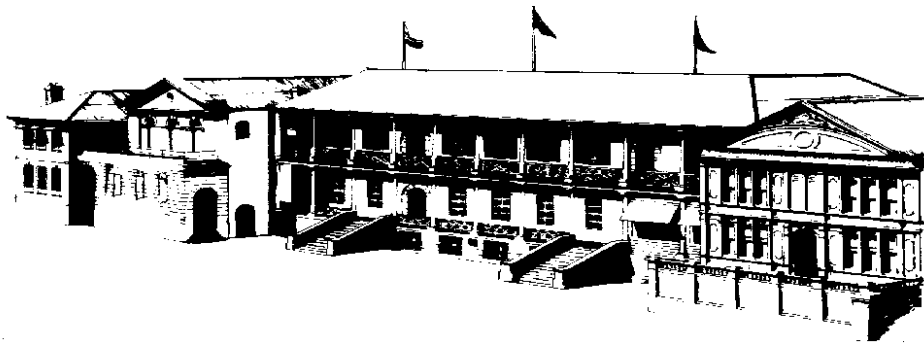




**NEW SOUTH WALES**



*Legislative Assembly*

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**FIFTY-FIRST PARLIAMENT  
SECOND SESSION**

**OFFICIAL HANSARD**

**Wednesday, 3 June 1998**

# LEGISLATIVE ASSEMBLY

Wednesday, 3 June 1998

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

**Mr Speaker** offered the Prayer.

## ASSENT TO BILLS

Assent to the following bills reported:

Local Government Amendment Bill  
State Records Bill

## REGULATION REVIEW COMMITTEE

### Membership

#### Motion by Mr E. T. Page agreed to:

That Robert James Murray Oakeshott be appointed to serve on the Regulation Review Committee in place of Barry William Rixon, discharged.

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

## PUBLIC SECTOR MANAGEMENT AMENDMENT BILL

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

### Second Reading

**Mr E. T. PAGE** (Coogee—Minister for Local Government), on behalf of Mr Carr [10.01 a.m.]: I move:

That this bill be now read a second time.

The object of the bill is to amend the Public Sector Management Act in accordance with the Government's pre-election undertaking to revive and improve public administration in New South Wales. The Government is committed to restoring the principle of an independent non-political public service in New South Wales and to ensuring that the community receives value for money and quality service from its public sector bodies and employees.

To achieve these goals the Government has already once amended the Public Sector Management Act in 1995 to make significant

changes to the way the public sector is managed and to institute a new focus on low-cost, no-frills administration. The Public Sector Management Amendment Act created the Public Employment Office to provide for a central employment agency, and the Council on the Cost of Government as a means to eliminate any mismanagement and inefficiency in the public sector.

Continuing with these reforms the Public Sector Management Amendment Bill facilitates the following improvements to public sector administration. This amendment package consists of four separate measures. I will outline briefly the measures in the bill in their order of appearance. The purpose of this bill is to provide for the employment of staff for Ministers and other political office holders as a special class of temporary public service employees. Secondly, it will provide a mechanism for the appointment of certain long-term departmental temporary employees to permanent public service positions.

Thirdly, it will extend the power of the Public Employment Office to make determinations with respect to the remuneration, conditions and benefits of public servants. The fourth measure provides specifically that department heads are responsible for the equitable management of staff of their departments. Honourable members should note that there are no significant budget implications to this bill. In fact, if anything, it may provide for some administrative savings, although these are not likely to be large.

I will deal in greater detail with the more important aspects of the measures. This bill provides for a special class of temporary public service employee to differentiate between temporary employees in departments and temporary employees in a political office holder's office. It will overcome the difficulties associated with employing staff within a political office holder's office for periods not exceeding four months. It will provide for a more appropriate means of employing staff that will allow the flexibility needed to address the special requirement of ministerial operations. It will also recognise that the majority of staff employed to work within a political office holder's office are employed from outside the public sector.

The bill will give the Director-General of the Premier's Department the power to employ staff who work for political office holders—a political office holder being a Minister, Parliamentary Secretary and Leader of the Opposition. The power will be separate from the employment powers for public servants and these staff will be classified as special temporary employees. It will create an ability to employ special temporary employees for a fixed period to, but not exceeding, the term of the political office holder's own appointment. This will improve the attraction and retention aspects of working for a political office holder and result in a reduction of administrative employment arrangements.

This bill will exclude the Industrial Relations Commission from exercising its jurisdiction with respect to industrial matters affecting special temporary employees working for a political office holder. The nature of the employment of special temporary employees is such that their employment is for a limited period and is on a contract basis. This arrangement is similar to the present arrangements applying to the Chief Executive Service and the Senior Executive Service within New South Wales government employment.

Special temporary employees' services will be terminated at the date of a general election with the proviso that the Director-General of the Premier's Department has the discretion to retain their services beyond that date. The Director-General of the Premier's Department will retain the existing power to dispense with the services of staff at any time. In the past staff from statutory authorities have been unable to be employed within Ministers' offices without being required to resign or take leave without pay. This arrangement was viewed as inequitable in comparison to public servants who retained a right of return to their previous substantive public service positions.

This bill will give the Director-General of the Premier's Department greater discretion in the employment arrangements of staff as it does not prevent the appointment or employment of staff to or in an office of a political office holder in any other manner. Permanent public servants temporarily appointed to work in Ministers' offices will not be affected by these provisions, nor classified as special temporary employees.

This bill provides a mechanism for the appointment of certain long-term temporary employees to permanent public service positions. Honourable members will be aware that there currently exists no satisfactory mechanism for the permanent appointment of a public sector employee

who has been in continuous yet temporary employment for more than two years. This bill will provide for that to happen, subject to a number of important preconditions.

Most importantly, the principle of merit selection is maintained by the requirement that only those temporary staff who were employed through some form of open merit selection can be recommended for permanent appointment. Reinforcing this is the further requirement that the duties of the permanent position are substantially similar to those which the person was initially appointed to. There is also the requirement that there is ongoing work for the employee, and that temporary employees in positions funded by grants from industry are not eligible for appointment. This prevents the situation of appointments being made on the basis of industry funding, only to have the industry funding disappear for any reason, leaving the taxpayer funding an activity that might not be continued or have been even undertaken were it not for the initial industry funding.

This provides for the public sector to be responsive to the needs of industry, while not exposing the taxpayer to the burden of supporting an activity after that activity has outlived its usefulness to the community. The bill extends the power of the Public Employment Office to make determinations with respect to the remuneration of public servants, so as to allow determinations with respect to the conditions and benefits of employment, including remuneration packaging, redundancy, and severance payments. This change is necessary as the current Act only provides the Public Employment Office with power to set salaries, wages and other remuneration, but is silent on the issue of any separation or redundancy payments. This amendment makes it clear that the department head may determine conditions of employment, to the extent that these conditions are consistent with any determinations made by the Public Employment Office.

This power will also extend to special temporary employees working for a Minister, Parliamentary Secretary or leaders of the Opposition, which will enable working arrangements of these staff to be tailored to suit the special requirements which flow from servicing ministerial and parliamentary operations. A further addition to the role of department heads is that they are responsible to their relevant Minister for the equitable management of staff within their department. This reinforces the Government's commitment to providing real achievements in the area of equal employment opportunity, as the additional

requirement is supported by clearly identified accountability measures. This bill represents the Government's continuing commitment to the achievement of our goal to create a world-class public sector in New South Wales. I commend the bill to the House.

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

**LOCAL GOVERNMENT AMENDMENT  
(MEETINGS) BILL**

**Second Reading**

**Debate resumed from 20 May.**

**Mr RIXON** (Lismore) [10.10 a.m.]: The Opposition supports this bill, although it is yet another clear example of a backflip, now a trademark of this Government. By way of history, the passage last year of the Local Government Amendment (Open Meetings) Bill saw all but one of the coalition's 14 amendments—which had the support of the Local Government and Shires Associations of New South Wales—defeated in Committee in another place. The amendments put forward at that time were aimed at eliminating the need for councils to fast-track documents; allowing commercial confidentiality in the purchase of land; allowing councils to address street naming in closed meetings; setting time limits for members of the public to address councils on the proposed closure of meetings; ensuring councils annually reported the percentage of time spent in closed meetings, pursuant to amendment 7; allowing councils to determine legal circumstances, processes and significance of issues; and bringing councils into line with other public instrumentalities when freedom of information is available.

Amendment 7 was the only successful amendment. However, it could not work in isolation. Unfortunately, the operation of that one amendment in isolation meant that it would contribute to unacceptable meeting practices, a fact that has been conveyed repeatedly by the Local Government and Shires Associations of New South Wales and by more than 14 councils. It seems that the Government at that time allowed amendment 7, without the supporting amendments, for its own mischievous political reasons. Consequently, the reversal of that amendment should be supported. At last the Minister has introduced amendments to reduce the complexity of the procedures for closing council meetings and to simplify the process by which information from closed meetings is provided to the public.

Regarding the reduction of complexity of the procedure for closing council meetings, the

Opposition agrees that in certain circumstances a meeting should be closed, such as when the meeting will address matters involving individual employees. At such times a mechanism affording a degree of confidentiality should be available and readily used. However, it is apparent that a great deal of the time of a council would be wasted if the council were compelled to allow anyone to address it on whether a meeting should be closed. Under this bill, councils will have discretion to allow people to make representations on that question. The community is concerned that individuals will be hamstrung in making representations on whether meetings should be closed and thwarted from speaking on what should be open matters. The Opposition appreciates those concerns and trusts that councils will act responsibly in this respect. The Opposition warns, however, that a close eye will be kept on this matter.

The amendment that will remove conflict between the procedure under section 10E of the Local Government Act and the Freedom of Information Act is welcomed by the Opposition. It also is strangely familiar. As I have stated, last year the Opposition attempted to move an amendment to bring councils into line with other public instrumentalities regarding freedom of information material. It seems the current bill embraces the spirit of that amendment, and that this is another backflip by the Government. Still, the Opposition cannot but support such a backflip if it means a streamlining of processes and a better balance between public access to council meetings and information and making council processes more efficient. It is pleasing that the Government is listening to suggestions made by the Opposition. We will be watching the enactment of this legislation carefully.

**Dr MACDONALD** (Manly) [10.15 a.m.]: At the outset I make it clear that I will vote against the bill. It winds back the clock on reforms introduced last year. This measure has been described as a backflip by the Government. I do not know the origin of the legislation. The bill that passed last year, the Local Government Amendment (Open Meetings) Bill, encouraged public participation and discouraged secret decision making. So I do not know who is lobbying to undo those good measures introduced by this Government. This bill discourages scrutiny and the accountability measures that I welcomed last year.

The bill gives a council discretion to allow a member of the public to make representations on whether a meeting should be open. That is incomprehensible. Surely, if a council wishes to go into closed session to discuss a matter, a member of the public who has an interest in the matter should

be allowed to make representations on having the matter dealt with publicly. Why should a council seek to deny such an application? Has the council something to hide? Why would a council deny someone the right to speak for up to three minutes and give reasons why a council meeting on a particular matter should be open to the public? A recent example is to the point. It involves Warringah Council and a matter on which I made some strong statements in the press last week.

On 12 May Warringah Council decided to go into closed session. No member of the public was present who may have had a view on whether the matter should or should not have been dealt with in closed session. That raises another issue: whether the public should be given prior notice of a council's intention to hear a matter in closed session. In any event, no member of the public had a chance to speak on this occasion. The matter dealt with by the council related to an ex gratia payment to the recently retired general manager. The council decided to close the session on the basis that the matter had to do with personnel. It had nothing to do with personnel.

It was in the public interest that the public have access to the debate to take place on why the former general manager of Warringah Council was to be given an ex gratia payment of \$50,000, having received a very good salary all his life. This council is currently considering winding back its programs and introducing severe budget cuts. It has introduced an environmental levy and is considering a sportsground levy, and so on. I support many such levies because there are works that need to be done. On 12 May the council went into closed session to discuss a matter raising issues of accountability and public interest; it was certainly not a personnel matter. That is, arguably, an example of a council that is already abusing the system. This bill is an attempt by the Government to wind back the clock even further on necessary reforms.

Another proposal of the bill is removal of the requirement that councils report to the Minister on how much time they spend in closed session. I agree that time spent in closed session is not a good indicator of accountability but, instead of removing that measure we should be considering other and better accountability mechanisms that could be put in place, such as requiring councils to provide all minutes of closed meetings within a certain time frame, or keeping a log of all dates and reasons for closed sessions. If the Government is genuinely interested in promoting more accountability on secret decision making by councils, it would be going down that path. But removing a requirement

that councils report on time spent in closed session does not progress accountability one little bit. Rather, it sends out all the wrong messages.

I am extremely concerned also about the availability of minutes and papers of closed meetings. If councils deny scrutiny of their decision making, surely they can at least provide easy access to agendas and minutes of meetings held for that purpose. When Warringah Council went into closed session on 12 May, it met for 103 minutes, 22 minutes of which were in open session. Therefore, it was in closed session for 80-odd minutes. The council decided at that meeting that the public would be permanently—I repeat, permanently—denied access to mayoral minutes relating to the two items considered in closed session: the ex gratia payment to the former general manager and matters relating to mechanised recycling systems. That is quite unacceptable, and I am surprised that the Minister for Local Government is happy to send out such a message to the public.

The Minister, who has considerable experience with local government, knows full well that there are rogue councils around that spend a lot of time in closed session when they should not. In his second reading speech the Minister remarked, "Don't worry about it. If you cannot get access, go for FOI." The honourable member for Lismore said that the Opposition welcomes that proposal. However, I know from experience that trying to obtain information through freedom of information legislation is a pain in the neck. It is difficult to get information through FOI. In the forty-seventh edition of the *Big Issue*—in an article about the difficulties being experienced by environmental groups getting information about the Port Kembla copper facility—the Ombudsman had this to say:

The environmental group complained to the NSW Ombudsman, who expressed concern that some agencies "use prohibitive costs and charges in dealing with FOI applications as a means of impeding or restricting the public access to documents and information".

Between 1991 and 1995 I tried, as a member of this Parliament, to open up the process and make FOI more workable. However, there are still difficulties in that regard. Recently the Opposition spokesperson on health criticised the Minister for Health for putting up FOI barriers and preventing people getting access to information on Royal Prince Alfred Hospital. In fact, the honourable member accused the Minister of wiping files and denying access to information. FOI legislation can be used as a barrier, yet the Minister for Local Government says, "Don't worry, if a council is not prepared to produce papers associated with meetings, you can get them through

FOI." Well, I am sorry, but I do not believe the Minister.

I considered inserting into the bill by way of an amendment provisions relating to meeting procedures. However, I believe they are outside the scope of the bill. A number of members of this Chamber have a long association with local government and have much to offer to the debate. I merely wish to add my pennyworth. I have been in local government for about 12 years. I am a member of a council that is extremely open, very accountable and the subject of considerable scrutiny. I encouraged those aspects; they were part of my platform in 1987. In every vote taken at Manly Council a record is maintained of those who vote for and against any proposals, not just the result of a vote or the names of those who request that their names be recorded.

One of my constituents contacted the Warringah mayor, Sam Danieli, to discuss open council policy. I do not intend to sound like a Warringah Council basher; I am not. However, I am very concerned about the behaviour and some decisions of that council. My constituent suggested to Warringah Council that all its votes be recorded. The mayor wrote back stating, amongst other things, "It does not matter. In a democracy all that matters is whether it is a majority decision. There is no need to record who votes which way." I suggest that having votes recorded is about accountability, not just about democracy. It is about knowing who voted for and against a particular proposal, not whether some councillors requested that their names be recorded. It should be compulsory for all councils to record votes, just as votes are recorded in this Chamber when a division is called. In that way people will know how Peter Macdonald voted on particular legislation, and it falls to me to explain or defend my decision if that should be required. And that is quite proper. The same should apply to local councils.

I ask the Minister why all council meetings are not audio recorded. They should be. Everything said in this Chamber is recorded in some way, and quite often the record is used against us by some people. That is the case with every council, although some—and Manly Council is one—record every single word that is said at meetings. Anyone wanting a copy of the proceedings can purchase a tape recording or pay to have it transcribed. This is an important matter. Let us get meaningful. Council meetings are not much different from what happens in this Chamber, where every word is recorded. People can read *Hansard*, listen to tapes or view video recordings of the proceedings. Local government should be as open and accountable as

this House. Councils that make fair and impartial decisions have nothing to fear from openness and accountability. This bill will wind back the clock on the ground of expediency. The arguments advanced by the Minister are not sustainable. The legislation introduced in November last year relating to open meetings was a step in the right direction. This bill constitutes a retrograde step, and I do not support it.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [10.26 a.m.], in reply: I thank members for their contributions and note that the honourable member for Lismore indicated support for the bill. The honourable member for Manly, however, does not support it. My reasons for introducing the bill were covered in my second reading speech. It arose out of representations from the associations with which I had discussions and to which I listened. The matters raised by the honourable member for Manly do not lessen the requirement for councils to adopt more open meeting procedures. Generally speaking, the public could not make a determination about whether a matter should be discussed in closed session, because by and large members of the public would not know what was to be discussed.

The second concern raised by the honourable member is bureaucratic balderdash. Councils would be put to unnecessary expense if they were required to calculate the time spent by their members in closed session, worked out as a percentage of all meetings, and then include that information in a report to me. Such reports would be of little assistance to me. The relevant consideration of whether to conduct a closed meeting is the matter to be discussed, not how long the discussion will take. That suggestion is worthless. Provisions relating to access to minutes and business papers were left open-ended, as they needed to be, because of confidentiality considerations. Councils will determine what is an unnecessarily long period. The suggestions of the honourable member would not be of benefit to councils or applicants. I am of the view that any concerns can be resolved by reference to freedom of information legislation. I commend the bill.

**Question—That this bill be now read a second time—put.**

**Division called for. Standing Order 191 applied.**

**Noes, 2**

Dr Macdonald  
Ms Moore

**Question so resolved in the affirmative.**

**Motion agreed to.**

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

**LOCAL GOVERNMENT LEGISLATION  
AMENDMENT (ELECTIONS) BILL**

**Second Reading**

**Debate resumed from 20 May.**

**Ms FICARRA** (Georges River) [10.33 a.m.]: It is amazing that this bill is called the Local Government Legislation Amendment (Elections) Bill 1998 when it includes amendments to the City of Sydney Act 1988. The bill is a gerrymandering of Australia's most vital city. The Minister for Local Government has included in the bill some innocuous amendments relating to council elections. Everyone would support such amendments because they emerge from a review of the new Local Government Act, a review which was conducted by the State Electoral Commissioner. The bill makes innocuous amendments to matters such as details of changes in ward boundaries being given to the Electoral Commissioner; the Electoral Commissioner being able to fix dates for by-elections; candidates' qualifications being spelled out more clearly; the availability of candidate information sheets, group voting tickets and computer-scanned rolls; declarations of electoral contributions and the period in which to lodge those declarations.

The Minister would be confident that all of those amendments would be supported across-the-board. So what does he do? He includes amendments to the Local Government Act in schedule 1 and adds schedule 2, which makes amendments to the City of Sydney Act. Schedule 2 could be classified as the Frankimandering schedule, or it could be Frankie's survival kit. The ALP mates of the Lord Mayor of Sydney are out to protect the very honourable Councillor Frank Sartor. I remind the Minister for Local Government that it has always been considered to be a fair Australian rule that there should not be any taxation without representation. The non-residents in the city of Sydney—the business community—pay 96.5 per cent of the rates levied by Sydney City Council. Yet, they will have no voice. That is typical of the ALP right-wing undemocratic thuggery that one sees constantly.

Concerned groups have repeatedly approached the Minister's office for information about these

amendments. However, the Minister stated on radio that he would not consult with the affected groups until the legislation went before Parliament. So the bill is drawn up, and then the Minister condescends to meet with these groups for a paltry period. What sort of a democratic process is this? Is this the way in which all Ministers should administer their portfolios? It is incredible! The public would not expect it; it is wrong and undemocratic. In his second reading speech the Minister indicated that his department had received 82 submissions. That is wonderful! Most of the 82 submissions related to schedule 1.

The Minister did not tell us about any submissions about schedule 2. It is deceitful of the Minister to say that, based on these glowing 82 submissions, the bill has strong support. The bill does not have strong support. The only people supporting it are the wonderful Frank Sartor and those at Sussex Street. Schedule 2 is simply about diminishing the voting rights of the major franchise of the city's community. It is undemocratic. The coalition will move in the other House for the establishment of an independent inquiry to determine the best voting system for the Sydney City Council area. If the Minister does not like this voting system, he should at least take it to an independent tribunal—perhaps the Independent Pricing and Regulatory Tribunal, which is headed by Professor Tom Parry—or to the New South Wales Electoral Commissioner.

After all, the commissioner has done a wonderful job with his two fellow commissioners in drawing up the new boundaries that were announced today. They are wonderful. The Opposition trusts the commissioner, the public trusts him, and the Government should trust him. But no, the Government is going to ram the legislation through. Let us hope that the crossbenchers in the other place uphold democratic principles by blocking the Minister and his mates, including Frank Sartor, from rorting the electoral system. The coalition will vigorously oppose the bill. It has no problems with schedule 1, but the Minister should not have connected schedule 2 to schedule 1 as part of the bill.

The bill is devious, manipulative, and the coalition will not support it in this form. The coalition will amend the bill in another place but will totally oppose it in this House. The Opposition will let the public know what is going on. The Minister knows that a lot of media commentators are looking at this issue, because the city of Sydney is very important to the whole State—indeed to the whole country. Honourable members are always

saying how wonderful the Sydney Olympics are for the members of the business community and how well they are doing. I assure the Minister that they will not be doing well under this legislation. The council will take their money but give them no voice. The Minister expects them to be quiet and sit there like little lambs. That will not happen. The Minister should have known better than to try to pull a stunt like this.

This shameful legislation is an electoral rort of the Sydney City Council. The legislation was designed to prop up the failing Frank Sartor, the Lord Mayor of the city of Sydney. All honourable members know that it is aimed at putting an end to Councillor Kathryn Greiner's chances of getting elected to the mayoralty in September 1999. If this legislation goes ahead, more than 8,000 city ratepayers will lose their right to vote in the 1999 Sydney City Council election. The push for the legislation is a blatant attack on democracy. The move would cut by 40 per cent the number of people eligible to vote in the council election, from 20,000 to 12,000. In one single move, 8,000 names will be slashed off the electoral role. The Minister thinks that is pretty clever. This is the same Minister who brought forward the pretty clever Companion Animals Bill, which made this whole Government look pathetic, that it was chasing dogs and cats and treating cats like dogs. Lord Mayor Frank Sartor, has hatched this scheme in a desperate attempt to fix the 1999 election in his favour. That is an absolute rort and an attack on basic democratic principles. Frank Sartor knows that he cannot win an election by fair means so he is seeking to fix the numbers to ensure that he can continue to feed his extraordinary ego.

Frank Sartor will go to any lengths to stay in power, even if that means getting his Australian Labor Party mates in this place to rort the system. In 1995 Frank Sartor colluded with the ALP to restrict the non-residential roll and he has tried to have the 1999 election delayed until after the Olympics—a ludicrous suggestion. Thankfully, that scheme failed. Mr Sartor has moved on to plan B. The idea of having the position of lord mayor, carrying with it the responsibility of the commercial head of this country, decided by 12,000 people is frightening. The Lord Mayor of Sydney already has extraordinary powers, denied to almost every other lord mayor or mayor in Australia, and now Frank Sartor is trying to remove all accountability. People used to think that such attempts could take place only under third world dictatorships. No, Premier Carr and the Minister for Local Government will look after their little mate Frank at the expense of

democracy in this city. That sends a clear message of cronyism and corruption.

Proposed changes to the City of Sydney Act will prevent joint tenants and owners in the city of Sydney from each having a right to vote. Any reform of the Act should increase the number of people able to vote, not decrease it. Had the State Government been listening in the past few years, it would have realised that more, not fewer, Sydneysiders want a say in the way the city is to be run. One has only to consider what happened at east Circular Quay and Walsh Bay and a host of extraordinarily disgusting planning decisions to know that what is occurring at the moment is not good enough. There is a need for greater accountability and the people need increased democratic rights, not restricted rights as proposed in the bill. Councillor Kathryn Greiner lost the 1995 elections by a mere 488 votes, after the preferences of the ALP's Henry Tsang were distributed to hapless Lord Mayor Sartor.

The current lord mayor received only 3,723 first preference votes, yet he has the power to approve planning disasters such as those at east Circular Quay, Cook Park and Phillip Park, to create unbelievable traffic chaos on Sydney streets and affect the daily lives of millions of Sydneysiders. It is dangerous to reduce the number of people who can vote the lord mayor to office. The Sydney City Council is unique in New South Wales, which is why it is the only council to have its own Act. The council is unique in that non-residents contribute 96.5 per cent of all the rates for the city. The council encompasses Australia's most important central business district and the city has a very small residential population. In the past business has been given the right to vote, to reflect the fact that the Sydney City Council is the centre of business in Australia. Business pays almost all the council rates, and the non-residential vote enables greater Sydney to have a say in the way the city is run.

Put simply, the City of Sydney Act should reflect the fact that the council has a business electorate and give business the right to have a substantial say in who represents it. Surely if we want a Sydney City Council that will drive business in this State and overseas then we must have a council that reflects business. We do not want taxation without representation, which, as I have said, represents ALP right-wing style politics—it probably represents the politics of the ALP left wing and every other crazy ALP faction as well. I was perhaps giving the ALP left wing too much credit: it is just as devious as the right wing. The Minister

was caught red-handed during an interview with John Laws on radio 2UE on 19 May in which he admitted that no-one in the city had been consulted about the proposed changes. In regard to submissions to the Department of Local Government on the changes, Mr Laws asked:

Is it true that the Council made submissions to the Government on these changes back in February?

The Minister for Local Government replied:

I've received no official approach from the City Council.

Why the lies, Minister? The Minister told a blatant untruth. The general manager of the Sydney City Council sent submissions addressed to Mr Gary Payne, Director-General of the Department of Local Government, on 21 January 1997 and on 18 December 1997. I would hope that the Minister for Local Government talks to his director-general and is kept informed. No-one in the city has been consulted about the form the amendments should take, no-one in the city has been allowed to see the amendments, and council staff have not formally asked for them. Who is driving the changes? Who will benefit? It seems that it is certainly not the people of Sydney who will benefit. At present the city of Sydney has only 6,000 residents on its existing roll. The City of Sydney Act, which governs the Sydney City Council, gives all joint owners of ratepaying property in the city a right to vote. Even the Goran report commissioned in the time of the Unsworth Government recognised that the major stakeholders in the city, as well as residents, should have a say in the way rates are spent and the way in which the city is administered.

The amendments to the City of Sydney Act proposed by this bill do not reflect the intention of the original legislation. They reduce the capacity of partnerships to exercise their vote. Partnerships consist of between two and 40 or more partners. Most often the service company holds the lease and is the ratepaying facility. Because of the partners' financial contribution to the maintenance and holding of the lease, they are entitled to a vote so long as their contribution is more than \$5,000 per annum. Recent news media reports suggest that the amendments will affect only large corporations such as accounting or legal firms. The Minister knows, however, that they will also affect cafes held jointly by a husband and wife, medical clinics, doctors' and dental facilities, architectural practices, engineering firms, and so on.

There is an argument in the restrictive practice for a corporation being entitled to only one vote. However, true accountability to the citizens of

Sydney would suggest that a mechanism should be found to increase a corporation's ability to vote rather than disfranchise existing voters. Ian Dickson, the Electoral Commissioner, should be requested by the Minister for Local Government to review the matter and report back to the Minister and the Parliament. At a time in Sydney's history when more people would like a say in the way the city is administered, it is much preferable that there be an alternate solution, encouraging rather than discouraging franchise.

I believe that the Minister for Local Government has been directed by his ALP mates—by the Premier—to protect Lord Mayor Sartor. The Minister should not be just a party hack; he should try to display leadership on this issue, he should display some decency and consider electors' rights. The Minister has always prided himself on receiving submissions in respect of changes to the Local Government Act and on his community consultation. There has been no consultation with city stakeholders on this bill. How can the Minister justify this lack of professionalism and this political bias? The Minister should at the very least consider the deletion of new section 16A of the City of Sydney Act, "Partnerships", and maintenance of the status quo.

A public inquiry would allow all stakeholders the opportunity to present submissions. The public inquiry could report back to the Minister, who would in turn report to both Houses of Parliament. As I have said, there has been no consultation, until the last moment, with organisations such as the State Chamber of Commerce, the Retail Traders Association, the Property Council of Australia, the Law Society of New South Wales and the Australian Society of Certified Practising Accountants. The Minister for Local Government should not say that he met stakeholders and they are happy. I point out that the Minister met representatives after the legislation was formulated, which is not good consultation. State Chamber of Commerce Chief Executive, Katie Lahey, stated in a media release:

There has been zero consultation on this Bill despite the enormous impact which it will have on the business community. The worst affected will be organisations which are partnerships.

Despite repeated official requests, the Minister has refused to make available a copy of the Bill for public comment or consultation. Business has been given the run around again by Ernie Page, the Minister for Local Government.

This is a repeat of the electoral activities of the 1995 Sydney City Council elections and the business community has begun to feel that these latest amendments mean they are going to lose out again.

This latest exercise is seen as an attempt, with the aid of the New South Wales Government, to deny the business community thousands of votes—

to be precise 8,000—

The City of Sydney is the economic and cultural centre of New South Wales, and Australia's premier city. With over 4700 businesses and a workforce of over 200,000, there can be no question that the stakeholder base extends well beyond the residential population alone.

The business community of Sydney provides the overwhelming bulk of the revenue collected through rates. Despite this, they are allowed precious little say in decisions which affect our city.

Just because stakeholders don't sleep in the city doesn't mean the depth of their interest and investment in the city should be seen as less than that of residents.

The following organisations have called on the New South Wales Government to allow consultation on the Bill. We are opposed to any changes which would disenfranchise business voters and set up a gerrymander for political interests.

The organisations she refers to are the Property Council of Australia, the State Chamber of Commerce New South Wales, the Retail Traders Association of New South Wales, and the Law Society of New South Wales. The Minister knows that an inquiry would allow time for all of this to happen. Honourable members were circulated with a letter from Mr John Graves, barrister, which states:

... Government proposes to introduce legislation into the State Parliament to amend the City of Sydney Act to disenfranchise me and other barristers who practice from Chambers in the city, from voting in the election of a Council for my city.

As a person who contributes much to the vitality of the place which, in effect, because of the hours I work is my "second home", I view your Government's proposed legislation with disdain and ask the Government to reconsider its position.

John Graves echoes the sentiments of a majority of partners involved in the accounting profession, the legal profession, the engineering profession, the medical and para-medical profession and many family-based firms—literally 8,000 disfranchised ratepayers. The Minister should hang his head in shame because 40 per cent of those currently able to vote will be disfranchised by him. What a legacy! I really enjoyed reading the Piers Akerman article in the *Sunday Telegraph* of 24 May 1998. I fully support many things that Piers Akerman says. He may say them in a very colourful way, but he is sending a message from the man on the street. The article is headed "Frank's folly", but it could also be Ernie's folly; that will be a subsequent article. The article states:

Sydney Lord Mayor Frank Sartor has always denied he's a Labor stooge. He now has a chance to prove it.

The Carr government has proposed sweeping changes to the City of Sydney Act . . .

Mr Sartor should speak out against them.

Local Government Minister Ernie Page, the same person responsible for the ridiculous "kick-a-cat" legislation that was demolished in State Parliament on Thursday, is responsible for this attack on democracy.

Anyone who thinks it's acceptable to introduce legislation which would allow the maiming and killing of pet cats might well believe that stripping ratepayers of their council vote is also good politics—but they'd be wrong.

Mr Page is wrong. So is Mr Sartor.

Mr Page had to change his "kick-a-cat" Act and he must be forced to change the proposed City of Sydney legislation.

Let us hope that happens in the other place, because we know it will not happen here. The article continues:

The gig is designed solely to prop up Frank Sartor's much-maligned mayoralty before he next faces an election in September 1999.

Mr Sartor is also trying to push through amendments to the Council's Code of Conduct and Code of Meeting practice which would gag debate . . .

Mr Sartor has already made one bid to defer the council election until after the Olympics. He was justifiably rolled. Notoriously, he also approved the East Circular Quay abomination and signed a petition calling for the building's removal!

It's not too late to register disapproval at this latest evidence of established sleaze at the Town Hall.

I hope that the crossbenchers in the upper House read that article and read some of this debate in *Hansard* before they debate the legislation. Key figures in the City of Sydney elections reveal that in 1995, before the Australian Labor Party purge, the number of non-residents on the roll was 16,000. But the Carr Government and the Minister did a really good job back in 1995: they achieved a 50 per cent reduction. After the purge in 1995 the number of non-residents on the roll was reduced by 50 per cent to 8,152. Well done! The Labor Party is the best at rorting any system. It is really terrific. The number of people entitled to vote in the last election was 9,796. The mayor's first preferences were: Kathryn Greiner, 3,894—

**Mr O'Farrell:** What?

**Ms FICARRA:** Yes, 3,894. She topped the poll. What did Frank get? Frank got 3,723. But then there was the distribution of preferences, and everybody knows how important preferences are. Henry Tsang might have aspirations for some upper

House seat; who knows what the Labor Party has in store for him. Mind you, he could be waiting for a long time. Henry just did his job and after he distributed his preferences the vote for Frank Sartor went up to 4,716 and for Kathryn Greiner the vote went to 4,228. As at 1 May 1998 the number of partners in law firms, partners in chartered accountancy firms and barristers on the roll was 4,486. That is a lot of votes. There are 5,300 commercial properties in the city and 4,730 tenancy agreements. The percentage of firms that have a sole proprietor or partnership structure in Australia is 32.8 per cent.

It is no wonder that the Minister and the Honourable Lord Mayor of Sydney are running scared. They are scared about public backlash in relation to east Circular Quay, Walsh Bay and other disastrous planning decisions, as well as mismanagement, lack of encouragement for the business sector, lack of communication with the business sector and residential fears about law and order that have not been dealt with. They are running scared because they know that Frank Sartor is a goner unless they do something to save him. One of the key problems with local government elections and especially elections in the city has been a historic poor voter turnout from the non-residential franchise.

It is a well-known fact that voting patterns under a system of compulsory voting with penalties overwhelmingly results in a higher voter turnout. Research also suggests that similar penalties are just as effective in improving the return rate for registration forms. The more people entitled to vote do vote, the greater the democratic legitimacy of the actions taken by those elected. Participation in elections is, therefore, both crucial to, and a good barometer of, the health of a democracy. For this reason it is submitted by the Property Council of Australia that it should be compulsory for all persons entitled to vote to be registered. Furthermore, despite the existence of pre-polling and postal voting facilities upon application, there is concern about the opportunity for non-residents to exercise their vote. Local council elections generally have a lower voter turnout than State and Federal elections.

Whether this is due to apathy, less media profile or other reasons is problematical. Mark Quinlan, the New South Wales Executive Director of the Property Council of Australia, suggests the implementation of a system of general postal voting to increase the voter turnout of the non-residential franchise. To ensure democratic representation and appropriate accountability for the city of Sydney he also recommends that the proposed amendments to the City of Sydney Act be rejected, as they will be overwhelmingly today; that all non-residents who

are qualified to vote under the provisions of the City of Sydney Act be registered on the electoral roll or be penalised; and that voting for non-residents be conducted by a general postal vote. I would like the Minister for Local Government to respond to what one would think are fine democratic principles and requests. I am sure I know what his response will be. The Minister does not want to hear too much criticism of the legislation. The overview of the bill states that under new section 16A of the City of Sydney Act a partnership will be required to nominate a single elector instead of each partner being eligible to vote.

**Mr Moss:** Hear! Hear!

**Ms FICARRA:** "Hear! Hear!" the honourable member for Canterbury interjects. Under new section 18(1)(b) non-residents will not be enrolled unless they duly apply for enrolment for the purpose of each election. Section 21 is omitted, so that a company secretary is not automatically enrolled but must apply to be enrolled. Under new section 14(4) ratepaying lessees are required to be residents of New South Wales. The general manager holds a list of non-residents—adopting the 1995 election procedure—and sends a claim form only to non-residents on that list. If the claim form is returned the non-resident is placed on the electoral roll.

Under new section 18A, if the claim form is not returned the non-resident must be taken off the roll. New section 31 provides that the general manager's list for a non-residential roll is deemed to be the list kept by him before these amendments become law. That clever provision possibly will discourage people by making it as hard as possible to achieve their aim. They will soon forget and say it is too hard. They will say, "Poor Katherine, but what could we do?" I will tell the Government that those people will be waiting for you not only at the city council elections but also at the State elections.

The Opposition welcomes the support of the business community. Rest assured that the Opposition, once in office on 27 March 1999, will change the legislation very quickly. All of the sections I have outlined are designed to be restrictive and are administratively cumbersome for electors. Frankly, they say to the city of Sydney business community, "Give us your money, your expertise, status and prestige—but you are likely to vote Liberal or for the alliance, so get lost!" The Government hopes that the general public will not notice or care. Minister, the public has noticed and it will care.

In conclusion, this bill is about Australian Labor Party mateship rorting the democratic system and further destroying the credibility of this Parliament. The Carr Government and the Minister

for Local Government have been tremendous at doing that. Rest assured that this bill will not pass through the other place. It will be neither appreciated nor accepted by the public. The media attention will not go away. The coalition strongly opposes this bill and looks forward to reversing it after election to office in March next year.

**Mr MOSS** (Canterbury) [11.05 a.m.]: The bill makes a number of very good changes to the City of Sydney Act 1988 as well as changes to the property vote, which seems to be the main focus of the Opposition. A couple of other changes make a lot of sense. One change relates to local government generally and that is the Minister's decision to relax the rules about future résumés of candidates displayed in polling booths. The bill removes many restrictions and that makes a lot of sense.

Under current law a résumé can state the candidate's fitness for election to office, yet the candidate cannot make a statement of his or her beliefs. However, a fine line is drawn. For example, if I were to say in a résumé prepared for a council election that I consider myself to be fit for election because I had a proven record of reducing the council's deficit in previous years, in accordance with the rules I would be regarded as a fit candidate to run for election.

That same statement can imply that I am campaigning as some sort of a financial whiz-kid with expertise to further reduce council's deficit by the next elections. It makes sense to remove that somewhat contradictory restriction, and to now call the résumé a candidate's information sheet. That provision will enable candidates to do legitimately what they have attempted to do in the past, with varying degrees of success, that is, display a résumé and policy objectives in print at polling booths. That is quite reasonable and makes a lot of sense.

Three points concerning the property vote are of concern. Firstly, the bill defines the property voter voting age as 18. Unlike electoral enrolment, enrolment provides no minimum age for owners or lessees. One has to be of voting age to apply for a property vote, but that was not spelt out. Unless that loophole is stitched up, in future years some smart alec—obviously a Civic Reform supporter or candidate—will try to enrol a property owner who is a minor. Naturally, it makes sense to clear up that loophole.

Secondly, the bill clearly disfranchises owners, occupiers or ratepaying lessees from voting if they are not residents of New South Wales, a provision which I fully support. I ask those who may oppose that measure how many countries in the world allow persons from other countries to vote in their elections? How many Australian States allow a

person who lives in New South Wales to vote in local government elections in their State? I do not think that is allowed. Both the Local Government Act and the City of Sydney Act are administered by the State Government. It is appropriate to restrict voting to New South Wales citizens, otherwise the system will get out of hand.

At the end of the day the main change to the system prevents more than one partner in a firm from future voting. I emphasise the point raised by the Minister in his second reading speech: under current rules a corporation does not have more than one vote. The Minister referred to BHP, but many other corporations which own any amount of properties in the city of Sydney have one vote. In the past, partners in firms of accountants, engineers, architects or solicitors—firms with perhaps 20 partners who owned strata title to a portion of a city building—were eligible to vote.

This is another corporation loophole that the Government is patching up. I thought when the Minister first floated the possibility of changing the property vote system that that would draw out the crabs and provoke a reaction. I thought that once Kathryn Greiner and her supporters saw what was proposed they would be screaming from the rooftops. Within two days of the Minister's announcement I received a letter from a barrister complaining about information he had received from Kathryn Greiner. The barrister claimed that he had been disfranchised because of these changes; he was shooting from the hip, as conservatives tend to do, given that reductions in the property vote will not apply to him. The bill is drafted in such a way that barristers who practise in and lease sections of chambers in the city are regarded as individual lessees and not partners of a firm.

The honourable member for Georges River complained that the number of those eligible to vote, 20,000, will be cut by approximately 40 per cent, or about 8,000. That figure sounds high only because the city of Sydney is tiny, with boundaries that were rigged by the previous Government. The city of Sydney consists of nothing more than half a dozen commercial blocks that the previous Government gerrymandered in order to win over city voters; but the gerrymander failed. The gerrymander was attempted for Kathryn Greiner and her Liberal Party-Civic Reform team, but it failed. The vote is down—I do not suggest by 40 per cent, because the honourable member for Georges River is probably exaggerating—because the city is much smaller as it was created by the former Government for its own gain, a city which in turn it did not gain.

The inference in the 1988 second reading debate on the property vote bill was that the legislation had been introduced by the previous

Government in the interests of democratic elections. Nothing could be further from the truth. The property vote was brought in primarily to give two votes to owners of a second property—largely conservative voters—to prop up the advantages of the conservative forces in local government. When the honourable member for Georges River was criticising this measure I interjected by saying that we have almost got it right. In saying that, I meant that I am not happy with the property vote system, but I fully support this bill. The bill goes a long way to reducing the property vote. Hopefully, in the long term such systems will be abolished entirely.

**Mr O'FARRELL** (Northcott) [11.15 a.m.]: Visitors in the gallery today are honoured because they have been given a glimpse of the inner workings of the Labor Party. The bill opens the Labor Party to public view. This measure is an attempt to rot, deny votes and withdraw democratic rights, all with one aim: to get Labor candidates elected. This practice might be common in the electorates of Liverpool, Londonderry or Coogee but it is not how Australians expect their democratic systems to operate in local government, State Parliament or Federal Parliament. The Local Government Legislation Amendment (Elections) Bill is all about stopping Kathryn Greiner from becoming Lord Mayor of Sydney. It seems to me that no woman has had Ministers in such fear and trembling since Elizabeth I ruled England or since Catherine the Great ruled Russia. Ministers tremble and quake when Kathryn Greiner walks into a room.

This legislation is centred on stopping Kathryn Greiner's political ambitions. It is an extraordinary testament to a woman who is herself extraordinary; it is an extraordinary indication of the lengths to which the Labor Party will go to prop up Frank Sartor, who claims to be an independent Lord Mayor. What rot! During his tenure as Lord Mayor he has pulled in two chits for the Labor Party; he has had them effect two rorts to try to ensure, firstly, his re-election as Lord Mayor and, secondly, his election at the next election. This outrageous legislation is designed to subvert democracy in this city. The honourable member for Georges River addressed at length the various details of the legislation. She addressed the effect of disfranchising thousands of people from the city council's electoral rolls. If a Liberal Party had proposed disfranchising people from an electoral system, the Labor Party would have screamed merry hell. After all, Labor members claim to be the democrats of this House and to represent the people. This is a classic example of Labor representing only

certain people, not all people. Labor does not govern for all citizens.

The legislation is clear proof, if ever there needed to be, that the class divisions and warfare that members opposite are comfortable with are alive and kicking. If the Minister is serious about reform of the city of Sydney, and if that reform process is not complete but the Government has almost got it right, as the honourable member for Canterbury interjected, why will the Minister not allow a comprehensive and open inquiry into the operations, boundaries and voting processes of the city of Sydney? If the Minister has nothing to hide, if this legislation is not about stopping Kathryn Greiner, propping up Frank Sartor and paying political debts to the Deputy Mayor, Labor Party member Henry Tsang, why does the Minister not order a full and open inquiry? This piecemeal reform is about rorts and unco-ordinated attempts to stack the electoral system. If the Minister has nothing to fear, why does he not have a full and open inquiry? Why did the Minister not initiate such an inquiry three years ago, before the 1995 election campaign, so that due consideration could have been given to necessary changes?

If an inquiry had been initiated in 1995 the Minister could have come into the Chamber with his head held high indicating that a public inquiry had made certain recommendations. If an inquiry had been held, coalition members could not have criticised the Minister because it would have been held in the open, in public, and in an accountable process. Accountability or openness is missing from the process in the bill, and the deals being done are not being done in public. Honourable members will recall that a couple of weeks ago on radio 2UE John Laws, a radio announcer of some renown, asked the Minister whether he had received representations from the city of Sydney about this legislation and changes to the voting system, and the Minister indicated that he had not received any such representations. The next day the Minister introduced this legislation, and the day after that John Laws was able to demonstrate that the city council had made representations to the Minister seeking these outrageous changes.

Prior to the 1995 council elections the Labor Party, Frank Sartor and the Minister conspired to defraud more than half the city's electors of a vote. One can imagine what would have happened if before the election on 27 March next year everyone was taken off the electoral roll at the stroke of a pen and only those who managed to re-enrol in time

were eligible to vote. My friend the honourable member for Liverpool, who represents an area with significant ethnic communities, would find that outrageous because he recognises that such a system operates against those who are not as well educated, those who are not as familiar with the language and those who are not as familiar with the processes as others.

In 1995 there was an outrageous rort at the last minute to cleanse the roll not only of phantom voters and the cemetery vote, of which the Labor Party is so fond, but of all voters, and only those who re-enrolled in time got to vote. As the honourable member for Georges River indicated, the voting population of the city of Sydney dropped by 50 per cent in one fell swoop; 50 per cent of people did not re-enrol in time to vote. I do not know whether all of those 50 per cent were entitled to vote, but perhaps as many as 10 per cent were ineligible to vote. However, that still means that a significant proportion of people were denied a vote in that election through an outrageous act. As I said, if that outrageous act had been perpetrated by a Liberal government at a local, State or Federal level people would have been marching in the streets claiming that the Liberals were rorting the electoral process. That is what the Labor Party did for Frank Sartor in 1995, and it is trying to do the same thing now.

At the 1995 council elections Frank Sartor failed to win a majority of votes. Indeed, in the city of Sydney—in Australia's premier and largest city, which is to host the 2000 Games—the Lord Mayor was elected with a majority of only 3,700 votes. That is appalling. It is an extremely small majority. Not even my colleague the honourable member for Liverpool was elected by such a small majority. My colleague the honourable member for Bligh was elected by a majority of about 19,000. Frank Sartor was elected by only one-fifth of that majority, 3,700 votes, fewer than the number of votes in an electoral district in the Northern Territory. In Sydney, however, electoral districts are so small that candidates can doorknock them in one week. The bill is a rort, a rip-off, an attempt to stop Kathryn Greiner, and an attempt to defraud the democratic processes in the city of Sydney.

Sydney is a unique city with a unique council. It is one of the few councils in Australia that has its own Act. Sydney is unique because non-residents contribute more than 96 per cent towards its rates. It is unique because it encompasses Australia's most important central business district and it has a small residential population, which nevertheless is growing as unit development increases. In the past, business

has been given the right to vote, reflecting the fact that the city of Sydney encompasses the centre of business in Australia. Business pays almost all the city council's rates, and non-residential voters ensure that greater Sydney has a say in how the city is run. As Kathryn Greiner said when this legislation was trotted out:

Put simply, the City of Sydney Act should reflect the fact that this is a business electorate and give business the right to have a substantial say as to who represents them. Surely if you want a City of Sydney Council that will drive business in this State and overseas, you must have a Council that reflects business.

The Minister cannot argue against that statement and he cannot argue against the argument put forward by the honourable member for Georges River about no taxation without representation, which dates back to the American Revolution. The Minister cannot argue for the proposals in the bill on the basis of democracy. I am sick of being lectured by the other side of politics that Labor stands for all people. This legislation is a clear indication that Labor does not stand for all people. The Minister cannot argue for this bill on any moral ground because, clearly, it is immoral legislation designed to prop up Frank Sartor for his second consecutive election. The proposals are not part of co-ordinated change or comprehensive reform, and there has certainly not been any input from the public. Nor have the deals been done in public.

If this legislation were to be given its proper name it would be called the stop Kathryn Greiner bill. I do not believe that this bill will succeed at the end of the day. The next city council elections will occur about 12 months before the Sydney Olympics. I am sure that ratepayers, whether on the Minister's restricted franchise system or on the wider franchise system that may well be in place following the election of a Liberal government on 27 March next year, will recognise that Kathryn Greiner is the candidate of substance on the city council and has what it takes to be Lord Mayor of Sydney, and that she will put in a tremendous effort during the Olympic Games. The Opposition opposes this legislation.

**Mr LYNCH** (Liverpool) [11.26 a.m.]: I did not intend to speak in this debate until I heard the preposterous propositions of the honourable member for Georges River, and any doubt I had about participating in the debate was dispelled by the extraordinary contribution from the honourable member for Northcott. It is bizarre that members opposite have attempted to dress up as a matter of principle what is simply a grubby little attempt by them to keep their rich mates on the roll to support

their other rich mate Kathryn Greiner. Despite their rhetoric and protestations about matters of principle, it emerged from the contribution of the honourable member for Northcott that all they care about is not the matters of principle at stake but getting Kathryn Greiner elected as mayor of Sydney.

From a party political viewpoint, I suppose that that is an understandable position. However, it is monumentally hypocritical of members opposite to argue that these proposals are a matter of principle. There are substantive and significant arguments to support the Minister's proposals. It is worth comparing the situation in Sydney to that in the other States. Sydney is the only capital city with these non-residential voting provisions. The city that comes closest to Sydney in terms of voting provisions is Perth, which allows non-corporate, non-residential voters two votes, rather than one vote for each individual. The other capital cities either do not provide for non-resident voters or provide for only one vote, which is in line with the Government's proposals. The reasons for that are fairly obvious.

Frankly, the present situation is a hangover from an undemocratic political structure under which only people with property were entitled to vote. Students of history would know that that was the situation in the last century, which resulted in a number of democratic struggles in various countries. There is still a hangover in some countries where property voting qualifications are being debated. Effectively, that is the situation in the city of Sydney which the Government is trying to change with this bill. It is worth noting that the proposals do not remove the non-residential vote. Indeed, as the honourable member for Canterbury indicated, if there is any criticism of the legislation it is that non-residential votes are retained. That will reduce the strength of the vote and bring individuals in a partnership into line with corporations. Clearly, it is absurd that a large corporation gets one vote and a partnership gets the number of votes equal to the number of partners. On any view, that cannot be a rational and sensible approach.

The third substantive argument in favour of the legislation is the matter of principle. This is a democratic society in which one person should have one vote. The comments about double voting related to Liberal Party preselection. However, the present legislation allows double votes for those who are rich. The proposals and arguments of the Opposition are designed to retain double votes for large firms of lawyers who vote for the conservative parties. That is bizarre and it is fundamentally wrong that people in those situations should have a multiplicity of

votes. Large legal firms such as Allen, Allen and Hemsley, Mallesons Stephen Jaques, and Hunt and Hunt and other big firms may delight in having a multiplicity of votes, but it is of no benefit to the democratic structure of society.

The other interesting point, which was conceded by the honourable member for Georges River, related to the low turnout of non-residential voters. Opposition members are becoming hyped over this issue but few of the people the Opposition purports to defend bother to exercise their rights. Finally, I note in passing the vicious personal attacks on Frank Sartor by the honourable member for Georges River. I have met him once and I certainly would not claim to know him terribly well. However, I am surprised by the vitriolic criticism of him. I am more surprised that the honourable member for Georges River has thrown the east Circular Quay development at Frank Sartor as one of his failings. If the local environmental plan implemented by Robert Webster were taken away, together with the stamp duty exemption provided by the previous conservative Government, east Circular Quay would be different. It strikes me as a little dishonest for the honourable member for Georges River to try to throw responsibility for that development back at either Frank Sartor or the current Government.

**Ms MOORE (Bligh)** [11.31 a.m.]: Sydney is a unique city council area and is important to this State and, indeed, to this nation. It is tragic that it is being treated as a political football by the major parties in this House. My comments result from my six years as a city councillor. In 1980 I was elected to South Sydney City Council. In 1981 the Wran Government amalgamated that council with Sydney City Council. The purpose of that move was to take control of a progressive Australian Labor Party dominated council that had imposed a 2 per cent levy to provide low income housing. Right-wing members of South Sydney City Council were brought in to bring the likes of Robert Tickner into line.

The 1983 election was delayed because the State Government could not decide which gerrymander to use to retain control of the council. Finally, in 1987 South Sydney City Council was dismissed. It had been far too vocal about the disastrous impact on the city that the development proposed by the Unsworth State Government was having. Members will understand what I am talking about when I remind them of the rallies protesting against the construction of the monorail. The Greiner Government was then elected. The first thing it did was to carve up the city. It removed 70,000

residents from the city and relocated them in South Sydney council area. A small number of residents remained in the city.

The Central Sydney Planning Committee was created to make decisions about important development in our city. Its prime aim, of course, was to get rid of councillors who were local residents. They had been the defenders of the urban environment, the mouthpiece for those who had an interest in the city's future but did not have a vested interest in the way the business community had. What has been the legacy of the Greiner Government carve-up and the creation of the Central Sydney Planning Committee? The first is the east Circular Quay development, which has caused an outcry in Sydney, across the State and, indeed, internationally. The next is the Finger Wharf development on the harbour foreshore. For many years I was involved in trying to save and maintain the building, but the wharf has now been privatised and public access has been severely restricted to this important public building. The next is the Walsh Bay development, which will turn out to be another east Circular Quay if the present proposal proceeds with the aid of the current Government architect, Chris Johnson.

The creation of Cook and Phillip Park, an aquatic centre and car park between a cathedral and a museum in the heart of one of the most important civic precincts, is probably the worst decision or the best tribute, whichever way one looks at it, to the Greiner carve-up and creation of the Central Sydney Planning Committee, on which there is Government representation. Frank Sartor's legacy is being constructed! The impact that development will have on an important civic precinct and the Sydney urban environment is an indictment of the city council, the Central Sydney Planning Committee and the committee representative of the Minister for Urban Affairs and Planning. Indeed, it is an indictment of the whole development process.

I observed the disgraceful process that the Lord Mayor, Frank Sartor, followed to push his monument, Cook and Phillip Park, through council. I attended council meetings and saw how people were denied the right to participate. I believe approval for the development was given in collusion with the Government. That is an indictment of the Government and of the Sartor council. A political game is being played with the city's urban environment. No wonder Anne Suskind wrote in a recent article in the *Sydney Morning Herald* entitled, "Nice Town, Shame about the Skyline":

In the end we get what we deserve. Despite our late awakening Sydneysiders have grown careless and Government has taken its queue from that. It sells off the family jewels and spends little of its housekeeping money on heritage or design,

working on the premise that people care more for example about efficient transport than the built environment.

The council and its planning committee are not making decisions in the interests of the city environment. That is demonstrated by the fact that Sydney was chosen as the location for the film *The Matrix* because the producers wanted a city without character, an anonymous city. What an indictment of council decisions under Barrie Unsworth and Nick Greiner over the past decade! The legislation addresses the changes made by former Premier Greiner, who introduced multiple voting for partners in response to the Goran report. I do not believe that change was appropriate and I oppose in principle the granting of the right to vote on the basis of ownership of property. The property vote for Federal and State elections was abolished almost a century ago. Why is the Minister for Local Government being criticised for trying to undo what Greiner did in 1988?

The proposed amendments will maintain the spirit of the original City of Sydney Act, which provided for votes for owners, occupiers and lessees. Currently all members of partnerships can vote in council elections, but large companies have only one vote. The amendments will restrict partnerships to one vote only. That is in line with company provisions: one company, one vote. It would not be realistic to extend the company vote to all directors, shareholders and staff. The bill will provide an appropriate franchise for those who have a stake in the operation of the city of Sydney. Those who contribute significant funding to the city are only one group of stakeholders.

I understand that the changes could marginally help Frank Sartor at the next council election. It will be evident from my comments about development in the city, particularly the Cook and Phillip Park development, which is an indictment of the current council and the mayoralty of the Lord Mayor, that I am not promoting any particular brief. I am speaking in the debate on this bill because I care about the city of Sydney. It is appalling that it has been treated as a political football by successive governments. It is a tragedy that the majority of people who fought vigorously for the preservation of the urban environment because they had an interest—not a vested interest—were removed from the council by former Premier Greiner. It is ironic that coalition speakers claim that the bill will help to defeat Kathryn Greiner, the wife of the man who carved up the city and created the Central Sydney Planning Committee, which subsequently approved the development of east Circular Quay, Walsh Bay, the Finger Wharf, and Cook and Phillip Park. If one

does the wrong thing, it rebounds. There is no doubt that the Greiners have played a big part in the devastation of our city.

**Mr Hartcher:** Oh, shame! Shame!

**Ms MOORE:** It is a shame; it is a tragedy.

**Mr Hartcher:** It is not true.

**Ms MOORE:** I would be happy for an independent tribunal to conduct a comprehensive inquiry. We did not get that from Greiner. The people of Sydney could then participate in the development of a system that would be in their best interests. There would not be any more disasters such as east Circular Quay, the Finger Wharf, Walsh Bay or Cook and Phillip Park. I condemn you all for what has happened.

**Mr ACTING-SPEAKER (Mr Gaudry):** I welcome to the gallery Councillor Mike Rutledge, Mayor of the Hay Shire Council, and Rex Mooney, General Manager of the Hay shire, who are in Sydney to attend the Local Government and Shires Associations annual conference.

**Mr HARTCHER** (Gosford) [11.40 a.m.]: I should like to speak about schedule 2 to the bill. The Labor Party, which has introduced this bill, has a long history of rotting the Sydney City Council. Honourable members will recall those great names from the past 50 years—Albert Sloss, Harry Jensen and Pat Hills—all of whom participated in a long line of rorts. The royal commission eventually uncovered the fruit barrow scams, the extraordinary way that Sydney City Council employees were treated, and the massive system of nepotism and graft that prevailed under the right-wing machine of Sydney City Council for so many years.

Sydney is the loser as a result of the Tammany Hall style politics that have been played out so beautifully at city hall. When Frank Sartor was elected and, prior to his election, under Jeremy Bingham it was expected that Sydney City Council would enter a new era. It was expected that it would represent the great city of Sydney, and that it would acknowledge its responsibilities to the ratepayers. After all, local government is about ratepayers and residents. It was also expected that the era of rorts and graft was over for Sydney, the beautiful city that was to become the Olympic city. Sadly, this legislation reflects a return to the old-style attitude of the Labor Party that Sydney City Council is a plaything. In the words of Graham Richardson, whatever it takes will be done to ensure that Sydney City Council remains under the control and dominance of people friendly to Sussex Street.

The tragedy of that is that Councillor Sartor, who, throughout his life has sought to project himself as a person of independence and integrity, has allied himself with the Labor Government. Of all people he should know of the long history of rorts that the Labor Party has perpetrated on the city of Sydney. After almost a lifetime of service on the Public Accounts Committee and in local government, and despite portraying himself as a man of integrity above all else, Frank Sartor is prepared to enter into the grubbiest of political deals for his own purpose. That purpose is, of course, his re-election as Lord Mayor of Sydney in September 1999.

It is the grubbiest of political deals because the classic purpose of a gerrymander is the manipulation of the vote. What more blatant manipulation of the vote could there be than the compression of the voter base to such an extent that few voters remain? It could get to the stage where the roll will consist of a few residents who happen to live in the inner city area, the overwhelmingly majority of whom reside in Housing Commission premises, and the overwhelmingly majority of whom have a political profile that supports the Australian Labor Party. Frank Sartor is the Trojan horse that has been used by the Labor Party in its attempt to regain control of Sydney city council. If Frank Sartor does not have the brains to realise that, he is more stupid than I would have imagined him to be.

I no longer regard Frank Sartor as a man of integrity or principle, and I do not believe the people of New South Wales will regard him as such after this grubby legislation is passed with his fingerprints all over it. The Government is using Mr Sartor as its device to regain control of the Sydney City Council voting base. It is such an obvious trick, because it is exactly what Labor did in the old days of the Renshaw Government and, prior to that, the Heffron and McKell governments, when it widened the Sydney city area to include Labor voting areas in the inner city. They included Labor voting areas stretching all the way down to Zetland, all the way out to Canterbury and Marrickville and right into south Sydney, even though there was no commonality of interest between those communities and the city of Sydney.

Those Governments deliberately and progressively extended the boundaries into strong Labor areas to ensure Labor dominance and control. Labor is now simply doing the opposite because it now suits Labor to compress the voting base. It has introduced this legislation to reduce the voting base so that those people who pay 97 per cent of the city's rates will effectively be disfranchised. The Minister for Local Government, who has piloted this bill through the House and claims to be a member of the left-wing of the Australian Labor Party, is

prepared to do a deal that will benefit only the right-wing apparatchiks in Sussex Street. He should hang his head in shame. If he is not prepared to stand up for local government, that is fair enough. The Opposition does not expect him to. However, he should at least stand up for some degree of integrity in the political process. He has not done so because his advisers and his department have been prepared to sanction this grubbiest of grubby deals with Mr Sartor.

On behalf of the coalition I caution Mr Sartor against believing that this legislation will be passed with the support of the Opposition. It will not. He should not think that if the coalition attains government in 1999 this legislation will remain on the statute books unaltered. It will not. He should not believe that the incoming coalition Government will be prepared to ensure his perpetuation of power by honouring a grubby deal that he did with the former Labor Government. It will not. If Mr Sartor cannot win an election on democratic boundaries he should not expect the coalition to rig the system for him, because it will not. Mr Sartor obviously does not believe that he enjoys the confidence of the ratepayers of the city of Sydney. If he did he would not support this bill, which is designed to get them off the electoral roll.

Councillor Sartor has lost the confidence of the ratepayers of the city of Sydney. He has not looked after the city of Sydney. The rising carbuncle on east Circular Quay stands as testimony to the level of Councillor Sartor's administration of the city of Sydney. He agreed to the sale for \$5 million of the road to the developers of east Circular Quay. He now wants to offer \$15 million of ratepayers' money to try to haul himself out of the hole he dug some years ago. The city of Sydney will not be better off if Councillor Sartor is re-elected to office in September 1999. The coalition parties will certainly not walk happily hand in hand with Mr Sartor after it wins government in March 1999. Between March and September 1999 there may well be some interesting developments so far as the city of Sydney is concerned. Councillor Sartor will be the loser, but the people of Sydney will be the winners.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [11.49 a.m.], in reply: Honourable members can now get back to reality and talk about the bill. There has been a considerable amount of character assassination in this debate. I suppose if one has no logic and nothing to say, launching an attack on someone and damaging his character will make one feel good because that is a corrupt way to deal with people. Minnehaha is chattering away in the background. She is an empty vessel; she has a lot to say but nothing between her ears.

Because of what has been said by Opposition speakers I will have to say something about Frank

Sartor and his background. Frank Sartor is in his second term as the Lord Mayor of Sydney, having been re-elected in 1995. He was first elected in 1991 under the boundaries and rules set by the coalition. The Greiner Government reduced the boundaries of the Sydney City Council for the 1991 election, and that is when Frank Sartor was elected. This terribly corrupt person, this man whom no-one can support, was elected to the city council and became Lord Mayor under the voting rules and districts established by the coalition when it was in power.

The honourable member for Northcott talked about how small the electoral district of Sydney is. He claimed it is smaller than a Northern Territory electorate and has few people. I did not establish the city council boundaries, the coalition government did that. The area the honourable member for Northcott is complaining about was established by the Greiner Government. If members opposite have a problem with the boundaries they should complain to themselves, not to me. The boundaries of the area that Frank Sartor now represents were established by those who now criticise and vilify him.

The voting system under which Frank Sartor was elected was established by the coalition. I am trying to make the system fair and equitable for everyone. Members opposite cannot accept that. The honourable member for Northcott is not only illiterate, he is also innumerate. He claimed that at the last election Frank Sartor did not get a majority. That is untrue. Under the two-party preferred vote he did indeed get a majority. They are the same rules under which I was elected to Parliament and under which Minnehaha was elected to Parliament.

**Mr Fraser:** On a point of order. I draw your attention to the tradition in this House that members should be addressed by their correct titles. The Minister is out of order.

**Mr ACTING-SPEAKER (Mr Gaudry):** Order! I uphold the point of order. I take this opportunity to warn the honourable member for Georges River against constantly interjecting.

**Mr E. T. PAGE:** Frank Sartor was elected with a majority, contrary to what was suggested by the honourable member for Northcott. He received a two-party preferred majority. To claim that he was elected surreptitiously is absolutely untrue, in the same way as most of what Opposition speakers have said is absolutely untrue. He was elected under the coalition's voting system and the coalition's electoral districts. Reference has been made to new section 16A, which relates to partnerships, and to new section 18A, which relates to the updating of the electoral list. For some reason or another the coalition believes that there is something sacrosanct about partnership votes. Opposition speakers seemed

to be saying that every partnership is entitled to a multiplicity of votes.

Let me refer to what happens in the other capital cities of Australia. In Adelaide one partner votes for the partnership. The partnership does not get two votes or 10 votes or 50 votes; it gets one vote. Jeff Kennett is certainly not a member of my party; he is not on the left of politics, and a partnership in Melbourne gets one vote. In Perth it is a little different: partnerships get two votes. In Brisbane, Hobart and Darwin partnerships do not get a vote at all. The legislation seeks to make Sydney fairly consistent with the rest of Australia. A partnership is a business and, like BHP or AMP, it should get one vote.

I turn to Sydney City Council general election. In 1995 when I became Minister I received legal advice from the Crown Solicitor. I was advised that if a city council election was held in September 1995 under the voting rules I inherited from the coalition the election would have been open to legal challenge. If anyone had challenged the election result the challenge would probably have been successful. So I did something about it. Part of the problem was an open-ended electoral roll. I introduced legislation that provided that everyone on the electoral roll, which was in doubt, had to be sent a re-enrolment form to get back on the electoral roll. That was done, and about 14,000 or 15,000 people returned their forms. Those people were then regarded as valid voters in the city council election. I complied with the requirement of the Crown Solicitor that the electoral roll be cleaned up.

An election was held and no complaint was made about the way it was held. After the election not one of the people who are now going off their heads about the way the election was held—the real estate people, the members the property council and the various chambers of commerce—wrote to me and said the election was crook and that it should not have been conducted in the way it was. The election was held properly and the result was accepted by everybody. Three years later those people now have problems with the election. They are certainly slow learners; they do not know what is going on. The Government is now cleaning up the roll and remedying the anomaly regarding the property vote. That is necessary to ensure that a proper election is held in 1999 and, by and large, it is consistent with what is happening in the rest of Australia. Generally speaking property votes are acknowledged only in Perth, where partnerships receive two votes. The property vote is not given a special status anywhere else. I have dealt with the matters raised in the debate. I urge the House to support the proposals I have put before it.

**Question—That this bill be now read a second time—put.**

**The House divided.**

### **Ayes, 49**

|               |                 |
|---------------|-----------------|
| 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 Nagle        |
| Mr Crittenden | Mr Neilly       |
| Mr Debus      | Ms Nori         |
| Mr Face       | Mr E. T. Page   |
| Mr Gaudry     | Mr Price        |
| Mr Gibson     | Dr Refshauge    |
| Mrs Grusovin  | Mr Rogan        |
| Ms Hall       | Mr Rumble       |
| Mr Harrison   | Mr Scully       |
| Ms Harrison   | Mr Shedden      |
| Mr Hunter     | Mr Stewart      |
| Mr Iemma      | Mr Sullivan     |
| Mr Knowles    | Mr Watkins      |
| Mr Langton    | Mr Whelan       |
| Mrs Lo Po'    | Mr Woods        |
| Mr Lynch      | Mr Yeadon       |
| Dr Macdonald  | <i>Tellers,</i> |
| Mr McBride    | Mr Beckroge     |
| Mr McManus    | Mr Thompson     |

### **Noes, 43**

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

### **Pairs**

|            |              |
|------------|--------------|
| Mr Carr    | Mr Armstrong |
| Mr Knight  | Mr Collins   |
| Mr Tripodi | Mr MacCarthy |

**Question so resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

**Third Reading**

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [12.04 p.m.], by leave: I move:

That this bill be now read a third time.

**The House divided.**

**Ayes, 49**

|               |                 |
|---------------|-----------------|
| 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 Nagle        |
| Mr Crittenden | Mr Neilly       |
| Mr Debus      | Ms Nori         |
| Mr Face       | Mr E. T. Page   |
| Mr Gaudry     | Mr Price        |
| Mr Gibson     | Dr Refshauge    |
| Mrs Grusovin  | Mr Rogan        |
| Ms Hall       | Mr Rumble       |
| Mr Harrison   | Mr Scully       |
| Ms Harrison   | Mr Shedden      |
| Mr Hunter     | Mr Stewart      |
| Mr Iemma      | Mr Sullivan     |
| Mr Knowles    | Mr Watkins      |
| Mr Langton    | Mr Whelan       |
| Mrs Lo Po'    | Mr Woods        |
| Mr Lynch      | Mr Yeadon       |
| Dr Macdonald  | <i>Tellers,</i> |
| Mr McBride    | Mr Beckroge     |
| Mr McManus    | Mr Thompson     |

**Noes, 43**

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

**Pairs**

|            |              |
|------------|--------------|
| Mr Carr    | Mr Armstrong |
| Mr Knight  | Mr Collins   |
| Mr Tripodi | Mr MacCarthy |

**Motion agreed to.**

**Bill read a third time.**

#### **DISTINGUISHED VISITOR**

**Mr SPEAKER:** I acknowledge the presence in the Speaker's Gallery of the Hon. L. B. Kelly, a former Speaker of this House whose rulings are recorded for posterity and are often used against me.

#### **LOCAL GOVERNMENT AMENDMENT (PARKING AND WHEEL CLAMPING) BILL**

#### **Second Reading**

**Debate resumed from 26 May.**

**Mr RIXON** (Lismore) [12.09 p.m.]: This bill has been prepared following a commission of inquiry into wheel clamping conducted by the Hon. Joe Riordan. The strongest point to come out of the inquiry was that people resented having their wheels clamped and having no way to regain their vehicle until a fine was paid, often leaving them in a perilous situation. The bill aims to ban the wheel clamping of vehicles, punishable by a penalty notice for \$300 or via prosecution by summons with a maximum fine of \$2,200. Exemptions are made for when clamping is performed by owners against theft or for organisations such as councils to secure heavy machinery. The bill aims to make the unlawful detention of a vehicle an offence.

**Mr ACTING-SPEAKER (Mr Clough):** Order! I call the honourable member for The Entrance to order.

**Mr RIXON:** It prohibits those who detain a vehicle from demanding any payment for the vehicle's release. Provisions relating to vehicle immobilisation will not affect the right a person has to immobilise a vehicle under a court order or under a credit contract. The bill also allows owners of private land to enter into an agreement with the local council so that all or part of the land can come under the control of the local council for the purposes of parking. That is, council parking officers would monitor compliance on that land and issue penalty notices in the same way as they do for council free parking areas. That process will be overseen by the Department of Local Government, which will, for example, emphasise to councils the

need to ensure that arrangements are made in which landholders agree to erect notices warning motorists about parking restrictions.

The bill addresses widespread public concern about wheel clamping and the large fines often attached by unscrupulous operators. It also starts to address the problem of vehicles illegally parked on private property. Although the Minister stated in his second reading speech that operators of private pay-a-fee parking stations will not be affected by the provisions of the bill, that is not stated in the proposed legislation. We want to ensure that in stopping the crooks we do not disadvantage scrupulous operators.

However, as with many local government bills at the moment, details about the implementation of the legislation are unclear and must be ironed out. For example, in what manner will councils be expected to take on the extra workload arising from the legislation, and to what extent will operators of private parking stations be disadvantaged? The lack of any clear explanation in the bill may cause trouble. The main reason wheel clamping was an issue was that land-holders used the procedure to detain vehicles which parked on their property without any authority.

Residents near major sporting venues, especially on days of events, would come home and find they could not get into the driveway because someone had driven in, parked and walked away. The bill does not address that kind of unwelcome intrusion—but it should. In that circumstance it is not fair to require the land-holder to allow the intruding vehicle to be removed, without penalty, at its owner's convenience, regardless of how much inconvenience may have been caused to the landowner. I do not believe that the new subsection 650(6), which allows councils to come to arrangements with land-holders to establish free parking areas, goes anywhere near addressing the problem.

I have been told that there are more than 20 cases per day when unauthorised parking in car parks occurs. The majority relate to unauthorised parking in 24-hour a day reserved spaces that are clearly marked, with a lesser number being in either bays reserved for vehicles of handicapped drivers or areas not set aside for parking. The current remedy has been to wheel clamp offending vehicles, and the release fee is usually approximately \$50. I am told that the release of the vehicle involves a time delay of up to one hour during normal business hours. How will that problem be addressed in the future?

The bill provides for the owner of private land to enter into an agreement with council, and the land is then set aside as a free parking area. Does that mean owners can charge for what is being called a free parking area? Or does it mean that owners are exempt from these provisions? Will the Minister clarify these definitions? Will the provision mean that the operator will have to phone council and try to have one of the officers from council attend the car park and fine the driver of the offending vehicle?

There are a number of practical concerns regarding that approach. Firstly, many car parks accept short-term casual patrons, and it is likely the vehicle will have been moved by the time council officers arrive. Secondly, there are a number of large night and weekend car parks, such as at Sydney airport and Westfield Parramatta, and it is reasonable to foresee significant delays occurring during off-peak periods. Even if a council officer is able to issue a fine in respect of vehicle parked in a reserved bay, the licensee of the bay frequently seeks a fee deduction for the time it is not possible to use the bay because of unauthorised parking. The bill seems to have no remedy for that problem and places an inequitable burden on parking operators. In his second reading speech the Minister for Local Government stated, "landowners should take reasonable measures to minimise the scope for unauthorised parking".

Parking operators take extensive measures, including provision of boom gates, ticket spitters, card readers and signage, to minimise unauthorised parking. Even with those measures, a disconcerting level of abuse occurs. It is certain that introduction of the measures outlined in the bill will see a dramatic escalation of abuse, and consequential distress to patrons. Can the Minister comment on that? New clause 651C(1)(b) is ambiguous. It states:

(1) A person who takes possession of a vehicle that has been left on the premises must not . . .

(b) demand any payment for or in relation to the release of the vehicle.

That can be widely interpreted to cover payment of any parking fees. If a casual user of a car park refuses to pay the fee that is prescribed by notice at the car park entrance, will the owner of the car park be entitled to detain that person until the fee is paid? Does the bill prohibit such an owner from taking that action and require that he or she allow the defaulter to exit without charge and then pursue the defaulter through the court system? The bill clearly needs to be redrafted. I seek the Minister's comment.

New clause 651C(d) allows detention "under the terms of an agreement or arrangement in force with respect to the vehicle". By taking a ticket at the car park entrance that sets out terms and conditions that include a detention provision has a casual car park user entered into such an agreement with the car park operator? Another circumstance in which detention of vehicles occurs, although not commonly, is when monthly account holders have not paid substantial outstanding amounts for parking. In those cases some car park officers have detained the vehicle at the car park, usually by parking it behind another vehicle or wheel clamping it, until such time as payment is made for the services already provided.

The other option is to prevent access to the car park. However, that will result in the car park user relocating to another site and the operator chasing individuals and small companies through the courts. In those cases should vehicles be detained until payment for the service has been made? What is the Minister's answer to that problem? In respect of vehicles that are parked improperly in a car park, either impeding access or blocking in other vehicles, the Impounding Act 1993 is a poor remedy. Again, the operator would have to contact the local council, or other impounding authority to have an impounding officer grant immediate removal.

When one illegally parked vehicle can prevent the operation of an entire car park, or prevent a properly authorised vehicle from entering or exiting a bay, is it intended that the operator and owner of the properly authorised vehicle car park must endure substantial time delays, especially on weekends and evenings, to remedy the situation? When a car park cannot be opened because of a blockage such as I have referred to, is it fair and just that the car park owner must face substantial loss of income and possible damages claims from patrons who are unable to enter? I look forward to receiving clarification on the issues I have raised. The Opposition will not oppose the bill.

**Ms MEAGHER** (Cabramatta) [12.21 p.m.]: I am delighted to have the opportunity to support the legislation. I first raised this matter in November 1996 following disturbing complaints to me by constituents which resulted in instances of extreme violence. I will detail a couple of examples so that honourable members can understand why this legislation is necessary. The first constituent who had a problem with wheel clamping was Mrs Nguyen, the mother of a small child, who was renting a unit in Cabramatta. She stopped at her unit for a brief period and parked in a visitors bay. She

went upstairs to get some things and during that time her vehicle was wheel clamped.

Mrs Nguyen does not speak English and the security officers did not identify themselves appropriately. Mrs Nguyen was not aware of the practice of wheel clamping; she thought her car was being stolen and became quite distressed. She attempted to attack the wheel clumper with a machete. When police arrived she bit a policeman. She became distressed about the amount of money she was asked to pay. That theme was constant in the complaints received in my constituency. Poor signage around residential areas meant that people were not aware of the practice of wheel clamping. Wheel clampers were paying spotters' fees to people in units and instead of issuing a warning to alert a motorist that he or she had done the wrong thing, they immediately clamped the vehicle.

Community and Industrial Protective Services which operates in the south-west Sydney region was demanding \$285 in cash to have wheel clamps removed. Unless the cash was paid within 10 minutes to half an hour the firm called in the tow trucks. The tow truck firm charged an additional \$110, plus \$10 a day for impounded cars. Two of my constituents walked away from their cars because they could not afford the fines which had accumulated to more than the car was worth.

That is a ridiculous situation. One can park in a no-standing zone on a highway, cause massive public inconvenience, and incur a fine that is nowhere near the level demanded by private security firms. In fact, private security firms in my area were demanding 3½ times what parking police charged someone who caused a massive public inconvenience on a highway or in a no-standing zone. I certainly do not walk around with \$300 in my pocket and I am sure most of my constituents do not either. In Cabramatta the median income per person per week is \$180. When one is touched for a fine of \$285 on the spot obviously that leads to difficulties.

The problems have escalated. In another instance a wheel clamping developed into a six-hour siege in which the State protection group was called out from the city. A security firm had demanded money from a motorist and, again, the motorist thought his car was being stolen; he did not speak English. Instead of attempting to alleviate the situation the company in question exacerbated the problem. Police were called, the motorist drew a weapon, and the police were forced to draw their weapons. This incident occurred on a Saturday night

when the local patrol commander was taking his wife out for their anniversary. He spent his night in the car park of the restaurant talking his local police through the siege situation until the State protection group arrived. Obviously this was a dangerous situation in which it could have been only a matter of time until someone was seriously injured.

I could detail at length instances in which scuffles have occurred between security officers and motorists. Some constituents are aware of the law that a car cannot be towed while they are sitting in it and some have sat in their cars for up to 20 hours. The police were called three or four times but they cannot remove motorists from their own vehicles, because they are not trespassing. The situation became untenable and something had to be done. It is important that the rights of property owners be protected, but in a way that is reasonable. Certainly there is nothing at common law, or in legislation, to prevent security firms from charging whatever they like. This issue crosses various portfolio areas and an inquiry was needed. I moved in Caucus that an inquiry be established and was pleased when Joe Riordan, who took a vigorous and active interest, held a public inquiry. I thank Gwen Crew—a local resident concerned about this issue who has seen many instances of wheel clamping—for her assistance.

The Cabramatta police officers who gave evidence to that inquiry made it clear that wheel clamping had become a burden on their time when motorists thought their vehicles had been stolen. Police have wasted their time chasing cars that had not been stolen; they have been asked to sort out disputes and try to force motorists to pay wheel clamping fees. I was pleased that the police took the opportunity to give evidence to the committee. Joe Riordan went to considerable lengths to detail his comprehensive report and recommended that the practice be abolished, as it has been in Victoria. The Victorian Family and Community Development Committee examined this issue some years ago and found many of the same practices, namely, poor signage, payment of spotters' fees, little communication with communities of non-English speaking backgrounds and security firms carrying on with cowboy-like antics. It recommended that parking powers be referred to the local council and police.

The model has worked effectively in Victoria and I am confident the same results can be achieved in New South Wales. It is logical and sensible that it is the role of local councils and police to tow a vehicle, but only in extreme situations such as when there is blocked access. Motorists who do the wrong

thing at first instance should be fined, and the fine should be proportionate to the offence committed. I consider \$285 to be extreme; and there is nothing to prevent it from being increased. I realise that the Minister has a big job ahead of him to answer the questions raised by the honourable member for Lismore. The legislation guarantees the rights of commercial property owners as well as residential property owners in ensuring that parking is regulated in a manner that is fair to motorists and commuters. I commend the legislation to the House.

**Mr KINROSS** (Gordon) [12.29 p.m.]: As the honourable member for Lismore said, the Opposition will not be opposing this bill but has some concerns about it. The Opposition is concerned not only about the practice of wheel clamping generally but also about whether private landowners will be provided with sufficient resources to signpost parking arrangements under local council parking area schemes. Will council parking officers monitor compliance with parking arrangements on designated land and be able to issue penalty notices as they do now for designated free parking areas? There are many designated free parking areas in Gordon electorate.

Whilst the practice of wheel clamping is not widespread in residential areas in my electorate, it is fairly widespread in parking areas on business and commercial premises generally. Indeed, frequently I have a problem parking outside my electorate office as the laneway is blocked by a number of illegally parked vehicles. Not only should parking officers be authorised to issue penalty notices; councils should be able to implement parking schemes in designated residential areas. However, residents in those areas must be notified of such schemes by council and be provided with the necessary resources.

Residents in many blocks of flats in residential areas will be directly affected by such parking schemes. People often come home from work to find that their driveway or parking bay is blocked. In some cases the emergency access to a building is blocked. That substantially interferes with the right of people to free passage and could potentially cause serious injury and accident. For example, a fire brigade could not access a building or, indeed, an ambulance could not access a flat to remove to hospital an elderly citizen who may have suffered a heart attack. People should bear those matters in mind when they park contrary to parking signs. Basically, people are parking on public property and in a legal sense they are trespassing if they park contrary to the signs. Councils find it much easier, instead of going the full hog and issuing a court summons for trespass, to treat such cases as general traffic infringements and to issue parking

infringement notices. That should be a sufficient deterrent.

I am pleased that the fines for illegal parking in disabled parking spaces have been increased. The former mayor of Waverley, Barbara Armitage, who is well known to the Minister for Local Government, was very vocal about this matter. Indeed, she was champing at the bit to introduce parking schemes because illegal parking in disabled parking spaces was so prevalent. The same problem exists in many other major shopping centres in New South Wales. The bill makes it an offence to unlawfully detain a vehicle. That means that those who demand payment for release of a vehicle illegally detained or those who charge a spotter's fee will be committing an offence under this legislation. Honourable members have heard many examples of that practice.

The bill will not affect an order to immobilise a vehicle issued by a court or under a credit contract. That means that persons with a court enforceable right to detain a vehicle will not be prevented from doing so. The bill provides for a \$300 penalty notice or prosecution by summons with a maximum fine of \$2,500 for the offence of wheel clamping. However, exemptions are provided for owners who clamp vehicles against theft or for organisations, including local councils, that wish to secure heavy machinery.

I ask the Minister for Local Government to bear in mind those matters and the commission of inquiry that led to this bill. I am concerned about how this bill, the regulations and the myriad legislation that will flow from it will be implemented. For example, will councils be provided with sufficient resources to deal with the extra workload and the increasing demands of body corporates and strata managers? Will the operators of private parking areas as defined in the legislation be prevented from wheel clamping vehicles illegally?

**Ms HALL** (Swansea) [12.35 p.m.]: I support the Local Government Amendment (Parking and Wheel Clamping) Bill. This legislation is most welcome as it addresses a major problem that has developed in the community of aggressive security firms wheel clamping vehicles and then demanding money to remove the clamps. The Minister for Local Government introduced this bill as a result of the wheel clamping problem being brought to the attention of the Parliament. Many honourable members have made private members' statements about the activities of wheel clampers in their electorates and the impact of those activities on constituents. Indeed, in May 1996 I drew the

attention of the House to wheel clamping activities in the Swansea electorate. I shall detail those activities shortly.

After honourable members drew attention to the problem the Government established a special inquiry into wheel clamping headed by the Hon. Joe Riordan. The bill, a consequence of that inquiry, is fair and addresses the needs of both motorists and landowners. Before I turn to the bill I shall remind honourable members about the incident that brought the practice of wheel clamping to my attention. A young woman in the Swansea electorate was working at a local shopping complex. Management at the centre told staff that they could no longer park their vehicles at the centre as it was undergoing renovations. To ascertain the number plates of staff vehicles management ran a competition for all staff. Entry in the competition involved staff providing their number plates on a slip of paper. Once staff provided their number plates, management told them that they could no longer park at the centre.

Although a condition of the shopping centre development consent was that staff be provided with car parking facilities, management overcame the problem by saying that the centre was undergoing renovations, and staff who parked at the centre were fined only \$60. That penalty is low compared with fines now being imposed, as the honourable member for Cabramatta indicated. One solution to the problem was for staff to park a considerable distance from the centre in a local council parking area. That meant that staff had to walk through dark streets to reach their vehicles. The young woman to whom I referred earlier and her mother were concerned about her walking through dark streets to reach her vehicle as a young girl had recently been abducted. At that time the practice was to wheel clamp vehicles and people had to pay a fee before they could drive their vehicle home.

That extortionate practice was stopped in 1996, but wheel clamping continued. I have tried to stop vehicle wheel clamping. When Victoria was in the process of introducing legislation I obtained information about what had happened in that State. Victoria introduced similar legislation to that proposed by the Minister for Local Government. The honourable member for Cabramatta gave details of that legislation, and I shall not refer to it. Queensland was also considering introducing similar legislation, but I am unaware whether it has been introduced. The Local Government Amendment (Parking and Wheel Clamping) Bill addresses all major areas of concern and puts in place a framework for that process. The bill is fair, transparent and flexible, and creates an accountable

regulatory system. The bill will put an end to aggressive wheel clamping practice. Security firms paid spotters to identify vehicles for clamping. Owners were forced to pay fees to have their vehicles released, in addition to subsequent costs incurred when their vehicles were towed away and impounded. Wheel clampers gave no consideration to owners whose vehicles were being clamped, whether they were elderly or sick or, as the honourable member for Cabramatta described, a young woman with a baby in her arms.

Wheel clamping, an intolerable practice, developed because private landowners needed to prevent inconsiderate motorists trespassing on their property. The Riordan inquiry received many submissions from occupants and owners of residential buildings and from businesses outlining the problems and inconvenience caused by inconsiderate motorists. The inquiry found that lack of clarity in the law encouraged motorists to park on private land, which contributed to development of the wheel clamping industry. I sought a ruling on whether wheel clamping of vehicles in a shopping complex in the Swansea electorate was a legal activity. Police were unable to provide an answer from present information and had to seek legal advice. The bill recognises that landowners have a right to protection and to impose parking restrictions on their property, but the proposed legislation does suggest that clamping is the best way to achieve that aim.

The bill seeks to achieve the best solution through alternative methods. It achieves an effective workable solution to the problem created by wheel clamping whilst introducing safeguards to protect the rights of landowners. The bill outlaws wheel clamping by making the unlawful detention of a vehicle an offence. Vehicles must be released on demand. No longer can security firms claim large sums of money before a person can regain possession of his or her vehicle. No longer will it be permissible to remove parked vehicles from free parking areas. If a vehicle is illegally clamped, those responsible will be subject to fines of between \$300 and \$2,200 imposed by the police or by the local council. The bill recognises protection of landowners. Landowners will be able to enter into an agreement with local councils to set aside land as a free parking area. The legislation strengthens the provisions governing control of parking areas by councils.

The bill enables a council, by agreement with a landowner, to control parking on private property in the same way parking is controlled on council parking areas. Council will monitor compliance and

will be able to issue penalty notices as it can for breaches relating to council property. Failure to comply with penalty notices will be dealt with in the same way as failure to comply with any other council notice. Owners of properties will be required to erect signs setting out what is and is not legal, and fences, barricades and gates to appropriately identify the area. The broad effect of the bill is to merge administration and enforcement of parking restrictions on private land into the powers of councils to regulate parking. The legislation provides a workable solution to a major community problem caused to vehicle owners by aggressive wheel clampers. No longer will people be required to pay large sums of money to have their vehicles released. The bill recognises also the rights of landowners to restrict parking in their own areas. I congratulate the Minister. This legislation is long overdue.

**Mr HUMPHERSON (Davidson)** [12.45 p.m.]: I agree with the comments of the honourable member for Swansea that this legislation is long overdue. Approximately 2½ years ago I first raised the wheel clamping problem suffered by a number of my constituents. I am disappointed at the tardiness of the Government in introducing the bill. After effective pressure from Labor Party backbenchers, the Minister for Local Government was finally dragged screaming and kicking to introduce this measure. I commend the Hon. Joe Riordan for his work in seeking to address the problem. As the honourable member for Lismore stated, the coalition will not oppose this bill, but it reserves the right to address shortcomings through amendment in the upper House if necessary.

Wheel clamping has created significant problems. Citizens finding their vehicles wheel clamped have had to pay extortionate fees to have them released. Owners returning to where they believed they had legitimately parked their vehicles have been unable to find them. In many cases the problem arose due to inadequate or a lack of signage about parking restrictions. As the honourable member for Cabramatta said, wheel clampers encourage spotters and vehicles are towed away, but inadequate notification is left for the vehicle owner about it being parked illegally or about where it has been taken. Over the last few years a number of cowboys have operated a wheel clamping extortion racket. Wheel clamp operators damaged vehicles when they broke into them and extracted extortionate fees from vehicle owners wishing to recover their vehicles. This practice has been allowed to continue in a deregulated environment.

Vehicle owners have faced many problems using car parking areas and regaining their vehicles

rapidly to fulfil personal commitments. The bill addresses that problem by making it an offence to immobilise a vehicle by wheel clamps or other device. I am delighted that the coalition supports the bill. I first raised this matter during private members' statements following the experience of one of my constituents who encountered difficulties when parking in the Crows Nest area. My constituent had parked in the car park of a block of flats in which a friend lived, but when she returned to the car park her car was missing.

No signs were erected on the car park indicating that visitors were unable to park there. She reported the car stolen to North Sydney police station and then proceeded to lodge an insurance claim. Several days later someone suggested to her that perhaps the car had been towed away. She returned to North Sydney police station. An officer found, stuck in a pile of other papers, a piece of paper that indicated the car had probably been towed away. The car had been towed to a place at Alexandria. When the owner attended that place she was informed that after the payment of a substantial fee she would be able to recover her car. Obviously this whole procedure was undertaken at great inconvenience to her.

In what proved to be an interesting follow-up to this matter, she noted that a number of vehicles had obviously been in the yard at Alexandria for a long time because they were covered in dust. In response to a question from me at that time, the Minister for Police advised that three vehicles in the yard had been towed away, that all had been reported stolen and that the insurance companies responsible for them had subsequently paid out on the claims that had been lodged. In three instances that we know of insurance claims were paid in respect of vehicles that had not been stolen but had been relocated by these cowboy operators. If this legislation goes some way towards eliminating that form of practice, as I have no doubt it will, we will have made a substantial step forward.

**Mr LYNCH** (Liverpool) [12.50 p.m.]: I wish to make a few brief comments in relation to this legislation. The current situation involving wheel clamping is thoroughly unsatisfactory. It was described by the Hon. Joe Riordan in his report into the matter as being a very sorry state of affairs, which is a correct analysis. A large number of people have had their cars hijacked by packs of thugs and have had large amounts of money extorted from them to get their cars back. In the Liverpool area an organisation called Community and Industrial Protective Services is going around wheel clamping cars with gay abandon and demanding

\$285 before they are prepared to take the clamps off the cars. My office has received a number of complaints about this problem, which is ongoing and, indeed, seems to have gathered some pace of late. As recently as 20 May I received a letter from Catherine So, enclosing a copy of a letter she had sent to Community and Industrial Protective Services on 18 May. I would like to refer briefly to that letter because it sets out a classic example of this appalling practice. Ms Ho's letter stated:

... We visited my father premises to help him move small boxes from his upstairs unit. As he is 80 years of age with severely reduced mobility, it would have been impossible for him to do so without our assistance.

This whole exercise took less than ten minutes and in that time my husband witnessed a security van parked in front of his van. He was then approached by two members of your staff and told in no uncertain terms that he would have his vehicle detained unless A\$285 was paid immediately.

The situation continued for some time and the money was paid because it was the only solution to the problem. However, in the course of that activity, the security staff working for Community and Industrial Protective Services threatened Ms So and her husband with personal injury and tried to extort another \$80 from them for removal of the vehicle by tow truck. The issue is not whether change is needed, because it clearly is, the real issue is what sort of change is needed. A number of options were examined in the Riordan report and I am delighted that the Minister has adopted what I would regard as the most sensible of those options, that is, the option that will abolish any role in this industry for private operators. The real problem has always been with the private operators, who were there not to collect a fine, not even to recover a reasonable cost for what they were doing, but to extort as much money as they thought they could.

It was particularly interesting to note set out in the Riordan report the wide range of fees imposed by wheel clampers. Some fees were as low as \$80. I find it impossible to understand how that is a reasonable cost in one instance, when Liverpool CIPS demands \$285. The only conclusion one could draw is they are motivated not by proper recovery of costs by fines but by a desire to maximise the commercial advantage thus obtained. The option adopted in this legislation is the correct option, that is, to take rogue cowboy operators out of the field so that they will be prevented from continuing with their extortionate and appalling behaviour.

**Mr IEMMA** (Hurstville) [12.53 p.m.]: I support the bill. Wheel clamping and its unjust abuse by security firms in many areas of Sydney has caused much pain and confrontation over the last

two years. This issue was first raised as a matter of importance by the honourable member for Cabramatta in this House in 1996, and it gives me great satisfaction and pleasure to witness the conclusion of the parliamentary inquiry into wheel clamping. The legislation will ban the unauthorised immobilisation and impounding of vehicles, currently being used for financial gain by an increasing number of so-called security firms. This legislation was needed to protect the community from unregulated operators who in many cases appeared to be targeting victims who are vulnerable due to their limited finances or grasp of English.

There is no doubt that wheel clamping, as evidenced in the numerous cases raised in this House and in representations to various Ministers, is an unjust, unreasonable and intimidating practice that enables a few cowboys in the security industry to make a lot of money. In the vast majority of cases this practice does not assist residents and tenants with their parking problems. It has forced the elderly or sick to park a considerable distance from their homes, even if they propose to stop for only a few minutes. The wheel clamping inquiry undertaken by the Hon. Joe Riordan produced a substantial report that was handed down late last year. That report left no doubt as to the numerous valid reasons behind this Government's concerns about the practice of wheel clamping.

The report includes numerous accounts of intimidation and extortion-like behaviour by security firms, in some cases acting without the written consent of the landowner. Many wheel clamping cases could undoubtedly be successfully and favourably contested in courts of law by wheel clamping victims. However, it is abundantly clear that clampers have actively targeted the most financially vulnerable and easily intimidated members of society to minimise the risk of legal action against them. However, the size of the penalty in comparison to the legal fees necessary to retrieve it has made legal recourse for the victims impractical. Unregulated operators have exploited a loophole in the law to clamp, seize and impound vehicles of unsuspecting commuters.

Although operators claim to have done so on the instruction of landowners and in the interests of preserving order and parking rules, the manner in which they have acted suggests otherwise. Demands for cash and threats to impound vehicles indicate clearly that their main motivation from the very beginning has been to cash in on this loophole in the law. Operators have not hesitated to clamp vehicles being used to ferry people to hospital, and often lie in ambush to act when a vehicle owner is away from his or her car for only a few minutes. The wheel clampers often work in unison with tow truck

operators who quickly arrive to tow away a vehicle once it has been clamped. In an attempt to convince them to immediately pay the cash to have the wheel clamps released, owners are warned that if the vehicle is towed away they will be liable for several hundred dollars in extra fees and penalties.

The cases that came before the parliamentary inquiry presented strong evidence that the use of tow trucks to remove vehicles from private land where they are not blocking access and in most cases merely using parking spaces that would otherwise be empty has caused serious confrontation. Towing of vehicles should be permitted where an offending vehicle is blocking access to a property or preventing other vehicles from leaving. However, towing without proper notice should be proscribed. In some instances owners have assumed that their vehicles have been stolen and this has caused them anguish and inconvenience, and has generated unnecessary work for the police.

In other cases people have come to blows over wheel clamping. I agree wholeheartedly with the opinion expressed by police officers that it is only a matter of time before someone is severely injured or killed in an argument over wheel clamping. One particular case detailed in the inquiry related to such a confrontation. A motorist with limited English-speaking skills had contacted the police to seek their assistance in stopping his vehicle from being towed away. He could not understand why police asserted that they had no authority to intervene in order to prevent an action which he regarded as the theft of his vehicle.

**Debate adjourned on motion, by leave, by Mr Iemma.**

## **BILL RETURNED**

The following bill was returned from the Legislative Council without amendment:

Judges' Pensions Amendment Bill

## **JOINT ESTIMATES COMMITTEES**

### **Message**

**Mr ACTING-SPEAKER (Mr Clough):** I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that, having taken into consideration the Assembly's message of 28 May 1998 proposing the appointment of five Joint Estimates Committees, it has this day agreed to a similar Resolution with the following amendments:

- No. 1 Paragraph (1), Estimates Committee No. 3. After "Tourism", insert "and Emergency Services".
- No. 2 Paragraph (1), Estimates Committee No. 3. After "Industrial Relations" insert "and Fair Trading".
- No. 3 Paragraph (1), Estimates Committee No. 3. Omit:
4. Fair Trading and Emergency Services
- No. 4 Paragraph (2). After "related documents" insert "or any matter referred to in any Budget paper or supporting or related document".
- No. 5 Paragraph (3)1. Omit "9 Members", insert instead "10 Members".
- No. 6 Paragraph (3)1(a). Omit the paragraph, insert instead:
- (a) 6 Members from the Legislative Assembly, being 3 from the Government nominated by the Leader of the House, 2 from the Opposition nominated by the Opposition Leader and 1 Independent, nominated by the majority of Independent Members;
- No. 7 Paragraph (3)1(b). Omit "nominated by the Opposition Whip", where secondly occurring, insert instead "nominated by a majority of Cross Bench Members."
- No. 8 Paragraph (3)3(a). Omit "Committees" where secondly occurring, insert instead "Committee from the same House".
- No. 9 Paragraph (3)3(c). After "can nominate a Member", insert "from the same House".
- No. 10 Paragraph (3)5. Omit all words after "will be", insert instead "elected by the Committee".
- No. 11 Paragraph (3)6(a). Omit the paragraph, insert instead:
- (a) The Committee may from time to time appoint a Member to act as Deputy Chair and the Member so appointed is to act as chair when the Chair is not present at a meeting of a Committee.
- No. 12 Paragraph (3)6(b). Omit all words after "the Deputy Chair," insert instead "the Committee is to elect a Member to act as Chair for that meeting".
- No. 13 Paragraph (3)9. After "the public", insert "and media".
- No. 14 Paragraph (3)13. Omit "30 minutes Opposition" where secondly occurring.
- No. 15 Paragraph (3)13. Insert at the end "30 minutes Opposition".
- No. 16 Paragraph (3)13. Insert at the end:
- Any time allocated but not used by Cross Bench and Independent Members may be used by the Opposition.
- (b) There must be a minimum of six Questions asked and answers provided during each time block of 30 minutes allocated, unless time allocated is foregone.
- (c) Time allocated to ask any Question must be 1 minute maximum.
- (d) Time allocated to reply by a Minister or Government official must not exceed 4 minutes.
- (e) Time used for dissent from the Chairman's rulings must be in open hearing, and not be deducted from the time block allocated for Opposition, Cross Bench or Independent Member.
- (f) Time for dissent argument shall be limited to 10 minutes and then a vote shall be taken forthwith.
- (g) Such time used by dissent argument shall be additional to total hearing time allocated.
- No. 17 Paragraph (3)14. Insert at the end:
- (b) Any Member of the Committee may also have staff present to assist them during the hearing of evidence and may refer to those staff at any time.
- No. 18 Paragraph (3)16. Insert at the end:
- (c) Before and during an Estimates Committee hearing, any Member of either the Legislative Assembly or Legislative Council may submit a written question to the Clerk of the Committee who will then distribute them to the relevant Minister and to the Members of the Committee.
- No. 19 Insert after paragraph (3)17, the following:
18. (1) A Member who attended at an Estimates hearing may lodge with the Clerk, within 24 hours of a hearing, written questions on notice relating to matters unanswered or any other additional information required relating to matters referred to a Committee.
- (2) A written answer must be lodged with the Clerk of the Committee within 7 days which will be published in an Estimates Committees Questions and Answers Paper."
- No. 20 Paragraph (3)19(1). Omit "House", insert instead "Houses".
- No. 21 Paragraph (3)20. Omit "House" insert instead "Houses".
- No. 22 Paragraph (3)23. Insert after paragraph (3) 23:
24. The proceedings of the Committee may be recorded by video and audio recording equipment.

25. The Committee have leave to sit during the sittings or any adjournment of the House.

The Legislative Council requests the concurrence of the Legislative Assembly in the proposed amendments to the Legislative Assembly's Resolution.

Legislative Council  
2 June 1998

MAX WILLIS  
President

*[Mr Acting-Speaker (Mr Clough) left the chair at 1.00 p.m. The House resumed at 2.15 p.m.]*

## BUSINESS OF THE HOUSE

### Precedence of Business

**Mr WHELAN** (Ashfield—Minister for Police) [2.15 p.m.]: I move:

That standing and sessional orders be suspended to allow Government business to have precedence of General Business and General Business Orders of the Day (Committee Reports) on Thursday 4 June 1998 and to permit the Leader of the Opposition to speak on the Appropriation Bill and cognate bills at 11.00 a.m.

**Mr HARTCHER** (Gosford) [2.16 p.m.]: It is important that the Opposition places on record its reason for not opposing the suspension of private members' day this Thursday.

**Mr Whelan**: I am very generous, that is why.

**Mr HARTCHER**: The Opposition will not comment on that. The budget is the most important document to come before the House each year. It is important that it be debated appropriately, and the only way that can be done is for the Leader of the Opposition to have the opportunity to reply to it contemporaneously. Consequently, the Opposition does not oppose this motion, although it believes that the sanctity of private members' day should be maintained in ordinary circumstances. I thank the Leader of the House for his assistance.

**Dr Macdonald**: I seek leave to speak on this issue.

**Leave not granted.**

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

**Division called for. Standing Order 191 applied.**

**Noes, 3**

Dr Macdonald  
Ms Moore  
Mr Windsor

**Question so resolved in the affirmative.**

**Motion agreed to.**

## DISTINGUISHED VISITOR

**Mr SPEAKER**: I draw the attention of honourable members to the presence in the gallery of His Excellency Pablo Sader, the Ambassador of Uruguay. On behalf of all members I welcome him to the New South Wales Parliament.

## 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, 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 Schipp, Mr Schultz, Ms Seaton, Mrs Skinner, Mr Smith and Mr Tink.**

### Surgical Visiting Medical Officer Dr James

Petition praying that the appointment of Dr Alan James as surgical visiting medical officer at the Mullumbimby and District War Memorial Hospital be continued indefinitely, received from **Mr D. L. Page.**

### Ryde Hospital

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

### Land Tax

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

### Extended Police Powers and Sale of Knives

Petition praying that the sale of knives for unlawful purposes be prohibited and that police be given additional powers to search for illegal weapons, to question people in public places, and to disperse persons loitering or assembled in a public place, received from **Ms Ficarra.**

### Central Coast Crime

Petition praying that, because of the increase in the incidence of crime on the central coast, courts

impose tougher penalties and that adequate policing be made available to the region, received from **Mr Hartcher**.

#### **Surry Hills Area Policing**

Petition praying that police foot patrol numbers in the Surry Hills area be increased and that a permanent police van be located in the Taylor Square area, received from **Ms Moore**.

#### **Public Housing**

Petition praying that the Government protect the interests of New South Wales public housing tenants and defend their rights to housing by retaining and expanding existing levels of public and community housing; reject the reallocation of Federal Government funds away from the provision of public housing; reject the replacement of rental rebates with direct subsidies; and undertake not to sell off public housing stock, received from **Ms Moore**.

#### **Tresco House Conservation**

Petition praying that, because of the important heritage and historic value of Tresco House, the interim conservation order on the property, covering the house and grounds, be made permanent, received from **Ms Moore**.

#### **Moore Park Light Rail System**

Petition praying that a light rail public transport system be established to serve sporting venues and the Fox entertainment centre at Moore Park, received from **Ms Moore**.

### **QUESTIONS WITHOUT NOTICE**

#### **PHOENICIAN CLUB LICENCE**

**Mr COLLINS:** My question is addressed to the Premier. Did he say in the wake of the death of Anna Wood that he would move to cancel the Phoenician Club's licence and come down "like a ton of bricks" on licensed premises that allowed under-age drinking and the use of ecstasy? How, then, does he explain his Minister for Education and Training giving a reference for the Phoenician Club, seeking a reduced fine and saying that it would be most unfortunate if the club closed?

**Mr CARR:** This has to be taken as the most remarkable endorsement of a budget by an

opposition interested in New South Wales public finance. The ink on the budget is not yet dry—

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

**Mr CARR:** —yet the Opposition makes a return to questions about the Phoenician Club.

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

**Mr CARR:** I answered this question in the Parliament last year.

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

**Mr CARR:** As for the representations made by the Minister for Education and Training, I have them here with me. They are entirely legitimate.

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

**Mr CARR:** They are made on behalf of a community of New South Wales of which the Minister is a proud member. The Leader of the Opposition is very good at attacking migrants, is he not?

**Mr SPEAKER:** Order! I call the Minister for Education and Training to order. I would have expected Government members to listen to the Premier's reply in silence. He needs no assistance.

**Mr CARR:** A migrant family came to these shores without resources.

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

**Mr CARR:** The six-year-old son of that family arrived never having spoken a word of English. He went to an ordinary school and his father got a job as a stonemason working for the Department of Public Works. This is a migrant story.

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

**Mr CARR:** It is a proud migrant story that is reflected in the annals of migration to this country.

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

time. I call the honourable member for Ermington to order.

**Mr CARR:** The young boy is proud of his community, which comprises poor people who work with their hands and aspire to give their kids an education.

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

**Mr CARR:** As an eight-year-old, the boy is brought on a school excursion into this Parliament where he witnessed a debate and resolved that one day, if his community elected him, he would represent them in the Parliament.

**Mr Photios:** On a point of order. The question was specific. My point of order relates to relevance. The question related to whether Anna Wood died in vain—

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

**Mr Photios:**—and why the Minister for Education and Training sought to protect the club.

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

**Mr CARR:** When Abraham Lincoln was asked about his background he said, "I can tell you it in one sentence".

**Mr Collins:** Get the smirk off your face and talk about Anna Wood!

**Mr SPEAKER:** Order! I have called a number of members of the Opposition frontbench to order for interjecting while the Premier has been attempting to answer the question. On a number of occasions I have asked the Leader of the Opposition to show leadership and to assist the Chair to maintain the decorum of the Chamber. The last interjection by the Leader of the Opposition exceeded the bounds of any leniency he may have been granted in the past. I place him on two calls to order.

**Mr CARR:** In this context, of course the one representative of the Maltese community sitting in this Parliament would make representations for a club that has paid the price of its dereliction through heavy fines imposed by the court. That had to happen.

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

**Mr CARR:** I was asked that question and I dealt with it last year, or the year before. The representations of the Minister, entirely proper recommendations, can be tabled in this House.

### 1998-99 STATE BUDGET

**Mrs BEAMER:** My question without notice is to the Premier, Minister for the Arts, and Minister for Ethnic Affairs. What has been the response to the Government's budget announced yesterday?

**Mr CARR:** I have been asked a question about the budget! There is a lot of honesty on the other side of the House and—

[Interruption]

My side wants to be convinced. For example, that veteran parliamentarian, the honourable member for Dubbo, was reported today in that estimable journal, the *Dubbo Daily Liberal*, in the following terms:

State member Gerry Peacocke was delighted with the budget windfall for the local region delivered yesterday by Treasurer, Michael Egan.

That is fair dinkum, honest representational politics. But I was not as surprised by that as I was by the assessment of Terry McCrann, who is not a life member of the Australian Labor Party.

**Mr Collins:** Did you say "was not"?

**Mr CARR:** Mr McCrann is not a life member of the Australian Labor Party. We do not claim him. He said, "Striking gold at the big end of town". I am more interested though in what the Nurses Association had to say about the budget. The association stated:

If the Commonwealth was prepared to pull its weight to the same extent as the State Government then the New South Wales public health system would be \$470 million better off.

The nurses know what it is about. If we had an alert Opposition, we could have expected a question about the budget and the \$7 billion commitment to education. Isn't it good to have a migrant boy as Minister for Education and Training! He knows that education is the way forward for children from poor backgrounds.

**Mr O'Doherty:** Where are the new language schools?

**Mr CARR:** Arrested development has a comment! A representative of the Federation of Parents and Citizens Associations of New South Wales said this morning:

The budget focuses on preserving public education in the face of Federal Government attacks.

Ros Brennan of that federation said:

We are certainly going to get the benefit of some extra reading recovery teachers. We are going to get the benefit of extra technology support, and our small schools which really dominate in a rural environment, are going to see an increase in the number of teacher relief days they have access to.

A spokesperson for the Police Association said today:

The pre-election commitment to police numbers has been met by this Government. We welcome the upgrade of the police radio network.

With regard to western Sydney, of the boost to public infrastructure and public transport, the Ethnic Communities Council lobby said:

... welcome the State's boost to budget funding on infrastructure and services in Sydney's greater west.

The council stated:

The region has the highest concentration of migrants in New South Wales and has bore the brunt of recent Federal budget cuts.

In relation to first home buyers the Housing Industry Association proclaimed:

This is good news for first time home buyers.

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

**Mr CARR:** A representative of Aussie Home Loans said on radio this morning:

We believe that with a 50 per cent discount on stamp duty first home buyers will get an even greater opportunity to get into their homes.

**Mr Hartcher:** On a point of order. The standing orders and your rulings require verification of source material. The Premier is merely stating the names of organisations and then reading out quotes from them. He has not stated the context of the quotes, when they were made or from what journal or body of opinion they came.

**Mr SPEAKER:** Order! As I understand it not all of the material the Premier is quoting comes

from newspapers.

**Mr CARR:** About the big increase in funding for tourism the Tourism Task Force said:

The New South Wales budget gives the tourism industry a welcome boost at a time when it was coping with the outfall of the Asian economic crisis. The extra six per cent of funding for tourism New South Wales . . .

**Mr Photios:** On a point of order. Mr Speaker, you just ruled that the sources of these documents, should they come from newspapers, were relevant. The comments made by the Premier are unsourced. They did not appear in any newspaper from the Tourism Task Force. We need to know the source. They are unsourced.

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

**Mr CARR:** In a very welcome public press release, in clear, cold, hard, black print that even the Opposition should be able to struggle through, the task force stated:

The extra six per cent funding for tourism New South Wales would help them attract new tourists from well performing markets to make up for the downturn in tourism from Asia.

Those are comments from the tourist lobby, education people, nurses and police. The only discordant voice in all of this has been that of the Leader of the Opposition. That is not surprising. The Leader of the Opposition got two isolated mentions on radio, so he is doing all right. He said that he was concerned about the budget deficit. I know from history books that as Treasurer he brought down two budgets. I thought: budgets, deficits, how did he go? Let us undertake a little compare and contrast exercise. In his worst effort, which was 1993-94, he produced a deficit of \$904 million. Out come the excuses; rattle them off! In 1994-95 he produced a deficit of \$597 million.

To be fair we should average the deficits to take account of seasonal fluctuations, the ebbs and flows of the world's economy. He produced an average deficit of \$750 million! In one of those isolated grabs on morning radio the Leader of the Opposition blustered about land tax. I took out the percentages of revenue in his budgets that came from land tax and contrasted them with the comparable figures for this Government. In the Government's budget for this year land tax will contribute 6.75 per cent of tax revenue. The Leader of the Opposition was a member of a Government that raised 12.9 per cent from land tax revenue in its 1990-91 budget. In the 1991-92 budget it raised 12.5

per cent from land tax revenue. The figures are there.

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

**Mr CARR:** The contrast is there. The day after the budget was delivered the first question was about liquor administration.

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

#### PHOENICIAN CLUB LICENCE

**Mr O'DOHERTY:** My question is directed to the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs. Given the Minister's moving speech to this House on the death of Anna Wood and his pledge to do something about a culture which condones drugs, what does the Minister now say to Tony Wood, who is sitting in the gallery?

**Mr AQUILINA:** As the honourable member for Ku-ring-gai indicated, I did indeed speak passionately in this House about Anna Wood. I had deep and sincere feelings about her death, and I still do. I have similar feelings about drugs and the effect they have on young children in our schools. As the Premier pointed out, the representations I made in my capacity as a private member were representations in support of the Maltese community. They were not representations in support of the club.

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

**Mr AQUILINA:** There was no interference by me, no follow-up to that letter. I was scathingly critical of the directors of that club, but the fact that that venue provided support for the Maltese community for 30 years cannot be overlooked. I agree that it had lost its way. But there is now an opportunity to rejuvenate the club in conjunction with a sporting club so that it can continue to provide a venue for use by the Maltese community. I am totally critical of the directors, both in relation to what happened to Anna Wood and in relation to drugs. I feel sincere sympathy for the family of Anna Wood. Members opposite deserve to be pilloried for making this matter a political issue.

#### COALITION ONE NATION PARTY PREFERENCES

**Mr IEMMA:** My question without notice is addressed to the Premier, Minister for the Arts, and

Minister for Ethnic Affairs. What is the Government's response to recent concerns raised by New South Wales Aboriginal and Italian communities relating to divisions within the coalition over support for the One Nation Party?

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

**Mr CARR:** The Aboriginal and Torres Strait Islander Commission is among the representative community groups that have called on major political parties to repudiate the so-called One Nation Party.

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

**Mr CARR:** In a statement on behalf of ATSIC on 1 June Commissioner Steve Gordon said:

If the New South Wales coalition is prepared to endorse One Nation in any way then they are prepared to jeopardise the goal of a reconciled Australia.

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

**Mr CARR:** On Sunday the Prime Minister met a hostile reception when he attended the Italian National Day celebration at Circular Quay. I have no doubt that the honourable member for Hurstville, who was there, is absolutely correct in ascribing the unprecedented incident to community anguish over the Prime Minister's lack of leadership on the One Nation issue.

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

**Mr CARR:** The Italian and Aboriginal communities now join the Jewish community of New South Wales in expressing alarm at the failure of the Leader of the New South Wales Liberal Party to secure an agreement from his coalition colleagues to put One Nation last on how-to-vote cards. A former Liberal leader and Prime Minister, Malcolm Fraser, was reported in the *Sydney Morning Herald* of 29 May as having made the following remarkable statement:

The Liberal and the National Parties have done Australia a great disservice.

He was not talking only about Queensland. Everything he said applied to the coalition in this State. The honourable member for Ballina said on Lismore radio on 29 May:

I don't believe that Pauline Hanson's One Nation party is a racist party.

That is in direct contradiction of the views of Malcolm Fraser, who said:

On one issue alone, One Nation stands condemned: its policies are anti-Asian, anti-Aboriginal and anti-semitic. Its policies are racist.

If the Liberals and Nationals do not realise the harm they are doing to Australia—the disservice they are doing to Australia, to use Malcolm Fraser's words—the time is fast approaching when they will realise the harm they are doing to themselves. Harm is being done every day by none other than the Leader of the Opposition.

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

**Mr CARR:** I am advised that the Leader of the Opposition called a tightly controlled press conference on One Nation this morning. Interestingly, members of the press gallery were denied access.

**Mr Collins:** Rubbish!

**Mr CARR:** They were turned away.

**Mr Collins:** They heard it last week. I gave them a press conference on it last week.

**Mr CARR:** The Leader of the Opposition says they heard this last week. Why could they not go to today's press conference to talk about One Nation? In fact, I was invited to go. Jim Samios kindly sent an invitation to my office. After the meeting the staff of the Leader of the Opposition told members of the press that their leader had received a standing ovation. Someone checked with the ethnic media who were in attendance and they said that there was no standing ovation. They should know because they were sitting in the front row. However, the Leader of the Opposition stepped up his rhetoric directed at Pauline Hanson. At the press conference he expressed the hope, and said he was motivated by the hope, that the Liberal Party State Executive would decide to put One Nation last on how-to-vote cards.

He also said that he hoped the Nationals would fall into line. But he made no commitment on behalf of the New South Wales coalition. Because of concerns about community harmony in Australia there are five things that the Leader of the Opposition must do, and must do today. First, he must accept without equivocation the terms of the

resolution of this House on 19 May. Second, he must announce a binding agreement with the Leader of the National Party that the coalition parties will put One Nation last on their how-to-vote cards in every electorate in New South Wales. Third, he must repudiate every Liberal Party branch which indicates, as in Clarence for example, that it intends to defy the parliamentary leader. Fourth, he must declare once and for all that on the coalition how-to-vote ticket for the Legislative Council One Nation will be put last. Fifth, he must announce that in no circumstances whatsoever will either party of the coalition enter into any deals, or any "grubby deals", with One Nation. Unless he does all that, his protestations will be a sham.

#### MR PHUONG NGO REMAND CENTRE VISITORS

**Mr COCHRAN:** My question without notice is addressed to the Minister for Corrective Services. Did the Federal Labor member for Watson, Leo McLeay, and the Federal Labor member for Fowler, Ted Grace, visit Silverwater gaol last Thursday to see Phuong Ngo, who has been charged with the murder of the late John Newman, former member for Cabramatta? What was the purpose of the visit?

**Mr DEBUS:** If they did visit Silverwater gaol last week I suggest that the honourable member ask them why they did so.

#### STATE REGIONAL DEVELOPMENT POLICY

**Mr NEILLY:** My question without notice is directed to the Minister for Regional Development, and Minister for Rural Affairs. Can the Minister inform the House what the community's response has been to the new regional development initiatives and the funding initiatives announced in yesterday's budget?

**Mr SPEAKER:** Order! I remind the Deputy Leader of the National Party that he is on two calls to order.

**Mr WOODS:** On the weekend I launched the State Government's directions statement for economic development in country centres, "Rebuilding Country NSW". It marks a new era and acknowledges that market forces on their own have failed to deliver a fair share for the bush. "Rebuilding Country NSW" commits the Government to helping country communities through targeted and strategic intervention. The Labor Party believes that strong growth in regional centres is good for those centres and the people living there. But it is also in the State and national interests.

There is a new scheme to help communities such as Cobar, Lithgow, Goulburn, Gunnedah and Grafton. The regional economic transition scheme, with funding of \$5 million a year over the next three years, will help regions that have suffered sharp economic downturns. In addition, \$1 million a year over the next three years will be spent on attracting skilled labour to the bush. The Government wants city people to regard the bush as a great place to live and a good place to do business.

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

**Mr WOODS:** The National Party reckons that regional development is about the cargo cult. I have had some great responses to "Rebuilding Country NSW"—and almost to a person the reaction has been positive, because no-one but the National Party regards regional development as based on the cargo cult.

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

**Mr WOODS:** In a press release dated 1 June Phillip Holt of the Australian Business Chamber said:

Australian Business welcomes the State Government's announcement of a strategic plan for the regional development of New South Wales which allows for direct intervention when required.

It is extremely encouraging to see the Government developing a strategy based on deliberate policy directions rather than continually arguing about the comparative funding of metropolitan and regional areas.

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

**Mr WOODS:** The Australian Business Chamber realises that the direction taken by the Government is the right direction. The Government is stepping in to help country communities build a strong, viable and secure future based on growing economies. Mr Bill Bott of the New South Wales Shires Association recognises the value of the Government's approach. The 5.30 p.m. bulletin on ABC Radio Illawarra yesterday reported that Mr Bott congratulated the State Government on taking a more interventionist approach to rural development. Comments have come from community leaders across the State. The Mayor of Gunnedah Shire, Councillor Geoff Marshall, issued a media release entitled "New country towns policy can create a brighter regional future."

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

**Mr WOODS:** In the media release Councillor Marshall said:

The announcement is pleasing. We [Gunnedah] have developed a community driven focus to foster development and we gratefully accept any assistance as we approach this rebuilding process.

This is a gratifying sign of a strengthened commitment to a regional business focus.

We welcome it and we are keen to work with State and Federal Governments to foster a stronger future for the sometimes forgotten economies for rural Australia.

Those sentiments were shared by Ann Simms of the Gunnedah Chamber of Commerce. On the 12.20 p.m. news on Tamworth's Radio 2TM on Monday Ms Simms said:

With the Government funds we'll be able to actually facilitate getting into the private industry.

While the State Government is helping Gunnedah and other country towns, unfortunately the same cannot be said of the Federal Government. The Federal coalition has abandoned regional New South Wales because it says it has no role in regional development. Responses to the State Government's regional development initiatives have also come from academic circles. Frank Stillwell, Associate Professor of Economics at the University of Sydney, has welcomed the initiatives included in "Rebuilding Country NSW". The Government has also received positive responses to the State budget from the country media. "Health Budget Up despite Federal Cuts" reads the headline in today's *Western Advocate* in Bathurst. "TAFE a winner—\$2.8 million for new facilities" says the front page leader in the same paper.

"More police on front-line duties" reads the headline in today's *Central Western Daily* in Orange. "Families at top of health list" says the same paper today. "Budget road boost" is the front-page headline in today's *Daily Examiner* in Grafton. The Government is working to secure the future of country New South Wales, and the budget is integral to that. "Rebuilding Country NSW" shows the way. Country people are quickly realising that the National Party has no capacity for policy development. They realise that when they vote for National they get Liberal Party policy. A vote for the National Party is a vote for the Liberal Party. However, as is evident in Queensland, a vote for either of those parties is a vote for Pauline Hanson.

**LIDDELL POWER STATION**

**Mr BLACKMORE:** My question is addressed to the Premier. Has Liddell power station announced that it will close half its generating capacity, with the loss of up to 80 jobs, because of fierce competition in the power industry, especially from Victoria? How will the Premier explain to the people of the Hunter that the Government has no strategy to save electricity jobs in the region?

**Mr CARR:** The honourable member for Maitland occupies an interesting position in the debate that is taking place in the coalition about electricity.

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

**Mr CARR:** The position of the honourable member for Maitland is wholly at odds with that of the Deputy Leader of the Opposition.

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

**Mr CARR:** It is a deplorable thing to see a great party torn apart by disagreement.

**Mr SPEAKER:** Order! I remind the honourable member for Wakehurst that he is on three calls to order.

**Mr CARR:** The Deputy Leader of the Opposition has criticised and denounced the Government for not proceeding to "sell all of electricity all at once." That is his position.

**Mr Phillips:** All at once.

**Mr CARR:** And he has just confirmed that his position is to "sell all of electricity all at once". But the member for Maitland has a different view. He told the *Newcastle Herald* last month that he was opposed to what the Deputy Leader of the Opposition had advocated. He said that the Liberal Party position on electricity had not been endorsed by the party room. I regularly read the *Newcastle Herald*, so I can quote his exact words. The comments of the honourable member for Maitland contradict the Deputy Leader of the Opposition. Miranda and Maitland cannot agree! They have not got their lines straight; they have not got a common policy.

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

**Mr CARR:** The Liberal Party, a once great party, is torn between Miranda and Maitland. The member for Maitland argues that "Liberal Party meetings held last year while Parliament was sitting gave the leadership the message that the backbench country-based members were opposed to any policy to privatise the power industry." The member for Maitland is opposed to the privatisation of the power industry, but the Deputy Leader of the Opposition as the shadow minister has said repeatedly that the Government must be condemned for not proceeding to sell every generator and distributor in one job lot. In fact, he said that all proceeds must go to the retirement of the State debt! The Leader of the National Party has a different view. Last month the Leader of the National Party said, "Any power industry sale should not be used to retire State debt alone." It is terrible that a great political party, one of the old stagers on the political scene in this country, is being torn to bits over the electricity industry.

**Mr MacCarthy:** On a point of order. The question asked was about job losses in power stations.

**Mr SPEAKER:** Order! What is the point of order?

**Mr MacCarthy:** I ask that you direct the Premier to return to the subject matter of the question.

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

**Mr CARR:** Someone should tell him he is the member for Strathfield. In any election in which his party is locked in with Pauline Hanson, he will be gone. The member for Strathfield will not have a bar of that. A Liberal running in tandem with One Nation? Vote them out tomorrow! The Liberal vote in Strathfield will be similar to the Liberal vote in Brisbane. In Brisbane they cannot find one person in four who votes Liberal. People are revolted by the policies of the Leader of the Opposition, who endorses and supports One Nation. The Minister for Energy will provide any additional details.

**EDUCATION AND TRAINING BUDGET INITIATIVES**

**Mr MARKHAM:** My question without notice is to the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs. What has been the community response to the education and training initiatives outlined in the 1998-99 budget?

**Mr AQUILINA:** That is a good question about a great family budget that provides a record \$6.8 billion for education and training and has been widely welcomed by the community. The budget continues to deliver on the Government's four-year program to enhance education, training, job skills and opportunities in New South Wales. The increased funding includes \$65 million for literacy and numeracy and \$68 million for computer technology, which includes the provision of 22,000 new computers for schools. Funding has also been increased for vocational education and training, improvements to the higher school certificate, youth, Aboriginal and special education, student welfare and community languages. I expect even the Opposition to welcome this budget.

In fact, the many nudges and winks I have received from Opposition members indicate that they welcome what the Government is doing. I include the Deputy Leader of the National Party, the honourable member for Monaro, the honourable member for Myall Lakes, and the honourable member for Bega. They all welcome this budget. Of course, the honourable member for Oxley is also very grateful. In the lead-up to the budget the honourable member for Ku-ring-gai said, "So we think it's a good thing if the Government is going to keep its promise but I'll believe when I see it." The honourable member for Ku-ring-gai— Mr Stephen "Ripley" O'Doherty—should believe it because the Government has provided the goods, the funding and the capital works. It has exceeded expectations.

**Mr O'Doherty:** You have cut capital works by one-third.

**Mr AQUILINA:** The Howard budget cut more capital works funding than ever. One only has to ask those members waiting for schools, members representing areas like Gloucester, Scone, Currans Hill or Camden. The Government has provided funds. The 1998-99 budget has allocated \$6.8 billion in funding, which represents a \$338 million or 5.2 per cent increase on actual expenditure last year. That is a record on education spending. Since the 1995 election recurrent funding for education and training under the Carr Government has increased by more than \$1,103 million. That is \$1.1 billion more than the last coalition State budget in 1994-95. The Government is now spending more per student in real terms than has ever been spent in the 150-year history of public education and training in this State. It is ensuring that our students are better prepared for their future.

The Government has done that despite massive funding cuts from the Howard Federal Government.

Contrary to claims by the honourable member for Ku-ring-gai that the Government is cutting funds to school budgets, it has in fact increased those budgets. The global allocation for direct school funding in 1998-99 is \$233.3 million, which represents an increase of more than \$9 million or 3.4 per cent on last year. The Government is providing \$11 million more to schools for that purpose than the previous coalition Government. Under the coalition in 1994-95 the average global budget for a primary school was \$59,891. For a secondary school it was \$239,259. Under this Government global budget funding has increased to \$66,236 for a primary school and \$245,388 for a secondary school. In the Ku-ring-gai electorate schools will receive \$181,284 more in 1998-99 than in 1994-95. The honourable member for Ku-ring-gai should thank the Government.

Unlike the Howard Federal Government and those opposite, the Carr Government realises that education and training are investments in the future. It is committed to providing the highest quality resources, facilities and programs to secure the future of young people and the future of New South Wales. The budget delivers on that commitment. Our investment over the four years will deliver improved resources, better facilities and new programs. Most important, it delivers results. Literacy and numeracy standards are improving. More school students and their teachers are using computers in the classrooms and greater numbers of people are gaining employment skills. The community has acknowledged that the Government is delivering more resources, better facilities and new programs. The community welcomes this Government's commitment to our children and students. The Premier has already indicated the glowing endorsement by the President of the Federation of Parents and Citizens Associations, Ros Brennan, who welcomed the budget and said it focused on preserving public education in the face of Federal Government attacks. On ABC radio this morning Ms Brennan said:

We're certainly going to get the benefit of some extra reading recovery teachers. We're going to get the benefit of extra technology support. And our small schools which really do dominate in a rural environment are going to see an increase in the number of teacher relief days that they have access to.

Literally within minutes of the budget yesterday my office was receiving calls from parents from Callala Bay expressing their appreciation of the Government's \$3.2 million commitment to building a new school for them.

[Interruption]

You mob were in government for seven years and you did nothing about it. When parents from Gloucester came to see me they brought along with them a mass of material. One letter, one very faded letter—in fact it dated back to 1970—was from the then local member, Leon Punch, pleading with Charles Cutler, the Minister for Education of the day, to do something about the school. You had seven years in government and you did nothing about that school or a host of other schools. In today's *Newcastle Herald* the President of Gloucester Public School Parents and Citizens Association, Brian Lewis, together with the principal, John Townsend, welcomed the Government's almost \$3 million commitment to upgrade the school's facilities.

Mr Lewis said it meant a lot to parents and students and that it is great to see something finally being done about the school. Those are but two of the dozens of projects in the Government's \$206 million capital works program. I know that parents around the State will welcome the Government's decision to maintain the \$50 back-to-school allowance, which, as the Treasurer told the House yesterday, will increase after the Olympics. I am sure that Jane from Hornsby Heights will be pleased, as will Linda from Ballina. Stephen from Artarmon will also be very grateful that we are going to keep it, no thanks to the Leader of the Opposition. It is an important measure, like many in the budget, that provides direct assistance to support parents. It is an educational budget any Minister would be proud of and one that I am particularly proud of.

#### DEPARTMENT OF COMMUNITY SERVICES FOSTER CARE PROCEDURES

**Mrs SKINNER:** My question is directed to the Minister for Community Services. Did an investigation of the Katoomba office of the Department of Community Services two weeks ago reveal that the department had been fostering children to families that were not registered, and that one foster parent's file had information missing on a number of children who had been in her care over seven years?

**Mrs LO PO':** An audit was done at the Katoomba centre. We are talking to one foster parent in the Katoomba area who has expressed concern and is somewhat disgruntled about some circumstances. I am not at liberty at this time to say what those circumstances are. While I am talking about foster parents, one of the issues that makes the Department of Community Services so difficult is

that the one thing that holds together children who are in disarray is a relationship with someone. The department needs foster carers and I am issuing an all-points bulletin to any decent citizen who wants to be a foster carer. My department needs good registered foster carers.

From time to time these relationships break down. To those who have expressed concern about absconders I repeat that what holds children close to us are relationships—not wires, not brick walls, but relationships. If foster carers attached to the Katoomba office need further work or the department needs to look at what it is doing, we will get around to it. People who believe they would make good foster carers should contact their local Department of Community Services office, because we need foster carers.

**Mrs SKINNER:** I have a supplementary question. In light of the Minister's answer, I seek from her an assurance that families are properly checked and qualified to foster, and that children fostered through the Katoomba office of the Department of Community Services are being adequately cared for.

**Mrs LO PO':** The new director-general of my department, Carmel Niland, is a caring, concerned person and if we need to lift the game of people in the Katoomba area, we will do it.

#### Questions without notice concluded.

#### BUSINESS OF THE HOUSE

##### Order of Business

**Mr WHELAN** (Ashfield—Minister for Police) [3.15 p.m.]: I move:

That standing and sessional orders be suspended to allow consideration forthwith of the following motion:

That:

(1) this House calls on the Leader of the Opposition to:

- (a) accept, without equivocation, the terms of the resolution of this House on 19 May 1998 relating to National Party preferences;
- (b) announce a binding agreement with the Leader of the National Party that the coalition parties will put One Nation last in every electorate in New South Wales;
- (c) repudiate every Liberal Party branch which indicates, as in Clarence for example, that it intends to defy the parliamentary leader;

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

**Mr SPEAKER:** Order! I will listen to the point of order when the Minister has concluded his motion.

**Mr WHELAN:** The motion continues:

(d) declare, that on the coalition "How to Vote" ticket for the Legislative Council, One Nation will be put last; and

(e) announce that in no circumstances whatsoever will either party of the coalition enter into any deals or any "grubby deals", in his own phrase, with One Nation.

(2) separate questions be put on each of the paragraphs of the motion.

**Mr Cochran:** On a point of order. You have spoken in this Chamber about the standard of behaviour and the potential for members to bring discredit on the Parliament and its members. The Government insists on playing the racist card in this House and is bringing discredit on this Parliament. I ask that the Minister withdraw the motion.

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

**Mr WHELAN:** I listened with interest to the answer of the Premier. He indicated that this morning the Leader of the Opposition held a press conference on the issue of One Nation. It was not an open press conference; it was a closed press conference which only certain members of the media were entitled to attend. In fact, members of the parliamentary press gallery were specifically excluded from the so-called press conference.

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

**Mr WHELAN:** In other words, the people of this State have been denied the opportunity to have the views of the Leader of the Opposition and the Leader of the National Party out in the open for public examination.

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

**Mr WHELAN:** It was a closed-shop media conference which, I am advised, members of the parliamentary press gallery were not permitted to attend. Notwithstanding that the staff of the Leader of the Opposition are saying that he received a standing ovation, that is not what members of the

ethnic press have said to members of the parliamentary press gallery and to the Government. We had a debate in this Chamber on 19 May and the House made a decision. Since that time the Leader of the Opposition has made no comment at all to refute the very serious allegations made against him.

**Mr Hartcher:** He had a press conference.

**Mr WHELAN:** A closed press conference! He has had ample opportunity to bring those members of the Opposition who have clearly been launching a tirade against him—

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

**Mr WHELAN:**—and the honourable member for Coffs Harbour and the honourable member for Murwillumbah are in exactly the same position. They have not been brought to book and it is time for the Leader of the Opposition to tell the people of New South Wales whether he is the Leader of the Opposition, or merely in coalition and exercising no control over the National Party in this State. For those reasons this matter should be dealt with.

**Mr Hartcher:** On a point of order. The motion is outside the ambit of an acceptable motion in that it does not deal with the public affairs of the House. It deals with the internal operations of a political party. As the House is not cognisant of or involved with the internal workings of the party, it is not appropriate for the House to make a resolution. As I have submitted before, Mr Speaker, you made a ruling in 1995, in respect of the honourable member for Cabramatta and the honourable member for Fairfield and their dealings with Young Labor, that such a matter was not one for parliamentary debate. It was only when the motion was amended to refer the issue to the Director of Public Prosecutions that you said it was appropriate for Parliament to debate the motion. But this motion does not refer anything to ICAC or the Director of Public Prosecutions. It deals only with the internal workings of the party and, in accordance with your earlier rulings, I ask you to rule the motion of the Leader of the House out of order.

**Mr SPEAKER:** Order! A number of questions have been asked recently about the subject matter of the motion. The matter is in the public arena and can obviously be dealt with by the House.

**Mr HARTCHER** (Gosford) [3.21 p.m.]: It is interesting that the Government gave no notice of this motion. If the Government were seriously suggesting that the House have a proper debate on an important issue, that issue being racism in New

South Wales, surely it would give notice. If its aim is to catch the Opposition by political ambush and entrap it in some contrived scenario, one would expect the Government to spring it on without warning. This is the last desperate card of a desperate Government. It is significant that the announcement of the redistribution maps was made today. Those maps spell the end of the Government. If there was ever an attempt to manipulate a process that backfired, it was that redistribution.

The honourable member for Canterbury is a doomed man. We will see who survives in the challenge between him and the honourable member for Ashfield. The honourable member for Hurstville says he will not move. His seat is being abolished but he will not move. Where will the honourable member for Gladesville, that famous member of the postcard, the shining example of truth in politics, go? These are the issues the Government has to face. The Government's attempt to manipulate New South Wales politics backfired, and it backfired at 9.30 this morning when the maps came out.

What is the big card? The big card is to whip up racism in New South Wales. This State does not have a race problem. The Government wants to create one. It is anxious to play the race card. It is the decision of the Government to raise the issue of race and to talk about it. It is the Government's decision to take up the time of Parliament talking about race, so it can make race an issue in 1999. Every member opposite is working against the consensus in our multicultural society to develop good relationships and reconciliation with the Aboriginal community, and to welcome into our community people of different cultures. Every member on the Government side is working against that consensus by trying to create divisions in Parliament and in the community along the lines of race—no other issue but race.

Every member who participates in the debate, who drafted this motion, is trying to play that fatal and evil card of racism in New South Wales. The Opposition will have no part of it. We will not support the motion. We will not be involved in racism. Opposition members will leave that to Government members. If the Government wants racism, it should go for it. If it wants to attack the Aboriginal community and reconciliation, it can go for it. If it wants to attack multiculturalism, it can go right for it. The Government should not expect the debate to last, because the Opposition stands for reconciliation and for multiculturalism. We reject any attempt to be divisive.

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

**Mr HARTCHER:** The Opposition rejects the attempt to incite racism and to bring those principles

into this Parliament. Suspension of standing orders is denied.

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

**The House divided.**

**Ayes, 50**

|               |                 |
|---------------|-----------------|
| 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 Carr       | Mr Nagle        |
| Mr Clough     | Mr Neilly       |
| Mr Crittenden | Ms Nori         |
| Mr Debus      | Mr E. T. Page   |
| Mr Face       | Mr Price        |
| Mr Gaudry     | Dr Refshauge    |
| Mr Gibson     | Mr Rogan        |
| Mrs Grusovin  | Mr Rumble       |
| Ms Hall       | Mr Scully       |
| Mr Harrison   | Mr Shedden      |
| Ms Harrison   | Mr Stewart      |
| Mr Hunter     | Mr Sullivan     |
| Mr Iemma      | Mr Watkins      |
| Mr Knowles    | Mr Whelan       |
| Mr Langton    | Mr Woods        |
| Mrs Lo Po'    | Mr Yeadon       |
| Mr Lynch      |                 |
| Dr Macdonald  | <i>Tellers,</i> |
| Mr McBride    | Mr Beckroge     |
| Mr McManus    | Mr Thompson     |

**Noes, 44**

|                 |                 |
|-----------------|-----------------|
| Mr Armstrong    | Mr Peacocke     |
| Mr Beck         | Mr Phillips     |
| Mr Blackmore    | Mr Photios      |
| Mr Chappell     | Mr Richardson   |
| Mrs Chikarovski | 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 Glachan      | Mr Small        |
| Mr Hartcher     | Mr Smith        |
| Mr Hazzard      | Mr Souris       |
| Mr Humpherson   | Mrs Stone       |
| Dr Kernohan     | Mr Tink         |
| Mr Kinross      | Mr J. H. Turner |
| Mr MacCarthy    | Mr R. W. Turner |
| Mr Merton       | Mr Windsor      |
| Mr Oakeshott    |                 |
| Mr O'Doherty    | <i>Tellers,</i> |
| Mr O'Farrell    | Mr Fraser       |
| Mr D. L. Page   | Mr Kerr         |

**Pairs**

|            |            |
|------------|------------|
| Mr Knight  | Mr Brogden |
| Mr Tripodi | Mr Jeffery |

**Question so resolved in the affirmative.****Motion agreed to.****COALITION ONE NATION PARTY  
PREFERENCES**

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

That:

(1) this House calls on the Leader of the Opposition to:

- (a) accept, without equivocation, the terms of the resolution of this House on 19 May 1998 relating to National Party preferences;
- (b) announce a binding agreement with the Leader of the National Party that the coalition parties will put One Nation last in every electorate in New South Wales;
- (c) repudiate every Liberal Party branch which indicates, as in Clarence for example, that it intends to defy the parliamentary leader;
- (d) declare, that on the coalition "How to Vote" ticket for the Legislative Council, One Nation will be put last; and
- (e) announce that in no circumstances whatsoever will either party of the coalition enter into any deals or any "grubby deals", in his own phrase, with One Nation.

(2) separate questions be put on each of the paragraphs of the motion.

The people of this State need a clear, unambiguous statement from the Leader of the Opposition, the Leader of the Liberal Party in this State, indicating once and for all that he, his colleagues and his coalition partners will repudiate the One Nation Party and will, when it comes to election time, put One Nation last. That is what is wanted by the Aboriginal and Torres Strait Islander communities, the Jewish community, the Chinese community in my electorate, the Chinese community throughout the whole State and every other community. Every person of reasoning in this State wants the Leader of the Opposition to provide some degree of trustworthiness, rather than casual, off-hand remarks

that he will do the best that he possibly can or that he hopes—as I understand he said—that the National Party will fall into line.

In debate earlier today the Premier referred to the attitude of former Liberal Prime Minister Malcolm Fraser. I support that attitude. I am concerned, however, about the division that is becoming evident in the New South Wales Opposition. It is clear that Opposition backbenchers are running their own agenda, with the leave and licence of the Leader of the Opposition. I shall refer to comments that are being made by members of Parliament but I shall first highlight what the people of New South Wales are saying and what is being said by the leaders of our ethnic communities. The weekly edition of the *Australian Jewish News* dated 29 May at page 12 quotes Peter Wertheim, President of the Jewish Board of Deputies, as saying that a preference deal with One Nation would be a pact with the devil.

The people of this State want certainty. They want to be able to trust any leader of a mainstream political party in New South Wales to state with absolute certainty what his or her attitudes will be. That is why the Jewish community is railing against the Opposition. The Jewish community is railing against the Leader of the Opposition for his distinct lack of leadership and for his lack of courage in going to the wall on the issue. His coalition colleagues—and I think particularly of the Leader of the National Party and other National Party members, including the honourable member for Monaro, the honourable member for Murwillumbah and the honourable member for Ballina—are running their own agendas, and all with the consent of the Leader of the Opposition. Those members of Parliament are promoting One Nation and they are promoting division within the community.

This motion, made up of five parts, gives the Leader of the Opposition an opportunity in this Chamber to accept without equivocation the resolution of the House and give clear indications and guidelines to the community. I ask the Leader of the Opposition why he and his party do not endorse what was stated in a press release issued by the Young Liberals under the headline, "Young Liberals call on party to reject One Nation preferences". As argument along these lines has been raised by the honourable member for Monaro and the honourable member for Ballina on occasions, I quote that the Young Liberals have said that Labor may be the traditional enemy but the greatest enemies for Australia today are intolerance,

bigotry and prejudice. Young Liberals have said that, regardless of whether coalition candidates claim to disagree with One Nation, entering into preference deals implicitly acknowledges that Pauline Hanson holds legitimate political views.

Whilst those comments may cause the Leader of the Opposition some angst, I hope that he and other members of the Liberal Party would agree with what has been said by the Young Liberals. I seek the leave of the House to table that press release, so that everyone will know exactly what is being said by the New South Wales Young Liberals. The Leader of the Opposition had ample opportunity to participate in a debate on this matter on 19 May. He failed to do so. That did not stop the honourable member for Monaro, who was interviewed on WIN television yesterday. It was stated that the New South Wales election may not be held until March 1999 but that electioneering in Monaro had started. The honourable member for Monaro was quoted as saying that the National Party had put the Labor Party last for 75 years and there was no reason that the party should change that practice.

The reporter went on to state that the honourable member for Monaro described the One Nation Party as being irrelevant to his electorate. One Nation is not irrelevant to the Monaro electorate, it is not irrelevant to New South Wales and it is not irrelevant to the whole of Australia. As the Queensland State election will show, One Nation is not irrelevant to that State either. One Nation is not irrelevant to my constituents, who represent some 37 different ethnic backgrounds—and I note that at some schools more than 37 languages are spoken.

**Mr Hazzard:** You're always racist.

**Mr WHELAN:** No, I am not. The honourable member for Wakehurst knows exactly where One Nation will be going with regards to the Labor Party preferences. The honourable member for Ballina recently said that the National Party had traditionally put Labor last and that the issue of One Nation preferences did not mean that the party wanted to align itself with anyone who might be racist. He then made the remarkable statement that he did not believe that Pauline Hanson's One Nation Party is a racist party. The honourable member for Ballina said that he does not believe One Nation to be a racist party. Why has the Opposition not disowned him? Why has it not disowned the honourable member for Monaro? Why has it not disowned the honourable member for Murwillumbah, who also made comments of that nature? Why is the Opposition out of step? Why can it not tell those members to whom

I have referred that they are wrong, that they do not represent the views of the Liberal Party or the National Party and that they must toe the line?

That is the basic issue confronting the Leader of the Opposition in this Chamber today. The fact is that he has got no say over the Opposition parties in this Parliament. He has no say over the National Party in this Parliament. He is happy to have a bob each way, or a vote each way. The Leader of the Opposition knows that the National Party, through the conspiracy of honourable members representing the electorates of Monaro, Ballina, Murwillumbah and Lismore, leading the push on behalf of their party, is going to get him. He will show what everyone sees in him, that he is a very weak leader. He has not disowned those four members of this House, who have continually and publicly said that they embrace One Nation as a party. Yet we have heard nothing from the Leader of the Opposition, and we will hear nothing from him at all about it today. He should disown those four members, do the lot of them and disown them.

The Leader of the Opposition should tell those four members that he will not support them, that he will go right to the wire, and that he will guarantee that they do not receive endorsement from their party because they have adopted a One Nation preference profile. Why does not the Leader of the Opposition stand up and tell those four members who have defied him that he is not going to endorse them? He does not have the guts and it suits him to adopt a very weak-kneed approach.

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

**Mr WHELAN:** The Leader of the Opposition has disowned the Aboriginal and Torres Strait Islander community and the Jewish community.

**Mr Collins:** What are you babbling on about?

**Mr WHELAN:** Read what they say. Peter Wertheim, President of the Jewish Board of Deputies, said that the Leader of the Opposition is doing a deal with the devil, that a preference deal with One Nation would be a pact with the devil. The Leader of the Opposition, by condoning the behaviour of four coalition members without demur or censure, has announced that they can walk all over New South Wales and say that the National Party and coalition Government will give higher preferences to the One Nation Party. The people of this State do not want the Leader of the Opposition to walk out on this debate like a coward, they want him to stand up and say that those four National

Party members are wrong in espousing such views and that they will not be endorsed by the coalition.

They want the Leader of the Opposition to say how much he disagrees with and disowns the views of the Leader of the National Party and that if necessary he will divorce himself from them. But the Leader of the Opposition lacks the guts and gumption to do it. He has no say in this Chamber, in his own party room or in the coalition because he will not do anything to bring those four renegades to book. He does not even have a coalition. How many more such members are there? Where does the honourable member for Strathfield, who represents a large ethnic population, stand in this matter? He is doing nothing about it, but he is supporting this very weak man, the Leader of the Opposition.

**Mr Hartcher:** On a point of order. I can understand the sensitivity of the Leader of the House but he is required to observe the standing orders. I submit that he must address his remarks to the Chair. He should not engage in across-the-table dialogue with members of the Opposition.

**Mr WHELAN:** I keep getting rudely interrupted.

**Mr Hartcher:** There is no-one more skilled in the procedures of the House than the Leader. He knows when not to be interrupted.

**Mr SPEAKER:** Order! I have already called the honourable member for Strathfield to order. He will cease interjecting. The Leader of the House is attempting to direct his remarks through the Chair but he is being distracted by interjections from the Opposition benches.

**Mr Hartcher:** To his passionate tirade.

**Mr WHELAN:** I do feel passionate about it because my constituency has changed during the 25 years that I have been in this Chamber.

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

**Mr SPEAKER:** Order! There is no point of order. The member for Wakehurst will resume his seat.

**Mr Hazzard:** I am entitled to seek your attention on a point of order.

**Mr SPEAKER:** Order! The member for Wakehurst is not entitled to do so without leave. The member will resume his seat.

**Mr WHELAN:** There is a precedent for the very weak attitude of the Leader of the Opposition in this Chamber. I have never forgotten it. On the

firearms issue he uttered one mealy-mouthed line in the bush and then expressed a completely different attitude in the city. He is attempting to do exactly the same now on this issue.

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

**Mr WHELAN:** What do you want me to do—stand and applaud you?

**Mr Hazzard:** The terms of the motion are quite clear and make no reference to firearms. I ask that you bring the honourable Minister back to the leave of his motion, which is clearly and unfortunately racist. I ask you to direct the Minister to make no reference to firearms in this debate.

**Mr SPEAKER:** Order! The Chair cannot direct the Minister not to refer to firearms.

**Mr WHELAN:** Before I was rudely interrupted, I was describing the stark parallel between the position taken by the Leader of the Opposition on guns, namely one version for the bush and one for the city, and the position adopted by him on One Nation preferences. He was not prepared to take up the gloves in the 19 May debate but he issued an equivocal statement subsequently because he was forced into it.

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

**Mr WHELAN:** If you are trying to take my time, I will move an extension.

**Mr Hazzard:** This is not a matter of taking time, but of pointing out that the Minister is driving a racist debate. The Minister is going right outside the leave of the motion. He is seeking to make reference to the firearms legislation, which is not before the House, in an overzealous desire to drive this Parliament into an unacceptable racist debate. The Minister might want to do that but he has to address the terms of his motion, which do not mention firearms.

**Mr SPEAKER:** Order! Paragraph 1(e) of the motion is couched in broad terms. Among other things it calls on the Leader of the Opposition to announce that in no circumstance whatsoever will either party of the coalition enter into any deals with One Nation. That paragraph of the motion obviously entitles the Minister to talk about the policies of the One Nation Party.

*[Extension of time agreed to.]*

**Mr WHELAN:** I said when I started this debate that the motion is about trust. The Leader of the Opposition holds a position of trust and the people of this State are looking to him for

leadership. The community want to trust him as Leader of the Opposition when he takes up a stance on an issue. At best, he has four renegade backbenchers, but is he is not prepared to do anything about them or to say that they should be disendorsed. New electorate boundaries have been announced today. It is time for the Leader of the Opposition to take this ample opportunity to say to the people of New South Wales that he rejects the four members who have gone public with their views.

**Mr SPEAKER:** Order! I place the honourable member for Wakehurst on three calls to order. If he again attracts the attention of the Chair I will direct the Serjeant-at-Arms to remove him from the Chamber.

**Mr WHELAN:** The best that can be said about the Leader of the Opposition is that he is ducking for cover.

**Mr Collins:** Go back to the start.

**Mr WHELAN:** I am talking about trust, and about your leadership. If the Leader of the Opposition reads the motion, he will find that it talks about his relationship with the Leader of the National Party.

**Mr Collins:** Get it off your chest.

**Mr WHELAN:** I do not have to get anything off my chest. I wish that the Leader of the Opposition would show guts and tell the National Party where it belongs. He cannot walk out of here saying that he has one version for the city and a different one for the bush. If he cannot control his backbench, he has a problem. I do not have that problem. At least four members of his backbench reject him and denounce him by saying that they believe One Nation should be given a higher preference than any other party. Members of the Young Liberals in New South Wales say that he should show courage of leadership and reject One Nation.

**Mr Collins:** Read the release.

**Mr WHELAN:** I quoted what the Chairman of the Jewish Board of Deputies said. He said that your deal with One Nation is like doing a deal with the devil.

**Mr SPEAKER:** Order! The Leader of the Opposition will have the opportunity to take part in the debate at the appropriate time.

**Mr WHELAN:** On 19 May this House debated the so-called statement by the Leader of the Opposition that was going to put the record straight. He considered contributing to that debate, but not a peep was heard from him. He has not put the record straight in relation to those four members. Has he told the Young Liberals that he agrees with them and has he made a public statement about that?

**Mr Collins:** Yes.

**Mr WHELAN:** I want that tabled. That statement must be tabled in this House so that the fraud contained in it can be made clear to the electorate. The Leader of the Opposition is a fraud and is duplicitous in everything he stands for. He has one message for the city and another message for the bush. This motion is about courage of conviction, about him making a decision to reject those four National Party backbenchers whom he refused to denounce.

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

**Mr WHELAN:** If the Leader of the Opposition had the courage of his convictions, he would get the Leader of the National Party into his room and tell him that those members are not going to be endorsed by him as leader. In one sense I am sorry that I did not add to the foot of this motion the words "agrees with his decision not to endorse them". The motion is a serious one. If the Leader of the Opposition is serious, he should stop being ambiguous and ambivalent and state categorically that those four members do not have his support and will not be endorsed by him or under his leadership. Show some ticker, Peter; show some courage.

**Mr COLLINS** (Willoughby—Leader of the Opposition) [3.52 p.m.]: People who live in glass houses should not throw stones. It was the Labor Party that instigated the white Australia policy. It is the Australian Labor Party that in this Chamber today plays the race card. The history of Australian politics shows that every party that has tried to play the race card came unstuck and foundered on the rocks of racism. That is where this Minister, also known for the other Rocks, deserves to founder, because that is where he belongs. My views on racism are extremely well known and I am happy to remind the House of them. I will do this chronologically, starting with 17 October 1996. In my first address to the Liberal Party State convention, the Liberal Party's most important event of the year, I said:

We must resist those who seek to divide Australia.

On 28 October 1996 the *Sydney Morning Herald* reported:

Collins told a Liberal conference it was up to political leaders across the country to reject the views of people such as Ms Hanson.

The *Australian* reported:

Collins calls on Liberals to foster a mature and tolerant society where a fair go extends to all.

On 28 October 1996 the *Daily Telegraph* reported:

Collins attacks the "politics of creeping social division advocated by Bob Carr and others".

What we see being played out in this Chamber today is the politics of social division, the race card. That subject has been raised by the Minister for Police not for bipartisan purposes, not in the public interest, and not to try to build a spirit of consensus in this Parliament or in the community. He has played that race card for the cheapest, grubbiest, most tawdry and politically opportunistic reasons that the Labor Party could possibly drum up. It does not surprise me that the Minister for Police, having made his earlier disgusting comments, now slinks out of the Chamber in his usual gutless manner to which we are accustomed. The Premier has not been present for this debate. He absents himself from every significant debate of public interest. He is not game to show his face in this Chamber but he leaves the grubby work to others. I will continue with my chronology against racism. On 21 July 1997 I wrote a supporting letter for an anti-One Nation Internet site, established by youth representatives of the Jewish community, as mentioned by the Minister in earlier debate. I wrote for that Internet site:

Each of us should be disturbed by the prejudiced attitudes upon which the policies of the *One Nation* party are based.

On 31 August 1997 the *Sunday Telegraph* stated in Stephen Loosely's column:

Collins has rejected "the Hanson agenda".

Stephen Loosely, former Labor Senator for New South Wales and former State director of the Labor Party for New South Wales, understands my position and has understood it since 1997. He understands that I reject the Hanson agenda. On 7 May 1998 the *Sydney Morning Herald* stated:

Collins supports Premier Kennett's statement attacking Queensland Liberal decision to preference One Nation.

On 8 May the *Sydney Morning Herald* editorial reported:

Collins would not follow the Queensland Liberal Party's example.

On 9 May the *Daily Telegraph* reported:

Collins rejects One Nation as it was at "one end of the political extreme".

Also on 9 May the *Australian* reported:

Collins said he would "do everything in my power to urge the State Executive of the Liberal Party not to give preferences to One Nation".

Again on 9 May the *Sydney Morning Herald* reported:

Collins said "There is no room for racism and intolerance in Australian politics".

On 10 May the *Sun-Herald* reported:

Collins said "One Nation must be placed last" and Collins "strongly opposed" dealings with the far right.

On 11 May the *Daily Telegraph* reported:

Collins would strongly urge the Liberal Party to put One Nation last.

On 12 May the *Sydney Morning Herald* reported:

Collins opposes Hansonite agenda.

On 18 May the *Australian* reported:

Collins says "One Nation will be last on how-to-vote cards".

On 19 May the *Sydney Morning Herald* reported:

Collins declares the Coalition would not engage in "any grubby preference exchange with One Nation".

On 20 May the *Sydney Morning Herald* reported:

Collins "believes preferences should not be directed to the [One Nation] Party".

On 26 May I told Parliament that the way to send that clear message is for major parties to place One Nation last on their how-to-vote cards. My record is clearly understood by the people of this State, by the media of this State, by the press gallery of this Parliament, and by the ethnic press of New South Wales who attended here in significant numbers this morning to hear what I told the press gallery of this Parliament a week ago: that is, put One Nation last; there is no room for racism on the Australian political agenda. I say that repeatedly and I say it on behalf of my party, which I am proud to lead. I say it on behalf of all decent Australians and I will continue to say it repeatedly.

**Ms Meagher:** What about the coalition? Can you say it on behalf of the coalition?

**Mr COLLINS:** As for the honourable member for Cabramatta interjecting—

[Interruption]

To restore some order let me draw the attention of the House to the honourable member for Cabramatta, whose Canley Vale branch includes Phuong Ngo and two others who face serious criminal charges, which I will not go into in this place. The Cabramatta branch—the largest ALP branch in New South Wales—is comprehensively stacked. The honourable member for Cabramatta lives in fear of that branch, and rightly so.

**Ms Meagher:** Are you alleging that all Asians are criminals? You're a racist.

**Mr COLLINS:** The honourable member for Cabramatta would know all about branch stacking. She knows what sort of people are attracted to her party, as she has attracted them. She is a disgrace. But it does not end there. The Labor Party is trying to play the race card. It is interesting to look at the record of the Premier, who, as usual, is absent during this important debate, in which I am glad to participate. I do not think the Premier participated in a previous debate on this issue recently. The Premier's attitude to certain key tenets of One Nation policy is interesting. One thing that comes through loud and clear from One Nation is its abhorrence of Australian immigration, which it constantly attacks. I find that particularly disturbing and completely disagree with it.

Today the House saw the spectacle of the Premier parading up and down telling a story about one Minister who was ratting on the Government's attempt to deregister a club which the Premier said would be closed. That Minister is also absent from the Chamber today. Interestingly, the Premier's attitude is that Australia's migrant intake should be cut. An article headed "Cut migrant intake: Carr" in the *Sunday Telegraph* of 20 October 1996 stated that Premier Carr had called for a cut in the migrant intake to reduce population pressures on cities.

**Mr Photios:** Was that Hanson or Carr?

**Mr COLLINS:** That was Carr. An article headed "You're just like Pauline, Carr told" in the *Daily Telegraph* of 28 October 1996 stated:

Opposition leader Peter Collins yesterday compared Premier Bob Carr to maverick independent MP Pauline Hanson for his call to cut immigration.

Interestingly, the Premier espouses a key tenet of One Nation policy: that all our problems will be solved by cutting the migrant intake. Who says that? One Nation says that. Who else says that? Premier Carr says that. The Premier of New South Wales, more than any other State leader in Australia, says that problems will be solved by cutting the migrant intake. His attitude is that Sydney does not want more migrants because they will contribute to overcrowding and environmental problems. But wait, there is more. It does not end with One Nation. After One Nation and the Australian Labor Party there is the group Australians Against Further Immigration.

**Mr O'Farrell:** Who supports them?

**Mr COLLINS:** One might well ask who supports Australians Against Further Immigration. That political organisation has something in common with the Premier—support for migrant intake reduction. That is one of the Premier's passions. Indeed, at a population seminar some months ago the Premier said that cutting the migrant intake would solve many problems. That was music to the ears of Australians Against Further Immigration. Honourable members should be aware of the associations between the Premier and Australians Against Further Immigration. I note with interest what the New South Wales Labor Party did in the by-election for the Federal seat of Lindsay in western Sydney, which was contested successfully by the Liberal candidate Jackie Kelly some time after the 1996 Federal election.

The Lindsay seat in western Sydney is not far from the State electorate of Cabramatta. Indeed, during the Lindsay by-election campaign the honourable member for Cabramatta probably helped the Labor Party give preferences to Australians Against Further Immigration ahead of the Liberal Party. But it does not end there. In the last Federal election AAFI was put ahead of the coalition in the Federal seat of Brand in Western Australia. The member for the Federal seat of Brand is the Federal leader of the Labor Party, Kim Beazley. Members opposite say that they are people of principle. However, if the principles they espouse one day are not popular, they make up plenty more as they go along.

The real clincher is the view of the Premier and AAFI on immigration, which was evident in the Federal seat of Lindsay during the by-election and in the Federal seat of Brand during the Federal election. However, it does not end there. At the last State election the Labor Party gave its preferences to Australians Against Further Immigration candidates

in no fewer than 12 electorates. Indeed, I have a newspaper article, together with an amazingly reconstructed photograph of the Premier, which states that the Premier said that one answer for the future was to put Australians Against Further Immigration ahead of the coalition in no fewer than 12 electorates. I shall go through the list of electorates in which coalition preferences were directed to Australians Against Further Immigration.

Australians Against Further Immigration, an anti-immigration group, fielded candidates in 20 seats. In half those seats the ALP put AAFI above the coalition in its preferences. Those seats were Blacktown—represented by the Minister for Education and Training, who is absent from the Chamber; according to the Premier, his is a good migrant story—East Hills, Eastwood, Miranda, Moorebank and Northcott. This is where it gets interesting. The list also includes the marginal electorates of Bathurst, Gladesville, The Entrance and Murwillumbah. Labor members are prepared to prostitute their principles when it suits them. Any time there is a vote to be bought they will do whatever it takes, in true Graham Richardson style—whatever it takes.

Australians Against Further Immigration has the endorsement of the Premier of New South Wales and the State director of the Labor Party, John Della Bosca, in all those seats. Many of those seats, including Gladesville, are key marginal seats that can determine the outcome of a State election. In other words, the Labor Party is prepared to cut a deal with the devil if the deal gets it across the line. That shows what sort of party Labor is. The line of sleaze that members opposite advocate must be seen to be believed. I seek the leave of the House to table my press release of 12 May.

### **Leave not granted.**

On 12 May my condemnation of One Nation was spelt out for everyone to see. I adhere to those comments to the letter. I was delighted to read the press release of Jason Collins, State President of Young Liberals. He is no relative of mine, but he is indeed a kindred spirit on this issue. I commend him and the Young Liberals for their determination. My press release of 12 May, which I have been refused leave to table, was headed, "Collins: One Nation Should Be Last". It stated:

The One Nation party should be placed last on how-to-vote tickets in next year's State election, NSW Opposition Leader Peter Collins said today

. . . "There is no room for racism and intolerance in Australian politics . . ."

"I am not interested in a grubby preference deal with One Nation."

The press release ends with the words:

"That is the position I will make known to the State executive of the Liberal Party when the matter of preferences for the State election is determined later in the year."

I want to highlight a small matter of logic. Before preferences can be allocated in an election, the candidates must be known. Candidates are not known until nominations have closed, at which time the Electoral Office will report who has been nominated. When all the information is available the Liberal Party, the National Party, and possibly even the Labor Party—unless of course it somehow knows beforehand who the candidates will be—will determine where preferences will be allocated. I propose to move an amendment to the motion that will test the bipartisanship and anti-racist sentiments of those opposite. I move:

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

"this House:

- (1) condemns racism in all forms;
- (2) declares its commitment to reconciliation with indigenous Australians;
- (3) declares its support for multiculturalism;
- (4) rejects any attempt to introduce race as an issue in New South Wales politics; and
- (5) calls on all parties and members to work and support the foregoing objectives."

The honourable member for Keira would surely have to support paragraph (2). The amendment will test the genuineness of the members of the Australian Labor Party; it will expose them for the frauds they truly are. Rejection of the amendment will be symbolic to the ethnic and Aboriginal communities of New South Wales of the tawdry, grubby and dishonourable motives of the Australian Labor Party in New South Wales. I put the Government to the test and commend the amended motion to the House.

**Mr SPEAKER:** Order! I shall give the amendment close consideration to determine if it is in accordance with the standing orders.

**Mr IEMMA** (Hurstville) [4.12 p.m.]: The challenge for the Leader of the Opposition is certainly leadership. That is the only test he has failed. The test is not about his amendment or waiting to find out which electorates One Nation

candidates or other candidates will contest. The Leader of the Opposition does not need to wait for One Nation candidates to announce in which electorates it intends to nominate candidates before he makes his statement about where coalition preferences will go. He can follow the example set by his interstate colleagues Jeff Kennett and Richard Court by stating that in whatever New South Wales electorates One Nation candidates nominate they will be put last on the Liberal and National Party tickets and that the coalition will not profit from One Nation party preferences.

The electoral boundaries are clear. The Leader of the Opposition can show true leadership by meeting the challenge and issuing a directive. He does not need to say, "I will urge my party", "I strongly oppose", "I agree with the opinion that they should be put last", "I will not profit from grubby preference deals". All he need say is, "As leader of the coalition and as leader of the Liberal Party I will instruct my State executive that wherever One Nation raises its ugly head in the March election next year it will be placed last on the Liberal Party ticket and on the National Party ticket."

The Leader of the Opposition not only leads the Liberal Party. He offers himself as the alternative Premier of the State. He must show true leadership for the team he leads, that is, the coalition. He is the leader of the coalition. Therefore, he must also show leadership to the National Party. It is not good enough for him to urge his State executive to take action, to congratulate the Young Liberals and give the House a rundown of all his anti-racist statements and condemnations of One Nation. He must lead his party, and not hide behind the State executive, the Liberal Party or the National Party. He can say to his coalition partners that the statements he makes in metropolitan Sydney will be supported by statements and action in country New South Wales and that he will instruct his coalition partner, the National Party, that it must follow suit. It is not good enough that he says one thing in metropolitan areas and the National Party is allowed to say something else in country New South Wales. For consistency and for the sake of principle, he must haul into line those who want to profit by One Nation's racist preferences. He should show leadership by making the National Party tow the line.

During the contribution of the Leader of the Opposition not one National Party member was in the Chamber. That was a telling absence. Not one National Party member offered support for the leader of the coalition, the man who offers himself as the alternative Premier. Not one of the four National Party members who have said they will put One Nation ahead of the Australian Labor Party on

how-to-vote tickets was present during his speech. Not one National Party member offered moral support for the Leader of the Opposition; not one of them is on the list of speakers for this debate.

A few members of the Liberal Party sat beside and behind him, but not very many. That is very telling. It suggests a secret deal. At the press conference today it was revealed that the message being spread by the Liberal Party in metropolitan electorates is that it hopes to put One Nation last, it is urging its members to work against One Nation, it will make a principled stand against racism, but it will not take the action that is needed, that is, issue a directive that One Nation will be placed last on coalition how-to-vote cards. All over country New South Wales the National Party is feeding on the racism that has been fanned by Pauline Hanson and her supporters. One would have thought the Leader of the Opposition would have taken the opportunity during the course of this debate to make a stand.

It is timely that the motion has been moved today, the day after Pauline Hanson's extraordinary speech last night, which was purported to be the opening of her Queensland election campaign. This was the opportunity for the Leader of the Opposition to finally nail this issue with a clear and unequivocal statement that as the leader of the coalition he will do two things: first, immediately instruct his members that One Nation candidates who nominate will be placed last on Liberal Party how-to-vote cards in metropolitan electorates and, second, instruct his coalition partner, the National Party, to do the same in respect of One Nation candidates who nominate in country electorates.

Last night Pauline Hanson exceeded anything she has said or done in the past when she delivered one of the most extraordinary and appalling speeches that any politician has ever made in this country. What she said about indigenous Australians blew away any reservations anyone might have had that One Nation is not a racist organisation or that she is not an out-and-out racist. One media report today carried the big bold headline "Deranged". That was an apt and accurate description: Pauline Hanson is deranged. The alternative Premier in the biggest and most important State in this country should have taken the opportunity during his press conference for members of the ethnic media to say enough is enough so far as Pauline Hanson is concerned and that enough is enough so far as standing behind his party is concerned.

The Leader of the Opposition should stand in front of his party. He should stand up to the National Party and say that One Nation candidates will be placed last on coalition how-to-vote tickets. The Leader of the Opposition should say that he will

not cop any more excuses. He could have used the opportunity to make the clear unequivocal statement of a leader. He would have earned considerable respect today if he had stated that One Nation candidates will be placed last so far as the coalition is concerned. The Leader of the Opposition should bear in mind what happened on Sunday when he attended the Italian National Day festivities and heard the Prime Minister jeered. Three jeers for John Howard—on arrival, on introduction and on departure!

That was an indication that the Prime Minister has turned his back on Australians of Italian descent who had hoped for his support. That is exactly what the Leader of the Opposition has done to Australian-Italians, to the Aboriginal community, to the Jewish community and to many other communities in this State. What he witnessed on Sunday night should have been an indication that the time has certainly come for a clear and unequivocal statement that the Liberal Party and the National Party will not give their preferences to Pauline Hanson. The four recalcitrants in the National Party who have already issued statements that One Nation will be placed ahead of the Australian Labor Party in their respective electorates should have been pulled into line, but they were not. That is the test that the Leader of the Opposition has failed in this House: the test of leadership.

The Leader of the Opposition should not hide behind the Liberal Party State Executive or consult the party's State director. He should make a statement of principle. He will not do that, firstly because of the views of the National Party and, secondly, because some members of his own party do not believe that One Nation should be placed last on how-to-vote cards. If what happened last night has not convinced them, nothing will. A deal has been done that will allow members of the National Party and some rebel Liberals to run around their electorates saying one thing while the Leader of the Opposition mouths statements about how appalling Pauline Hanson and her supporters are but does not back them up with any show of strength. That proves that the Leader of the Opposition will fail the leadership test in March next year.

**Ms FICARRA** (Georges River) [4.28 p.m.]: It is incredible! The Carr Government's budget was delivered yesterday. One could be forgiven for thinking that the Government, in the year leading up to the State election, would be trumpeting how wonderful the budget is—even though media commentators, including Ross Gittins, John Laws and Alan Jones would not agree—about its numerous policy directions and about all the good

news it has to tell us. But it has not; it has trotted out the Hanson bandwagon. The Government believes it can continue to manipulate the ethnic and Aboriginal communities with that type of rubbish. It is trying to divide the State. All the Government wants to do is score points and divide the community.

The honourable member for Hurstville, who is looking for a new electorate—he is welcome to come to Georges River at any time—comes from an ethnic background, as do many other members on the Government side of the House. How dare they try to divide our community by using cheap political stunts! The honourable member for Hurstville talked about the Italian National Day celebrations on Sunday. I know, Mr Speaker, you were there. I have a great deal of respect for you, Mr Speaker. Many of your constituents have an Italian background. Indeed, many come from where my family comes from, the Eolien Islands. I know you make a trip there every year and I know exactly what table and what seat you use at the Bartano. The honourable member for Cabramatta should be reminded of the significant contribution made to this country by the people from the Eolien Islands. She will remember the remark she made in public and for which she will have to apologise.

I should like to deal with the hypocrisy of this Government. The House has heard from the Leader of the Opposition about the disgraceful deals made with Australians Against Further Immigration. Representatives of that organisation stood in my electorate of Georges River. I have always supported multiculturalism. I have been a member of the Australian Chinese Forum for 17 years. I welcome all our newcomers to Hurstville. I spent 15 years on Hurstville City Council and have served as the mayor. I am proud of what we have done in the St George area. I am proud to represent the Leader of the Opposition on the New South Wales Reconciliation Committee. The honourable member for Keira is also a member of that committee. I am proud that we can work in a bipartisan spirit to improve the lifestyle of New South Wales constituents.

Yet, even though the Opposition tries to play it by the book—ethically, morally and in a Christian fashion—it is subjected to these ridiculous capers, these political potshots. Members of the Government should not believe their actions will influence ethnic communities. Ethnic communities are not stupid. They are no longer able to be manipulated by the Labor Party. Various television programs have dealt with branch stacking in the ALP. The honourable member for Cabramatta and the honourable member

for Hurstville know that they have been involved in that in their own electorates. The manipulation of the Italian, Lebanese and Asian communities is disgusting. It has all been recorded. It is not happening only in Victoria. It is happening in New South Wales, so much so that Sussex Street has had to put a freeze on it. Members of the Government use and abuse ethnic people, but do they ever give them any decision-making role? Do they involve them in anything? Absolutely not. It is all very well to get someone to sign a cheque, to make a cash donation, or to sign up hundreds of ethnic members after bringing them in by the busload, but I know exactly what members of the Government are doing.

The ALP has demonstrated its racist views at by-elections when it has put Australians Against Further Immigration ahead of the Liberals, and members of the Government now tell us that we should put Pauline Hanson last. We will put Pauline Hanson last, and the Leader of the Opposition has put on record all the times that he has said that Pauline Hanson will be put last. I feel confident that the party executive will follow the direction set by the Leader of the Opposition. Everyone knows that is how the party structure works—Liberal Party, Labor Party, National Party. We all work in the same way. The Labor candidate in the electorate of Lindsay, Ross Free, put V. Townsend, the candidate for AAFI, ahead of the Liberal Party on his how-to-vote card. He put Jackie Kelly, the Liberal candidate, at No. 11 and AAFI at No. 9. Is that not farcical? The Federal Leader of the Opposition, Kim Beazley, has tried to score political, racist points. When he stood in the electorate of Brand in Western Australia he put AAFI ahead of the coalition. He put the AAFI candidate at position No. 6 and the Liberal candidate at No. 8. What hypocrisy!

In the State election where did the Labor Party rank AAFI candidates in marginal electorates such as Bathurst, Gladesville and The Entrance, and in other electorates such as Blacktown, East Hills, Eastwood, Miranda, Moorebank, Murwillumbah and Northcott? Residents in many of those electorates are from non-English speaking backgrounds and they find Australians Against Further Immigration and what it stands for offensive. What did the Labor Party do? In each of those seats it put the AAFI candidate ahead of the coalition candidate. The Government thinks the Opposition will not remember these things. Members of the Opposition have long memories, and we will remind the Australian electorate, particularly in New South Wales, about that. Yesterday's edition of the Melbourne *Herald Sun* published an article which said, among other things:

Pauline Hanson's political assault on Victoria has begun.

Her One Nation party is set to contest more than half the state's seats at the looming Federal election.

One Nation has 15 candidates prepared for a snap poll and is recruiting heavily to fight as many seats as possible, despite low public support in Victoria.

Ms Hanson has forged an alliance with Victorian leaders of the Right-wing organisation, Australians Against Further Immigration.

They are the friends of the ALP. The article continued:

She has appointed AAFI co-founder Robyn Spencer Victorian leader and national immigration spokeswoman.

Ms Spencer believes all new migrants should learn Australian geography and history.

What does Premier Carr think? Perhaps he would prefer to talk about American history; he is more interested in American history than in Australian history. He is the one who wants to limit immigration. The article continued further:

One Nation's move into Victoria is bound to create bitter local fights with the conventional parties.

Federal Victorian Liberal MPs yesterday intensified pressure on their state division to take a tougher moral stand against Ms Hanson.

What stand will the ALP in Victoria and the rest of Australia take in relation to Australians Against Further Immigration? Their little mate Robyn Spencer is now the adviser for the One Nation Party and its national immigration spokesperson. An article in today's *Sydney Morning Herald* is headed, "State leader attacks 'violent racist slurs'". The article was written by Robyn Dixon and it states:

Robyn Spencer lacks the trademark Hanson quaver in her voice but apart from that, the new One Nation leader in Victoria is a Pauline Hanson clone.

This is the same Robyn Spencer that the Labor Party dealt with when it was doling out its preferences. It is the same Robyn Spencer from AAFI that the Labor Party preferred before the coalition candidate. According to the article some of her views are as follows:

She expresses the same defensive alienation, the same defiance against the main parties and like her leader, she claims to speak for a great, silent, resentful majority.

But the Victorian Premier, Mr Kennett, has hit out at One Nation, urging Queenslanders about to vote in their State election to send a message of support to Asia. He said the "intolerant and divisive" views of One Nation must be rejected, "Vocally, forcefully and repeatedly". The view in

Asia that Australia was becoming less tolerant would damage Australian trade in farm commodities and would hurt Asian tourism, Mr Kennett said.

That is exactly the same view taken by the New South Wales coalition. Government members believe that National Party representatives do not understand what it will mean for the farmers they represent. Of course they do. They know the degree of damage being done by Australia's trade imbalance. Mr Kennett has been consistently outspoken in his criticism of One Nation. Ms Spencer accused Mr Kennett of being arrogant and out of touch, delivering his views from on high without listening to the anger of ordinary Australians. Ms Spencer is mad, just like Pauline Hanson. Ms Hanson chose Ms Spencer from the anti-multicultural policy group, Australians Against Further Immigration, to lead One Nation in Victoria. This is the same Robyn Spencer that the ALP colluded with in the allocation of its preferences.

I turn to the Italian National Day celebrations because I know, Mr Speaker, that you were there. The honourable member for Hurstville told outrageous lies about the reception our Prime Minister received. The Prime Minister was received in an overwhelmingly positive fashion. I was sitting to the left-hand side of the very large overseas passenger terminal at Circular Quay, where the celebrations occurred, and I know about the handful of people who were booing and I know with whom they were connected. That was a cheap Australian Labor Party stunt that backfired. It was recognised by all Australian-Italian community leaders to be a cheap stunt. The lack of respect was embarrassing to the Australian-Italian community, to the Italian Consul General, and to virtually all of the parliamentarians who were there.

Stupid gimmicks and set-ups such as that do no good. A handful of people were given a signal and then booed on cue, whereas up to 20,000 people cheered wildly as the Prime Minister spoke—in fact, the Prime Minister had to stop his speech on several occasions to deal with the applause. Stunts such as that one will backfire on the Labor Party. I warn the honourable member for Hurstville that ethnic communities can no longer be manipulated. Members of the ethnic communities are well educated and they will decide for themselves. They will examine party policy and they will not be manipulated as they were in the past. The Liberal Party is very proud to have members of Parliament and endorsed Liberal councillors of Australian-ethnic background. We are proud to have in our midst the Hon. Helen Sham-Ho, the first Australian parliamentarian of Asian background.

Many Liberal Party members are making strong attempts to have elected our first Aboriginal member of Parliament. It is my hope that after the next election we will be able to stand proud and say that we do have an indigenous member of Parliament. Unlike the Labor Party, which uses and abuses those of ethnic background and trots out garbage that has been heard for a long time, the Liberal Party will include members of ethnic communities, give them responsible decision-making positions and involve them in policy formation. We will not use them in branch-stacking exercises and we will not speak to them in a condescending fashion. I spend a great deal of time attending Australian-Lebanese, Australian-Italian and Australian-Greek functions. I also spend a great deal of time with the Vietnamese community, including the Vietnamese Women's Association. I could relay a whole list of ethnic associations with which I am associated.

Within the ethnic communities there is an awakening, a slow awakening that comes through education. Second- and third-generation Australians are reading and judging for themselves. There is no place for the bad old days of manipulating ethnic communities because they do not understand. When my parents came to Australia and worked in fruit shops they voted for Labor because everybody else voted for Labor. After we, their children, were raised and educated we asked them why they voted for Labor. On examination of party policies, it was evident that there was no reason to vote for Labor. There is a grand awakening throughout the land, and the Labor Party is worried. That is why it tries cheap stunts such as the Hanson stunts. Those stunts will not work, not in New South Wales. The coalition is united. It is very keen because 27 March 1999 will be the coalition's day.

**Mr Iemma:** Tell us about the pigeons.

**Ms FICARRA:** I could tell the honourable member a great deal about pigeons. Animals and animal codes are very important. What a hotch-potch the Minister for Local Government made of the cats and dogs legislation. I do not wish to trivialise this debate, because it is too important for that. This debate is important to ethnic communities, which want reassurance that politicians are not playing games but are looking after their welfare. It is important to indigenous Australians, who want to be given a voice not only in determining housing and health policies but in the parliaments. Everyone knows what the Premier thinks about migration. The ministry for ethnic affairs and the ministry for youth affairs have been pushed aside.

The Premier is hardly seen at ethnic functions—he makes an appearance when a few thousand people are gathered, and then he quickly leaves. The ethnic communities are able to judge for themselves. They can see the difference between the great job done by the ministry for ethnic affairs when the coalition was in office by the Hon. Jim Samios in the upper House and by the honourable member for Ermington, who consistently supports ethnic functions even though he now has responsibility for the shadow transport and tourism portfolio.

**Mr Iemma:** Tell us about Sunday.

**Ms FICARRA:** The coalition had a great line-up on Sunday. Coalition members outnumbered Labor Party members. Coalition members consistently outnumber Labor at ethnic functions, because we care. Coalition members care about the ethnic communities not only in an election year but all the way along. The honourable member for Hurstville can rest assured that the coalition will always be involved with ethnic communities—just as it is changing the face of the St George area. I welcome the boundary changes in my electorate. I take this opportunity to be parochial. I welcome the opportunity to represent the rest of the Hurstville city area, particularly Hurstville itself, to Beverly Hills and to Kingsgrove. The society there is a multicultural one with which I have well-established links.

Many Opposition members have links with the ethnic communities and will maintain those links. The Government will not divert the coalition from keeping the Carr Government honest, including keeping it honest about Labor Party preferences. What did the Labor Party do with Australians Against Further Immigration? Liberal Party members know what the Labor Party has done in the past. The ethnic communities know Liberal Party members personally, they know us as a party and they trust us. The ethnic communities cannot be misled. Never again will they be allowed to be manipulated as the Labor Party manipulated them in the past.

**Mr MARKHAM** (Keira) [4.47 p.m.]: I support this motion. In debate earlier this afternoon the Leader of the Opposition said that I, as the member for Keira, would support some of his amendments. I would have no problem in doing that, because I will condemn racism in any and every form anywhere. I do support multiculturalism. It is my belief that the Parliament has shown its colours well and truly in supporting reconciliation. In that sense, I have no real problem with the amendments. One party in the Parliament has not shown a real understanding of the hurt that One Nation is causing to indigenous Australians. The front page of today's

*Sydney Morning Herald* reported the despicable person from Queensland speaking in the Federal Parliament last night. The article states:

Ms Pauline Hanson last night put native title and Aboriginal rights at the centre of the Queensland election campaign, accusing the Coalition and Labor of conspiring to create a separate Aboriginal state.

Deranged? I think she is a bloody idiot. She is more than deranged to make such a suggestion. While ever there is a person in the Parliament of this country carrying on in the way she is, Australia will be and will remain a laughing-stock of the international community. The Federal member also talked about sovereignty last night. An article in the *Sydney Morning Herald* states:

Ms Pauline Hanson injected fear of international human rights treaties into the Queensland election yesterday, claiming that a draft United Nations statement on indigenous rights would destroy Australia's sovereignty.

She said the "treaty" was "a treacherous sell-out of the Australian people", and involved "the collusion of Aboriginal separatists, the UN and the disloyal and self-seeking globalists in our midst".

How unbelievable it is that a person one would want to believe to be a sensible human being could make such a stupid statement. A representative of the people, in the Federal Parliament of this country, made an absolutely disgraceful, inhumane attack not only on indigenous people but on migrant people of this country. Worse still is the attack on Australians who she must think are as stupid as she is. I believe the coalition partners, through their leader, should tell this Parliament and the people of New South Wales that every one of their candidates will put One Nation last on their how-to-vote tickets.

The members of the coalition should support the Leader of the Opposition in that stance and until they do, as far as I am concerned, not one National Party member can be trusted. Until the leader says that will be done, every one of them will be under suspicion of being racist. People in the community are saying that and will have that view. In the *Australian* newspaper under the headline, "Lib fear turns to loathing", a political editor, Dennis Shanahan, says in part:

Liberals from around Australia are arguing that the federal Liberal Party should act quickly on the preference issue and be prepared to put One Nation last.

Some States, individual MPs and even Liberal ministers have publicly declared One Nation will go last in preferences, but John Howard maintains that the decision will be made later by State executives.

The Prime Minister is gutless. He could have killed off this argument and killed off One Nation and its

leader two years ago. But he did nothing about it. He let her gain credence within the parliamentary system of this country. She is an absolutely despicable human being. I want to hear from the Leader of the Opposition that all candidates who run in the next State election will put One Nation last, irrespective of from which party they come. I believe One Nation's attack is on indigenous Australians and people who have settled and given their life to this country.

I will not be at all surprised if the leading lights in the Aboriginal community throughout this country indicate strongly that if political parties do not come out at Federal, State and local government levels and condemn this woman for what she is, those political parties and individuals will be condemned along with her. The Leader of the House has moved this timely motion because elections are going to be held throughout this country in the near future: Queensland on 13 June, Victoria shortly, New South Wales in nine months and a Federal election to be held between now and March next year, but more likely in September-October this year.

Leaders of all political parties at the Federal and State levels should spell out their intentions loud and clear. This afternoon the Leader of the National Party should advise us that he will tell his executive and candidates to put One Nation last on their how-to-vote tickets. Until the Leader of the National Party does that, suspicion will remain about every National Party member of this Parliament and every National Party person even at the rank and file level. We will continue to be suspicious of his motives.

I will not say much more other than to reinforce my view that if members of this House are genuine about seeking reconciliation, they will realise that while ever that damned woman is in the Federal Parliament reconciliation is a long way off. That is why every political and community leader must condemn her and her One Nation party. I will not let the name of that woman pass my lips because it is so disgusting, and that is why I have not used her name tonight. I am sure that everyone knows who I am talking about because I believe she should be shunned with total silence by the people of this country.

**Mr MacCARTHY** (Strathfield) [4.55 p.m.]: I support the amendment moved by the Leader of the Opposition. I do so as the proud representative of the electorate of Strathfield, which is one of the five or six most cosmopolitan electorates in this State Parliament. On my behalf and as a member of the Liberal Party I apologise to no-one for our position

on race questions. The Leader of the Opposition made the point that the white Australia policy, which was a creature of the Australian Labor Party some 100-odd years ago, was abolished by the Liberal Party.

Other points in the Liberal Party's favour include that it was the Liberal Party that first put a person of non-English speaking background into the Federal Parliament, namely, my good friend, former Senator Milivoj Lajovic. It was the Liberal Party that first put an Aboriginal into the Parliament, in the person of Neville Bonner, a great Australian. It was the Liberal Party that first put a person of Chinese extraction into the Parliament in the person of the Hon. Helen Sham-Ho. The Liberal Party does not need to apologise to anybody. In my maiden speech in this Parliament almost two years ago I made my attitude and that of the Liberal Party clear on such matters. I said of the Liberal Party:

We do not care if your parents were born here, or in Europe or in Asia. We do not need quotas to bring women of talent into Parliament. We represent everyone, and we aim to create an environment in which all have an equal opportunity to achieve their potential.

That was and is my heartfelt view of how we should approach questions on race, religion and colour. I have my religion, but anybody else's religion, race or colour is his or her own, and I respect that. I defend the right of everyone to have an equal place in Australia. Like the honourable member for Keira, I will not mention that lady's name—in fact, I hesitate to call her a lady. I have wasted no opportunity, when relevant, in every public forum in which I have been involved to make my abhorrence for that person, her party and her racist policies quite clear. I place on record in this Parliament that together with my colleagues I reject those views. I support the amendment moved by the Leader of the Opposition. I will read it again onto the record because it should be supported. It states:

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

"this House:

- (1) condemns racism in all forms;
- (2) declares its commitment to reconciliation with indigenous Australians;
- (3) declares its support for multiculturalism;
- (4) rejects any attempt to introduce race as an issue in New South Wales politics; and
- (5) calls on all parties and members to work and support the foregoing objectives."

I do not believe that anyone in the Government can object to that motion. If the Government is serious about discussing this issue in a truly bipartisan and cohesive manner, and not causing needless division in this State, the Minister for Police will withdraw his motion in favour of the amendment moved by the Leader of the Opposition. The Leader of the Opposition has prepared a concise statement that all decent Australians can support. The Opposition calls on the Government to show its colours and support its motion in a true spirit of bipartisanship.

**Ms MEAGHER** (Cabramatta) [5.00 p.m.]: I move the following amendment as an addendum to the motion moved by the Leader of the House:

After paragraph (1) of Mr Whelan's motion, add:

"(2) this House:

- (a) condemns racism in all its forms;
- (b) declares its commitment to reconciliation with indigenous Australians;
- (c) declares its support for multiculturalism;
- (d) rejects any attempt to introduce race as an issue in New South Wales politics; and
- (e) calls upon all parties and members to work and support the foregoing objectives."

On 19 May the Leader of the Opposition had an opportunity in this House to send a clear message to the people of New South Wales that he was not going to allow One Nation racism and intolerance to get a foothold in the New South Wales political system. He had an opportunity, as the senior member of the coalition, to make it clear that a vote for the coalition was not going to flow on and become a vote for One Nation. He missed that opportunity. He walked out of this House after refusing to take the opportunity to assure the people that the Liberal Party would not support One Nation. The Leader of the Opposition stands condemned for failing to assure the people that the coalition will not help One Nation candidates be elected to Parliament. He had the hide to tell the House today that he participated in those debates.

That demonstrates his dishonesty, because all he is prepared to do is put out a press release stating that he hopes that the Liberal Party will decide to put One Nation last in any preference allocation. Hope is not good enough. As the senior member of the coalition the Leader of the Opposition should be able to assure the House that he has a commitment from the Liberal Party that One Nation and the National Party are not one and the same thing. But he failed to do that. On 19 May the National Party

had an opportunity in this House to distance itself from the policies of Pauline Hanson. The performance of the Leader of the National Party on that occasion was a disgrace. He hid behind the skirts of the redistribution. For some reason he had to know the shape of the electorates before he could make a statement of principle that One Nation and the National Party were not the same deal. He failed his constituency on that occasion.

One can assume from his performance in the House that the Leader of the Liberal Party has an arrangement with the Leader of the National Party, a deal that allows the Leader of the Liberal Party to woo his urban electors to reject Pauline Hanson but allows the Leader of the National Party to trot around in the bush and not alienate Hanson supporters. That is what is going on: a secret arrangement, a grubby deal. Members of the Opposition are prepared to put cheap political gain ahead of the reputation of their country, both domestically and abroad. They are prepared to jeopardise the markets of their National Party constituency, Australia's markets in Asia, and its standing in that region for cheap political gain. It is about time they were exposed for that arrangement, and they should be condemned by the people of New South Wales.

This is not the first time they have had an arrangement for a separate message in the city and a separate message in the bush. That tactic was used with gun law reform when there was one message to appeal to city voters and another for the bush so that the National Party could hang on to its rural constituencies. It is not good enough; it is dishonest politics. This is the most important issue currently dominating national debate, it is about the fabric and harmony of our community and deserves the attention of this House and an honest commitment from the coalition. I commend the motion to the House and call on the National Party to give a commitment to reject One Nation.

**Mr WHELAN** (Ashfield—Minister for Police) [5.04 p.m.], in reply: I thank honourable members for their contributions. The questions that I asked the Leader of the Opposition are still outstanding. I asked him to denounce the four members of his party who have praised the efforts of One Nation and said that they would give One Nation preferential treatment. I have asked the Leader of the Opposition to show courage of conviction and leadership, and he failed to do that. I thank the honourable members for the electorates of Cabramatta and Hurstville for their contributions. I advise the honourable member for Cabramatta that the Government will accept the addendum she moved. This is an important debate. Today will not be the last opportunity for it to be raised in the House on behalf of the community. The community

of New South Wales will not want anything other than unambiguous statements by the Leader of the Opposition, who has to make up his mind whether he leads a united Opposition or, as we know it, a divided Opposition.

**Question—That the words stand—put.**

**The House divided.**

**Ayes, 48**

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

**Noes, 40**

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

**Pairs**

|            |               |
|------------|---------------|
| Mr Carr    | Mr Armstrong  |
| Mr Knight  | Mr Beck       |
| Mr Nagle   | Mr Cochran    |
| Mr Tripodi | Mr D. L. Page |

**Question so resolved in the affirmative.**

**Amendment by Mr Collins negated.**

**Amendment by Ms Meagher agreed to.**

**Paragraph (1)(a) of the motion agreed to.**

**Paragraph (2)(b) of the motion agreed to.**

**Paragraph (3)(c) of the motion agreed to.**

**Paragraph (4)(d) of the motion agreed to.**

**Paragraph (5)(e) of the motion agreed to.**

**Mr Whelan:** The House should note that the Opposition parties have walked out of the Chamber.

**Mr SPEAKER:** Order! The Leader of the House is out of order. He may not interrupt until I have completed putting the questions.

**Motion as amended agreed to.**

## ASSENT TO BILLS

Assent to the following bills reported:

Fire Services Joint Standing Committee Bill  
 Fire Services Legislation Amendment Bill  
 Traffic Amendment (Pay Parking Schemes) Bill  
 Police Integrity Commission Amendment (Records) Bill  
 Marketing of Primary Products (Murray Valley Wine Grape Industry) Special Provisions Bill  
 Marketing of Primary Products Amendment (Rice Marketing Board) Bill  
 Pawnbrokers and Second-hand Dealers Amendment Bill  
 Roads and Traffic Legislation Amendment (Load Restraint) Bill  
 Road Transport (Vehicle Registration) Amendment Bill  
 Traffic Amendment (Variable Speed Limits) Bill

## BILLS RETURNED

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

Local Government Amendment (Meetings) Bill  
 Periodic Detention of Prisoners Amendment Bill  
 Police Service Amendment (Alcohol and Drug Testing) Bill  
 State Revenue Legislation Amendment Bill

## PRIVATE MEMBERS' STATEMENTS

## CHERRY INDUSTRY

**Mr R. W. TURNER** (Orange) [5.18 p.m.]: I draw the attention of the House to a submission made to the Minister for Agriculture by the Cowra Regional Advisory Service about the problems posed to cherry growers by extreme summer heat and resultant economic cost. The cherry growing industry extends from Young through to the Cowra district, including Canowindra, and Orange. Most honourable members would acknowledge that Young has for many years been known as the cherry capital, with some 1,200 hectares planted with cherries. Over the past few years the cherry growing area has expanded to the west into Canowindra, and the number of areas in Orange being planted with cherries continues to grow.

The cherry crop is of great economic value to the Young shire. Fresh quality cherries grown and packed in the Young shire are supplied to the local market and to the active export market. I should like to address some of the problems faced by cherry growers. Last season during the extreme heat of November and December cherries ripened prematurely and were cooked on the trees. For 20 days the temperature was 40-plus degrees celsius, for three days it was 45-plus degrees and one day it reached 53 degrees in the shade, measured by reliable electronic computer equipment. I have here a graph showing the temperatures reached during that period. Most orchards have some form of irrigation, but those extreme temperatures were too much for those systems to cope with.

In the Canowindra and Orange districts, which also experienced those temperatures, small and immature apples shrivelled up. Many orchardists, having produced crops that were 40 per cent of a normal harvest, suffered further financial loss through damaged and inferior product. The Minister was approached for assistance. I ask him to again examine and acknowledge the severe impact of natural disasters on farms in the Young district. I ask the Minister to treat this problem in the same manner as those faced by other districts that suffer loss or damage from storms or hail. Through no fault of their own, farmers are left to the mercy of nature. Many crop harvesting costs still have to be paid even though adverse conditions take good crops out of their hands. Increased costs are often incurred because small fruit costs almost as much to pick as normal product.

Payments for inferior crops are lower because lack of product quality prevents crops from reaching premium markets. Contacts established in the Asian markets are lost and contracts are not fulfilled. Those markets then have to obtain fruit from other sources. I ask the Minister to review his earlier decision and provide relief to the growers. The growers are requesting not a grant but rather loan interest payment relief. The Minister has been sympathetic to farmers and has treated their submissions seriously and with compassion. I ask the Minister to treat the cherry growers of the Young and Canowindra districts similarly and to acknowledge also that apple orchardists in the Orange district have suffered a severe economic downturn during the same period.

**Mr AMERY** (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [5.23 p.m.]: I thank the honourable member for Orange for notifying my office that he would raise this matter during private members' statements. The Rural Assistance Authority received a letter dated 19 May from Lloyd Garratt, rural financial councillor, and Joseph Napoli, district horticulturalist of New South Wales Agriculture, concerning financial assistance under national disaster relief for orchardists in the Young district due to crop losses from extreme heat conditions in November 1997. The report, which outlined the financial impacts on the orchard industry and the effects on local businesses, was received in my office on 2 June. The general manager of the Rural Assistance Authority wrote to Mr Napoli advising that financial assistance could not be provided. Eligible events for consideration of financial assistance are clearly defined by the Commonwealth Government under the terms and conditions of national disaster relief arrangements. Extreme heat conditions are not a prescribed eligible event.

Written advice confirming this position was provided to Mr Napoli on 16 December by the department's division of plant industries. Whilst the Rural Assistance Authority is unable to authorise financial assistance to the orchard industry in this instance, I confirm that New South Wales Agriculture will continue to support the industry with technical and advisory assistance on water management practices as required. The guidelines are structured between the State and Federal governments and do not allow me much room to move. In light of the contribution of the honourable member for Orange I shall ask the RAA and the department to again examine the matters to determine whether there is any way to provide assistance. The honourable member would be aware

that a number of issues concerning the water supply around Young are being considered. I shall advise the honourable member and the orchardists at an appropriate time.

### **OBSESSIVE COMPULSIVE DISORDER**

**Mr WATKINS** (Gladesville) [5.25 p.m.]: I draw to the attention of the House the mental health problem known as obsessive compulsive disorder—OCD—and the work being done to combat its debilitating effects. My electorate has many OCD sufferers and a support group for the disorder operates out of Gladesville Hospital. Obsessive compulsive disorder is an anxiety disorder affecting about 2 to 3 per cent of the population, or more than 450,000 Australians. It is the fourth most common psychiatric disorder. People affected by OCD are disabled by obsessions which are persistent, unwanted, involuntary and intrusive thoughts. The person may or may not recognise these thoughts as irrational or excessive.

They are not able to control them, nor are they able to effectively limit their intrusiveness and the anxiety they cause. They may also experience compulsions which are persistent needs to act and repeat acts to try to reduce anxiety. OCD usually begins in late childhood or early adolescence. People with OCD are often acutely embarrassed about their symptoms and may keep it secret for years. That is why it is often called the hidden disorder. Common obsessions include thinking they are dirty or contaminated, that they have unwittingly harmed others or are to blame for something happening to another. The most common compulsions involve cleaning and checking rituals.

Persons may have an obsession that their hands are dirty. They may experience anxiety that they may infect others, contaminate foods, et cetera. They may know further washing is unnecessary, but they cannot stop the feeling that they have to wash and rewash. Similarly, compulsions to check may involve repeatedly checking light and power switches or locks to ensure that they are secure. Occasionally sufferers cannot throw things away and hoard huge piles of rubbish at home. Carrying out a compulsion may momentarily reduce the obsessional thought and associated anxiety, but these may almost immediately return and the cycle is repeated. These persistent thoughts and repeated acts may occupy hours of time.

The person affected by OCD is likely to feel exhausted. OCD rituals can interfere with usual work and leisure activities and seriously interrupt daily routine. Severe disability from OCD commonly

continues for decades. OCD symptoms can seem inexplicable, irritating and frustrating to the families, friends and workmates of sufferers. The severity of the disorder is often compounded by depression and other anxiety conditions, including social and simple phobias, panic disorders and agoraphobia. There are many theories about possible causes of OCD but the exact cause is unknown. OCD is treated in a number of ways and therapists commonly use several treatment techniques such as behaviour therapy, medication, psychotherapy, hospital treatment or support groups.

Recent research has led to advances in treatment involving exposure therapy where patients are taught to expose themselves daily to the frightening things that bring on their rituals and to stay with that discomfort for an hour or more until it subsides. This program was pioneered by Professor Isaac Marks from the United Kingdom. As a result of his 1996 Sydney visit, Triumph Over Phobias—TOP—was established to address the huge unmet needs of persons suffering OCD. I am a member of that organisation's board and should like to draw attention to its fine work. New South Wales now has 14 OCD support groups, mostly within Sydney. These groups provide a great opportunity for sufferers to draw strength from each other. For many it is a wonderful revelation that they are not alone and that someone who understands what they are going through is available to talk to. Currently there is one TOP self-treatment group with more to follow. The recent grant by the Minister for Health of \$80,000 to Triumph Over Phobias New South Wales will enable this treatment and support of obsessive compulsive disorder sufferers to continue.

I thank the Minister for making these essential funds available and draw attention to the efforts of the board members in directing this most valuable work. In particular I mention Linda June, Andrew Grogan, Gordon Howitt, Tony Kidman, Chris Wever, Professor Ian Webster and especially inspiring chairperson, Jenny Learmont, AM. Julie Leitch, the co-ordinator, has done marvellous work as the public face of the project. All members of this House have hundreds of OCD sufferers living within their electorates. I sincerely hope that those sufferers will seek help and contact TOP New South Wales for assistance. I also appeal to honourable members to support initiatives that target forms of mental illness. Finally, I appeal to all State and Federal governments to adequately fund mental health service delivery throughout this nation.

### **SYDNEY WATER EMERGENCY RESPONSE**

**Mr BROGDEN** (Pittwater) [5.30 p.m.]: The events of last Thursday and Friday, 28 and 29 May,

in the suburb of Newport in the electorate of Pittwater cause me to bring to the attention of the House tonight the need for an urgent inquiry by Sydney Water and a review of that organisation's practices for landslip areas in Sydney. On Thursday, 28 May, at 4.15 p.m. Mr Will Carpenter of 19 Hillside Avenue contacted Sydney Water and indicated that there had been all day, and was at that time, a steady flow of water emanating from Hillside Avenue. At 5.40 p.m. the Sydney Water crew arrived to assess the situation. After investigating they indicated to him that the water flow was not a matter of urgency and that there were two matters of higher priority that they had to attend to.

Honourable members should bear in mind that was 5.40 p.m. on Thursday, 28 May. At 7.15 p.m. and 7.45 p.m. Mr Carpenter noticed trees in his backyard, and in particular in his neighbour's backyard, breaking and sliding down the hill at a speed he estimated to be between 5 and 10 kilometres an hour, and the fence collapsing. He made immediate communication with Sydney Water. At 8.10 p.m. police officers arrived on the scene assisted by the Warringah-Pittwater State Emergency Service, Pittwater Council officers and the New South Wales Fire Brigades. Three families were evacuated from their properties. Sydney Water was last to arrive on the scene, at 9.00 a.m.

The Carpenter family of 19 Hillside Avenue, the Brown family of 17 Howell Crescent and the Wright family of 15 Howell Crescent have been out of their homes since 29 May. It is likely that the Carpenter and Wright families will be able to return to their homes in the near future, but the Brown family, which up until last Friday rented the property at 17 Howell Crescent, no longer has a home to go to. Because the property is not inhabitable, the lease arrangement became instantly null and void. I have been able to assist the Brown family, who are in a most distressed state, to find temporary accommodation for what Pittwater Council estimates will be a period of six to eight weeks. Members of the Brown family are in a very delicate state at the moment. I have been dealing closely with them and spent half an hour to an hour discussing this matter with them on Monday night in their motel accommodation at Newport.

I have been authorised by Mr and Mrs Brown to talk about the details of their life in order to bring to the attention of the House their dire need. Mrs Brown has been off work for the past 12 weeks. She spent four days in hospital having undergone an abdominal hysterectomy, followed by seven weeks of recuperation. After that she was unfortunately in

the east ward of Manly hospital for two weeks, suffering from agitated depression. A woman in such a state does not need the complication of government departments bickering amongst themselves about who is responsible and who will pay to assist them and compensate them in this time of need.

I am pleased to say that after some pressure and a detailed letter from me today to the Regional Manager North of Sydney Water, I have obtained an undertaking from Sydney Water that it will pay for the costs of meals and accommodation at the Newport Mirage, where the family was staying for six nights; some compensation for the disparity in accommodation between their Howell Crescent home and the interim holiday unit; diversion of the Howell Crescent telephone number to their interim accommodation; compensation for the cost of either the continuation of or disconnection of electricity and water services to their Howell Crescent home; and compensation for any costs associated with moving furniture between the two properties.

What arises from this is the need for an investigation. Why is it that Sydney Water attended the site at 5.40 p.m. the night before the incident occurred, and walked away from the site indicating to the residents that this matter was not one of high priority, and only 12 hours later the trees in their backyards were sliding down into their kitchens? How could this have been allowed to occur, and what would have happened if this family had not been home during the day? Would they have come home that afternoon to find their house had slipped down the hill? It is unacceptable that Sydney Water walked away from this situation. It is essential that there be an independent inquiry into this incident and into Sydney Water's practices relating to hillside properties, which are prevalent throughout the electorate of Pittwater.

#### ALLEGED ABORIGINAL RELOCATION

**Mr MARKHAM** (Keira) [5.35 p.m.]: I wish to speak about rumours that are being spread about relocation of Aboriginal people to rural and regional New South Wales. During the past 18 months I have received regular and numerous representations from concerned constituents in rural and regional New South Wales, seeking substantiation of rumours about Aboriginal people in the Sydney region being relocated to country areas throughout the State. People have telephoned me and have written to me as Parliamentary Secretary for Aboriginal Affairs wanting to know whether these rumours can be substantiated. I am sick and tired of having to tell people that whoever is spreading these rumours is

doing so with an ulterior motive. I received a letter dated 22 May from John Marshall, Principal of Corowa High School, stating:

Dear Mr Markham

I am writing to ask for your advice concerning a rumour which is circulating in my school and community. I believe that the recent successful land claim in Corowa, combined with the pending Yorta Yorta land claim, have served to excite the baser instincts of some of my fellow citizens.

The rumour, which seems to be gaining credence, is that the State government is pursuing a policy which would see Aboriginal residents of areas such as Redfern relocated to areas such as Corowa, where successful land claims have been lodged. An integral part of the rumour is that the State government is "clearing" inner city areas of "less desirable and embarrassing" citizens in preparation of the Olympics.

Although I know that the rumours can have no credibility, I am writing to seek your advice about the best manner in which to refute them, and to seek from you information which will provide clear evidence that such a policy and practice can not exist.

I will appreciate any advice or assistance which you can offer.

That is why I have taken the opportunity to raise this matter tonight. My colleague the honourable member for Illawarra has raised a similar rumour that is raging in his electorate and particularly in Dapto. I wish to place on record once and for all that no such government policy or program exists and that the Government has no intention of returning to past policies and practices of forcible relocation or dispersal of Aboriginal people. The policies of the past will remain where they belong, in the past. The present rumour about the Government relocating Aboriginal people from Redfern, Mount Druitt or any other area in the Sydney region is simply that, rumour.

The person initiating and spreading these rumours is guilty not only of misinforming the general rural community but also of causing unnecessary division and tension by setting the non-Aboriginal community against Aboriginal communities. I call on anyone who hears these rumours to question the credibility of the person or persons circulating these unsubstantiated and ill-informed rumours. I cannot believe that people in New South Wales would use myth or rumour for political gain, but I am afraid that is so. These rumours seem to gain more momentum as elections approach. I hope that I am wrong in that assumption, but I believe some people do use rumour for political gain.

I condemn people who do that; they should seek out the facts. If members of this House hear those rumours or the rumours are brought to their

attention they can contact me, the Minister for Aboriginal Affairs or the Department of Aboriginal Affairs, and they will be given the true story. It is a myth. It is absolutely incorrect to say the Government will be doing anything like that. No government, whether Liberal or Labor, would go back to those past policies. There is no substance to the rumours or perceptions about a government policy that will involve the forced relocation of Aboriginal people into regional and rural New South Wales. Today is the last day of National Reconciliation Week, and it is appropriate and timely to bring the issue to the attention of members of this House. I repeat that the rumour is a myth. It is a rumour that is being used to disrupt the Aboriginal communities in this State. I wholeheartedly condemn the rumour and I ask this House to do the same.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [5.40 p.m.]: I am pleased that my colleague has raised this disturbing matter. I have heard rumours like this previously when some malcontents in the community claimed that there was to be a large-scale transportation of people from the city to country areas.

**Mr Jeffery:** It always happens at election time.

**Mr E. T. PAGE:** As the honourable member for Oxley indicates, there are people with racist hang-ups who start these rumours. It is most unfortunate. Anyone who hears the rumours should ring the Minister for Aboriginal Affairs or the department to lay their fears to rest. It will not happen. Nothing is before the Government that involves any shift of population anywhere. This is a free society. People come and go as they please without any form of internal visa system. No government in Australia would initiate any policy that would involve illegally moving people from one area to another. It is unfortunate that the honourable member has had to raise the matter, but I am pleased that he did so. People in the community will now be aware that the rumour is circulating once again.

#### **NORTH-WEST SYDNEY PUBLIC TRANSPORT**

**Mr MERTON** (Baulkham Hills) [5.42 p.m.]: Once again I raise the issue of transport in north-western Sydney. When I read the budget, the Minister's press release and associated documents I was concerned to learn that absolutely no provision had been made for any north-west transport link. In the north-west sector a development of some 80,000

home sites, which will be equivalent to the size of Canberra when it is fully developed, is under way. However, apart from some buses that use roads that I suggest were made for the 1950s, particularly Windsor Road, there are no tangible or substantial proposals to upgrade that road or, indeed, to upgrade public transport.

The situation is now at crisis point and it will get worse. Roads will be clogged and will not be able to be used. Unless a public transport system other than the present bus system is established the people living in the new homes will find it extremely difficult to commute to work. I am also concerned about the transport link, the busway, from Liverpool to Parramatta. I support that because I support public transport in western Sydney generally. Obviously I want more public transport in my electorate, but good luck to the people in the other parts of western Sydney as they deal with their own problems. However, of the total funding of \$100 million for the bus link, only \$6.5 million has been allocated.

No reference is made in the budget to the allocation of any funds for the Parramatta-Chatswood rail link. That is a threefold loss so far as the people of western and north-western Sydney are concerned. Indeed, about \$122 million has been taken out of the public transport budget. The people of north-western Sydney are good, honest, hardworking people. The M2, which was constructed during the term of office of the previous Government, despite much opposition from members who now sit on the Government benches, has been an outstanding success. However, it goes only part of the way. Public transport is needed—light rail, monorail or whatever—as an alternative to the motor car. The roads will soon be unable to cope with any more motor vehicles.

Recently I spoke about the Seven Hills railway station, which is the closest railway station to The Hills area. The people of The Hills claim that railway station as their own. I spoke about the problems at the railway station in relation to surveillance equipment, the way motor vehicles are vandalised and how people parked their cars there believing the video system was working. That is not the situation. Further inquiries about the Seven Hills railway station have revealed that the video surveillance is not working at present. Blacktown police, who took over responsibility for the equipment on 1 July last year, have said that the equipment is owned by the Department of Transport and it has failed because of its poor quality. It is impossible to identify the offenders because of the position of the cameras. The equipment did not

cover the car park entrance or exit, and the lighting in that area is substandard.

This matter was brought to the attention of the Department of Transport, and funding was supposed to be forthcoming to fix the problem. I do not know whether that is included in the budget, but I suppose at the end of the day it probably will not be included. The people of western and north-western Sydney are the forgotten people when it comes to public transport. I ask the Minister to pass on my remarks to his colleagues. The Labor Party knows very well that western Sydney has been traditional Labor heartland, but north-western Sydney is probably now more like Liberal Party heartland. However, at the end of the day the citizens are all honest, hardworking individuals trying to go about their business and they deserve better transport than they are getting from this Government. The Minister for Local Government is a good Minister who has looked after people at different times. I ask him to pass on this message to his colleagues so that something can be done to help the people of north-western Sydney.

#### **HINCHINBROOK RESIDENTIAL DEVELOPMENT**

**Mr LYNCH** (Liverpool) [5.47 p.m.]: I draw to the attention of the House a sad and sorry tale about a new residential development in my electorate. It is a cautionary and salutary tale about the activities of a development company whose only apparent interest is in selling as many blocks of land as possible for as much money as possible with scant regard for the consequences of its actions. I was first approached in relation to the problem by two constituents, Levon and Isabelle Bardakjian, who live in Ashford Close, Hinchinbrook. Five other home-owning couples who also live in Ashford Close are affected or have been affected by the same problem.

Hinchinbrook is a comparatively newly established estate in the western part of my electorate. It has developed rapidly over the past several years. The houses I am concerned with were completed only very recently. Mr and Mrs Bardakjian's house was built only last year. All of the properties concerned are on the southern side of Ashford Close. The rear of the properties back on to the northern edge of Hoxton Park Road. When the various purchasers built their houses and moved in they found to their horror that their properties were not what they thought they were. They discovered on their properties a fence that had been erected by Sera Park Company, the developers of the area. In a letter to Liverpool council dated 1 November 1997 the residents set out their objections as follows:

- a. The fence was put in the wrong place and is set back by 2m and 38cm where we own that land.
- b. The misleading information and documentation through Sera Park when they sold us land smaller than it is supposed to be.

Our request and strong urging is to move the fence and put it where it belongs as we have already suffered from serious loss as currently we own 33sqm less each, and we do want that land back or otherwise we would have bought smaller pieces of land.

The letter makes it clear that because of the location of the fence the residents have lost a 2.38 metre strip of their land. The other side of the fence backs onto Hoxton Park Road. The fence is, in fact, part of an acoustic barrier. This is certainly not just an old-fashioned paling fence that can be relocated easily. An acoustic fence at some position there is more than justified. The situation is well set out in a letter dated 30 April received from the Liverpool City Council, which states:

Currently Hoxton Park Road is a two lane road with a single travelling lane in each direction. It carries significant traffic volumes and is a link between Cowpasture Road and the Hume Highway. It will ultimately connect to other proposed north/south routes and will be upgraded to three lanes in each direction. This will bring with it a rise in the traffic volume and noise.

In order to minimise the noise affectation on new residential properties in the residential release areas a requirement for acoustic treatment along Hoxton Park Road has been included in the development control conditions for all new subdivisions.

The conditions of development consent for the subdivision creating the subject property required an acoustic barrier and landscaped area at the Hoxton Park frontage.

The council has, correctly, required the building of an acoustic fence to separate new houses from a busy road. The developer has complied with this condition but, instead of building the fence on land dedicated to or owned by council, it built the fence on land it then sold to private purchasers. The financial benefit to the developer would seem fairly obvious. Clearly, the developer was interested in simply selling off the land without paying attention to the consequences. There are now two obvious alternatives. One is for the council to acquire the 2.38 metre strip on which the fence is constructed. That is not an option of great attraction for my constituents. First, it means that the property purchased is much smaller than these largely first-home owners wanted to buy.

The amount of money that would be offered by the council in accordance with appropriate principles would seem to my constituents to be quite inadequate. The other alternative is for the fence to

be removed to the rear of the property. That has already been done by two of the property owners concerned. The point made by Mr and Mrs Bardakjian is that they should not have to pay for the removal of a fence which should not have been on their property in the first place. They feel, and I agree with them, that the developer should have to pay for that. They also have no desire to have the fence anywhere on their property. A letter they recently wrote to me states:

There is no logical reason for the fence to be where it is now. We think that the fence should be on the boundary, regardless of the council's intention to buy that property off us, or any future road expansion. The council should not access any part of our property. Any plans they have—let it be on their land.

I ask the Minister for Local Government to refer this problem to the Minister for Fair Trading in the other place to determine whether there is any resolution to this problem and whether any sensible resolution can be extracted from the development company, which seems to be the real wrongdoer in this matter.

#### PUBLIC EDUCATION SESQUICENTENARY

**Mr JEFFERY (Oxley)** [5.52 p.m.]: This year marks 150 years of public education in New South Wales. I am a product of the public education system, as were my parents and as are my children.

**Mr E. T. Page:** There are always some failures.

**Mr JEFFERY:** The record should show that the Minister for Local Government rubbishes public education in this State. The Minister who has done so much to upset cat and dog owners has the audacity to make such an inane interjection. Next week the sesquicentenary of public education will be celebrated in Kempsey. It is my understanding that the Minister for Education and Training will attend the celebrations. Although he has not accorded me the courtesy of letting me know that, newspaper reports indicate that he will help to celebrate this very important milestone in public education. Kempsey is the birthplace of public education in New South Wales. The first school to open under the national education Act was the Kempsey Public School, which opened on 23 September 1848.

Celebrations will take place over two days and will include a festival of music involving local schools, to be held at the Melville High School next Wednesday evening. My wife, Margaret, and I will have the privilege of being there. On Thursday morning we will be at the Kempsey East primary school for the unveiling of a commemorative plaque and a tree planting. I look forward to those events. I

hope that the Minister for Education and Training will be in the area to witness the talent of the Macleay Valley children. The Minister will be invited to watch a re-enactment of a typical 1848 class and student activities reflecting recent initiatives in literacy, technology and vocational education.

Since 1848 when Kempsey national school became the first New South Wales school to join the government education system more than 7,000 schools have been opened. Kempsey national school was a plain elementary school. Some 30 different kinds of government schools have been in existence at one time or another, each with a specific purpose. Faced with the problem of promoting education in a way that did not favour any particular Christian denomination, Governor Bourke decided to introduce a "common school" system under which pupils received an elementary education yet also received religious education. In the first year of operation of the Board of National Education only one school was opened, Kempsey national school. It opened on 23 September 1848 and was housed in Gard's old store in east Kempsey. Unfortunately, the school lasted only two years, but it did put public education on the map in this State.

Close by another school was established at Frederickton in 1860. Today the building that was erected in 1880 to the design of eminent Sydney architect J. Horbury Hunt is still used by the school and is steeped in history—it is a magnificent school. Were we to step back in time we would find the discipline that our grandparents and even our parents spoke about. Discipline was harsh in days gone by. Old punishment books reveal stories such as that of a seven-year-old boy who received five strokes for obstinacy and a nine-year-old girl who was given six strokes for crying when asked to read. The Minister for Local Government would not have wanted to be around in those days, because I am sure he would have received his fair share of six of the best.

A public school quarterly return in 1875 showed the following total equipment: 24 Australian class books; 18 second reading books; 37 sequel to the second reading books; 21 third reading books; 34 fourth reading books; 60 scripture lesson books; maps of the world including Europe, Asia, Africa, America, Palestine, Australia and New South Wales; a set of 24 animals; a set of reading tablets. Students sat on stools at long cedar desks. Slates and slate pencils were used for their written work. In 1880 the Public Instruction Act was enacted. That legislation made it mandatory for all children between the ages of six and 14 who lived within two miles of a school to attend for a period of not fewer than 70

days in each half year, provided they were not being regularly and effectively instructed in some manner.

In 1887 the west Kempsey school—a great school, the school my children attended and the school of which I am a patron—became a superior public school, providing the district children with the opportunity to receive a secondary education. I look forward to the sesquicentenary of public education, which will be held in Kempsey. I advised the office of the Minister for Education and Training that I would be making this statement this evening, in the hope that he might have a chance to respond to it. The celebrations will be great week for public education, held at the birthplace of public education in Kempsey in my electorate of Oxley.

### CENTRAL COAST HEALTH CARE

**Mr CRITTENDEN** (Wyong) [5.57 p.m.]: I wish to speak about health care on the central coast. In passing, I shall compare the services provided in the most recent budget by the State Government and services provided locally by the Federal Government. The budget announced yesterday by the Treasurer allocates \$6 million to community health facilities at Erina and Tuggerah. Erina is located in the electorate of my colleague the honourable member for Gosford. He was not gracious enough to acknowledge that allocation when he spoke on radio this morning, but I am sure that was a mere oversight. It is important to note that the budget acknowledges ongoing development at Wyong Hospital, with the construction of a \$5.2 million facility to cater for day surgery on the central coast.

In the three financial years from 1993-94 to 1996-97 day surgery on the central coast has substantially increased by some 40 per cent. The area health service believes that day surgery could be better catered for in the region via purpose-built facilities at Wyong Hospital. We look forward to those facilities, as part of the ongoing development at the hospital. The State Government is funding a maternity wing at the hospital, the expansion at the hospital of emergency surgery capacity to 24 hours a day, seven days a week and the installation of patient monitors in the surgical ward, which, in effect, is a high-attendance ward. It is important to note that the Federal Government is cutting back on funding and is not meeting its obligations. Today there are 41 patients occupying Central Coast Area Health Service hospital beds while awaiting nursing home placements. It is no surprise that the central coast has a high proportion of aged people who need nursing-home facilities.

The debacle of aged care in nursing homes has been very unsettling. The central coast needs an additional 100 nursing home beds right now, and that need is not being met. In any event, \$246 is the average cost per bed per day for each of the 41 patients needing this type of care. A quick calculation indicates that the Federal Government is cost shifting to the State of New South Wales some \$10,000 each and every day in the area administered by the Central Coast Area Health Service for patients who should be the responsibility of the Federal Government. They should be in nursing homes subsidised by the Federal Government and not in public hospitals because the Federal Government has abrogated its responsibilities.

At \$10,000 a day one does not need to be a genius to work out that that is approximately \$3,650,000 a year. The State Government is doing everything it can to provide these additional facilities from both capital and recurrent funding. The Federal Government has also cut back dental services. The loss each year of \$1.8 million of Federal funding has dramatically increased the incidence of verbal abuse of staff at the Central Coast Area Health Service clinics at both Wyong and Gosford. One would certainly expect that the honourable member for Gosford to have a better rapport with the *Central Coast Express Advocate* than a many Labor members representing electorates on the central coast. The abuse is so critical that in its editorial on 29 May the newspaper stated:

Unfortunately Peter Costello is not behind the counter at Gosford and Wyong dental health clinics when customers become abusive . . .

That is certainly the case. It is about time Jim Lloyd, the Federal member for Robertson, did something about dental health services for people on the central coast. There are 2,521 people waiting for conservative treatment, that is drills and fills, on the central coast right now. People with manageable pain wait 16 or 17 days. The denture program has been cut back and the average waiting time is eight and a half months. On any reckoning those figures are an indictment of the Federal Government. Jim Lloyd will receive his just deserts in the next Federal elections.

#### EASTERN DISTRIBUTOR

**Ms MOORE** (Bligh) [6.02 p.m.]: I bring to the attention of the House a major threat to the living amenity and safety of the residents of historic Kidman's Terrace in Woolloomooloo. The threat is caused by the construction of the Eastern Distributor or, as it is more appropriately called, the city to airport tollway, and represents only one example of

the destructive impact this major project is having on the fragile urban environment of the inner city. Kidman's Terrace in Woolloomooloo is a row of small terrace houses. The block is acutely affected by the Eastern Distributor because of its proximity to construction works.

Within a metre of the back of these houses is a ditch several metres deep that is the start of the tunnel work for the distributor. For months the residents of Kidman's Terrace have tolerated high levels of dust and dirt, vibrations that have shaken their houses and caused cracks in the walls, and significant noise, even throughout the night when safety requirements and program time-tabling have meant that construction has continued. That has seriously disturbed the normal sleeping patterns of residents. One example of the extent of the disruption is that in March a nearby resident complained of delivery trucks at 3.00 a.m. That occurred regularly for more than a week and, of course, there are many more examples.

The residents of Kidman's Terrace have been extremely tolerant. They have had no choice but to accept assurances given to them during meetings with the construction company, Leighton, that the risk to their homes was negligible and that nothing other than minor cosmetic damage would occur. The events at 2 Kidman's Terrace on 19 May demonstrate that that is not the case. As a result of the tunnelling work, the house at 2 Kidman's Terrace was significantly damaged. The owners arrived home to find that mud had exploded into their home through cracks in the foundations.

Three wheelbarrows of mud were removed. The floor is now uneven and tilted, and significant rectification work is required. The residents have been relocated for the past week, and their belongings have been put into storage while extensive repairs are undertaken. I inspected the damage that evening in my parliamentary dinner break. I witnessed the disbelief, horror and distress of Christine and Garry Trevanion, and the fear of their neighbours who thought that they were next in line to have their homes destroyed. Indeed, the damage would have been more extensive except for extremely wet weather that day.

The problem at 2 Kidman's Terrace was not noticed by construction workers and the procedure was scheduled to continue under all the terrace houses in the block but was stopped because of rain. The same damage could have occurred in all those houses in that historic block of terraces. Since then representatives of Leighton have met with residents to explain the causes of the problem and to provide

them with assurances that the drilling method that caused the problem will no longer be used. That is cold comfort indeed for the residents. They have been told a new method has been tested and that it will be put into operation.

I acknowledge that Leighton is responsive to residents' concerns and acts quickly to address serious problems as they arise. The problem is that the construction of the Eastern Distributor is simply the wrong project for the historic densely populated city area. I am relieved that residents have received an undertaking from the construction company. However, the project is the responsibility of the Carr Government and the Minister for Roads. I therefore ask the Minister to provide an assurance that no further work will take place in the vicinity of Kidman's Terrace until residents are provided with written confirmation from independent engineers that the works will not cause further damage to the terraces, their homes. I ask the Minister to personally assure the residents of 2 Kidman's Terrace that all damage will be made good. I remind the Minister for Transport of condition 41 placed on the project by the Minister for Urban Affairs and Planning, which states:

All affected property (including any affected buildings, structures, lawns, trees, sheds, gardens etc.) shall be fully restored to at least the condition it was in prior to disturbance at no cost to the owner(s) . . .

Will the Minister provide an undertaking that the residents of Kidman's Terrace will be relocated and fully compensated if their safety cannot be assured?

#### KU-RING-GAI ELECTORATE BUS SAFETY

**Mr O'DOHERTY** (Ku-ring-gai) [6.07 p.m.]: I speak about bus safety for school students in my electorate, particularly those living in Berowra Heights. For some time students who live in Currawong Road, Wymah Crescent and surrounding streets in Berowra Heights have been able to use bus passes to get to school. That is particularly important for those students because the route that they would otherwise have to use to walk to school is up Berowra Waters Road, which is very narrow and which, at that particular point, winds down from Berowra Heights eventually to Berowra Waters. That road can be treacherous. In many instances cars travel much too fast for the road conditions, and travel perilously close to the footpath. Bearing in mind the safety issues, for some years students living in that area have benefited from the use of bus passes to travel safely along that route to school. Towards the end of 1997 the Department of Transport wrote to parents of students in the area, saying:

In the past students residing in the Currawong Road, Wymah Cres areas have been issued with three travel passes on safety grounds . . .

A recent survey conducted in this area concluded that the safety problem which existed is no longer apparent.

A young man, Mr Peter Sillar, immediately raised the matter with me. Last year Peter was a year 6 student and school prefect at Wideview Public School and is a genuine community leader in every sense of the word. Peter wrote to me, he said, not so much because his pass would be taken away, but he was concerned about his younger brother. He said:

I am more concerned about some of my younger friends that live in my street and my younger brother, Tim, who will get his pass next year but will not get it the year after. I am also concerned about my friend Rachel who is in year 4 this year and is not getting her pass next year.

That young man has pointed out what the Department of Transport has failed to understand. Despite the department's claims, there has been no resolution of the original safety concerns which justified the bus passes being issued in the first place. Peter said that the letter from the Department of Transport stated:

. . . that the southern side of Berowra Waters Road between Currawong and Allen Road has an asphalt footway, much of which is behind a barrier constructed of sturdy white posts joined by a thick gauge mesh wire. This is not correct because two sections of footpath are not protected by the wire mesh barrier and the footpath is on the edge of the road. One section is very dangerous—it is on a bend in the road and the footpath is very narrow and broken and you have to walk on the edge of the road. This section is about 20 metres long.

I raised this matter with the Department of Transport because of a representation by a student, now in year 7, who was concerned about the safety of his friends. A reply was received to the effect that the department had looked at the problem and concluded that Peter Sillar was wrong. The letter said that the safety problems had been resolved and that the fence was sturdy. The letter also said that no further bus passes would be issued. I visited this area and walked the route with Peter Sillar, his brother and about 20 residents who are equally concerned about the safety of their children. We stood at the very point where cars come up to the edge of the asphalt footpath. I inspected and touched the so-called sturdy white post that the department said will save these children from a careering car.

The post is not sturdy, it has been replaced on many occasions. A check with the local council will inform the department that its safety measure is not adequate for the protection of the students of Berowra Heights and Berowra Waters. The thick-

gauge mesh wire fence wobbles when one touches it and will not prevent a car from taking the life of a young person. I urge Minister Scully to come with me and Peter Sillar to inspect this road for himself. He will agree that the students should have bus passes because the safety measures will not protect them. Finally, I commend not only the residents who visited the site with me but also Peter Sillar. He is a community leader in every respect and his friends owe him a great deal of gratitude.

### **WARATAH ELECTORATE PROPOSED LINK ROAD**

**Mr PRICE** (Waratah) [6.12 p.m.]: I praise the Government for its recognition of a major road problem in my electorate concerning the link road proposal between Thornton Road, Thornton, and Anderson Drive, Beresfield. The budget allocation for 1998-1999 for that project was \$200,000, which allowed for the planning process and some preliminary work to proceed in this important area. The link road will relieve pressure on the New England Highway at the junction of Weakleys Drive and the highway, with Weakleys Drive being the temporary connector between the F3 and the highway for traffic travelling north via Maitland towards Armidale and Brisbane, and alternatively, for traffic travelling south towards Sydney.

This link road will ultimately eliminate three sets of electronic traffic signals and allow an uninterrupted flow of traffic on the highway and easy, rapid and safe inter-urban access along the link road between Thornton and Beresfield. These two distinct problems are linked and as a result of this proposal the completed project will allow direct access between suburbs for emergency services such as ambulance and police, as well as provide a much safer cycle access for school students riding from Thornton to the Francis Greenway High School, Woodberry. This project is long overdue and has an interesting history. In the previous Federal Government, Minister Brereton advanced money for safety measures under the national highway program to allow an environmental impact statement to be undertaken in respect of the proposed link road. The money was to cover the costs of an EIS, because part of the road route was to pass through the 1955 flood zone in the Hexham wetlands.

Unfortunately, Federal Minister Sharp removed funding for this project, which caused a two-year delay. I congratulate Minister Scully for re-initiating the project in response to my request that the matter be looked at a second time with a view to proceeding, with or without Federal assistance, on the basis of community safety and in particular to

relieve pressure on the New England highway at that intersection. The need for the link road has become more urgent as weeks have gone by, because of the level of traffic along the New England Highway southbound to Sydney and northward to Maitland. The F3 connectors at the Pacific Highway and the New England Highway will finally connect the F3 at Minmi with the John Renshaw Drive, and eventually link Weakleys Drive with the New England Highway. This work is expected to be completed in December this year. That connector will double the lanes of traffic accessing that intersection.

However, a bottleneck will be created on Weakleys Drive which will exacerbate problems in a number of ways and will also put extreme pressure on the traffic lights at that intersection. Those lights are temporary, as are the ones at the intersection of Anderson Drive, Beresfield, and at the intersection of the New England Highway and Thornton Road. Those three sets of traffic lights are within 800 metres of one another on a major highway with a speed limit of 90 kilometres per hour. Removal of the lights is important for the free flow of traffic along the highway, and the link road is equally important to allow access from the suburbs of Beresfield, Tara and Woodberry to Thornton, and vice versa. However, residents need the lights to access the New England Highway at two very dangerous points. The interchange that will be constructed between Weakleys Drive, the New England Highway and the link road should eliminate all the problems that are currently experienced. People will have to go out of their way to have an accident in that configuration, once it is completed. I congratulate the Government on its initiative in this issue. Whilst this work is a budget heading on paper, in reality it is a vital safety measure that will be well recognised by the residents of the communities in that location. I give my personal thanks to the Minister for responding so rapidly and positively. I look forward to the completion of that road in the near future.

### **Private members' statements noted.**

*[Mr Acting-Speaker (Mr Clough) left the chair at 6.17 p.m. The House resumed at 7.30 p.m.]*

### **BUSINESS OF THE HOUSE**

#### **Routine of Business**

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

That standing and sessional orders be suspended to allow:

- (1) the consideration forthwith of the matter of public importance in its truncated form of debate; and

- (2) the postponement of the consideration of motions for urgent consideration until tomorrow.

## HUNTER REGION POWER INDUSTRY JOBS

### Matter of Public Importance

**Mr BLACKMORE** (Maitland) [7.31 p.m.]: I ask the House to note as a matter of public importance the ongoing loss of jobs in the Hunter Valley and the central coast, especially in the power industry. I am concerned, as is the honourable member for Wallsend, when I read articles such as that entitled "Hunter jobs slashed again" in the *Newcastle Herald* of 28 May this year. The article states:

Nearly 200 Hunter jobs will disappear after announcements yesterday by A. Goninan and Co and Forgacs.

Goninan will close its loss-making mining repair business at Carrington, at which about 110 people are employed.

And Forgacs will lay off at least 80 workers between now and September as a result of ANZAC frigate work shifting to New Zealand.

Another 300 jobs at Goninan's Broadmeadow headquarters remain in the balance, their futures resting on the State Government's "fourth generation train" contract.

... The job losses are the latest in a flurry of redundancies and closures in Hunter industry triggered by the downturn in coal-mining and the wider Asian economic crisis.

Even the Hunter Valley Research Foundation has called for more government spending on employment training. The article further states:

The foundation said official figures showed new jobs were being created in some tertiary sectors but the total number of people employed had fallen by more than 5% in a year.

... Metal Trades Federation of Unions secretary Ms Mary McGill said the Hunter was feeling the brunt of a "nation-wide major recession".

She said manufacturing jobs were disappearing rapidly, with coal's troubles just a small part of the picture.

The article further states that according to the mining union as many as 2,000 jobs could be lost. That is a matter of concern. The article continues:

Forgacs joint managing director Mr Peter Burgess said the ANZAC hull module contract ... would wind down before September.

Mr Burgess said 13 people would go this week with the remainder to go during coming months.

Honourable members will be heartened by an editorial statement in the *Newcastle Herald* of 28 May which talks about tackling the region's job

losses. The editorial states:

Any politician who feels inclined to boast about the pace of Australia's economic recovery should look at the Hunter before saying a word.

The signs of recovery in this region are overshadowed by actions which show that the boom times are still far away.

The \$20 million worth of aid provided to the region last year by the State and Federal governments after BHP announced that it would close its Newcastle steelworks, with the loss of about 2,500 direct jobs, will not solve the job problems in the Hunter. The editorial further states:

More than 1700 jobs have been lost in reported large-scale downsizing programs in the past year and there would be hundreds more that have escaped notice.

The coal industry will be shedding jobs in a big way in the next year or so, with estimates of up to 2000 people going.

While industries may need to become learner and more efficient to compete on national and global markets, the throwing of hundreds and thousands of people onto the job market does little to boost confidence.

Those who are employed become nervous about their own jobs and more cautious in their spending—

that is understandable—

Governments can't be expected to come rushing to the aid of regions every time a job is lost.

However, they do have a responsibility to help regions come through a prolonged period of industry restructuring with as little injury as possible.

An article in yesterday's *Newcastle Herald* referred to job losses as Liddell power station moves to reduce costs. The article states:

Macquarie Generation will shut down 50% of its Liddell power generators and has placed staff on notice of job losses ...

Redundancies had been offered to up to 80 of Liddell's operation staff. The article further states:

The State's three coal-fired power generators, Macquarie Generation, Pacific Power and Delta Electricity confirmed the low market price had led to recent offers of voluntary redundancies.

... addressed staff at Bayswater and Liddell yesterday after a memo informing them about the need for "capacity withdrawal".

"Particularly fierce" competition in the national electricity grid had come from Victoria.

The article continues:

It will reduce the combined maximum output from the Liddell and Bayswater power stations from 4640 mega watts to 3600 mega watts.

The article proceeds:

Macquarie Generation's move follows redundancy offers by Pacific Power and Delta Electricity as the power industry comes to grips with a falling market price under the national grid.

A spokesman for Delta Electricity . . . confirmed the company was looking to shed up to 250 jobs at its Central Coast and Lithgow power stations.

So the job losses are not confined to the Hunter Valley and the central coast; they are widespread. The honourable member for Wallsend is aware that Lambton in his electorate was the first suburb in the Hunter to receive electricity. The Government is not being held responsible for job losses, but I warn it that it must monitor the resultant downturn. I know that the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development is monitoring the situation.

I draw the attention of honourable members to the concerns of people in the Hunter. Unemployed people realise what job uncertainty means to those employed in industry, whether it be coalmining, shipbuilding or metal fabricating. Currently 59 per cent of the 250,000 people employed in the Hunter are unskilled. Basically, the people in the Hunter, whom we are proud to represent, are ordinary, down-to-earth people who look to all levels of government and industry for guidance and continuity. In the Hunter, 4.4 per cent of the labour force are in mining and 13 per cent are in manufacturing. The Government has wide and varied responsibilities to employees in the area who look to the Parliament for guidance.

I raise this matter of public importance because of the ongoing concern about job losses in the Hunter and on the central coast, especially in the power industry. As I said earlier, these matters featured on the front page of the *Newcastle Herald* and other publications. I shall list some of the jobs it has been announced will go from the area: BHP contractors 300 to 400; BHP steel 30 to 40; Rundles at Kotara 200; Drayton coalmine 150; Mount Thorley coalmine 130; Goninans more than 250 in the past year; Patrick Stevedores 65; West Wallsend colliery 67; Gretley colliery 50; Powercoal mines restructure more than 100; Gloucester timber mill 30; and Rosebud Soccer Club 16. There is a potential loss of 2,500 from BHP by the end of next year.

From next month there will be a loss of 200 jobs from BHP Refractories. Closure of banks may account for approximately 30 lost jobs. Hunter Valley No. 1 coalmine will lose 190 jobs in July. The Department of Defence will cut 14 per cent of the work force at Williamstown. Across the valley 2,000 more mining jobs could be lost. Warning bells are ringing and there is concern in the Hunter. I ask that the State Government work with other levels of government and industry—the Opposition will co-operate—to provide continuity of employment and hope to the people whose livelihood is in the Hunter.

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [7.41 p.m.]: Jobs have been lost in the mining, energy and various other major industries in the Hunter region. I would like to explore the reasons and what the New South Wales Government is doing to help people in difficult circumstances. Let me first look at the mining industry in general. Job losses are not limited to the Hunter: statewide 14,480 people were employed in the coalmining industry on 1 July 1997. The figure fell to 12,288 on 30 April this year. The southern and western coalfields of the State have lost jobs. Tahmoor colliery has retrenched 50 of its total work force of 350 because of low prices. BHP has indicated that at least 800 jobs will go from the five coking coalmines in the Illawarra. Cordeaux colliery will reduce its work force from about 320 to 80 as production from the Bulli seam declines as reserves are exhausted.

It is a similar story in the western fields around Lithgow although, like the Hunter, the reduction is connected to the low prices electricity producers are prepared to pay. Cyprus Coal stated that the reductions resulted from a combination of depressed world prices and geological problems. Also the Cobar mine closure was a result of a commercial decision by a company. It virtually packed its bags overnight and left, and the Federal Government did nothing to assist Cobar. The following jobs have been lost from the Hunter: 45 from Gretley; 150 already and a goal of 200 from the Rio Tinto mine at Mount Thorley; 100 in 1997 and a further 192 jobs this year from Rio Tinto's Hunter Valley No 1 mine; 60 from Cumnock colliery with the closure of the open-cut mine; 150 miners retrenched from Drayton colliery; and 54 jobs lost from the Vickery mine at Gunnedah.

Why? The coal industry has always had peaks and troughs. Companies cite productivity as a major

reason, yet productivity has risen annually by 6.8 per cent in the last 10 years. A record tonnage of coal is going through the port of Newcastle—more than its nameplate capacity. The Government now allows third-party access to the coal rail transport business. More major investment is occurring in the coal industry at present. Yet returns are very low for shareholders. This is difficult to explain, yet it appears that the Australian industry has contributed to the worldwide oversupply of coal, and it wants to continue overproducing.

The industry also hands business away. Instead of employing Australians to transport the coal, it wants foreign rust buckets to transport it. The industry willingly gives the insurance business away and goes cap in hand to price negotiations when Australia is the leading exporter of coal, still holding about 40 per cent of the worldwide seaborne coal trade. The Opposition may note that there are no ship queues off Newcastle at the moment, following concerted action by the Government and Port Waratah Coal Services to reduce the queues. The previous queues tarnished Australia's name in international trade. There was also an effect on demurrage costs to companies, which seemed little concerned by \$120 million in charges last financial year. Contracts are negotiated in an unco-ordinated way.

The State Government cannot do anything about that; leadership from the Commonwealth is needed. Agreement from Queensland and commonsense from producers are needed. The major buyers agree among themselves, and we face challenges from foreign competitors such as Indonesia, which is coming into the seaborne coal trade. So Australian producers need to agree among themselves. What has the State Government done in the Hunter? Apart from reducing the ship queues and thus benefiting the industry, it has initiated a number of programs that will benefit the Hunter. It had to do something because, apart from the bad news from these industries—driven as they are by market forces—the severe impact of cutbacks by the Commonwealth and its turning away from rural and regional Australia have had an even greater impact.

Commonwealth cutbacks have resulted in 700 jobs disappearing from the Hunter Valley, with a multiplier effect of 2,000 in the private sector. The immigration office in Newcastle was closed. Customs staffing was reduced to a token level. Belmont Commonwealth Employment Service office was closed, then all CES offices were abolished. Funding to non-CES employment agents was cut. The area office of the Department of Employment,

Education Training and Youth Affairs was abolished, with the loss of 104 jobs. The Commonwealth Rehabilitation Service office in my electorate of Charlestown was closed, with the loss of 10 jobs. Department of Social Security staffing has shrunk into the Centrelink agency.

These sorts of developments probably translate into all electorates regardless of which party holds them. The changes mean a loss of service and delay. It is almost as if the Commonwealth has picked on the Hunter as an area to target. The changes the Commonwealth has made to the social security net have also had effects on workers affected by mine closures or cutbacks and changes in the power industry. The New South Wales Government has extended the successful Newcastle Beyond 2000 model. I have formed a new upper Hunter Beyond 2000 group. I and people in the group do not profess to have the answers as yet. We are not playing politics either. Membership is spread across the political spectrum.

The honourable member for Upper Hunter, the Deputy Leader of the National Party, who is present in the Chamber, is a member of the group. The honourable member for Maitland is a member of the lower Hunter task force. The mayor of Muswellbrook, who is a member of the National Party, will make a significant contribution to the group. Industry groups are represented. We are looking at positive measures that will assist people in times of great change. The New South Wales Government has committed money to the task force. More money is needed, especially from industry. That was stated by the honourable member for Maitland tonight. When we have completed the assessment of industry requirements or targets there will be a development plan, for the first time, for the upper Hunter.

Speaking generally on trade in the Hunter, I note that the Government realised the urgent need to diversify trade in ports such as Newcastle that depend largely on a single commodity. The corporatisation of our ports has helped in this regard. The Newcastle Port Corporation, with encouragement from the Government, has actively pursued new traffic and shipping lines to consider all the infrastructure advantages of Newcastle, and this has borne fruit. A number of new shipping lines are making Newcastle a stopover. This will increase and it is the result of direct Government encouragement. If these developments were left to industry—many Opposition members would support this approach—they would happen but much more slowly.

I mentioned Beyond 2000, the successful committee which was criticised 2½ years ago as being just another committee. Beyond 2000 has developed Steel River and has pressed the Commonwealth for a manufacturing in bond regime. Steel River is set to begin, with a target of 2,000 jobs. But, as quickly as we create jobs the Federal Government abolishes them. At Steel River there has been a heavy focus on sustainable industry in the long term, especially with export orientation. There has been an advantage in having a single owner of the land that was prepared to develop it. In the upper Hunter there is a different scenario all together. Without some support from industry, the mining sector and our Federal counterparts upper Hunter Beyond 2000 will not be successful.

This State Government is providing assistance to the Hunter, in comparison to the inactivity of previous governments. Yesterday's budget focused on infrastructure and the overall State situation. Even though this State Government cannot control the markets affecting employment in the Hunter, it is doing something. As I said last week, the Commonwealth Government can do much more than it is doing. It is very much mistaken if it thinks the State Government will carry the bag, as are employers that cause these problems. The Commonwealth Government has savagely cut services in the Hunter and on the central coast.

This State Government has done more than any other government to help business—such as less regulation and cheaper electricity. It has helped diversify trade through the port of Newcastle and, in turn, the Hunter region. This Government has helped to improve our standing as a reliable coal supplier. A number of programs have been introduced or expanded to assist business growth. I hope the bipartisan approach will continue and that people from either side of the State political spectrum will continue to put forward their best endeavours and not shirk their responsibilities like the Commonwealth. [*Time expired.*]

**Mr SOURIS** (Upper Hunter—Deputy Leader of the National Party) [7.51 p.m.]: I support my colleague the honourable member for Maitland, who has raised this matter of public importance about the declining employment base in the upper Hunter. It was interesting to hear the Minister Assisting the Premier on Hunter Development reflecting to some extent on the inexplicability of job losses. The upper Hunter produces good quality coal from modern open-cut and underground highly productive mines and has two excellent power stations. Bayswater power station is one of the most modern in Australia and one of the most efficient and modern in the

world. It is hard to explain job losses in the upper Hunter. What is to be done? What programs ought to be embraced by this Government, this Opposition and governments at the other two levels?

The opportunity provided by the buffer zone in the power station area can be exploited. The time has come to institute practical and specific measures to attract good value adding industry into the buffer zone. Electrification of coal lines in the Hunter Valley, including an extension through to the Gunnedah coalfields, must be seriously examined again. When the useful life of the diesel locomotives expires, for which planning should now be under way, the opportunity is there to electrify the line and to purchase silent or noise-friendly electric locomotives for the Hunter line. That would be a significant boost to the industry and an improvement in the cost structure and efficiency. In due course, whether it be in 10 or 15 years, the eastern seaboard will require an additional base load power generation.

Where will it be located? New South Wales, particularly in the Hunter, must ensure that another location along the eastern seaboard does not beat us. A third power station for the upper Hunter is on the drawing boards and will be located in the Hebden area. Sadly, for the past four or five years there has been no progress on the amplification of base load generating capacity on the eastern seaboard. In 2010 or 2015, when extra capacity will be needed, it will be far too late to wonder whether Queensland or some other State will beat us to the mark.

Newcastle should establish a container port. Williamstown airport must be allowed to accept international flights, thus shifting a considerable amount of freight traffic from Sydney airport. The golden highway linking Dubbo to Newcastle has undergone some improvement and development over recent years. However, it has languished in the 1998-99 budget with a \$1 million allocation instead of its normal \$9 million to \$15 million allocation. If the archway to Newcastle is to become part of the important economic infrastructure it must continue to be developed. The shoulders of the highway must be widened, bridges must be replaced and the road must be upgraded to a general highway status. Other industries in the upper Hunter must be considered, particularly forestry.

I commend local government, especially Muswellbrook Shire Council and Scone Shire Council, for finding innovative ways to recycle waste water and effluent onto hardwood forestry plantations on existing and former mine sites. This will be the basis of a hardwood industry in the

upper Hunter and in due course will provide an opportunity for milling and perhaps even paper making. Paper making is one of the most important industries needed in Australia. Australia currently imports \$2.5 billion worth of paper products, with one importation equal to 10 per cent of our balance of payments. The upper Hunter provides the opportunity to address that problem. I trust the Government will take this issue seriously and undertake some measures to improve and increase our productive capacity and, therefore, jobs in the upper Hunter. [*Time expired.*]

**Mr BLACKMORE** (Maitland) [7.56 p.m.], in reply: I thank the Minister Assisting the Premier on Hunter Development, the honourable member for Charlestown, the Hon. Richard Face, and my colleague the Deputy Leader of the National Party, the honourable member for Upper Hunter, George Souris, for their contributions on this matter of public importance. The Minister could not help having a shot at the Federal Government, but I specifically said that we all must take responsibility for the upper Hunter. After all, all members who represent the area are proud of it. The Minister mentioned the upper Hunter Beyond 2000 committee, which certainly is part of all the pluses that have assisted growth in the Hunter, including improvements in coal movement off the port, the Steel River project and the manufacture in bond.

However, I should like to bring the debate back to the substance of the matter of public importance: the ongoing loss of jobs in the Hunter Valley and on the central coast, especially in the power industry. Job loss brings about loss of self-esteem and affects pride and family values. Redundancy packages do not provide the same quality of life experienced before employment downturn. My colleague the Deputy Leader of the National Party mentioned our excellent coal resources, quality coal, the modern power station at Bayswater and the electrification of the rail line as positive moves for the region. All members who represent the Hunter region should work together to help improve the employment prospects of their constituents. People like to know that their elected members are working together on issues.

The Deputy Leader of the National Party mentioned the third power station, base load generation and the container facility in the port of Newcastle. I congratulate the head of the Ports Authority, Glen Oakley, on an excellent job since taking up that position. He has turned the port around. Newcastle has a good name. Williamstown airport, the golden highway, forestry and paper facilities are all positive industries. The Hunter

Valley is a can-do area. Mr Acting-Speaker, as a member representing the Hunter, you know only too well that many things can be achieved in the Hunter, especially when we again win the rugby league grand final this year.

I reiterate this point because of the job losses. Honourable members must experience unemployment to understand what it is like and what it does to families. We should heed these warning bells. The Hunter Valley has 8 per cent of the State's population yet it adds more than 20 per cent to the State's coffers. We must never lose sight of the wealth the Hunter brings to New South Wales. I have not raised this matter of public importance to blame the Government but to urge all honourable members to work together. Successive governments have provided infrastructure for the Hunter, but almost 2,000 jobs have been lost in the mining industry and 80 workers at Liddell power station have been offered redundancies. This has a flow-on effect and means that 80 families will be affected.

Redundancies do not make up for the security of a full-time job. The Minister mentioned the Beyond 2000 committee, which is a step in the right direction, and must continue. The Deputy Leader of the National Party referred to electrification of the rail service, which involves millions of dollars—and that means jobs—and coal generates power, which provides for necessary services. The Hunter has 258,000 people, a regional labour force, and jobs are important to the area. I have raised this matter of public importance so that all honourable members will take note of the problems in the Hunter and work together to try to improve the quality of life for those people.

**Discussion concluded.**

## **BILL RETURNED**

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

Agricultural Industry Services Bill

## **LOCAL GOVERNMENT AMENDMENT (PARKING AND WHEEL CLAMPING) BILL**

### **Second Reading**

**Debate resumed from an earlier hour.**

**Mr IEMMA** (Hurstville) [8.02 p.m.]: As I was explaining prior to the adjournment of the second reading debate, the situation became more

heated, with threats of extreme violence and the use of dangerous implements, including a machete. The police had to draw their weapons to maintain order and the situation deteriorated into a siege of a suburban house. Tragedy was avoided due to the skill and temperament of the police involved and without their presence it is clear that the situation might have become much worse. Legislation is necessary to clarify the rights and legal positions of the use of private land for parking motor vehicles. This legislation must also address the misuse of the practice of wheel clamping by private companies out to make a buck.

The new laws remove the option of wheel clamping as a revenue raiser for private security firms. Although there are reputable security firms and other organisations that have not used clamping in this way, the same law must work in all situations. It has been shown that too many private security firms cannot be entrusted to carry out this practice fairly. Once the legislation is passed, council officers will be authorised to enforce parking restrictions on private land. Rather than immobilise a vehicle straightaway and threaten its owners with additional towing fees if they refuse to pay cash upfront, as is the current practice, council officers will issue parking fines. Where a vehicle is causing a serious obstruction, council or police officers can arrange for it to be towed away and impounded.

This legislation will provide residents with the protection of sensible regulations without everyone in the community being under the threat of having their vehicles clamped. At present we have a situation where so-called security guards are running around clamping vehicles and demanding large sums of cash for their release. Last week an incident occurred in Sydney's west where a man spent the night in his car to stop a security company from towing it away because he could not afford to pay the fee it was demanding to release it. He was away from his car for only a few minutes and returned to find it being clamped. The wheel clamber insisted on a cash payment for the release of the car.

This gentleman's story is not that unusual. Several incidents have been raised in the House and many of my colleagues have made numerous representations to the relevant Ministers. There have also been reports of wheel clammers smashing a vehicle's side window to release the handbrake so that the vehicle can be towed away. At one regular haunt several residents got together to write a petition so that the landlord would end the wheel clamping of cars of residents and visitors. After discussing the matter they realised that the cash amounts being demanded by wheel clammers varied

from \$80 to \$285. It seems that the amount being extorted varies with the kindness of the wheel clamber and how much cash victims had on them at the time.

This bill clarifies what has been up to now a lawless practice. The proposals will see parking control in respect of private land merged into council's existing powers to regulate parking. Regulation and enforcement will be carried out in generally the same way that many councils already carry out parking enforcement in malls and private shopping centres. This proposal will provide a fair balance between the interests of both motorists and landowners without sacrificing the rights of either. More important, it provides a uniform solution and regulations that everyone understands. It mirrors a similar scheme that has been operating in Victoria since 1996 and has been successful in ending similar problems that State encountered prior to regulation of this practice. [*Quorum formed.*]

Council officers and police will be empowered to impose fines of up to \$550 against motorists who park on private land. Council officers will also be able to advise owners on sensible alternatives to avert the problem. There may be practical parking control measures, such as fencing and signage, which are not adequately addressed now. The present situation is not that hard to dissect. When a landlord is approached by a security firm that promises to solve a parking problem at no cost, his agreement is usually automatic. It is easier for a landlord to delegate responsibility for issues such as parking than to sit down and find a workable solution with residents. However, this process encourages landowners to address access issues and will hopefully lead to situations that remove the need for council involvement.

Had this legislation been in effect a year or two ago it is clear that the repeated problems raised in the House by many honourable members of distraught and understandably angry constituents would not have existed. This legislation will result in a fair, low-cost and effective regulatory scheme to deter vehicle trespass on private land in locations where this is a significant problem and to ban the unauthorised immobilisation and impounding of vehicles. I congratulate those of my colleagues who have been responsible for introducing and driving this issue. I support the bill.

**Mr STEWART** (Lakemba) [8.10 p.m.]: I support this important legislation, the Local Government Amendment (Wheel Clamping) Bill. For some time wheel clamping has been a problem in many towns and cities in New South Wales and

many of our constituents have been the victims of wheel clampers. I and other Honourable members have frequently referred to the prevailing concerns and have made representations in this House in an attempt to have something done about them. In the past many of my constituents have become innocent victims of wheel clampers, who have verbally, and sometimes physically, harassed their victims, forcing them to pay exorbitant fines for the release of their vehicles.

As honourable members have already heard, fines imposed by wheel clampers ranged from approximately \$50 to several hundred dollars, and were invariably enforced on the spot. The victims were obliged to pay cash, which left many of them in a difficult predicament. Those who enforced the fines were sometimes big, burly men whose tactics were intimidatory, and their victims were often women and elderly people who really did not know what their rights were. Lilian Zhong Chun Jiang from Greenacre is one constituent in respect of whom I made representations. She parked her car at the New Children's Hospital at Westmead at a time when she believed her 12-week-old baby was critically ill. Mr and Mrs Jiang arrived at the hospital and rushed the child into casualty where they remained for about an hour. Fortunately for both parents, the 12-week-old baby was diagnosed as suffering from a virus and discharged.

On the day in question it was raining hard. Both parents went out to the car which they believed was parked legally only to find that it had been wheel clamped. The signage was apparently inadequate. They also found a big, burly man waiting at their vehicle who indicated that if they paid \$285 in cash on the spot he would remove the wheel clamps. Honourable members should bear in mind these people had a 12-week-old baby, it was raining and the security officer, as he described himself, would not allow them to enter the vehicle with their sick baby. They could not drive it away because it had been wheel clamped. They were standing in the rain with a baby only a few months old who was suffering from an infection.

The husband was forced to virtually run to the nearest automatic teller machine, which was located half a kilometre away, to withdraw money they had set aside for the weekend. They are a working-class family and find it difficult to manage financially. They were told that if they did not pay the \$285 in cash the vehicle would be forcibly towed away and they would be liable for additional costs of \$250 to retrieve the vehicle. While her husband was at the ATM, his wife was forced to stand in front of

the vehicle in the rain with her 12-week-old sick child. It is a disgrace that such a thing could happen, but the lack of clarity in the regulations allowed the security officer to do what he did. Representations by members of this House convinced the Minister for Local Government of the need for laws governing the wheel clamping of vehicles.

The Minister for Local Government, under the auspices of the Attorney General, commissioned a report by the Hon. Joe Riordan. He conducted an inquiry into wheel clamping and brought down a finding in mid 1997. His report confirmed the lack of clarity in the law, as I have just described it, and the ambiguities in the law relating to vehicular trespass on private land. Concern had been expressed that the victims of wheel clampers had often trespassed on private land. I do not dispute that, but that was not the issue: the issue was how they were treated once they had trespassed and what reasonable rights they had in regard to the application of wheel clamps.

The report found that members of the community had been exploited by uncaring wheel clampers, and sometimes private landowners who, because of the unregulated environment, had employed these operators of wheel clamp devices to do whatever they liked. The honourable member for Hurstville indicated that as a result of the unregulated environment some wheel clampers were able to pocket the fines they had obtained. The owner of the vehicle would be asked for \$50, \$100 or \$200, depending on how the wheel clampers felt at the time. If the owner of the vehicle complained about the fine, he or she would pay dearly for it.

On one occasion one of my constituents was wheel clamped at Bankstown Square and forced to pay a fine on the spot. Because he raised an objection with the management, management banned him from Bankstown Square for a year. He could not go to Bankstown Square to shop for a whole year! Grossly exorbitant fines were imposed in a provocative and uncaring way, and release fees, and towing and impounding charges were applied as part of the process. As other contributors to the debate noted, there have been clashes, not only verbal but physical harassment, and punches have been thrown. It is not difficult to understand the frustration of an unsuspecting, law-abiding citizen—who may have parked illegally, not thinking that the consequences would be so dramatic—when confronted with a wheel-clamping device and the threat that the vehicle would be towed away and that it would cost a considerable sum of money to have the vehicle released from a tow yard.

Illegal vehicular trespass and the unethical, exploitive conduct of some private landowners and their wheel-clamping agents has become a serious law and order problem in numerous inner suburbs and in country areas of New South Wales. The example I have given to the House of the Greenacre woman with the 12-week-old baby illustrates just how far this can go. I congratulate the Minister for Local Government for having seen his way through the labyrinth of the law to ensure we have progressive legislation that can be easily understood by our constituents and that extends rights to those who apply wheel clamps and to the recipients of them.

The proposals in this bill will result in parking control in respect of private land being merged into the existing powers already vested in councils to regulate parking. It will provide them not with an additional responsibility but with clarity in respect of their involvement. Regulation and enforcement will be carried out in generally the same way that many councils already carry out parking enforcement in malls and private shopping centres. It should be emphasised that the scheme will provide a fair balance between the interests of motorists and landowners. Landowners must accept some share of the responsibility for resolving vehicle trespass problems. Councils will have the discretion to impose reasonable fencing, signage and related requirements as preconditions to entering into a parking control agreement with landowners.

This is an important aspect of the bill because for too long private landowners have shirked their responsibilities in this regard. They have not properly signposted properties or erected barriers or restrictions. It is little wonder that motorists trespass onto their properties to park their vehicles in very urbanised and pressured environments where parking is difficult to find. It is the quick stop-and-shop approach. I refer to the example I gave the House earlier of the constituent whose car was wheel clamped at Bankstown Square. When I viewed the site where the car was wheel clamped, I found that there was no sign in the entire vicinity of where he parked his vehicle. There was a sign 200 metres away, but that did not constitute clear signage. There was no barrier, it was an open car parking area, and car parking spaces were adequately marked; but it was not made clear that they were private car parking spaces.

The bill will clarify this aspect. Importantly, through the infrastructure of local government, which is significant in urban and regional areas, an opportunity will be given for private landowners to reach agreement on how the bill will be enforced.

The bill will introduce fines to a maximum of \$550 for each offence. This will provide an incentive for people not to park illegally or trespass. The Government through the introduction of this bill is not saying that if a person parks willy-nilly or illegally trespasses he or she will not face the consequences. The bill provides adequate fines to deter people from continuing to park illegally. Unlike the present system, which is totally unregulated, people will not have to pay fines on the spot but will pay them through the infrastructure of what is already in place in local government.

People will not have to put up with the indignity of having their vehicles wheel clamped and the difficulties faced when trying to argue ones way around such activity. The process of landowners addressing access issues may also encourage options that are within the control of owners in terms of their responsibilities to erect barriers and signs and to reduce the need for council involvement if they go ahead and do this. Once a regulated environment is in place, councils will not be required to be involved with these processes to the same extent because the added signage and barriers will be in place and people will be aware of their rights as they will be enforced through normal fines processes.

I understand that a similar scheme has been operating successfully in Victoria since 1996. That scheme came about under similar circumstances. In an unregulated environment people were harassed, fines were exorbitant, people faced threats, and people who were victims of wheel clamping were even beaten up when they tried to voice their rights—as happened in New South Wales. This will no longer be the case in New South Wales. No longer will constituents in our electorates have to put up with the ambiguity or greyness of the application of the law. No longer will police have to deal with this ambiguity. Police have expressed significant concerns about the issue and have relayed those concerns to the various authorities through the Minister for Police.

Police have often had to use their valuable time to attend disputes involving wheel-clamping devices. They have had to make a decision on the spot about whether the wheel-clamping device should be removed. The police position on this matter has been ambiguous and, for the officers involved, has sometimes been quite precarious. They have often had to use individual discretion because the law has not stipulated the position. The bill clarifies that aspect. Police will be aware of the rights of wheel clampers and people who trespass private property with their vehicles. Importantly,

police will be aware that the use of wheel-clamping devices is illegal.

The bill is important and is being well perceived by the community. I have received numerous letters praising the Government for finally having the courage to take action on this issue. The bill has been long-awaited. The Government recognises the community's concern and has done something concrete about it in a timely manner, instead of procrastinating, as the former Government did for seven years while the same concerns prevailed. I am proud to say that the bill will be delivered with the support of both sides of the House. I know that the Opposition has been calling for the introduction of the legislation, as members of the Government have, and has been waiting for a Minister with the gumption and guts to do something about it. I commend the bill to the House and thank the Minister for Local Government for introducing it.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [8.25 p.m.], in reply: I acknowledge the contributions of members on both sides of the House. It is pleasing that the bill has bipartisan support, and I can see why that is so. Constituents of many members of this House have been victims of unsympathetic wheel clamping. A number of matters have been referred to during debate on the bill. The matters have tended to overlap, but I intend to cover generally the matters raised. Reference was made to private car parks. The operation of private car parks will not be affected, except that owners of the car parks will no longer be able to wheel clamp vehicles. However, otherwise the process will remain the same as previously. Proposed section 651C(2)(d) clearly provides that people parking their cars in a private car park must do so pursuant to the terms of an agreement or arrangement in force with respect to the vehicle—that is, the terms that one sees on a sign when one enters a car park.

People will not be able to use the protections contained in the bill in relation to wheel clamping or unlawful detention of a vehicle to circumvent the contractual obligations they take on when they take a ticket on entering a car park. The other issues raised in debate are either addressed in the second reading speech or, based on the experience in Victoria where similar laws were enacted in 1996, are not likely to cause problems. The Victorian experience is that legislation such as that proposed will significantly reduce unlawful vehicle trespass. Property owners will be required to erect clear signage, to block off the entrance to the private land, or to install a boom gate, as commonly occurs in newly constructed blocks of flats. However, the Government does not in any way condone vehicle trespass. While wheel clamping or unlawful detention of such vehicles will be prohibited, the

legislation will provide for penalties to more effectively deter people who unlawfully park their cars on private property.

Of course, the linchpin of this is that people who wish to, can enter into an arrangement with the local council, which is geared for such operations, to patrol the private area as though it were a public area normally patrolled by the council. I believe the bill will receive positive results from people in sensitive areas who find that their private land is used for illegal parking. This problem occurs in Bronte Road at Charing Cross, in the area where I live. I have no doubt that once this legislation is passed that organisation will be able to enter into an agreement with Waverley Council to ensure that the area is patrolled. I thank members for their contributions to the debate and commend the bill to the House.

**Motion agreed to.**

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

#### **ADMINISTRATIVE DECISIONS TRIBUNAL LEGISLATION AMENDMENT BILL**

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

#### **Second Reading**

**Mr WOODS** (Clarence—Minister for Regional Development, and Minister for Rural Affairs) on behalf of Mr Whelan [8.33 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 28 May and the second reading speech appears on page 38 of the *Hansard* proof for that day. The bill is in the same form as that which was introduced in the other place. I commend the bill to the House.

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

#### **BUILDING AND CONSTRUCTION INDUSTRY LONG SERVICE PAYMENTS AMENDMENT BILL**

#### **Second Reading**

**Debate resumed from 2 June.**

**Mr HARTCHER** (Gosford) [8.34 p.m.]: I lead for the Opposition in opposing this bill. The bill is simply an attempt to extend the Government's taxation by stealth into the building industry. Since

this Government took office it has taken a forced levy of \$60 million a year from the Long Service Leave Fund. The bill seeks to extend the operation of the fund to widen its definitions not for the protection of builders or building workers but simply to ensure that the Government's opportunities to extract revenue are enhanced and increased. It is for this reason that the Opposition opposes the bill in this House, as it has opposed the bill in the Legislative Council.

The Opposition has made it clear on a number of occasions that the Government is raiding this fund, and the Opposition will continue to make its voice heard on the issue. Budget papers released yesterday show that in 1998-99, \$39.3 million will be paid out to building workers, a decrease of 13 per cent on last year, but \$60 million will be paid out by way of levies to the Government. In other words, this fund is now paying out far more to the Government than it is paying to the building workers—not to employers but to employees. The Labor Government is stealing from a fund that was set up to protect the building workers of this State. I am sure many members will be surprised to learn of that extraordinary example. One wonders about the silence of the unions on this issue.

In the 1995 budget, for the first time the Government took a levy of \$60 million. That was challenged, and the Solicitor General ruled that it was within the Government's power to do so, although he made no comment on the morality of that move. Since 1995 the Treasurer has continued to extract \$60 million each year. At the estimates committee last year the Minister was asked whether he would give an assurance that the fund would be allowed to operate for the benefit of employees in the building industry and not simply used as a healthy milch cow for the Government. He declined to give such an assurance. By that stage the Government had taken \$120 million out of the fund. It has now taken \$180 million from the fund.

The Government did not disclose that the fund would continue to be used as a hidden tax, but that is what it has become. The Government is using the fund as its own piggy bank and using the levy as a tax on builders. There was no prior announcement and no consultation with the industry—only the levies from the Treasurer. The Opposition has made it clear time and again that the proposals are simply a tax by stealth. An article in *Business Sydney* for the week of May 18, 1998 reads:

The State Opposition is crying foul over planned amendments to the Building & Construction Industry Long Service Payments Act, claiming the changes will simply "widen the net" to catch more revenue.

Shadow Minister for Industrial Relations and Ports Chris Hartcher, said amendments taking in people under Commonwealth agreements and increased self-policing are designed "simply to catch more people".

"It's simply one of the best kept secrets on how to raise \$60 million a year without anybody knowing about it—If only Christopher Skase knew it," Hartcher said.

Minister for Industrial Relations Jeff Shaw last fortnight moved amendments to improve long service leave coverage for industry workers, including improved compliance measures and the availability of service credits to workers.

Improved compliance measures! The point of the legislation was to improve compliance to extend the net to workers caught by Commonwealth agreements when it had previously applied only to workers under State agreements. An actuarial investigation in June 1995 found that the fund was in surplus and concluded that there was no need to reintroduce the levy, which had been used to ensure payment of money into the fund. Since the Government has been milking the fund the levy has had to be reintroduced and increased. A fund into which employers have paid money on behalf of employees has continued to grow. But the Treasurer has underhandedly extracted \$60 million each year, not by way of any service, commensurate responsibility of government or administration of the fund, but simply as a Treasurer's levy—a secret and hidden tax.

The levy had to be reintroduced to make up for the shortfall caused by Treasury's plundering of the fund. Therefore, the cost of homes will rise. Those who are planning to build a home will have to pay an estimated \$150 extra because of the secret imposition by the Carr Government, led by Mr Egan. People battle to build a new home to provide a better future for themselves and their children. They have to deal not only with bureaucracy and, in some areas, mine subsidence, but also with the imposition of an extra \$150 to build a new home. Those who are contemplating building a new home to improve their lot and that of their families and children should rise up in anger against this outrageous imposition by the Carr Government, led by its publicity seeking but responsibility shy Treasurer. The article continued:

However, in June last year the New South Wales Treasury removed \$60 million from the fund in the form of a dividend payment equivalent to 18.5 per cent of the corporation's assets, and reintroduced a 0.2 percent levy on the cost of building and construction works.

This extraordinary story gets bigger and bigger. The Government took away 18.5 per cent of the fund's total assets. For what? Nobody knows, because there

is no identifiable contra item in the budget papers to show where the \$60 million goes. It simply disappears into that vast pool of consolidated revenue. What justification was given for the levy and the raids? When the levy was first imposed in 1995 the justification was that increased building activity due to the Olympics would impose greater responsibility on government, and the fund would therefore have to bear some of that responsibility. However, the impact is upon the builder and the economy. Ultimately the loss is to the building workers.

This is a government pledged to protect the workers of this State, a government that claims to represent the worker, a government that bases its foundations upon the working class of New South Wales. But it is also a government that secretly steals from the workers, secretly robs the working class. It uses the fund set up to protect itinerant building workers who have no permanent employer—a fund that is designed to ensure that they have long service leave just like those who are in permanent employment—and robs them of their hard-earned entitlement. It may not be their direct contribution, but it is a contribution on their behalf that has been taken away by the Carr Labor Government. Few examples of such extraordinary activity would shock the community more than this. When the bill was introduced in the Legislative Council, Reverend the Hon. F. J. Nile successfully moved a number of amendments designed to ensure that a builder did not have to pay the levy if the building project did not go ahead.

This bill was so badly drafted, not so much by the Parliamentary Counsel but by the department that advises the Minister, that a builder had to pay the levy even if the building project did not go ahead. It is disgraceful. It is negligent. How could anyone draft legislation that requires people to pay even if they do not build? Originally, once a development application was lodged the levy had to be paid. If the council's conditions were too onerous or the builder did not have the money to proceed, the builder would still lose the money. The Government wanted the money whether the house was built or not. Anybody contemplating building a home would be caught by the legislation. If the builder did not wish to proceed he would still be caught by this outrageous tax.

I am concerned that the Government thinks it will get away with it. It will not. The \$39.3 million it paid out in 1997-98 will be revealed to the community. The \$60 million it took will also be

revealed to the community. The fund is no longer for the benefit of building workers; it is wholly designed to service the nefarious purposes of a Treasurer who rigs budgets and who literally steals from the workers of this State. The New South Wales Opposition is opposed to the legislation; it will not countenance it. It will divide on the legislation. The Opposition will fight, because it will stand up for the building workers of this State. It will not bow down to the dictates of a government that wants to steal from the workers.

**Mr R. W. TURNER** (Orange) [8.47 p.m.]: Although I do not oppose the Building and Construction Industry Long Service Payments Amendment Bill, I, like the honourable member for Gosford, would like to point out some of the anomalies in the bill. The aim of the bill might be creditable, but I believe it has lost the plot. The bill will amend the Building and Construction Industry Long Service Payments Act 1986 in relation to payments and claims under that Act. I also note that a worker must register within seven days of commencing work, unless that worker is already registered or has lodged an application. I note that new subsection (1B) states that the corporation may suspend the registration of a registered worker who has been credited with at least five years service in the register of workers if non-service days amounting to four years have elapsed since the last date in respect of which the worker was credited with service under this Act or in a record of building and construction workers kept under a corresponding law. This goes against the provisions for casual workers who are in and out of the building industry, who help out during boom times.

Economic factors that have nothing to do with the building industry result in booms and busts for the industry. Some builders move in and out of the industry according to fluctuations in work. This bill works against builders who wish to move in and out of the industry as they will have no guarantee of long service payments. The Building and Construction Industry Long Service Payments Act was designed to protect casual workers by giving them a guarantee of long service payments. That measure encouraged builders to stay in the industry. Their service in the industry has been recognised and they have been in receipt of a long service leave component. This bill provides that the employer will pay 0.2 per cent of the value of a project to the Building and Construction Industry Long Service Payments Corporation. When the long service leave component was first examined in 1986 a levy of 0.5 per cent on the total cost of building was set.

Builders in my local area of Orange have told me that soon after the scheme was established it became apparent that the level of 0.5 per cent was higher than what was required to build up equity in the fund. The level was decreased to 0.2 per cent, and it was found that the fund still continued to grow in excess of requirements. Following consultation within the industry a scheme was developed which used excess funds to encourage apprenticeships. Some 2,000 students benefited from that scheme by way of assistance in payment of TAFE college fees and in the purchase of tools. The employment of apprentices was thus stimulated. Over the years employers, including those in the building industry, have found that it may not be economic to employ apprentices because of wage levels and apprentices are in their employ even while away from the workplace.

Employers sometimes find that there is more incentive to take on full-time, skilled employees. Whilst that move may be of short-term benefit, it certainly works against industry goals in the long term. When a building boom occurred it was found that the industry did not have enough trained workers, leading to over-award payments and extra costs for those building homes and commissioning other construction. Many people could not afford to build a home because of increased costs. As the honourable member for Gosford said, the Government has milked the long service payments scheme. There is talk of \$120 million to \$180 million being taken from the scheme. I am not too sure what the exact amount is, but whether it is closer to the lower or the higher figure it is to the discredit of the Government that a scheme funded by builders with the full intent of providing a superannuation scheme to which workers could contribute was milked by the Government to the extent that it has become virtually worthless.

The scheme was reinstated in late 1997, with the levy set at 0.2 per cent. That should never have had to happen. The scheme was self-funding, it was working very well and, as a bonus, there was the apprenticeship scheme. As I have said, the apprenticeships scheme was not an original intention in 1986 but came about as the industry considered it would be a good way of encouraging apprenticeships. The scheme was designed to be self-funding and builders had agreed with it. Along came this Government, however, and took somewhere between \$120 million and \$180 million from the scheme. I do not know how the Government's conscience would allow it to do such a thing.

It has been necessary to reinstate the scheme, and it has been reinstated as a tax on home owners. Someone building a modest house will be required to pay an extra \$200 minimum in order that the new scheme may be financed. The encouragement for apprentices has gone. It is a tragedy that there is now no incentive for builders to employ apprentices. When next the State experiences a building boom it will again be found that the industry does not have enough experienced builders, resulting in increased costs for building homes. On my estimation, and I doubt that I am far off the mark, very soon a modest home will cost an extra \$800. I do not understand why the Government would want a home for low-income earners, who the Government is supposed to be supporting, to cost an extra \$800.

The Government is guilty of milking a system that was working brilliantly and enjoyed the support of the industry and of home owners, who were covering the cost in the first place. The Government took a large amount of money from the fund and directed it to consolidated revenue or elsewhere. The 1986 scheme was working very well but now the Government imposes a levy of at least \$800 on home owners in order to reinstate the scheme. I wonder what the Government is going to do when the scheme is again self-funding. Does it intend to milk the fund again? I certainly hope not. I trust that from March 1999 the Government will not have the ability to do that because the coalition will be in office. The people must surely understand what the Government is all about. It has abused a system that was working very well. The coalition supports builders and home owners, and a coalition government will not go about milking a scheme in the way that this Government has done in the past couple of years.

**Mr KINROSS** (Gordon) [8.58 p.m.]: When Peter Finch in *Network*, for which he received an Oscar, shouted, "I'm as mad as hell, and I'm not going to take it any more" and urged others to go to their windows and do the same, it is little doubt that he had Michael Egan in mind. Michael Egan has raided the kitty with this bill. The scheme is hardly a piggy bank—a piggy bank could not contain \$60 million, \$80 million, \$100 million or the suggested \$180 million. It is the State's piggy bank that Michael Egan is raiding, and that is not without precedent. Only last year the Minister for Fair Trading raided \$30 million from the assets of the Property Services Council. This cash-strapped Government, which is in the red, is setting a precedent by raiding the workers' kitty, despite professing to be the workers' friend. By the use of

cloak and dagger the Government seeks to raid all their assets and some of their income. It is a little like the words used by Ross Gittins to describe the budget which was delivered only yesterday—it is too good to be true. Christopher Skase created a mirage and, no doubt, this Government will create a mirage for the building and construction workers.

Do members of this House and the people of New South Wales understand what is meant when reference is made to the Government taking 18.5 per cent of the assets of the Building and Construction Industry Long Service Payments Corporation? That is an enormous percentage of anyone's balance sheet and it is a frightening indictment of the actions of the Carr Labor Government. Honourable members have described the fund as a rort and have said that the Government is milking the scheme. They are apt descriptions. Prior to the March 1995 election the Carr Labor Government in its election campaign promised to abolish the building industry task force. What do we see in this bill? It was all very well for the workers' friend to pledge prior to the last election that the building industry task force would be wound up. Few recommendations have come from that task force, but they have raided the kitty, hypocritically.

The chief corporate solicitor expressed grave concern not only for the independence of his office but for the independence of the law. He said that he would not be able, without adequate resources, to prosecute necessary offences following the recommendations of the royal commission. Because of recent announcements made by this Government the provisions of the legislation do not surprise Opposition members. The Government will now impose a \$200 levy at least on builders and home owners. Some of the discounts flagged yesterday by the Treasurer in relation to first home owners could be substantially eroded. Page 23 of Budget Paper No. 1 reflects savings of \$888. It is likely that any savings will be whittled away. I commend the shadow minister and the manager of Opposition business in this House for his diligence and passion in presenting his speech.

I turn now to specific concerns about the bill. The honourable member for Orange referred to proposed section 19(1B), which paints a frightening picture in relation to the exclusivity with which the corporation may suspend the registration of registered workers. That is an attack on casual workers. Everyone in the building trade knows that casual workers frequently assist in a substantial number of projects in this field. Some of these fairly

draconian powers are not uncommon to a centralist-type Labor government. Schedule 1 item [43] refers to the powers of entry and inspection. The bill will amend section 58(2) by inserting:

(2) A person authorised by the Corporation may:

(a) enter any premises in order . . .

(b) require a person to produce, at such time and place as the authorised person may specify, any books, record or other documents . . .

Those substantial powers will enable the Labor Party to achieve what it is trying to achieve, that is, to raid the piggy bank. I refer finally to item [49] of schedule 1, which deals with proceedings for offences. No doubt proceedings for offences will be taken against small businesses and the like in this field. The bill will remove the words "1 year" from section 64(3) and replace them with the words "6 years". That is a huge change. If there were nothing else with which members of the Opposition disagreed—other speakers referred to a number of matters with which we disagree—we would oppose the bill for that reason alone.

**Question—That this bill be now read a second time—put.**

**The House divided.**

**Ayes, 47**

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

**Noes, 44**

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

**Ayes, 47**

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

**Pairs**

|            |                |
|------------|----------------|
| Mr Carr    | Mr Armstrong   |
| Mr Knight  | Mr Collins     |
| Mr Tripodi | Mr Cruickshank |

**Question so resolved in the affirmative.****Motion agreed to.****Bill read a second time.****Third Reading**

**Mr WOODS** (Clarence—Minister for Regional Development, and Minister for Rural Affairs) on behalf of Mr Yeadon [9.16 p.m.], by leave: I move:

That this bill be now read a third time.

**The House divided.****Noes, 45**

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

**Pairs**

|            |                |
|------------|----------------|
| Mr Carr    | Mr Armstrong   |
| Mr Knight  | Mr Collins     |
| Mr Tripodi | Mr Cruickshank |

**Question so resolved in the affirmative.**

**Motion agreed to.**

**Bill read a third time.**

**Mr SPEAKER:** Order! The Chair wants to engage in turgid diatribe by announcing Gerry Peacocke's 67th birthday and 40 years of marriage. I also note that the honourable member for Oxley has today become a grandfather for the second time.

**YOUNG OFFENDERS AMENDMENT BILL**

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

**Second Reading**

**Ms HARRISON** (Parramatta—Minister for Sport and Recreation) [9.24 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 28 May, and the second reading speech appears at page 39 in the *Hansard* proof for that day. The bill is in the same form as introduced in the other place. I commend the bill to the House.

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

**LEGAL PROFESSION AMENDMENT  
(SOLICITORS' MORTGAGE PRACTICES)  
BILL**

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

**Second Reading**

**Ms HARRISON** (Parramatta—Minister for Sport and Recreation) [9.25 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 28 May, and the second reading speech appears at page 40 in the *Hansard* proof for that day. The bill is in the same form as introduced in the other place. I commend the bill to the House.

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

**PARTNERSHIP AMENDMENT BILL**

**Second Reading**

**Debate resumed from 2 June.**

**Mr KINROSS** (Gordon) [9.26 p.m.]: I lead for the Opposition in relation to the Partnership Amendment Bill. The aim of the bill is to amend the Partnership Act 1982 to protect a firm from liability for a partner's wrongful act or omission when the partner is acting as a director of a body corporate, including a company, in certain circumstances. Section 10 of the Act provides that a firm is liable for a partner's wrongful act or omission when acting in the ordinary course of the business of the firm or with the authority of the partner's co-partners.

As stated by the Attorney General in another place, the proposed amendment will operate only as a presumption against liability, which may be displaced depending upon the circumstances of the case. It is important that that be borne in mind for the simple reason that most people believe that liability flowing from any negligent act ought to be unlimited. However, a serious policy issue at stake here, along with the law to date, is that even when a firm of which the partner is a member receives fees flowing from a private financial arrangement between a director as a partner and the firm, that alone should not constitute acting in the ordinary course of the business of the firm or with the authority of the partner's co-partners.

Indeed, in the Professional Standards Amendment Bill, introduced by the coalition Government in 1994 and amended recently in this House, an important principle is at stake in relation to the provision of services by any tradesperson who has a sufficient level of insurance coverage. The important principle is that a number of practitioners and professionals generally may have some reluctance about practising their business, given the prohibitive cost of insurance premiums which provides a disincentive to work. That has given rise to a lot of concerns, specifically in the medical field, and is starting to impact on a range of other trades.

I return to the issue of liability. The primary responsibility of a partner acting as a director of a corporation surely should be as a director to the corporation, its shareholders, creditors and maybe other stakeholders, as the common law has found.

There is a strong argument that the duties are not owed to the partnership in which the director was acting, unless a whole range of other factors are present, apart from the mere receipt of fees. It is believed that much of this reform may have followed on from litigation involving the legal firm Freehills. Nevertheless there is a wider principle at stake beyond the practice of law firms and partners of law firms acting in the capacity of a director of a corporation.

It is proposed to amend the Partnership Act to provide that for the purposes of section 10 a partner who commits a wrongful act or omission as a director of a body corporate is not to be taken to be acting in the ordinary course of the business of the firm or with the authority of the partner's co-partners only because the partner obtained the agreement of the co-partners, or some of them, to be appointed or to act as a director; or remuneration received as a director forms part of the income of the firm; or any co-partner is also a director of that or any other body corporate. As I stated earlier, this presumption in the Act, and reflected in the objects and the overview of the bill, can be rebutted, as it should.

Any court will clearly analyse the instant facts, conduct a detailed examination of the relationship between the partner and the holding out, and the relationship between the partnership and the partner's directorship of a company. The court will determine whether the ordinary course of business and a number of other factors bring the partner under the Partnership Act and therefore able to be sued and made liable for those actions. The Opposition has consulted the Law Society of New South Wales, which concurs with the provisions of the bill. A number of other parties have been consulted, and they similarly agree. For that reason the Opposition will not oppose the bill.

**Mr WHELAN** (Ashfield—Minister for Police) [9.33 p.m.], in reply: I thank the honourable member for Gordon for his contribution to the second reading debate.

**Motion agreed to.**

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

## **FINES AMENDMENT BILL**

### **Second Reading**

**Debate resumed from 2 June.**

**Mr KINROSS** (Gordon) [9.34 p.m.]: I lead for the Opposition, which will not oppose the Fines Amendment Bill. Nevertheless, a number of concerns flow from the operation of the Fines Act

and the operation of the State Debt Recovery Office. Last year I raised in this House some of the draconian measures introduced by the Government in relation to unpaid fines and the extent to which the Sheriff could intrude into a person's home, seize goods and property, sell them, and so forth. I was pleased to see a brochure in my local police station that contained material about the operation of the Fines Act. Previously I also raised the importance of a publicity campaign to clearly inform the public of the huge ramifications flowing from this bill. People usually understand their obligations: they may be sued if they default under a credit contract, they may be sued if they do not pay their rent, and they may end up in court and have their wages garnisheed or their goods and chattels seized and sold.

People do not necessarily understand, let alone acknowledge, the right of a government department, through the Sheriff, to seize goods for failure to pay outstanding fines. That situation needs to be publicised. Indeed, towards the end of last year—given that the operation of the Act commenced on 1 January—a few advertisements appeared in the media. Unfortunately they have fallen away of late, which may be attributable to the budgetary constraints of the Government and its black holes. The object of the Fines Amendment Bill is to make a number of changes to the Fines Act 1996, including to allow the Sheriff to recoup all costs and expenses reasonably incurred in the taking of enforcement action against a fine defaulter, instead of only a single amount of \$50 prescribed by the regulations. The bill will also ensure that a community service order made against a fine defaulter is not suspended under the principal Act during any period of periodic detention of the fine defaulter.

Further objects of the bill are to ensure that when a fine enforcement order that applies to more than one fine is withdrawn only to the extent of some of the fines to which it applies it continues to have effect in respect of the remaining fines to which it applies; and to ensure that enforcement action against a fine defaulter—and this is where it will be very common—for example, a driver's licence suspension or cancellation, may continue until all outstanding fines against the fine defaulter are satisfied. The community is concerned about this provision. At the moment people acknowledge that their failure to pay the initial infringement notice results in them being sent a reminder. However, failure to comply with that reminder notice can result in automatic cancellation of a driver's licence and further fines may accrue on the outstanding amount.

When that trigger is reached it can activate procedures under the Fines Act. It is important, as is

a publicity campaign, that people are adequately informed of their rights. It is intended that should a person breach payment of a fine—be it for speeding or parking—he be informed that enforcement action may be a consequence of his failure to pay that fine. Other objects are to include within the definition of a fine covered by the fine enforcement procedures of the principal Act any professional costs ordered by a court in proceedings brought by a law enforcement officer, and to transfer to the principal Act provisions currently found in the regulations under that Act. In relation to that last object, that is somewhat commendable, because it is frequently in regulations that the detail is found. To transfer those details to the Act is probably a better course, and certainly would make people more aware of their rights.

The Act permits the Sheriff to recoup costs of enforcing orders at a fixed amount, which is currently prescribed at \$50. The new section will allow the Sheriff to recoup any costs and expenses reasonably incurred which are in excess of that amount. The bill also proposes the non-suspension of a community service order. I will not traverse the remaining provisions, which have been sufficiently outlined in the objects of the bill. I conclude with the warning I gave earlier: the public should clearly understand, and be reminded of, its obligations through appropriate mechanisms. This is especially so now that it is very common for motorists not to pay speeding and other traffic fines, resulting in the cancellation of their licences and registration. The Minister for Transport, and Minister for Roads should take on board this important issue. The Government should make the people of New South Wales aware of their rights and obligations.

**Mr MARTIN** (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [9.40 p.m.], in reply: The Government stands by its commitment to this legislation. I commend the bill to the House.

**Motion agreed to.**

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

## **TRAFFIC AMENDMENT (PENALTIES AND DISQUALIFICATIONS) BILL**

### **Second Reading**

**Debate resumed from 21 May.**

**Mr SOURIS** (Upper Hunter—Deputy Leader of the National Party) [9.41 p.m.]: I have pleasure in

leading for the Opposition on the Traffic Amendment (Penalties and Disqualifications) Bill. Considering the importance of this measure, the Government has had inadequate consultation with and involvement of interested parties, not least being the Law Society of New South Wales. The lack of consultation extended even to the Australian Labor Party. The Minister went public on these measures to try to score as much political capital as possible but he had not sought the approval of members of his party. A newspaper article stated that a motion moved to defer consideration of the issue by the ALP caucus was lost by 24 to 25, by one vote. It is obvious that the bill was proposed, conceived and publicised with the shortest possible consultation for such a significant measure. It will have a great impact on a broad cross-section of the community and will be of great interest to all members of the motoring public, as all measures concerning motoring and policing of motoring and so on are.

The organisations contacted by the Opposition were surprised to hear about the bill. The Law Society of New South Wales stated in the first paragraph of its letter to me, "The bill was introduced without prior consultation. It was first received by the Law Society after the second reading speech in the lower House." I would have thought that after three years in government the ALP would have learned one or two lessons about involving institutions directly concerned with a measure of this nature. I thought that perhaps the consultation had been done so well and so secretly that the Opposition had not found out about it but I was mistaken: consultation just did not take place.

The Opposition regards the severity of the penalties for various offences in many respects as excessive and over the top. The argument that a set of offences can be eventually eradicated by continually ratcheting up the severity of punishment strains logic. The approach has been proven not to work. Double demerit points were introduced for certain periods. Whilst it could be argued that the first time they were used the level of community consciousness was raised and because of the shock tactic involved the road toll was reduced. But used frequently, almost routinely, the method starts to lose its impact and people become inured to it. Results from subsequent use of the double demerit points system arguably show that the shock tactic did not have a lasting value.

These measures to some extent have the personal touch of the Minister. In the past he exhibited a tendency—when he was freer to do so—to seek excessive penalties on law and order issues. I think that he has allowed himself the luxury of

imposing his personality on this regime of measures. I say this seriously: many sections of the community regard this bill as excessive and simply revenue raising. The Minister would still be feeling the sting of one or two radio interviews he did after the announcement of the measures. The interviewer reflected a general feeling by members of the public that measures of this nature, especially if they are financially excessive, involve raising significant revenue for the Consolidated Fund. To me it is not a defence to say, "It is not revenue raising because the money goes into the Consolidated Fund." I would have thought that that is the definition of "revenue raising". If the revenue did not go to the Consolidated Fund but to an important road safety measure directly associated with it the increased revenue would have an important road safety application.

The Opposition has estimated that fine revenue will increase by 10 per cent as a result of these measures. At present fine revenue is a little over \$200 million so these measures will raise approximately \$20 million extra. The Roads and Traffic Authority may have a better analysis of the figure which the Minister could provide. The Opposition will move an amendment in Committee to apply the extra revenue—not the total revenue—derived from these measures, which purport to be road safety related, to road safety projects such as road construction, road improvements or measures associated with the black spot program. That would show whether the Government has integrity and that it is imposing these measures to improve road safety.

The Opposition's proposed amendment will test the Government's sincerity in terms of applying the revenue raised as a result of these measures which, as I said, are significantly excessive. I shall refer briefly to a comprehensive response to the bill by the Law Society. I thank Mr Heinrich of the Law Society for giving the Opposition the benefit of the society's view of the bill. One telling paragraph grabbed my attention. The response stated:

It is the working party's view that the available evidence shows that the most effective deterrent is the fear of being caught rather than the severity of penalties for speeding, drink and drug driving.

That sentiment would strike a chord in the community. Perhaps the fear of being caught in view of the public and then reporting back to their family will act as a deterrent, but not necessarily against the amount of the fine imposed. If that is the case, one must question the the Government's

sincerity in providing the fines that these measures entail. It is simply a question whether young people, the disadvantaged and low-income earners will be able to pay such fines. One unintentional consequence of these measures may be that people will be compelled to drive a motor vehicle as a compulsory part of their livelihood, perhaps for many kilometres more than the average range. Low-income earners and the disadvantaged would feel the impact of these measures much more than those in society who are better off.

A possible unintentional consequence of the measures is that people may be forced by their occupation or circumstances to fall into the trap of continuing to drive a motor vehicle although they have not paid the penalties for previous offences, and ultimately continue to drive a vehicle while unlicensed to do so. If that practice became prevalent it would show that these measures, including the severity of the penalties, are fundamentally wrong. As I said, I shall speak further to the proposed amendment in Committee as the Opposition feels strongly that these measures have been introduced mainly to raise revenue. The Opposition wants to test the Government's sincerity in these measures by proposing that the extra revenue raised be applied to road safety improvements and a black spot program.

**Mr O'FARRELL** (Northcott) [9.54 p.m.]: I support the sentiments expressed by my colleague the Deputy Leader of the National Party on the Traffic Amendment (Penalties and Disqualifications) Bill. This legislation seeks to increase the maximum fines or period of imprisonment that may be imposed by a court on persons convicted of various traffic offences, and to increase or impose automatic periods of disqualification from driving arising from those convictions. I particularly support the comments of the Deputy Leader of the National Party that the fine increases of up to 100 per cent are excessive. I do not object to other parts of the bill, particularly those parts relating to the periods of disqualification and periods of imprisonment, as they are well intentioned.

Clearly, anyone who understands this area can draw no conclusion other than that these excessive increases are designed to prop up the Government's budget. I do not ascribe that to the Minister as a motive, but I do ascribe it to his colleague the Treasurer. It is outrageous that the Government is imposing fine increases of up to 100 per cent when last year New South Wales achieved its lowest number of road fatalities since 1949. The current trend in road accidents and deaths is heading in the right direction—the numbers are decreasing. These

massive increases are simply not justified from a road safety perspective.

Treasurer Egan's budget problems will clearly result in motorists being slugged with obscenely outrageous fine increases. Last year, 30,000 people contributed more than \$192 million in fine revenue to the New South Wales coffers. That is an increase of 30 per cent on the figure for the last year of the Fahey Government. As the Deputy Leader of the National Party indicated, the figure is likely to increase by a further 10 per cent over the next 12 months. That is a 40 per cent increase in fine revenue since this Government was elected. I remind honourable members that fine revenue is being increased at a time when the trend in road accidents and deaths is heading down.

Income from fines is the State's fastest growing area of revenue. Instead of raising fines, the Government should be considering the lessons to be learned from Victoria. Although that State has lower fines, fewer road deaths occur than in New South Wales. Fines in New South Wales are between 50 per cent and 180 per cent higher than those applying in Victoria. These proposed fines will exceed the fines in Victoria by up to 475 per cent, yet on comparable criteria Victoria is achieving a better road safety result. For the sake of motorists, the Carr Government should stop revenue raising and get serious about genuine road safety programs.

The information I have just imparted is accurate because the Minister, in answer to a question from my colleague the honourable member for Strathfield about the number of people killed on our roads, said that New South Wales recorded 576 fatalities last year and Victoria recorded 377 fatalities. Those figures cannot be compared but the fatality rate per 1,000 registered vehicles and per 1 million vehicle kilometres logged can be compared. On each of these directly comparable indices Victoria is doing a better job, and a better job despite a massive 475 per cent differential between its maximum fine and the maximum fine that will be imposed under this legislation.

I conclude as I began: this legislation is about putting dollars above preventing road deaths. It is not about addressing road deaths and the problems caused by people who habitually speed on our roads; it is about raising revenue to fund the Carr Government's programs. The figures provided by the Minister, the record in Victoria and the record of achievement in New South Wales over the past few years prove my case.

**Mr MERTON** (Baulkham Hills) [9.58 p.m.]: I agree with the comments of my colleagues the Deputy Leader of the National Party and the honourable member for Northcott on this bill. I will not outline the objects of the bill as other honourable members have done so. Essentially, many people in the community will cynically regard the increased fines in this bill as a means to raise revenue as opposed to a solution to the real issues of speeding and road safety. I am the first to agree that road safety must be improved and driver awareness of the dangers of speeding must be increased. Drivers must face their responsibilities because the consequences of their actions often result in fatalities and great distress and suffering in the community.

Even though speed limits on many rural roads can drop dramatically, often with little warning, from 100 to 80 kilometres per hour or less, breaches can attract a substantial \$800 fine. A man on a single wage supporting a wife and three or four children would have to shoulder a heavy burden facing payment of such a fine. He and his family would suffer enormous distress, hardship and financial difficulty just because he exceeded the speed limit by 25 to 30 kilometres per hour. In some circumstances the result for families can be disastrous.

A deterrent to speeding is necessary but the Government has not consulted adequately on this measure. Imposition of a heavy fine could result in disintegration of a family. Breaches that occur on country roads where there is little risk to other road users will attract the same penalties. However, speed kills, though other factors such as poor signage often contribute to an accident. The proposals might be perceived by the community as mere revenue-raising measures. The amendment moved by the shadow minister is realistic, and increased revenue should be allocated to road safety and driver education to rebut the perception that the bill is a revenue-raising exercise. The Minister, a man of social conscience, knows that some families receiving \$500 a week and paying \$200 rent may never recover from a \$800 traffic fine. The proposed legislation lacks balance.

**Mr KINROSS** (Gordon) [10.02 p.m.]: I believe that the Labor Party was deeply concerned about the narrow 25 to 24 vote in caucus to support this legislation rather than defer further consultation.

**Mr Scully:** A massive victory.

**Mr KINROSS:** Yes, that is a massive victory in the Labor Party—a margin of one. Last week I spoke on the Traffic Amendment (Variable Speed

Limits) Bill, which goes some way towards assisting traffic flow on motorways and freeways. At that time I expressed concern that as long as the measure was not used for entrapment purposes, especially on long-distance motorways such as the Hume Highway, the Opposition would support the bill. However, there is a growing concern in the community about the extent to which penalties are used simply for revenue-raising purposes.

My colleague the honourable member for Baulkham Hills said that speed kills. I beg to differ. Inability to handle speed and road conditions can kill, injure or maim, but speed per se does not kill. Indeed, if that were the case why are there not a hideous number of accidents in speedway events, such as the Bathurst 1,000. The last death I recall was that of Denny Hulme when he rode his BMW down Commonwealth straight. I was there at the time. He did not die as a result of speed but from a heart attack. It is a misconception that speed kills. John Singleton hooned down the Hume Highway at 160 kilometres per hour in his Rolls Royce yet under section 556A of the Crimes Act a conviction was not recorded against him. I presume that if the magistrate in that case felt that such speeding would have killed, he would have imposed a substantial penalty; but he did not. Care must be exercised in these matters.

Every life saved is worth so much more than any amount of fines imposed. As the Deputy Leader of the National Party stated, it is not the severity of penalty that prevents speeding or deters motorists; rather, it is the fear of being caught. A strong education program rather than severe penalties will create sufficient disincentive. Lethal cocktails of drink, alcohol and drugs are often mentioned in relation to speeding. However, there is arguably a lethal cocktail in a number of the measures that have been introduced over the past week. I am sure this measure has not been designed as a class issue, but the legislation will affect many Labor voters whose cars would be worth far less than the value of fines outstanding.

Indeed, I spoke only a moment ago on the Fines Amendment Bill and the attempt by the State Debt Recovery Office to enforce proceedings for failure to pay outstanding fines, parking levies and traffic infringements. There is real concern about that. No-one would disagree with severe penalties for drink-driving, but concern has been expressed because other penalties have not been coupled with an adequate education program. Sometimes fines are applied inconsistently over time and across different

areas. Application of variable speed limits is not the specific object of this bill but changes in speed limits will affect this bill. For example, the Penrith to Lithgow road has 18 different speed limits. I trust that fines will not be imposed in each of those speed limit zones, but consistency and uniformity in road upgrading and signage should be achieved before such fines are enforced.

Also, on holiday weekends and public holidays penalties increase, sometimes threefold. Though generally there are many more people on the road at those times there is concern that this is done as a revenue-raising measure. The Australia Day weekend was one of the worst on record—and the Minister made a statement about that—despite measures to substantially increase penalties. Clearly education will assist people to tailor their driving behaviour. Indeed, it is often said that we must effect an attitudinal change in our approach to motor vehicles. The Australian Broadcasting Corporation is currently running a series on Thursdays entitled *Car Crash*, which apparently is very popular. That series shows motor vehicles involved in accidents and the consequences of driving, rather than the high-handed, penalty approach that often causes public suspicion.

The shadow minister outlined his proposed amendment to target, quarantine and tailor the proceeds of fines to an appropriate black spot program to ensure that this exercise is genuine and not simply revenue collecting. Indeed, I am lobbied by many constituents about their suspicions in regard to these matters. The revenue raised from these provisions should be quarantined for a specific purpose. The public is suspicious about the Government's motives, particularly as it has broken 450 promises—one every two days. Except for the proposed amendment, the Opposition will not oppose the bill.

**Mr ACTING-SPEAKER (Mr Gaudry):** I welcome to the gallery members of the Ingleburn Chamber of Commerce, who are guests of the Minister for Urban Affairs and Planning.

**Mr SCULLY** (Smithfield—Minister for Transport, and Minister for Roads) [10.11 p.m.], in reply: I appreciate the Opposition's in-principle support for the package that we have introduced to dramatically increase penalties for excessive speeding and drink-driving. The shadow minister is under a misapprehension about the impact of the double demerit point system. Three fatalities were

recorded during the 1997 Easter period. Seven fatalities were recorded during the 1949 Easter period. The 1997 Easter toll was the best on record notwithstanding that about four million cars use the roads compared with only a few hundred thousand in 1949. In 1998 there were only three fatalities during the Easter period. This proves again that the implementation of the double demerit points penalty system for specific traffic offences was successful.

Penalties are not the only tools to deal with speeding, alcohol and other related traffic offences. A roads minister has a range of tools available to use in an attempt to improve the road toll. If the coalition is successful at the next State election and the Deputy Leader of the National Party assumes the roads portfolio, he will be presented with a suite of tools to help him manage that portfolio. Imposing penalties is only one of many tools available; others include double demerit points, licence disqualification, the fear of being caught and education programs and road network improvement. The honourable member would be familiar with massive government investment to improve the Pacific Highway because each year 40 deaths occur on that road between Hexham and the Tweed area. I am delighted at the strong bipartisan support for the Pacific Highway upgrade.

Both sides acknowledge that money must be expended to save lives. It was suggested that the latest proposal is merely a revenue raiser. It is always tempting to assert that measures are introduced simply to raise revenue. In Committee I shall comment further on the shadow minister's proposed amendment, but I point out that no discussions occurred between Treasury and the Roads and Traffic Authority. Perhaps I should not speak out of school, but I did not discuss this matter with the Treasurer until the matter came before Cabinet.

**Mr Souris:** No, but you talked about a financial impact statement at the end of the Cabinet meeting.

**Mr SCULLY:** The Treasurer was not in the loop.

**Mr Souris:** You did an FIS at the end of your Cabinet meeting.

**Mr SCULLY:** No.

**Mr Souris:** The department did.

**Mr SCULLY:** No.

**Mr Souris:** They must have; they have to do an FIS.

**Mr SCULLY:** The Treasurer was not in the loop. I had no discussions with the Treasurer.

**Mr Souris:** You dropped FISs.

**Mr SCULLY:** This is not a revenue-raising measure. I will not discuss the matter further, except to say that I am disappointed that in order to score a few political points the Deputy Leader of the National Party would assert that this is a revenue-raising measure. It is not. I would be disappointed to learn that the number of fines had increased. The Government does want to make a dollar from this measure. As Minister for Roads the Deputy Leader of the National Party would receive each night a fatality tally sheet. I am quite happy to show him a copy of those sheets I have received. Those sheets list the people who were killed on roads the previous day. That is not a particularly pleasant part of my job as Minister for Roads. Occasionally that list includes the possible causes of road fatalities—speed, fatigue and alcohol being the major causes.

The honourable member for Northcott referred to the road fatality level. Road fatalities are decreasing, but the tragedy is that more than 550 people are killed each year on the roads. We must do all we can to reduce that road toll. Having used the double demerit point system and substantial investment to enforce that system, and having invested millions of dollars to improve the road network infrastructure, the road fatality level still needs to be driven down. Increasing penalties will provide a massive deterrent. I am pleased that the Opposition is concerned about the impecunious and has taken up the cause of some Labor caucus members who were concerned about the impact of this measure. I am delighted that the Liberal Party and the National Party have a new philosophy. The honourable member for Gordon always speaks on behalf of his battling constituents. I am pleased that the Opposition is concerned about the impact of this bill on the poor. My response is simply: do not speed, do not drink and drive and you will not have a problem. This bill will provide the necessary deterrent and will result in an improved road toll. I appreciate the support of the Opposition for this bill.

**Motion agreed to.**

**Bill read a second time.**

**In Committee****New clause 4**

**Mr SOURIS** (Upper Hunter—Deputy Leader of the National Party) [10.19 p.m.]: I move Opposition amendment:

Page 2. Insert after line 9:

**4 Use of proceeds from increased fines imposed under Act**

- (1) It is the wish of Parliament that the increased revenue arising from the increased level of fines imposed under the amendments made by this Act is to be used for the purpose of the road safety black spots program.
- (2) The road safety black spots program is the program of road improvement works to remove or reduce traffic hazards that are a serious risk to the safety of road users.
- (3) The increased revenue is taken to be the amount by which the total amount of fines imposed by courts for offences under the Traffic Act 1909 during each year after the commencement of this Act exceeds the total amount of the fines imposed by courts for those offences in the 12-month period before that commencement.

I was a little disappointed that the Minister did not have the opportunity to read the amendment that I had given to a member of his staff last week, when the introduction of the bill was imminent. Other than the three behavioural causes of road fatalities that the Minister referred to, one of the greatest causes is the quality of the road and the degree to which particular black spots are addressed. I repeat that if this is not a revenue-raising measure, surely there can be no objection whatsoever to any consequential increase in revenue being applied to a road safety black spots program.

One sure way of eliminating head-on collisions on the Pacific Highway would be to make the entire highway a divided highway. If a little extra money were spent on the Pacific Highway and 85 to 100 per cent of it was a divided highway, head-on collisions would be eliminated. My amendment puts the Government to the test as to whether it is sincere about road safety, black spots, and eliminating the toll. I want to refer to one further portion of the Law Society's letter to which I referred earlier.

[*Consideration interrupted.*]

**BUSINESS OF THE HOUSE****Extension of Sitting****Motion by Mr Whelan agreed to:**

That the sitting be extended beyond 10.30 p.m.

**TRAFFIC AMENDMENT (PENALTIES AND DISQUALIFICATIONS) BILL****In Committee**

[*Consideration resumed.*]

**Mr SOURIS** (Upper Hunter—Deputy Leader of the National Party) [10.24 p.m.]: One of the concluding paragraphs of the letter I received from the New South Wales Law Society reads:

The increased penalties proposed in this Bill will do little, if anything, to deter drink/drug driving, speeding or unlicensed driving. The Law Society believes Parliament should be seeking preventative solutions that will stop offending behaviour and significantly reduce the road toll, rather than having as its main focus the severe punishment of offenders.

That is a very telling paragraph. The Government should be seeking preventive solutions and should apply the extra revenue it raises from these measures to the black spot program. The Opposition does not particularly care where the Government applies the funds, because all black spot problem areas are worth solving. If the extra revenue were applied to that program we would then be able to determine whether the Government is sincere about its approach to the road toll and whether this measure will ultimately result in mere revenue raising or an improvement to road safety.

**Mr SCULLY** (Smithfield—Minister for Transport, and Minister for Roads) [10.24 p.m.]: I can understand the political motivation for the amendment, and I can also understand the sentiment of the shadow minister for roads in putting the suggestion that Parliament should express its wish that the increased revenue, if any, be used for road safety purposes. I oppose the amendment. The fact that it would change completely the method of collecting fines and distributing the revenue is not a substantive reason for opposing it. However, I have difficulty with a conflict of interests. If the Minister for Roads were to encourage breaking the law and drink driving—

**Mr Souris:** I beg your pardon?

**Mr SCULLY:** The amendment endeavours to put in the hands of the Minister for Roads a means of increasing the budget for road safety initiatives by having people speed and drink and drive, and that is inappropriate.

**Mr Brogden:** That's rubbish.

**Mr SCULLY:** It is not rubbish. It is not appropriate that the roads budget of the Minister

who sets the penalties should benefit from the penalties for breaches of road rules. For that reason I cannot accept the amendment.

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

**The Committee divided.**

**Ayes, 43**

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

**Noes, 47**

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

**Pairs**

|              |            |
|--------------|------------|
| Mr Armstrong | Mr Carr    |
| Mr Beck      | Mr Knight  |
| Mr Collins   | Mr Tripodi |

**Question so resolved in the negative.**

**Amendment negatived.**

**The CHAIRMAN:** I welcome members of the Australian Paint Manufacturers Federation of Australia who are present in the gallery.

**Mr SCULLY** (Smithfield—Minister for Transport, and Minister for Roads) [10.35 p.m.], by leave: I move Government amendments Nos 1 to 4 in globo:

No. 1 Page 17, schedule 1[58], line 20. Insert ", except as provided by this section" after "licence".

No. 2 Page 17, schedule 1[58]. Insert after line 20:

(5) If the court that convicts the person of the offence giving rise to the declaration thinks fit, the court may order a longer period of disqualification (including disqualification for life).

No. 3 Page 17, schedule 1[58], line 21. Omit "However, if the court". Insert instead:

(6) If the court

No. 4 Page 17, schedule 1[58], line 28. Insert "or longer" after "shorter".

I thank the shadow minister for roads for his co-operation and take this opportunity to clarify an issue to which I referred in my second reading speech relating to the habitual offenders scheme. The declaration of a person as an habitual offender for the third major offence in five years occurs according to operation of law, specifically new section 10EA(2). It is the role of the court to decide whether the set period of disqualification resulting from a declaration—that is, five years—should be varied. I foreshadow a minor amendment that is encapsulated in the four amendments before the Committee to make it clear that the court will also be able to order a period of disqualification longer than five years. The way the bill stands at present, if no order is made by the court, the disqualification period would be five years; the court can order a lesser period, but not less than two years. These amendments will make it clear that if the court wishes to impose a period of more than five years it

may do so. The period is unlimited; it is a matter for the court. I commend the amendments.

**Amendments agreed to.**

**Bill reported from Committee with amendments and report adopted.**

**DISABILITY DISCRIMINATION  
LEGISLATION AMENDMENT BILL**

**Second Reading**

**Debate resumed from 2 June.**

**Mr KINROSS** (Gordon) [10.40 p.m.]: I lead for the Opposition, and I will be brief, given the hour and the degree of consultation that has occurred in the upper House. The objects of the bill are clearly set out. The legislation will amend certain Acts to make them consistent with Commonwealth legislation. Consultation has occurred with various bodies ranging from local government to the legal profession, the Community Land Development Board, and the Mines Board. Superannuation provisions are encapsulated in the bill. At one stage concerns were expressed about the application of the legislation to the mining industry.

However, no amendment has been included in relation to the mining industry between the first and second prints of the bill. The six amendments moved by the Hon. Patricia Forsythe in the upper House, which are set out on page 6 of the *Hansard* proof of 26 May, were accepted by the Government. The amendments related to guide dogs. It is pleasing that so many provisions in the Disability Discrimination Act 1992 ensure that people with a disability are treated as fairly as possible, and that businesses meet their obligations under the legislation by the most cost-effective means. The Opposition will not oppose the bill.

**Mr WHELAN** (Ashfield—Minister for Police) [10.41 p.m.], in reply: I thank the honourable member for Gordon for his contribution.

**Motion agreed to.**

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

**TRUSTEE COMPANIES AMENDMENT  
(RESERVE LIABILITIES) BILL**

**Second Reading**

**Debate resumed from 2 June.**

**Mr KINROSS** (Gordon) [10.42 p.m.]: I could speak at length on this legislation, but I gave an undertaking to the Minister, and I always adhere to the undertakings I give to the Leader of the House. I am pleased to say that my amendment was accepted and now appears in the second print of the bill. That is right. I proposed the amendment reflected in schedule 1[2] in relation to new section 36A(4) in the following terms:

- (4) The Attorney General, before approving a policy of indemnity insurance or a guarantee from a bank, building society or credit union under this section, is to consult the Australian Financial Institutions Commission established by the *Australian Financial Institutions Commission Act 1992* of Queensland as to the appropriate value of the indemnity or guarantee concerned.

The legislation, like the Credit Act, is modelled on and mirrors the Queensland legislation. The mechanism to ensure a sufficient level of reserve liabilities and provide for an indemnity policy or a guarantee from a bank may be removed. The Attorney General must consult the Australian Financial Institutions Commission to ensure that the level of protection is sufficient under the existing provisions of the Trustee Companies Act. The Opposition will not oppose the bill. I have not read out the objects of the legislation because they are sufficiently detailed in the bill, as are other provisions in the legislation.

**Mr WHELAN** (Ashfield—Minister for Police)[10.44 p.m.]: I thank the honourable member for Gordon for his concise contribution to the debate and for his amendment, which was adopted by the Government.

**Motion agreed to.**

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

**BUSINESS OF THE HOUSE**

**Allocation of Time for Discussion**

**Mr WHELAN:** On behalf of the Premier I give notice of business to be dealt with on 4 June under Standing Order 100:

| Nature of Business                                                     | Stage to be dealt with | Specified time for completion of Business |              | Date        |
|------------------------------------------------------------------------|------------------------|-------------------------------------------|--------------|-------------|
|                                                                        |                        | In the House                              | In Committee |             |
| Drug Misuse and Trafficking Amendment (Ongoing Dealing) Bill           | All remaining stages   | 3.30 pm                                   | 3.30 pm      | 4 June 1998 |
| Coastal Protection Amendment Bill (No 2)                               | All remaining stages   | 3.30 pm                                   | 3.30 pm      | 4 June 1998 |
| Aboriginal Housing Bill                                                | All remaining stages   | 3.30 pm                                   | 3.30 pm      | 4 June 1998 |
| Mines Inspection Amendment Bill                                        | All remaining stages   | 3.30 pm                                   | 3.30 pm      | 4 June 1998 |
| Energy Services Corporation Amendment (TransGrid Corporatisation) Bill | All remaining stages   | 3.30 pm                                   | 3.30 pm      | 4 June 1998 |
| Offshore Minerals Bill                                                 | All remaining stages   | 3.30 pm                                   | 3.30 pm      | 4 June 1998 |
| Police Integrity Commission Amendment Bill                             | All remaining stages   | 3.30 pm                                   | 3.30 pm      | 4 June 1998 |

**House adjourned at 10.45 p.m.**

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