have the ear of the government of the day. They went to the honourable member for Bathurst who commenced a process that allowed me to draft this legislation.

In a political sense, the honourable member for Bathurst is the father of farm debt legislation in this country. New South Wales is the only State to have such laws which were introduced and now amended by a Labor Government. Hopefully other States will follow suit. Many members, both Government and Opposition, raised concerns about the legislation, particularly in relation to mediators. I will make sure that all contributions are taken into account in the continuing review of this legislation. It is a living document. There have been a number of reviews and the Government will make sure that concerns are brought to the notice of any task force or committee that reviews the legislation in the future. Overall, the debate has been positive and I thank all members for that. The concerns about the impartiality of mediators have been addressed. There were concerns that because mediators worked for banks they could not be objective when working with farmers. Allowing for human frailties, the legislation goes as far as it can to direct how a mediator operates.

There has been general support for the cooling off period and for the principle of mediation as a legislative response to the concerns raised by farmers in the past in their dealings with the banks. To paraphrase many of the speakers, this is a great opportunity to get away from the situation of conflict between farmers and banks. By its very nature mediation introduces a third person, sometimes someone who is new to the area, to help in coming to a solution. In my second reading speech I talked about the overwhelming success of the number of agreements under this legislation. Once again I thank members for their contributions to the debate. They spoke of some tragic cases of hardship by farmers. The Government will ensure the legislation is part of a continuing review. In the Committee stage I will move the amendments suggested by the New South Wales Farmers Association. The comments I have made in reply should be taken as support of the amendments.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [10.18 p.m.], by leave: I move Government amendments Nos 1 and 2 in globo:

No. 1 Page 6, schedule 1[6], lines 21 to 28. Omit all words on those lines. Insert instead:

Make a claim for such compensation, adjustment or accounting as is just and equitable between the farmer and the creditor where a party has received a benefit under the agreement.

No. 2 Page 7, schedule 1[7], lines 3 and 4. Insert "impartially" after "mediate" wherever occurring.

Mr FRASER (Coffs Harbour) [10.18 p.m.]: The Opposition supports these amendments and compliments the Minister for Agriculture on listening to the New South Wales Farmers Association, at least, this occasion. He did not listen to them about native vegetation last week. Both issues in the amendments were raised by the honourable member for Barwon and the honourable member for Southern Highlands. The Opposition believes that the amendments strengthen the legislation in favour of the farmer to provide better opportunity for mediation between the farmers and the banks.

Amendments agreed to.

Schedule as amended agreed to.

Bill reported from Committee with amendments and passed through remaining stages.

BUSINESS OF THE HOUSE

Extension of Sitting

Motion by Mr Aquilina agreed to:

That the sitting be extended beyond 10.30 p.m.

SAINT ANDREW'S COLLEGE BILL

Second Reading

Debate resumed from 28 April.

Mr RICHARDSON (The Hills) [10.22 p.m.]: I am delighted as an old Andrew's man to be leading for the Opposition on the Saint Andrew's College Bill, which the Opposition supports. I spent a couple of terms in the college in 1969 in my last year at the University of Sydney when Alan Dougan was the principal. I enjoyed my time living on campus. I note that the honourable member for Port Macquarie was also a student at the college, while the great-grandfather of the honourable member for Gordon was the first principal of the college. So the coalition has a fair connection with the college. College life is an experience all students should

sample. My daughter Jane, who has just graduated in communications from Charles Sturt University, spent two years living on campus and made many lasting friends as a result.

St Andrew's College was founded by an Act of this Parliament in 1867, making it one of the oldest residential colleges in Australia. The first council of the college was elected in 1870 and the main stone buildings on the subgrant were begun in 1874, first occupied in 1876, and completed in 1877. They were designed by William Munro and built by John McLeod, both Scotsmen. The link with Scotland has remained a major aspect of college tradition. The college has since grown in stages to its current size. In 1892-93 a two-storey additional wing at right angles to the main tower was built to the design of the well-known architect John Sulman.

The first principal's lodge was built in 1902. In the period before World War I when student numbers rose rapidly a new stone wing, now known as Vacluse, was added parallel to the Sulman wing. By the 1950s there were 150 students in residence and two modern brick buildings were built in front of the main building—Reid in 1953 and Thyne in 1966. The college now has accommodation for 200 undergraduate male students, three resident fellows, up to a dozen postgraduate students and a fluctuating number of academic visitors. Former students of St Andrew's have become Rhodes scholars, university medallists and international sportsmen. A feature of the college since its inception has been its tutorial program. As I mentioned before, the college has several resident fellows to act as directors of studies. Every student in his or her first year in college is assigned to a director of studies. Tutorials are offered in virtually all subjects.

Emphasis is placed on first-year subjects to assist students in the transition from school to university, but tutorials in more advanced subjects are arranged in response to need. There were some years of declining enrolments when the college perhaps did not market itself as well as it might have done, but about three years ago it filled up and now there is a waiting list for undergraduate places. High academic standards are expected of students and performance levels must be maintained or students are denied re-entry to the college. The results from 1997 include 50 high distinctions, 140 distinctions and 312 credits from a total of 1,232 subjects taken. So, as when the college was founded, academic excellence is part and parcel of the college's tradition. The college also acts as home to many students from overseas.

The literature that I have received recently shows that they come from Malaysia, Indonesia, the Philippines, Hong Kong, Taiwan, Singapore, China, Japan, Papua New Guinea, India, Vietnam, the United States of America, Canada, the United Kingdom, Russia and Brunei—a real United Nations. The students from all those different countries are getting on well under the auspices of the college and its principal. I understand that the bill is the result of six years of negotiation between the college council, the Presbyterian Church, the university senate and, latterly, the Government. I am indebted to Peter Cameron of St Andrew's College Council and David Burke, chairman of the education committee of the Presbyterian Church of Eastern Australia, for their assistance.

The Act of 1867 is very much out of date. Indeed, when I obtained a copy of it I was told that it was one of only six Acts of similar vintage in the archives under the Chamber. It contains references in section 10 to students being "required duly and regularly to attend the lectures of the University on those subjects and examination and proficiency in which are required for honours and degrees with the exception (if thought fit by the Council) of the lectures on ethics, metaphysics and modern history". One could scarcely call this requirement the stuff of which a twenty-first century tertiary education establishment is made.

St Andrew's has always had strong links with the Presbyterian Church and for many years provided training for Presbyterian ministers. Under the 1867 Act four councillors had to be ministers of the Presbyterian Church and the other eight had to be members of the Presbyterian Church. The principal is also required to be a Presbyterian minister, despite the fact that the college is not a formal part of the church. That has created significant problems, particularly since the formation of the Uniting Church 20 years ago. It significantly reduced the pool from which to draw both principal and councillors.

This has posed significant difficulties for the college and in fact the current college head, Dr Bill Porges, is accredited with the title of only acting principal because he is not an ordained minister of the Presbyterian Church. The major change contained in the bill will broaden the pool from which councillors are drawn—from ordained ministers and members of the Presbyterian Church to members of an "approved church". That is defined as being any of the following: the Presbyterian Church of Australia, the Anglican Church of Australia, or any protestant church that is

part of the World Alliance of Reformed Churches. I understand that there was considerable debate about whether the pool should be broadened even further to allow people who are not members of any of those churches to be on the college council.

People drew back from that position and appropriately the college is maintaining its links not only with the Presbyterian Church but with the protestant churches in general. The principal can now be chosen from anyone who is a member of an approved protestant church. He does not have to be an ordained minister of an approved church. However, if he is a lay person the council must appoint a chaplain, who cannot be a member of the council. The visitor to the college who was previously the moderator of the Presbyterian Church is now the chancellor of the university and his role is largely ceremonial.

Under the 1867 Act the principal, professors and tutors are liable to suspension subject to an appeal to the visitor in any case involving their moral character, while religious matters are referred to the Presbytery of Sydney. I am not aware whether that section of the Act has been applied in recent years but it seems to be significantly outmoded. Clause 7 of the bill specifies the functions of the council, including controlling and directing the affairs of the college, employing staff, determining the fees, determining from time to time the basis on which a person is considered to be a member of an approved church for the purposes of this Act—that is an important subclause—and determining the nature and extent of educational assistance to be provided by the college.

I should correct the Minister's statement in his second reading speech: it does not incorporate the subjecting of the employment of the principal to performance reviews. That is contained within clause 11, which also outlines the responsibilities of the principal. A question has been raised about whether these and other clauses of the bill would not have been better contained in regulations so that they could be altered by the Minister without the need to come back to the Parliament. However, under clause 17 the council has significant powers to make by-laws for the conduct of the college over issues such as student and staff membership, room allocation and discipline, student facilities and instruction, scholarships and bursaries, the appointment of the principal and vice-principal, functions of the council, the election of the elected members of the council and procedures for meetings of the council.

They are machinery matters and appropriately will be dealt with in by-laws. I wonder whether other issues could be likewise dealt with and whether it is necessary to specifically refer to the

performance review of the principal. Clause 9 specifies that the council must obtain the Minister's permission to transfer and deal in Crown land under its control or management. That is obviously a sensible and necessary provision. Mr Cameron emphasised to me the importance of clause 16, which relates to protection from personal liability. Indeed, in 1867 I suspect that would not have been an issue for any member of the council, but in the litigious society in which we live it is probably a must, so that members of the council are provided with protection from personal liability so long as they act in good faith. Overall the bill provides a strong basis for St Andrew's College to move into the twenty-first century with its traditions and emphasis on sporting and academic excellence remaining intact. We look forward to seeing more outstanding Rhodes scholars and international sportsmen emerge from that institution in the years to come.

Mr KINROSS (Gordon) [10.33 p.m.]: It is with great pride that I speak on the Saint Andrew's College Bill. Though I was not a student at St Andrew's College, University of Sydney, my great-great-grandfather, the Reverend Dr John Kinross, was the first principal of St Andrew's College and still remains the longest serving principal ever, having served from 1875 to 1901. His son was a student there and my father's father—my grandfather—was also a student who gained an Exhibition to the university but had to leave in 1915 to serve in the Great War. Furthermore, the Reverend Dr John Kinross established the Presbyterian educational system in Australia. It is again with some pride and pleasure, therefore, that I speak on this bill.

I congratulate the Minister for Education and Training on his significant work in relation to the college council, the Presbyterian Church itself and various other organisations. Peter Cameron, a senior partner of Allen Allen and Hemsley—but who has nothing to do with his namesake of *Necessary Heresies* or *Finishing School for Blokes* fame—departed for Scotland on Australia Day 1996. He undertook considerable work in trying to bring many of these matters before the council so that their functions under the Act could be improved. The bill repeals the Saint Andrew's College Incorporation Act 1867, which since that time has constituted the present governing body of the college. It establishes a number of mechanisms, which I shall not go into in any detail because they are sufficiently set out in the objects of the bill.

It is interesting that this more recent structure is reflective of current management thinking and will assist in building the numbers on the college council. When the former principal, Peter Cameron, departed on Australia Day 1996 the college was

three-quarters full, with no prospect—as he stated at the time—of gaining full membership. However, within six weeks of his departure the college was full and it continues to have a high attendance rate. With competition being healthy at the University of Sydney, from and reflective of other colleges, maybe in time this bill will be picked up by many of the other colleges. In conclusion, I also give credit to Warwick Williamson and Peter Graham, who is also an elder of the Presbyterian Church, for their input to the bill.

Mr OAKESHOTT (Port Macquarie) [10.37 p.m.]: It gives me great pleasure to speak on the Saint Andrew's College Bill. As an old boy of the college in the late 1980s and early 1990s I have many fond memories of those days. The objects of the bill are to constitute the Council of St Andrew's College as a corporation and specify its functions; to specify the main objects of the college and provide for certain matters concerning its administration; to specify the office holders of the council and their functions; to enact savings and transitional provisions, including provisions that provide for the transfer of assets, rights and liabilities of the former council to the newly constituted council; and to repeal the Saint Andrew's College Incorporation Act 1867, which constitutes the present governing body of the college. My grandfather was chairman of the college and my father, brother and I were former students—and I was also christened in St Andrew's College chapel. So I could not let this moment go by without emphasising what a valuable role St Andrew's College has played in my education and development, and that of many fine young adults in our society.

In particular, I should like to mention the principal at the time of my stay at St Andrew's College, Dr Peter Cameron, who was certainly there during an interesting time in the college's history. Many members of this House will remember the fiery encounter Dr Cameron had with the college council and with the Presbyterian Church, and his subsequent departure from the college and, indeed, Australia. I put on the record my highest regard for Dr Cameron as a man of deep thought and reason. Students caught in the middle of the debate recognised it as a black period in the college's history. I consider Dr Cameron to be the first man to really make me think for myself and to encourage me to stand by what I believe in. He certainly has my deepest respect.

I have very fond memories of my time at the university and at college. I have great friends with whom I continue to stay in touch. I certainly encourage anyone thinking of attending St Andrew's

College or any college at any university to embrace the idea. It really is a unique and once in a lifetime opportunity. I happily support this bill and I finish with a few parting words to current students at St Andrew's College in regard to the much-coveted sporting cup, the Rawson Cup—"Keep the baby at home and keep those dirty Pauline, wowser and John's hands off it."

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [10.40 p.m.], in reply: I thank all participants in the debate for endorsing the Saint Andrew's College Bill. I thank particularly members of the old boy's brigade who turned up to give voluminous and voluble support. I should like to comment specifically on a matter raised by the honourable member for The Hills about clause 11(6), which refers to the employment of the principal. I note the honourable member's comments, but my advisers inform me that this clause was specifically included at the request of various persons from the college. The clause states:

The employment of the Principal, as a member of the staff of the College, may be subject to performance reviews by the Council.

It really does not contain anything that limits or enforces a particular method of dealing with the employment. No doubt the performance reviews will be the subject of regulation. Other matters raised by the honourable member for The Hills, which were raised substantially in the second reading speech, support the college and form part of its great and noble history. I thank him as an old boy for his contribution to and support of the bill. I thank also the honourable member for Gordon for his contribution. He bears the distinctive name of Jeremy Stirton Prevost Kinross.

Mr Kinross: It is French and Scottish, a dangerous combination!

Mr AQUILINA: A dangerous combination, as we learned from the Jacobean era. No doubt some history is attached. The Stirton name cropped up as part of the name of the original college principal, who, as the honourable member for Gordon informed the House, was principal from 1875 to 1902. Certainly that is a proud tradition. The honourable member for Gordon can take substantial pride in his connections to the college. Mention should be made also of the honourable member for Port Macquarie whose grandfather was chairman of the college council.

It was fitting that the honourable member for Port Macquarie, being a relatively new member of

this House, took this opportunity to establish his credentials with the college and to give his support for this legislation. I thank all three honourable members for their participation. I conclude by thanking departmental officers who worked very hard in the preparation of the bill. As the honourable member for The Hills indicated, the gestation of this bill began in 1992. I inherited it after some considerable work had been carried out and it was felt the time had arrived when it should be brought to fruition.

The bill was the subject of many discussions and many behind the scenes meetings. I thank particularly Rod Best, principal legal officer of my

department, for his work, and Chris Powell of my office and others who worked very hard in the intervening period. In a spirit of co-operation the bill produced as a result of their efforts hopefully will hold the college in good esteem for possibly another 150 years or more before the legislation must be changed.

Motion agreed to.

Bill read a second time and passed through remaining stages.

House adjourned at 10.44 p.m.

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