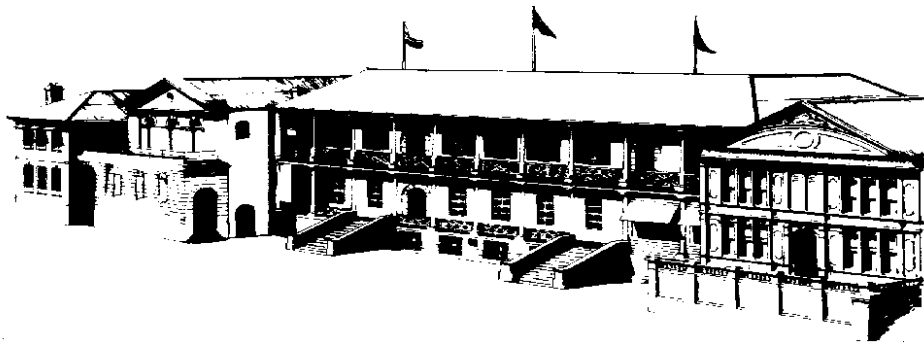




**NEW SOUTH WALES**



*Legislative Assembly*

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**FIFTY-FIRST PARLIAMENT  
THIRD SESSION**

**OFFICIAL HANSARD**

**Wednesday, 17 June 1998**

# LEGISLATIVE ASSEMBLY

Wednesday, 17 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.

## STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL

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

### Second Reading

**Ms HARRISON** (Parramatta—Minister for Sport and Recreation), on behalf of Mr Carr [10.01 a.m.]: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill 1998 continues the well-established statute law revision program that commenced in 1984. The statute law revision program is recognised by all members as a cost-effective and efficient method of dealing with amendments of the kind included in the bill. The form of the bill is similar to that of previous bills in the statute law revision program. Schedule 1 contains policy changes of a minor and non-controversial nature that the Minister responsible for the legislation to be amended considers to be too inconsequential to warrant the introduction of a separate amending bill. The schedule contains amendments to 22 Acts. I will mention some of them to give honourable members an indication of the kinds of amendments included in the schedule.

The amendments to the Environmental Planning and Assessment Act 1979 facilitate the implementation of the integrated development scheme proposed to commence on 1 July 1998. The amendments for the most part address procedural matters in connection with development assessments and the certification of development, including the issue of complying development certificates and construction certificates. The amendments also add to regulation-making powers. The bill makes a number of minor amendments to the Health Services Act 1997, including an amendment to save a determination made under the Public Hospitals Act 1929, which is subject to repeal. The relevant determination deals with the terms and conditions of

work and remuneration of sessional visiting medical officers. Under the proposed amendment the existing determination will be preserved and will apply to all visiting medical officers, including those who provide services through practice companies.

The proposed amendment to the Native Vegetation Conservation Act 1997 will have the effect that all land acquired for the purposes of a State forest, including land acquired for the purpose of a timber plantation, will be excluded from the operation of the Act from the time of its acquisition. Such land is already excluded from the Act once it is actually dedicated as a State forest and the amendment merely provides for it to be dealt with in the interim period before dedication, in the same way as other land acquired for forestry purposes. The bill also amends the State Sports Centre Trust Act 1984 so as to empower the State Sports Centre Trust to grant a lease of part of the trust land for a term of up to 41 years for the purposes of a tennis centre and related facilities. At present, the term of such a lease cannot be more than 25 years.

The last schedule 1 amendments that I will mention are the amendments to the Transport Administration Act 1988. The amendments provide for access to the New South Wales rail network to be granted to persons who contract with accredited rail operators, as well as to accredited rail operators. Because of the words used in the Act, at present a New South Wales access regime may grant such access only to an accredited rail operator. The amendments also provide for access to be granted to a prescribed corporation proposed to be established under an agreement between the Commonwealth and States to provide interstate rail access. Schedule 2 deals with matters of pure statute law revision consisting of minor technical changes to legislation that Parliamentary Counsel considers are appropriate for inclusion in the bill.

Examples of amendments in schedule 2 are those omitting unnecessary material and those updating references to repealed Acts. Schedule 3 transfers savings, transitional and other provisions of possible ongoing effect from certain amending Acts to the relevant principal Acts. The transfer of such provisions permits the repeal of the amending Acts concerned because their other provisions have been

incorporated in reprints or are spent. Those repeals mean that the obsolete legislation concerned need not be included in any database of New South Wales legislation in force. Schedule 4 contains repeals. It repeals four categories of Acts: those that are no longer of practical utility, those whose amendments have been incorporated in reprints or that amend repealed Acts, those amending Acts that were enacted at least 20 years ago and those with savings and transitional provisions of ongoing effect that have been transferred to the relevant principal Act.

Schedule 5 contains provisions dealing with the effect of amendments on amending Acts, savings clauses for the repealed Acts and a power to make regulations for transitional matters, if necessary, with the usual safeguards to protect the rights of citizens. The various amendments are explained in detail in explanatory notes set out beneath the amendments to each of the Acts concerned. Rather than repeat the information contained in those notes, I invite honourable members to examine the various amendments and accompanying explanatory material and, if any concern or need for clarification arises, to approach me regarding the matter. If necessary, I will arrange for government officers to provide additional information on the matters raised. If any particular matter of concern cannot be resolved and is likely to delay the passage of the bill, the Government is prepared to consider withdrawing the matter from the bill. I commend the bill.

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

#### **DUTIES AMENDMENT (MANAGED INVESTMENTS) BILL**

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

#### **Second Reading**

**Ms HARRISON** (Parramatta—Minister for Sport and Recreation), on behalf of Mr Knight [10.08 a.m.]: I move:

That this bill be now read a second time.

The bill amends the Duties Act to remove any potential for ad valorem duty on the transfers of property to new trustees of a managed investment scheme as a consequence of the Commonwealth Managed Investments Bill. The current structure for prescribed interests or interests in unit trust schemes requires the appointment of a separate manager and trustee. The Commonwealth Government has introduced to the Parliament the Managed Investments Bill which puts into effect the

recommendations of the collective investments review and the financial systems inquiry to change the management of these trusts to allow for a single responsible entity. The Managed Investments Bill has been passed by the lower House of the Federal Parliament and is expected to pass through the Senate in late June.

The amendments contained in the bill replace the prescribed interest provisions in the Corporations Law, taking effect from 1 July 1998. There will be a two-year transitional period during which existing schemes may be reorganised to satisfy the new requirements. The advent of this bill involves the implementation of a completely new regulatory regime, requiring operators to develop entirely new structures in order to comply with the legislation and, concurrently, extract the intended benefits for investors. Australiawide assets currently held in this type of fund total approximately \$180 billion. Consequently, most of these assets will be transferred in the restructuring to comply with the new law. Many of these transactions will have a potential exposure to duty. These include the amendment or replacement of scheme constitutions and the transfer of the legal title of property to the responsible entity.

It would not be appropriate for ad valorem duty to be imposed on these transactions, which occur primarily to comply with the changes to Commonwealth legislation. Failure to remove the potential for ad valorem duty would be criticised as an impediment to the Commonwealth's reforms. The current provisions in the Duties Act 1997, which provide concessions for certain transfers, will not operate to provide relief from ad valorem duty in the case of transfers to responsible entities. It is consistent with the existing policy to provide relief from duty if the transfers are brought about solely to appoint a responsible entity, as is necessary to comply with the requirements of the Managed Investments Act 1988. The bill amends the Duties Act to impose nominal duty of \$10 on a transfer of dutiable property to the responsible entity of a managed investment scheme when the transfer is solely to appoint a responsible entity to comply with the requirements of the new law.

Consistent with existing policy in relation to nominal duties, the nominal duty of \$10 will not apply to transfers of marketable securities quoted on the Australian Stock Exchange. Under the current provisions of the Duties Act, instruments substituting or amending deeds governing these schemes may be liable to ad valorem duty. It is consistent with existing policy to provide relief from ad valorem duty for instruments amending provisions that

govern these schemes. The bill amends the Act to enable duty of \$10 to be imposed on any instrument which amends or substitutes provisions governing a managed investment scheme. I commend this bill to the House, and I table a summary of its provisions for the assistance of honourable members.

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

## AGRICULTURAL INDUSTRY SERVICES BILL

### In Committee

#### Consideration of the Legislative Council's amendments.

*Schedule of the amendments referred to in the Legislative Council's Message of 2 June*

No. 1 Page 5, clause 4. Insert after line 23:

- (a) the Minister is satisfied that the establishment of the committee would be to the benefit of the committee's proposed constituents, and

No. 2 Page 6, clause 6, line 34. Omit "(if any)".

No. 3 Page 7, clause 6, line 1. Omit "there are to be elected members and".

No. 4 Page 7, clause 6. Insert after line 19:

- (3) More than half of the members of the committee are to be members elected from among the committee's constituents.

No. 5 Page 15, clause 21. Insert after line 34:

- (5) In making a recommendation referred to in subsection (4):
  - (a) the Minister must first consider whether it would be fair and practicable for those assets, or any part of them, to be returned to persons who are, or who have recently been, constituents of the committee and, if so, must recommend accordingly, and
  - (b) in relation to any assets remaining after the provisions of paragraph (a) have been complied with, the Minister must then consider whether there is any other organisation having the same general objects as those of the committee and, if so, must recommend that those remaining assets be transferred to that organisation or, if there is more than one such organisation, to each of those organisations in such proportions as the Minister considers appropriate, and

- (c) in relation to any assets remaining after the provisions of paragraphs (a) and (b) have been complied with, the Minister must then consider how best those remaining assets can be dealt with in the public interest and must recommend accordingly.

- (6) In considering the matters referred to in subsection (5) (a), (b) and (c), the Minister must consult with the members of the committee.

**Legislative Council amendments agreed to on motion by Mr Whelan.**

**Resolution reported from Committee and report adopted.**

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

## POLICE INTEGRITY COMMISSION AMENDMENT BILL

### Second Reading

**Debate resumed from 2 June.**

**Mr MERTON** (Baulkham Hills) [10.14 a.m.]: I lead for the Opposition and am pleased to note that it does not oppose the Police Integrity Commission Amendment Bill. The provisions of the bill are to provide for a special order of the reform process within the Police Service to be arranged and overseen by the Police Integrity Commission over a period of three years, to enable the commission to ensure the confidentiality of its reports on proposed appointees to positions in the Police Service, to enable approved former police officers from other jurisdictions who are officers of the commission to have police powers and possess certain police equipment, to make several adjustments regarding the commission's relationship with the Casino Control Authority and the commission inspector's relationship with the Ombudsman and the Independent Commission Against Corruption, and to make other minor amendments.

The Opposition considers that this bill will provide the Police Integrity Commission with the power to audit the reform process of the Police Service, which was a recommendation of the Royal Commission into the New South Wales Police Service. It will also allow for other adjustments to the Police Integrity Commission Act 1996 to enable the commission to perform more efficiently. Extensive details of the structure of any audit are set out in volume 3, appendix 31 of the royal

commission report. As the reform process has proceeded relatively unchecked, apart from an ongoing audit reform of the Police Service, this bill will be of great assistance.

The Opposition is concerned with the overall reform process of the Police Service, about which a number of issues came to light during the royal commission hearings. The Opposition believes that this legislation is a step in the right direction. It will ensure more accountability and the overall reform of the Police Service within New South Wales. Having heard the Minister's second reading speech, the Opposition supports any process or mechanism in this legislation that will allow the process of reform and accountability of the Police Service to proceed. The Opposition considers that this process should take place as soon as possible to ensure not only that the Police Service works efficiently and free from corruption but also that there is a perception in the community of that situation. This legislation is a step in that direction.

**Mr ROZZOLI** (Hawkesbury) [10.18 a.m.]: I also support the Police Integrity Commission Amendment Bill. There are few issues of greater concern to the community than integrity within the Police Service. Traditionally, law enforcement agencies have had to grapple with almost a contradiction that exists in the performance of their duties: as the upholders of law and order there is a necessity to maintain absolute integrity, but because of the types of people with whom they mix in the course of their duties they are dealing in an environment that is conducive to corruption. The experiences that officers have to endure and the psychological impact on them in the ordinary course of their duties place enormous pressure on a police service to maintain the level of integrity that the community expects. The community does not realise—there is no reason why it should—the pressure on rank and file police officers and senior police officers.

This bill deals with the pursuit of integrity within the police force. It provides for an audit process and a monitoring process, and specifies the types of people who are to undertake the audit process and report on the progress of reform within the police force. The outcome of any audit of the police force must be examined by Parliament. This is not specifically mentioned in the bill but the committees of the Parliament have the capacity to examine matters in regard to the Police Integrity Commission. Secrecy is an essential ingredient of some aspects of the maintenance of law and order but the audit must be able to be presented in a form that can be examined objectively by a parliamentary

committee and exposed to a certain amount of critical examination by the community. As I understand it, the bill deals with an audit of the reform process, not of the performance of particular individuals, although the performance of individuals may have some relevance.

There must be a way in which the work of the Police Integrity Commission can be exposed to public comment and scrutiny. Without that it will never gain the integrity which the public demands of the process. Before undertaking an audit we should scrutinise and be clear about the reform processes to be put in place. I am not yet certain whether there has been sufficient airing or examination of the process of reform. I am not satisfied that there has been sufficient examination of the real causes of what sows the seed of lack of integrity within a body such as a police force. The facilities that are now available to us with information technology and information exchange and those that should be available in regard to process even yet may not have been sufficiently thought through to ensure the efficient operation of the police force and to take away the critical elements which may foster corrupt practice.

Human nature being as it is, there is always the temptation for people to move towards corrupt practices unless there is suitable scrutiny of their actions and processes in place which make it extremely difficult for them to do the wrong thing. Probably the greatest number of breaches of the law occur on our roads. Every time a person slips above the speed limit the law is broken. That must occur millions of times a day. The checks and balances and the scrutiny keep people reasonably honest in this regard. We cannot put enough police on the road or enough processes in place to monitor everyone at every hour of the day and night to ensure complete adherence to the law. But in a matter as serious and fundamental as the operation of our law enforcement agencies we need a system that pretty effectively looks over the shoulder of each operator—not physically having someone there to do it—includes checks and balances, points of scrutiny and responsibility for supervision.

If such practices were built into the system of operation of law enforcement agencies they would make it very difficult for people in the service to slip into corruption—a situation in which many have been trapped over the years. It is very difficult to stop a person who deliberately wishes to be corrupt, who goes to considerable lengths to devise a system of corruption, but I do not believe that that is common in the New South Wales police force. It is more a case of circumstance, the climate in which

officers have to work, the stresses and strains and demands put on them which lead to shortcuts, simplification and actions which ultimately slip into corruption. The Parliament and the community owe it to the police force to assist it to put into place a process which gives minimal opportunity for that to happen. The bill deals with the later part of the process: monitoring how all that works.

This will be successful only if the earlier work which is done to devise a process and a system of checks and balances is effective. It is a bit like the Public Accounts Committee monitoring whether a government department has spent money on the things it was supposed to have spent money on without having the capacity to look at whether the money was spent wisely. There are two elements and a simple audit process which just checks off a list of matters may not reveal the full extent of what I am sure the public wants to extract from the audit process.

The coalition supports anything that will bring about an increase in police integrity. The best and most effective way of doing that is to encourage and enhance the capacity of police officers to act professionally and with appropriate discipline. We do not see this as being a system which is oppressive and draconian in the sense that it is policing the police all the time. We see it as coming from a system which of itself produces a high level of integrity, which a repressive system does not encourage.

If the audit process can deliver that goal within the time frame in which the audit process is initially to run it will have served a very good and honourable purpose and will bring to the people of New South Wales, but particularly to the police force, a reward and benefit from the police royal commission which was sought in the beginning. However, in the conduct of matters to date the commission has placed grave doubts in the minds of many rank and file police about whether the commission was intended to help them. Many believe that it was a process for getting at them. We must get the correct balance in approach if the outcome of the police integrity process is to be what we all hope to achieve.

**Ms HARRISON** (Parramatta—Minister for Sport and Recreation) [10.29 a.m.], in reply: I thank the honourable member for Baulkham Hills and the honourable member for Hawkesbury for their contribution 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**

### **Second Reading**

**Debate resumed from 3 June.**

**Mr MERTON** (Baulkham Hills) [10.30 a.m.]: I lead for the Opposition on this bill. The Opposition has considered the bill at length and as a result of its discussions and inquiries will not oppose the legislation. The bill has clear and precise objects, which are to amend the Administrative Decisions Tribunal Act so as to provide that a judge of the District Court is the only judicial officer eligible to be appointed as the president of the tribunal; to enable the president of the tribunal simultaneously to hold office as a member of another tribunal; to enable members of other tribunals to be appointed to act as members of the tribunal; to amend the Local Government Act to enable the tribunal, instead of a Local Court, the District Court or the Supreme Court, to make orders dismissing persons from civic office, and to amend various other Acts and regulations to confer jurisdiction on the tribunal to review decisions made under those Acts and regulations that are presently appealable to courts, specified persons or other bodies or are not appealable at all.

It is my understanding that the Attorney General in another place previously indicated that he would introduce this legislation by tranche to establish the Administrative Decisions Tribunal. The first stage was completed eight months ago and this bill is the latest measure. It will correspondingly amend 26 other Acts to enable the Administrative Decisions Tribunal to review decisions in various jurisdictions, and I have referred to those Acts, tribunals and entities. Of particular interest to honourable members are amendments to Acts governing the Anti-Discrimination Board, the Firearms Act, the Local Government Act and the Police Service Act. The intent is to provide a clear mechanism to appeal a decision of the director-general.

Though I understand the Administrative Decisions Tribunal has yet to be actually constituted because a lack of funding has prevented its establishment, except by law, the Opposition supports the principles enunciated in the legislation. It specifies that only a judge of the District Court is eligible to be appointed as president of the tribunal. The Opposition hopes that the legislation is workable, because the bill is clear and precise. The coalition looks forward to the legislation being implemented to enable the Administrative Decisions Tribunal to perform a useful function in the community.

**Ms HARRISON** (Parramatta—Minister for Sport and Recreation) [10.34 a.m.], in reply: I thank the honourable member for Baulkham Hills for his contribution and commend the bill to the House.

**Motion agreed to.**

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

**LEGAL PROFESSION AMENDMENT  
(SOLICITORS' MORTGAGE PRACTICES)  
BILL**

**Second Reading**

**Debate resumed from 3 June.**

**Mr MERTON** (Baulkham Hills) [10.35 a.m.]: The Opposition supports this legislation, which is long overdue. For many years solicitors' mortgage practices have been a problem which governments needed to address. If people suffer pecuniary loss because of the actions of a solicitor, an application can be made for compensation to be paid from the Solicitors' Fidelity Fund. Historically, substantial claims have been made on the fund as a result of dishonest and fraudulent practices of some solicitors, yet every solicitor has to contribute to the fund. An audit commissioned by the Law Society of New South Wales revealed that over the past eight years 66.9 per cent, or \$30 million, of claims arose from mortgage practices, not including outstanding claims in respect of collapsed mortgage schemes.

The fund was established under the Legal Profession Act 1987 to protect clients from fraudulent and dishonest conduct by solicitors and was not designed to meet commercial failures. Where a solicitor becomes a moneylender and the money goes through the trust account, a murky line is drawn on whether a claim should be made against the solicitor's trust account or in respect of a straight mortgage or moneylending transaction. This legislation ensures that compensation will not be paid from the Solicitors' Fidelity Fund for monetary losses caused by persons who invest in certain mortgages. Also, it will ensure that solicitors who have a mortgage practice must have separate fidelity insurance for their protection to cover lenders against fraudulent practice.

This is an excellent measure because it will mean that honest solicitors will not have to contribute excessively to the fidelity fund to cover misappropriation of funds or the loss of funds in circumstances that give rise to entitlement to a claim against the fidelity fund. Recently articles about

substantial failures in mortgage practices have been published in newspapers. Claims on the fidelity fund are an impost on lawyers who act legitimately and honestly. Over the past eight years the fund has paid out about \$35 million, and two-thirds of those payments related to collapsed mortgage practices. The result has been that honest lawyers have had to bear the brunt of those failures by way of increased contributions to the fidelity fund.

The bill will redefine the definition of mortgage under the Legal Profession Act to provide that new excluded mortgages will be subject to the new amendment. Under the mechanism for the issuing of practising certificates the Law Society will be able to issue a practising certificate to a solicitor who acts in respect of excluded mortgages only where separate fidelity cover is taken out. Failure to have such separate cover will be professional misconduct. This provision is similar to the requirement that all legal practitioners subscribe to LawCover before they can obtain a practising certificate. The new definition will require a legal practitioner who is in the business of lending money to have separate cover in respect of such transactions, and that cover is a condition of the grant of a practising certificate.

The Law Society will require solicitors whose business includes dealing with excluded mortgages to give notice to clients in respect of the new fidelity insurance arrangement. The Law Society also will arrange for public announcements and advertisements, to increase public awareness relating to solicitors dealing with excluded mortgages, so that those lending money to those solicitors will themselves act as a policing authority to ensure that the solicitors have separate fidelity insurance cover. The overall sanction on the lawyer is that failure to have such cover will be regarded as professional misconduct, and that failure will in itself be a ground for removal of the solicitor from the roll of solicitors. The Opposition regards this as long-overdue legislation and supports it. I understand that the majority of, if not all, solicitors in New South Wales also support these measures. For too long honest solicitors have been asked to kick the can for others who have done the wrong thing as far as mortgage transactions are concerned. This legislation will go a long way towards addressing that anomaly.

**Ms HARRISON** (Parramatta—Minister for Sport and Recreation) [10.42 a.m.], in reply: I thank the honourable member for Baulkham Hills for his contribution, which the Government appreciates. I commend the bill to the House.

**Motion agreed to.**

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

**Mr ACTING-SPEAKER (Mr Gaudry):** I welcome to the gallery members of the Rockdale Adult Migrant English Service.

## **YOUNG OFFENDERS AMENDMENT BILL**

### **Second Reading**

**Debate resumed from 3 June.**

**Mr MERTON** (Baulkham Hills) [10.44 a.m.]: I lead for the Opposition on this bill. The Opposition does not oppose the bill, which deals with an issue for which I have had responsibility in my time in this place. The appropriate way to deal with young offenders has been a problem for governments of all political persuasions. Young people present a real challenge for those responsible for our judicial system, particularly in relation to sentencing and the imposition of penalties. Most people would be right in thinking that the hardened criminal is beyond the point of no return, although in some cases that may not be so. In such circumstances there is little likelihood of rehabilitation of the offender. But as far as young people are concerned I believe the position is entirely different.

One must strive for an appropriate balance between protection of the community—which, to my way of thinking, must be a priority—and the prospect of rehabilitation of an offender. When I was Minister for Justice I was also responsible for the juvenile justice system in this State, and my Government introduced a green paper on alternative ways to deal with young offenders. It is fair to say that society has a responsibility to give due consideration to the likelihood of rehabilitation of a young person of 18 to 25 years. This bill is a step in that direction. Many governments, not only of Australia but of New Zealand and other parts of the world, have implemented programs involving alternative ways to deal with young offenders.

I believe that the system still works whereby a young person is required to confront the victim of the crime, that is, a meeting between the offender and the aggrieved person. When the young person's parents or supporters are present, there is a better chance that the offender will appreciate the harm, loss, pain, suffering, and anguish of his or her criminal actions. At an early stage of life offenders may, through this process, come to appreciate that real people are affected by their actions, such as stealing a car or vandalising a house, and they might realise the trauma and anguish suffered by the

victim of an assault, and that the victim was a person not much different from the offender's mother, father, uncle, aunt, cousin or whatever.

In some cases meetings between offenders and victims have proved very successful. In other cases, tragically, they have not. But I still believe that that process should remain available. When I was Minister I often used the expression, when speaking about young offenders: yes, we have to be tough, but we also have to be fair; we should try to achieve reconciliation and rehabilitation as opposed to retribution. That does not mean that every young person who commits a crime should be treated with kid gloves, for that will not work in many instances. An offender's criminal record and age should be taken into account. Putting a juvenile who has never been in trouble before into an institution probably is not the best option, because in an institution the young person will associate with criminals with long records who have committed more serious crimes.

The objects of the bill are to require courts to notify police where courts give cautions to offenders, to confer certain administrative functions currently exercised by conference convenors on conference administrators, to make statements made by offenders during conferences and when cautions are given inadmissible in civil proceedings, to enable the appointment of a deputy chairperson of the Youth Justice Advisory Committee and of deputies for members of that committee, and to make other minor amendments of a law revision nature. The Young Offenders Act 1997, which was proclaimed on 6 April this year, established a scheme to provide for alternatives to formal court proceedings for children alleged to have committed certain criminal offences commensurate with police warnings.

I have referred to these matters previously. Police have reported increased levels of satisfaction with the outcomes produced, with the police cautioning rate in New South Wales rising from around 5 per cent to 50 per cent and referrals being made to conferences in appropriate cases. The bill deals with some clarification of administrative matters and also renders statements made by a child during the giving of a caution or a conference under the Act inadmissible in civil and criminal proceedings. Currently the Act covers only criminal proceedings.

I believe that statements made by a child during a conference or cautioning process should be inadmissible in later court proceedings. Clearly, police conferences and cautions seek to sort out the nuts and bolts of the issue, to look at the facts of the particular crime, and then to ascertain what can be

done regarding compensation and rectification for aggrieved persons. At the same time, the process ensures consideration of the future of the young person and the likelihood of that young person's rehabilitation and non-offending in the future. If statements or discussions were able to be used later in civil proceedings, that would simply clam up those cautions and conferences and nothing would be said.

A lawyer could advise the offender not to say anything because in three months time a summons seeking compensation may be issued in the District Court or Local Court. In effect, it would simply be a sham procedure. It is necessary to have a bona fide conference and caution process whereby all issues can be put on the table. For that reason, what is said during that process should be inadmissible in both civil and criminal proceedings. The Opposition did not oppose the original bill to introduce the Young Offenders Act. As I indicated, the history of that legislation goes back to 1993 when the former Government looked at the conduct of young people and, after receiving considerable community support and interest, issued a green paper and a white paper on the issue.

In the circumstances, the Opposition does not oppose the bill as it simply issues a message to young people that where possible there should be an attempt at reconciliation but without retribution. On the other hand, the Opposition is realistic enough to know that, tragically, many young people in this community are not interested in looking to the future, and in those circumstances the full force of the law should be implemented. The bill gives young people who have a chance of being rehabilitated—young people who may be helped by court officials and the police sitting down with them to discuss the problem—a chance for the future. The Opposition supports that measure.

**Mr FRASER** (Coffs Harbour) [10.54 a.m.]: The community has tolerated for long enough the behaviour of young offenders. The system has not worked so far, and I believe this bill will strengthen the process already in place and will provide an opportunity for the message to be sent to young offenders that the community's tolerance has now been exhausted. The fact that the bill provides that the courts when giving cautions will notify the local police as to the reasons for those cautions demonstrates that penalties set by the courts in the past have not worked. I have been told by people in my electorate that young offenders who are sent to detention centres as minor offenders come out as hardened criminals. The relatives of those young

offenders and the community do not want that to happen. The courts will have the opportunity to give cautions, but at the same time young offenders will be given a strong message that the local police will be notified of the reasons for the cautions and that they will be expected to lift their game.

Young offenders will be told that the chance is being given to them. This will enable local police to keep a closer watch on those young offenders and, it is hoped, to counsel them via the conferencing process in order to ensure that they do not become repeat offenders or hardened criminals. A number of juveniles in our local communities continually commit crimes that initially start out as high-spirited fun; they get away with one offence after another and finally end up in gaol. The community does not want to see those offenders go to gaol, but wants them to become useful members of the community in the long term.

This legislation will provide an opportunity for that to happen and will send a message to the community and to those young offenders that the way in which they have conducted themselves in the past is unacceptable and that someone will be keeping watch on them, in the interests of both the young offenders and the community generally. I support the bill and hope that the message that it will send out will be well conveyed and will improve the lot of young people. One often hears the excuse that kids do not have enough to do. I believe that there is plenty for them to do in the community. Unfortunately, while ever we stick to a system that is outmoded and outdated and does not work it will simply have a multiplying effect, and those kids will not receive the counselling they need. The amendments provided by the bill will go a long way towards resolving that issue, and I support the legislation.

**Mr ROZZOLI** (Hawkesbury) [10.57 a.m.]: Having intended to raise a specific matter in regard to certain provisions of the bill, I was absolutely astounded to observe what I believe to be the total contempt that this Government has at present for the business of the House and in relation to bills that deal with matters of a serious nature. During the 25 years for which I have been a member of this House I have never encountered the situation where not one single officer of the department concerned with a bill has been sitting behind the bar of the Parliament to give advice to the Minister in the chair or to take up matters that may be raised in relation to a bill by Opposition or Government members. This is an absolutely disgraceful act of negligence and indifference on the part of the Government.

Certainly I intend no criticism of the Minister for Sport and Recreation, but I am sure she would be the first to admit that if a matter of some legal subtlety were raised she would be in a difficult position to respond on behalf of the Government unless there were advisers in the Speaker's gallery to provide her with information in regard to particular aspects of legislation. This is important legislation because the fabric of matters relating to young offenders is at the very heart of the ultimate crime pattern that spreads through a community. If a process of care and attention could be put in place that would divert young people from continuing to offend, enormous inroads would be made into the attack on crime and on the lack of law and order in the community. The welfare of young people is at the core of our society.

For that reason I am disappointed with the attitude taken by the Government. Item [2] of schedule 1 will amend section 31 of the Act, which deals with cautions issued by courts, by the addition of sub-section (4). I am concerned that the amendment requires a court that gives a caution to notify only the area commander of the local police area in which the offence occurred. That simplistic approach implies that young offenders offend only in the area in which they live. The inference is that there is a commonality between the area in which the offence occurred and the area where the young offender might normally reside.

Consideration should be given, perhaps in another place or at another time, to further amending section 31 of the Act to require the court to notify not only the area commander of the local police area in which the offence occurred, but also the area commander of the local police area in which the young offender lives. I have to admit that there are young offenders in my electorate, which is in western Sydney. Indeed, they are probably in all areas. If a young person from the Hawkesbury area commits an offence in the city—and that is indicative of an emerging pattern of behaviour that needs to be quickly nipped in the bud—the legislation provides that only the area commander in the Sydney police patrol area would be notified that the young offender appeared before a court and was given a caution.

No intelligence would filter back to the area in which the young offender lives. Such information would be extremely useful to the local police. It would enable them to keep a watch on the activities of the young offender and, perhaps, to have a quiet word with the young offender or his parents if it seemed that the young offender was getting into further trouble. The local police may be able to

deter that person from further offending. Young offenders could possibly move around the city area and offend in three or four police patrol areas outside the area in which they live, but no notification would be given to the local police that those young offenders had been given a series of cautions. The court should also be required to give the notification in writing within seven days. It is important that local police commanders receive notification quickly if it is to be effective. Often there are considerable delays in formal notification procedures. That is not intended to be a criticism of court staff but of the work burden under which they are required to operate.

I support the overall thrust of the remainder of the bill, but a great deal still needs to be done in relation to young offenders. The legislation acknowledges that young people offend and establishes a process to be followed when they do so. More attention needs to be paid to the framework in which young people offend, the relationship of young offenders to parental and community supervision and peer pressures. Everything possible must be done to reduce the incidence of offences by young people, particularly minor offences. The commission of such offences is often a warning that young offenders are headed down a path that could be detrimental to them, to the community, and to property generally. I welcome the amendment to the Young Offenders Act, but an enormous amount remains to be done if crime in the community is to be reduced.

**Mr KNOWLES** (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [11.05 a.m.], in reply: I thank those members who have participated in the debate. I understand that clarification was sought and questions were asked by some members in their contributions. I will ensure that those matters are brought before the Attorney for a response.

**Motion agreed to.**

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

## **COURTS LEGISLATION AMENDMENT BILL**

### **Second Reading**

**Debate resumed from 4 June.**

**Mr MERTON** (Baulkham Hills) [11.07 a.m.]: The Opposition does not oppose the Courts Legislation Amendment Bill. The legislation amends various Acts and regulations relating to courts and

associated matters. Schedule 1 amends the Arbitration (Civil Actions) Act 1983. Among other things the amendments introduce the option of a full or limited rehearing of civil actions originally referred to arbitration. At present, such a rehearing must be a full rehearing. A limited rehearing can relate to particular issues or other matters specified in the order for rehearing. When an order for a limited rehearing is made, the award is suspended and can be amended by the court after the rehearing. The opportunity has been taken to recast the provisions relating to rehearings, and to divide the Act into parts for ease of reference. An arbitrator, who is usually a solicitor or barrister, is appointed to hear disputes that would normally be heard by magistrates in the Local Court. For example, magistrates normally hear cases involving disputes between neighbours or drivers involved in motor vehicle scrapes. Unfortunately, a hearing before a magistrate in the Local Court is often delayed.

To remedy that problem the bill provides that an arbitrator may hear the evidence of all parties in his chambers and then give a decision. If one or other of the parties does not agree with the decision of the arbitrator he or she can ask for a rehearing by a magistrate. A person might concede that he ran into the back of a car but claim that the bumper bar was already damaged. For that reason he may dispute the amount he has to pay and claim that the damages awarded by the arbitrator are excessive. The issue then to be determined is how much that person has to pay and the matter may subsequently be reheard by a magistrate. At present litigants are entitled to a complete rehearing. There is no point in taking that course of action if litigants accept they are at fault but do not want to pay the full amount of damages. This legislation provides for the rehearing of specific parts of a claim.

The legislation amends the Compensation Court Act 1984 to enable an acting judge of the Compensation Court to complete or continue to deal with part-heard matters after the completion of his or her term of appointment. That is a sensible and worthy amendment. An acting judge whose term of appointment extends from 1 January to 30 June might not have reached a decision in cases during that time. Witness may have been sick, or the case might have been adjourned until August, that is, after the acting judge's term of appointment has expired. The amendment will enable acting judges whose terms of appointment have expired to finish such cases. The legislation amends the Coroners Act 1980 by omitting a subsection that prevents the coroner from supplying a copy of a file to interested persons where that file relates to a terminated inquest or inquiry. The bill also amends the Act so

that the coroner may give a direction in individual cases that a file not be supplied.

The bill also amends the Costs in Criminal Cases Act 1967 to make final the decision of the Director-General of the Attorney General's Department as to whether costs should be paid to a person under the Act and, if so, the amount that is payable. At present the Treasurer has a discretion in relation to these matters. The decision will now be made by the Director-General of the Attorney General's Department. The bill also amends the Criminal Appeal Act 1912 to empower the Environment Protection Authority to appeal to the Court of Criminal Appeal against sentences imposed by the Supreme Court or the Land and Environment Court in any proceedings for environmental offences. If the EPA considers that the penalty imposed by the Supreme Court or the Land and Environment Court is inadequate, it can appeal to the Court of Criminal Appeal.

The bill also amends the Criminal Procedure Act 1986 by providing that proceedings for contempt of court may be instituted in the name of the State of New South Wales by the Attorney General, the Solicitor General or the Crown Advocate. That amendment will be capable of extending to civil contempt, although the Act generally deals only with criminal matters. Civil contempt has been regarded as quasi-criminal in nature. For example, the High Court has suggested that all contempts should be punished if they are quasi-criminal in nature. The amendments to the Crown Advocate Act 1979 will enable the Attorney General to delegate functions to the Crown Advocate in a manner similar to that available for delegation to the Solicitor General. Amendments to the Crown Proceedings Act 1988 will remove an unlikely argument that proceedings can be brought under the Act against the Crown for matters that do not affect the Crown, contrary to the clear intention of the Act.

Amendments to the District Court Act 1973 provide that an appeal to the Court of Appeal from a judgment or order of the District Court on an application for summary judgment under the rules of the District Court can be made only with the leave of the Supreme Court. That amendment will bring such appeals into line with similar appeals from divisions of the Supreme Court. The Dust Diseases Tribunal Act 1989 will be amended to bring the provisions relating to appeals to the Court of Appeal from decisions of the Dust Diseases Tribunal into line with those relating to appeals from the Compensation Court. Thus appeals will rely only on points of law and on questions as to the admission

or rejection of evidence. Appeals from final decisions will be made only with the leave of the Supreme Court unless the appeal involves amounts of \$25,000 or more.

The Dust Diseases Tribunal is an important part of the judicial system. It deals with people who suffer from dust diseases, mainly asbestosis, mesothelioma and things like that. There have been many such cases. The amendment will make the Dust Diseases Tribunal subject to appeal provisions similar to those relating to the Compensation Court. The bill also amends the Industrial Relations Act 1996 to provide for an acting deputy-president, acting commissioner or acting judicial member to complete or to continue to deal with part-heard matters after completion of the term of the acting appointment. They are the same provisions as apply to judges in the Compensation Court. If a term of appointment has expired the persons I have mentioned will be able to deal with part-heard matters that were commenced during their terms of appointment. Amendments to the Judgment Creditors' Remedies Act 1901 confer on the District Court and the Local Court the same powers to enable a prospective purchaser of land under a writ of execution to inspect the land as are presently exercised by the Supreme Court.

An important amendment to the Jury Act 1977 creates the offence of threatening an employee with dismissal from, injury in, or prejudice to, employment because of a jury summons. At present the offence is limited to actual dismissal, injury or employment. If an employee tells his boss that he has a jury summons for a particular day and his boss tells him that if the employee attends court he will look closely at his employment, that employee might be given his marching orders if he attends court. One of the highest callings of a member of the community is to participate in the judicial process; it is a privilege and a responsibility. A fundamental concept of the Westminster system is that accused persons should be tried by a jury of their peers. Those who are summoned for jury service and want to fulfil their public duty cannot be sacked or dismissed. That is an excellent amendment. I do not propose to canvass in detail all of the amendments made by the bill. For the reasons I have given, the Opposition does not oppose this legislation.

**Mr KNOWLES** (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [11.18 a.m.], in reply: In my usual style I record my gracious and most humble thanks to the honourable member for Baulkham Hills for his contribution to the debate. If any of the outstanding matters that he has raised require clarification I will

ensure that the Attorney General forwards a response to him.

**Motion agreed to.**

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

## **PUBLIC SECTOR MANAGEMENT AMENDMENT BILL**

### **Second Reading**

**Debate resumed from 3 June.**

**Mr HARTCHER** (Gosford) [11.19 a.m.]: The Public Sector Management Amendment Bill is not opposed by the Opposition. The bill seeks to clarify section 38 of the Public Sector Management Act, a section that has long been debated and argued. It figured prominently in the November 1996 report of the Independent Commission Against Corruption entitled "Report on the Public Employment Office Evaluation of the Position of Director-General, Department of Community Services". The bill also results from the Crown Solicitor's advice to the Government in relation to the dismissal of the chief of staff, Ms Constantina Dertimanis, and press secretary of the Hon. Ron Dyer, the former Minister for Community Services.

Those dismissals and the legal action taken by Ms Dertimanis led to advice from the Crown Solicitor that the management of ministerial employees was not in accordance with the requirements of the Public Sector Management Act. The bill amends the Act to ensure that ministerial employees are appointed and maintained in their positions in accordance with the law. For that reason the Opposition has no problem with the form or intent of the bill. However, it is important that the genesis of the bill be examined and that ICAC's excellent report and the Crown Solicitor's advice be acknowledged and appreciated. The Independent Commission Against Corruption found that the management of ministerial staff by Mr Brad Fitzmaurice, who is in charge of the ministerial liaison unit in the Premier's Department, left something to be desired. In chapter 11 of his report the ICAC commissioner said:

Subsequent to Ms Silver's evidence, Mr Fitzmaurice was recalled . . . From that point on his evidence took a somewhat surprising series of twists and turns which served no purpose other than to undermine his own credibility.

The evidence given by Mr Fitzmaurice on a number of occasions indicates obfuscation and evasion by him. He gave a strong impression of being reluctant or unwilling to volunteer information which served only to prolong the inquiry and raise

the question as to whether he was attempting to conceal wrongdoing by himself and/or by others.

Obviously, that wrongdoing related in part to the way section 38 employees were being appointed and managed by Mr Fitzmaurice. The commissioner also said:

This retraction of his earlier admission did very little to enhance Mr Fitzmaurice's credibility, which by that time in any event was not at a very high level.

The commissioner rejected part of Mr Fitzmaurice's evidence and accepted the submission of counsel assisting the commission. In that regard the commissioner said:

... the manner in which Mr Fitzmaurice gave his evidence, and the conflicting accounts he gave, is capable of supporting a conclusion that he was deliberately attempting to avoid disclosing his full knowledge of relevant events.

The importance of that statement was borne out when Ms Dertimanis was dismissed from her position as chief of staff. When the Premier was asked on the Alan Jones radio program, prior to Mr Dyer being given a new portfolio, what was happening in the Minister's office he said that Ms Dertimanis and the press secretary had been dismissed because they were incompetent. That contradicted Mr Dyer's signing off only days earlier on the performance agreement of Ms Dertimanis and the press secretary which stated they were fulfilling their performance obligations. Ms Dertimanis and the press secretary were transferred to the Premier's Department. As there was no basis under section 38 to so transfer them, the Government did not act in accordance with the Act. That was borne out by the Crown Solicitor's advice, and that is why these amendments to section 38 are now before the Parliament.

As was reported in the media, Ms Dertimanis initiated defamation proceedings against the Premier for his comments on the Alan Jones radio program. That action was settled out of court with the terms of settlement not to be disclosed. However, it was claimed in the media at the time that the settlement constituted a large payout to Ms Dertimanis, a payout she would not have been entitled to had her termination been effected in the manner set out in the Act. It is no surprise that the Government has rorted ministerial appointments in the same way it has rorted everything else. The matter has been the subject of an ICAC inquiry and of Crown Solicitor's advice, and is the reason the bill is now before the House.

This bill separates ministerial employees and ordinary public servants who are temporarily

appointed. Ministerial employees will become special temporary employees and ordinary public servants employed on a temporary basis will be eligible to become long-term departmental temporary employees. The Director-General of the Premier's Department, a position presently occupied by Mr Col Gellatly, will be the employer of ministerial employees. They will be subject to his direction; they will not be employed by a Minister. The bill sets out the various positions that can be filled and the effect of such appointments. The Opposition does not oppose those provisions; indeed, we regard them as important. However, it is also important that the Parliament and the community be made aware of the necessity for this legislation.

This legislation is necessary because of the management by Mr Fitzmaurice of the ministerial liaison unit in the Premier's Department as evaluated by ICAC and the summary dismissal by the Premier of the chief of staff and press secretary to the Hon. Ron Dyer. Mr Fitzmaurice might be described in Australian Labor Party circles as having appropriate credentials for his position. He is a prominent member of the Maroubra branch of the ALP and is a close associate of the Premier. As such, he can be expected to do the Premier's bidding in the operation of the ministerial liaison unit. Clearly, there is no objection to members of a political party holding high positions in government. That is an inevitable consequence of governments wishing to seek advice and assistance from people who share the same philosophical views. But the position of Mr Fitzmaurice has been changed by the ICAC report. In the view of the Opposition—and, I submit, in the view of Commissioner O'Keefe who made the determination on behalf of ICAC—Mr Fitzmaurice is not a fit and proper person to hold the position of public trust that he occupies. That view is well justified by the commission's report, which is a public document freely available from Parliament and ICAC and does not need to be tabled.

Accordingly, I signal on behalf of the Opposition that Mr Fitzmaurice would need to reassess his position should—as I expect it will—the Opposition win the election in March 1999. I commend the parliamentary draughtsman for putting together a legislative package which well embodies the advisings received and which is a genuine attempt to try to make transparent the process of ministerial appointments of staff. Obviously, staff in a Minister's office have to have the personal confidence of the Minister and cannot simply be seconded public servants in the general sense.

While the Opposition does not oppose the legislation it believes that it highlights the ongoing

orting by Mr Fitzmaurice that has been taking place and the ongoing stacking of public service positions. The Opposition is very sensitive to and acutely aware of the fact that ministerial staff may suddenly increase during the Federal election period so that they can be used by the Australian Labor Party for political purposes during the Federal election. The Opposition will watch this very closely. It has received an advising as recently as yesterday that under these amendments to the Act it should not be possible. If any attempt is made to breach section 38 as we understand it, we will quickly draw the attention of the Parliament and the public to the rorting by Mr Fitzmaurice and his associates.

**Mr KNOWLES** (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [11.31 a.m.], in reply: I thank the honourable member for Gosford for his remarks. Any issues of concern or points needing clarification will be forwarded to the Attorney for his attention.

**Motion agreed to.**

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

## **ABORIGINAL HOUSING BILL**

### **Second Reading**

**Debate resumed from 20 May.**

**Mr DEBNAM** (Vaucluse) [11.32 a.m.]: The Opposition will oppose the Aboriginal Housing Bill and condemns the Carr Government's attempt to ram it through Parliament. The bill is simply too important to rush through Parliament without debate, especially in the wider community, as the Carr Government attempted to do two weeks ago—and the bill is being guillotined through today. As I warned the Minister for Urban Affairs and Planning, and Minister for Housing over the last month, if he persists in trying to rush this bill through the House the Opposition will oppose it and will move to refer it to an upper House committee to allow proper review and consultation.

Having not had time to review the bill properly and consult with many people and organisations, many of whom did not have the benefit of consultation with the Government, the Opposition will oppose the bill. Many people in New South Wales will have difficulty with the general thrust of the bill and its supporting documents. The Opposition has concerns about particular aspects of the bill and the lack of consultation undertaken by the Carr Government.

The Minister has stressed that the bill attempts to overcome duplication of Commonwealth and State Aboriginal housing funding and administration. It provides the opportunity for enhanced self-management of housing through an Aboriginal board and regional committees.

The bill is enabling legislation with broad policies and operating procedures to be finalised over the transition period of one to two years to the satisfaction of the Minister. If the new arrangements prove successful, as the Minister said, it is hoped that they will provide much-needed improvement in the management and delivery of Aboriginal housing. However, the bill effectively establishes a second housing department before significant reform, administrative difficulties, inefficiencies and social problems are resolved in the first or current Department of Housing. The bill transfers thousands of residents in urban areas to the control of the Aboriginal Housing Office before resolving neighbourhood social issues. Importantly, there is no awareness of this proposal in the wider community.

The bill is being sold by the Carr Government as part of the reconciliation process. It may improve housing outcomes for Aboriginal people, and such a result would naturally be welcomed by the community, but given longstanding and widespread community concern about public housing generally, and concerns in recent years about the administration of the Aboriginal and Torres Strait Islander Commission, the establishment of a separate administration for Aboriginal public housing will not inspire confidence in the wider community. The Opposition will oppose the bill as reform of Aboriginal housing should remain under the framework and management of the New South Wales Department of Housing, not a separate organisation or department. The bill also includes some ill-defined provisions which will lead to later difficulties. It precedes finalisation of related management issues and also precedes a resolution of significant reform, administrative and social issues in public housing generally.

**Mr Crittenden:** On a point of order. I have been listening to the honourable member for Vaucluse and I realise that, coming from Vaucluse, he does not know much about public housing, but he has been reading from notes for his entire speech and not providing members with a basis for arriving at a conclusion about the bill.

**Mr DEPUTY-SPEAKER:** Order! The honourable member for Vaucluse is entitled to refer to notes. I do not uphold the point of order.

**Mr DEBNAM:** The introduction of the bill followed standard Labor Party practice: negotiate with those most directly affected by the policy, ignore the interests of the wider community, prepare a bill and then show it to the least number of people possible and try to ram it through Parliament. The result is concern in the community and growing outrage at the Carr Government. Its rush to get the bill through Parliament today will be interpreted by the people of New South Wales as an attempt to hide some aspects of it. There is no doubt that the Carr Government has been determined to ensure that the people of New South Wales know nothing about this bill. The Government's arrogant determination to bulldoze the bill through Parliament without conducting its own wide consultation is only slightly less unfortunate than its previous rush to push the bill through on National Sorry Day.

The Carr Government needs to learn that consultation with a wide cross-section of the community usually improves government policy and, importantly, usually delivers a better result for all concerned. There are genuine concerns about the fundamental nature and some secondary aspects of the bill, and I will comment on them in detail in a few minutes. Several Opposition members will speak on the bill from their own points of view as local members confronting many of the difficulties of public housing and public housing administration. One member will speak with the benefit of portfolio experience. As I said, the Opposition opposed the railroading of the bill through the House and delayed it to permit proper consultation with the Aboriginal and wider community. It now opposes the bill. Let me stress that the issue in this debate is twofold: consultation both in recent years and in recent weeks; and effective delivery of services in New South Wales.

I would like to amplify those concerns. While the claimed objective of the bill is to improve housing for Aboriginal people and Torres Strait Islanders in New South Wales, the bill also has wider ramifications for the administration of public housing in this State, and interaction with many communities in rural and urban New South Wales, not to mention the additional concerns about taking on the responsibility of sorting out many of the Federal problems in Aboriginal housing left by 13 years of Labor Government in Canberra. It is clear to me that the Carr Government's additional objective was to ensure that the Opposition had no time to consult the community about this or any other bill. The Minister seems to believe that his life will be easier if the Opposition is denied information in the first instance. That is obviously not true and the community would clearly be better served if

informed debate takes place. The more background information and explanation of proposed actions the better for all concerned.

A last-minute rush to get the bill through Parliament is hardly productive. The bill's supporting papers show that the Carr Government began quietly drafting the bill in August 1996. It was then rushed into this House with a few days notice and a demand that it be passed forthwith. The Opposition asked a number of people in Aboriginal communities and the wider New South Wales community to comment on the bill. Some simply said that they could not respond in the time permitted by the Government; others were able to provide a quick review of the bill.

In the case of the New South Wales Aboriginal Land Council my colleagues and I met two weeks ago with representatives of the land council and discussed its very long list of concerns with the bill. The land council was grateful that the New South Wales Opposition was delaying passage of the bill because it gave the council another opportunity to negotiate with the Carr Government. It is important to emphasise that before the Opposition met with the New South Wales Aboriginal Land Council I understand that the Carr Government was refusing to negotiate further with the land council to resolve its serious concerns. I am sure most honourable members would agree that is outrageous. It is important to note that the Government thought so little of the need to get this bill right that it was prepared to ignore increasingly frustrated requests from the Aboriginal community for further talks.

In the last week the land council has negotiated a memorandum of understanding—MOU—with the Government and I have received a copy of it. This is what I call last-minute reluctant consultation by the Government and it is an irresponsible way to deal with legislation. The Government had sought to ram this bill through the Parliament two weeks ago before anyone, including Aboriginal and wider communities, had had a chance to consider its impact. It is also important to note that the MOU signed by the Government and the New South Wales Aboriginal Land Council does no more than highlight the outstanding, very real concerns to be hopefully resolved within the next six months. In addition to the coalition's fundamental concerns with the bill, I also share the land council's concern with the drafting of the bill.

The MOU identifies a number of unresolved definitions and issues in the bill which concern both the land council and the Opposition. These include

MOU items 7.2 dealing with registrations; 7.3, deregistration; 7.5, interest in land; 7.6, consent required for dealings in land; 7.7, creation of charges; and 7.8, the lack of conditions for a standard housing agreement, the composition, role and procedures for regional housing committees and the scope of the strategic land. The MOU, with the New South Wales Aboriginal Land Council, also immortalises in print the Government's inept consultation by agreeing under item 7.8(b) that further consultation is required on the above issues, including expressly stating that there must be reasonable time for consultation. What a testimonial from the Aboriginal community after the Carr Government has had three years quietly negotiating the introduction of the bill with some interests in New South Wales!

It would not take much effort from the Government to be definitive on these issues but the fact that it refuses to do so is a sure signal that it is tired and directionless—in fact, it is dead on its feet. Perhaps it signals that the bill is stillborn, the Government is just going through the motions and the Minister's heart is not in it. What does "consultation" actually mean? I would like the Minister in reply to comment on the Government's consultation program. Over the past few years many Aboriginal communities across New South Wales have had opportunities to discuss the direction of this strategy. However, I understand there were some difficulties in publicising these consultations and the Minister may wish to reassure the Parliament that these consultations were effective. But what consultations have taken place on the bill as opposed to the strategy? What consultations have taken place with Aboriginal communities and the wider New South Wales community? Given the widespread geographic locations of the residences to be transferred to the responsibility of the Aboriginal Housing Office, who has been consulted in the wider community in rural and in urban areas?

For example, has consultation been had with local government in affected rural and urban areas? The Minister can comment further in relation to the geographic spread of the residences, but I understand the residences to be transferred include 3,816 properties in Sydney, the Hunter region and other regions of New South Wales. Who has been consulted in those areas? I turn to the history of this issue. The Aboriginal Housing Development Committee—AHDC—was established to report on the future administration of Aboriginal housing and to provide advice on current programs. The committee was asked to provide advice in relation to three key areas: first, issues relating to Aboriginal housing in New South Wales, including the

monitoring and development of programs the Government had already established; second, identifying the future direction for Aboriginal housing in New South Wales and the best way to deliver housing to Aboriginal people; and, third, consulting the Aboriginal community about their housing requirements.

The AHDC was given the task of investigating how improved outcomes for Aboriginal housing could be achieved. I must acknowledge the considerable effort of members of the Aboriginal Housing Development Committee: Gerry Moore, the former chairperson; Tom Slookee, the present chairperson; Pat Dixon; Neita Scott; Ann Weldon; Sonny Bell; Val Dahlstrom; Ivan Sinom; Steve Gordon and Ken Foster. Problems highlighted by the AHDC include too many government agencies involved in planning and delivery of Aboriginal housing programs resulting in duplication and waste of resources; lack of co-ordination between Aboriginal housing and infrastructure programs and related services resulting in duplication or gaps in service provision; underresourcing of the Aboriginal housing sector; lack of funding to meet maintenance and other operational costs; need for training for Aboriginal housing providers to ensure higher standards of service provision; and lack of accountability for the objectives and outcomes of Aboriginal housing programs.

Aboriginal people experience significantly higher rates of homelessness, overcrowding and after-housing poverty. Maintenance and upgrading needs are significantly unmet in dwellings controlled by Aboriginal housing programs. Home ownership amongst Aboriginal people is half that of the population as a whole and there are inconsistencies between policies and procedures of agencies and Aboriginal housing providers. Many of the problems highlighted are systemic in public housing generally and the Carr Government has been spectacularly unsuccessful in addressing fundamental reform of public housing. In addition it has failed to address very real neighbourhood concerns flowing from Labor's failed social experiments. To simply read the bill will not enlighten anyone as to the direction to be taken in Aboriginal housing in New South Wales. This has been one issue debated in recent weeks with ministerial officers.

To fully appreciate the bill one needs to at least read the 1996-98 New South Wales Aboriginal housing plan, the AHDC report "Future Directions for Aboriginal Housing in New South Wales", the draft agreement between New South Wales, the Commonwealth, and Aboriginal and Torres Strait Islanders on the provision and management of

housing and related infrastructure for Aboriginal and Torres Strait Islander people in New South Wales, as well as the MOU signed in recent days between the Carr Government and the New South Wales Aboriginal Land Council. In addition, I have had the benefit of obtaining several increasingly lengthy briefing notes from the Minister's office and I am grateful to the staff who provided that material. There has been no debate in the wider community about this issue. I had difficulty finding any newspaper article on the proposal in the last few years. I found one article from the *Daily Telegraph* of October 1995.

**Mr Kerr:** Three paragraphs.

**Mr DEBNAM:** It is four paragraphs long headed "Aboriginal communities to run own housing projects". The Minister may be able to turn up other material from the press, but I was unable to find any others. It is fair to say that the wider community has no knowledge of this initiative and that lack of community awareness is of concern. The Government has not involved the New South Wales community in the development of this bill. After several rounds of discussions with the department I understand that the target start date for the new Aboriginal Housing Office is 1 July, which shows that the introduction of this bill in late May was always going to cause concern with the rush to get it through Parliament. The AHO board will be appointed by September after a selection process. I understand the board will be subjected to review two years after appointment and its size appears to be negotiable as the years move on. The ambitious target date for transfer of assets to the new AHO and for finalisation of the service agreement is 31 December.

I understand the Department of Housing is expected to continue managing tenancy and property issues until the year 2000 while the AHO proceeds to finalise agreements with housing organisations. If the Carr Government is going to persist with the legislation, a few more points need to be considered. I agree with the desirability of reviewing the New South Wales-Commonwealth-ATSIC agreement as soon as possible. That agreement contains many of the required financial and management arrangements for the new AHO and it will be critical that accountability and reporting provisions are properly reviewed at the earliest possible time. I suggest that three years is much too long. My understanding is that non-Aboriginal organisations which are already servicing or can successfully service Aboriginal housing needs will not be stopped from doing so—that is, that the new AHO arrangement will not be an exclusive arrangement. If others can do a better

job for Aboriginal people, they should be permitted to do so.

However, this seems to conflict with an apparent monopoly established under clause 9.10 of the draft New South Wales-Commonwealth-ATSIC agreement and I would appreciate the Minister's response on this issue. I am also concerned with various provisions in the agreement. For example, parts 6 and 7 of the bill seem to lack definition on the contribution of ATSIC. I understand there is some difficulty in specifically identifying ATSIC's assets and management arrangements. Would the Minister please comment further on this issue? Is it something the Parliament should review closely? I think the Minister should also comment on any anticipated complexities in regard to the new Aboriginal Housing Office eventually taking on responsibility for Aboriginal housing in the Australian Capital Territory and Jervis Bay territory. I would also appreciate the Minister's reassurance that the agreement between the Carr Government and the New South Wales Aboriginal Land Council will be made public when it is finalised later this year—supposedly within the next six months.

The duplication of Commonwealth and State Aboriginal housing funding and administration needs to be overcome, but not in this way. We need to provide much needed improvement in Aboriginal housing and public housing generally, but not in this way. There are some risks in this bill and in its strategic direction, which honourable members and the Government must acknowledge. This bill effectively will establish a second housing department in New South Wales before significant reform, administrative difficulties, inefficiencies and social problems have been resolved in the current Department of Housing. This bill will result in the transfer of thousands of public housing properties across the State to the new Aboriginal Housing Office without first resolving management of neighbourhood social issues. I am not encouraged by the Minister's reassurance that for the first few years the current Department of Housing will be running the Aboriginal Housing Office anyway.

It is the current department that has a long way to go in sorting out its act. It has a very high level of tenant dissatisfaction across New South Wales, and I fear this bill simply will transfer management and social problems across to a new department that will be ill-equipped to deal with tenant problems and interaction with the wider community. I would welcome the Minister's reassurance that he has in his back pocket a magical

plan to solve these issues—something he has been unable to do in the last three years. If he has a magical plan, what is it? I have discussed the matter of compulsory acquisition of land with the Minister's staff several times. I still see no need for this provision in the bill. The latest response from the Minister's office is:

This is a standard provision for statutory authorities involved in public works under New South Wales legislation. Parliamentary Counsel have identified 56 Acts which include this provision and have indicated it has been standard procedure in New South Wales to confer a compulsory acquisition power on statutory corporations with responsibilities similar to those of the proposed Aboriginal Housing Office involving the use of land for public purposes.

I must say again that I still do not see that this is sufficient reason to include this provision, and I would be very interested to see the list of the other Acts that include the compulsory land acquisition provision. We have also exchanged correspondence on the issue of the ability of the new Aboriginal Housing Office to have an interest in land that is leased, not owned, by an Aboriginal housing organisation. The Minister's office did respond to my original question on this issue, but it said:

This is theoretically possible because land is defined generally in the bill to include any legal or equitable estate or interest in land and any easement, right, charge, power or privilege over or in connection with land. A right under a lease to exclusive possession of the premises concerned would clearly be a right in connection with land.

I would appreciate the Minister's further advice about why a property owner leasing a residence to an Aboriginal housing organisation does not run the risk of having the Aboriginal Housing Office claim an interest in the property. The advice from the Minister's office of 26 May continues, under item 6, to further concern me that the option for notifying an interest does in fact exist in relation to leased property. Part 5 of the bill deals with the registration of Aboriginal housing organisations and the definition of "eligible organisation". The New South Wales Aboriginal Land Council has noted its concerns with the vague drafting of this provision. I am interested in the Minister's interpretation of clause 25, which provides that the definition of "eligible organisation" includes "a body corporate which the AHO is satisfied is controlled, either directly or indirectly, by Aboriginal people or Torres Strait Islanders (or both)." I ask the Minister what is his interpretation of "directly or indirectly" controlled. Who will resolve the obvious disputes flowing from this definition?

Subclauses (1) to (6) of clause 26 add further to the lack of definition in relation to the registration

of organisations. Unless I am mistaken, clause 26 will cause a few disputes. Perhaps the Minister might comment on why the bill has been drafted in this way and how he can justify such vague criteria. Clause 26(6) also allows the inevitable regulations to make "further provision" for any matter relating to registration. This is less than clear. It really does not inspire confidence in the future operations of the Aboriginal Housing Office. Clause 27 then deals with the revocation of registration, allowing the Aboriginal Housing Office to revoke registration "at any time" and for "such reasons as the AHO thinks fit". There is no clarity at all. Clause 28 addresses the register of organisations and uses equally vague words such as "under the control of" and, in (3)(b), "such other information . . . as the AHO considers appropriate . . .". There is no clarity.

I conclude by summarising the Opposition's position on this bill. We will oppose the bill. The Carr Government has much to explain about the operation of the bill and why it has sought to minimise consultation and public awareness of the bill. I have detailed a number of concerns that I ask the Minister to properly address in his reply. He might also consider apologising for the atrocious manner in which he has attempted to ram this legislation through Parliament. I look forward to the Minister's reply. This bill will not deliver a better outcome for Aboriginal housing. This bill will further aggravate concerns with public housing. The Minister must instead address the very real concerns about all public housing.

**Mr MARKHAM** (Keira) [11.55 a.m.]: I support not only the bill but also the Minister for Urban Affairs and Planning, and Minister for Housing. He has done an absolutely incredible job in bringing this legislation before the Parliament. In November 1997 the New South Wales Government announced its statement of commitment to Aboriginal people. I have no doubt that all members have looked at that important document. The Leader of the Opposition was at the launch of that document last year, and he supported it. The statement sets out the Government's goal to build a partnership based on justice, equality and respect. This Government is committed to addressing the infrastructure needs of Aboriginal communities, and to this end has introduced this legislation to establish the Aboriginal Housing Office to consolidate and oversee Aboriginal housing services as part of its commitment to improved housing options for Aboriginal people.

The legislation and associated reforms, when fully implemented, will enable duplication in the delivery of Aboriginal housing to be overcome by

pooling Commonwealth, ATSIC and State funds for housing, enhance self-determination through the establishment of a statutory authority governed by an Aboriginal board supported by regional Aboriginal housing committees, enable more training and support for the Aboriginal housing sector, and improve the standards and accountability of community-based housing services. There are no better organisations to be building and maintaining Aboriginal housing than Aboriginal construction firms. We must work hard at achieving that. The new office will focus on Aboriginal decision making and participation at State, regional and local levels. At State level, the new Aboriginal Housing Office will be responsible for administering Aboriginal housing in New South Wales and will be accountable to the Minister for all of its operations.

The board of the office will consist of a balance of individuals and representatives of key organisations such as ATSIC and the New South Wales Aboriginal Land Council. Only Aboriginal people will be eligible to vote on the board. The board's strategic role is underpinned by the following eight major objectives: to allocate funds to the regions in accordance with need; to develop, submit and review a three-year strategic plan endorsed by the Minister; to initiate, own and develop an asset plan for housing stock for Aborigines; to receive and apply funds pooled from the Commonwealth, State and ATSIC in accordance with the strategic plan; to be responsible for all annual reporting requirements as a statutory authority; to ensure effective linkages with the State housing authority and other relevant agencies; to promote access to a wide range of housing options including home ownership where appropriate; and to form key relationships with regional Aboriginal housing committees. It is incumbent on this Parliament to pass this legislation because, for those of us who believe in self-determination for Aboriginal people, there is no better place to start than with self-determination in respect of the housing needs of Aboriginal people and Torres Strait Islanders in this State. The bill provides for a clear separation of powers between the board and the staff of the office. The office will have an active Aboriginal employment strategy, and the board will establish a strong statewide consultation and communications strategy.

I now outline key operations of the Aboriginal Housing Office at the regional level. At this level the board must establish and maintain Aboriginal regional housing committees with a range of stakeholders as members. These committees will be the key links between local communities, housing providers and the board. Each board member will sit

on one regional committee. The regional committees will maintain ongoing consultation with communities and will advise on needs and priorities. They will develop regional housing plans at least every three years and will be consulted by the board on policy matters. At local level, service providers will have autonomy in the day-to-day management of their houses, subject to meeting agreed targets and standards of service and financial accountability requirements. These requirements will be set down in agreements between the board and the organisations. The agreements will not be one-size-fits-all and will allow for negotiation of locally appropriate outcomes. Overall, the model is based on Aboriginal decision making at all levels with clearly defined accountability for all decisions to achieve a balance between strategic and local considerations.

I now outline the expected key outcomes from the bill and associated reforms. There will be one administrator of housing programs instead of two or three, as in the past. The benefits of that measure are: no unnecessary administrative costs; avoidance of duplication, involving one set of plans, guidelines and funding arrangements with greater flexibility in the use of funds; no double-dipping; less potential for community conflict; and greater consistency in housing policies, such as eligibility and rent, and in housing standards. There will be a strong focus on quality of service to end users in communities. This will be achieved by the role of the office in the following areas: funding and organising training for housing organisations; setting service standards and targets for improved service across the State; promoting good practice in housing services, such as rent collection, tenancy advice and maintenance; introducing new community support systems such as information technology strategies and regionally based support services; and monitoring service outcomes.

The pooling of funds will enable a more flexible mix of housing to be funded. This mix can include funding for new rental housing; backlog maintenance and upgrading; resourcing the sector; purpose-built housing for special needs, such as for people with support needs; home ownership initiatives; and other housing strategies proposed by communities and agreed upon with the board of the office. The size of the program can also support more employment-related initiatives. Responsibility for asset management will be clarified in the following ways. The board will establish a framework and guidelines for managing housing assets on a sound cultural and commercial basis. This House should take note of the desirability of culturally acceptable housing. In the past the

Department of Housing has built housing for Aboriginal people without consulting Aboriginal people on what is appropriate to their daily needs. The board will also provide funding to cover depreciation—which has not been provided previously to community-based organisations. Aboriginal housing organisations in turn will be expected to establish asset management plans and achieve negotiated targets for maintaining their assets. These will be included in funding agreements with the office.

Infrastructure itself cannot be viewed in isolation. The sustainability and wellbeing of Aboriginal communities depend on an approach that acknowledges the importance of land and culture and the necessity of economic and social independence. The Government recognises that achieving economic independence is a critical step on the path to self-determination. The poor housing conditions experienced by many Aboriginal families are acknowledged by the Government, which seeks to address the backlog of housing needs and to improve links between housing needs and other services. I implore the shadow minister for housing to have a look at some of the areas of Aboriginal housing in this State and to compare the Toomelah of today with what it was like before.

**Mr Jeffery:** It is a bit hard to go back to what existed before.

**Mr MARKHAM:** If the honourable member for Oxley cannot do that, he could read about it in the report of the Human Rights Commission on its investigation into Toomelah. In any event, I am talking to the honourable member for Vacluse, who has a better understanding of what I am referring to. The honourable member for Vacluse should read the Human Rights Commission's report to ascertain what is now occurring in Toomelah. Aboriginal people were the ones who decided what they wanted. The honourable member for Vacluse should go to Coffs Harbour and have a look on the ocean side of the railway track to see where people are living. It is absolutely essential that we give Aboriginal people in this State the right to determine what housing they want, how they want it, and where they want it.

The New South Wales Government recognises the poor health status of Aboriginal people and has formed a formal partnership agreement acknowledging that Aboriginal health is not limited to the physical wellbeing of the individual but relates to the social, emotional and cultural wellbeing of the whole community. The Government's commitment to fostering an effective

partnership with Aboriginal people and improving basic services is demonstrated by the establishment of the Aboriginal Housing Office and the Aboriginal Housing Bill. This initiative was strongly supported in extensive consultations with the Aboriginal community undertaken by the Aboriginal Housing Development Committee in 1996. The creation of that agency will result in major improvements in housing services for Aboriginal people. A single State agency with an Aboriginal board will administer housing programs in New South Wales. Aboriginal housing organisations will receive greater support and training and will be more accountable for the quality of their services. An Aboriginal housing agency will bring a new focus on meeting the significant housing needs of the Aboriginal community.

The approach is co-ordinated and staged in order to promote a whole-of-government model in addressing health and infrastructure problems faced by Aboriginal communities. The health of Aboriginal people has been, and continues to be, appallingly below the standards of the rest of the Australian population. Specific policies and an improvement in mainstream policies are needed to ensure that preventative measures are taken. I stress the importance of partnerships formed between Government and Aboriginal representatives and how these are designed to ensure the best possible outcomes. The Aboriginal Housing Office will be fully accountable as a statutory authority. When fully operational, the office will allow Aboriginal communities to experience economic independence, self-determination and self-empowerment. That is exactly what the Minister for Urban Affairs and Planning, and Minister for Housing realises and is exactly why he has put in place this legislation. It is absolutely crucial that this Parliament supports the legislation.

The shadow minister for housing said that wide consultation has not taken place. I do not know what that statement is based on, because my understanding is that the committee has consulted widely throughout New South Wales. The committee, chaired at this time by Tom Slockee and his team, has travelled extensively throughout New South Wales. People like Neita Scott, for whom I have a high respect, are very supportive of this legislation. I had the opportunity to speak to Neita on a recent occasion when I visited Narromine to attend the funeral of one of her sons. Neita indicated to me that it was important that this legislation be supported and passed by the Parliament because that was the only way to ensure a future for Aboriginal housing and for Aboriginal people to have the necessities for day-to-day living. Some people say

that the most pressing need for Aboriginal people is housing, some say land rights, some say health and some say education. But I have often said, in this place and elsewhere, that the three most crucial issues for Aboriginal people are housing first and foremost, health and education. If one lives in poor housing, one has poor health outcomes. If one has poor health outcomes, one has poor school attendance. [*Extension of time agreed to.*]

The Aboriginal people consider those three matters to be very important. If we do not start off with good housing outcomes, health and education fall by the wayside. I assure honourable members that the Government and the Minister for Urban Affairs and Planning, and Minister for Housing will continue to listen and to provide outcomes not only in housing, health and education but in all areas of Aboriginal need. I also assure honourable members opposite that the introduction of this legislation was part of the Government's election pledge prior to the last election. In fact, when I was shadow minister for Aboriginal affairs I travelled extensively and spoke to many Aboriginal communities, as well as the New South Wales Aboriginal Land Council, which endorsed the policy I put forward at the last election that Aboriginal people should be responsible for the maintenance, rent collection and day-to-day administration of their housing. That is what the bill will achieve. It is good legislation.

I cannot understand, and I will not accept, any opposition to the legislation in its current form. As time goes by circumstances change and amendments can be made. The Government's "Statement of Commitment to Aboriginal People", launched by the Premier last year, reflects our total commitment to the Aboriginal people of New South Wales. If honourable members have not had a chance or have not taken the time to read it, I suggest they do so. This document, which is supported by a statement of the Leader of the Opposition, reflects real bipartisanship so far as Aboriginal affairs in this State are concerned. I reiterate that housing is the most important issue affecting Aboriginal people. What we are doing and what the legislation will achieve will go a long way to ensuring that Aboriginal housing needs are met. I totally support the bill. I congratulate the Minister on his fine work in introducing the legislation.

**Mr JEFFERY** (Oxley) [12.13 p.m.]: I agree with a lot of what the honourable member for Keira said. We are debating the legislation, not the statement of intent by the Premier, the commitment or the preamble. I have no concerns about that. We all support it. Housing, health and education are vital not only for Aboriginal people, but for all

people. However, the Opposition has major concerns with the bill. I represent a large Aboriginal population. In fact, the State electorate of Oxley has the largest Aboriginal population of any electorate in New South Wales. I have a good rapport with my constituents and I am aware of their needs. Therefore, I have been extremely interested in the bill. I support the rights of Aboriginal people to safe, healthy, decent and secure housing. The bill could provide opportunities for enhanced self-management of Aboriginal housing through an Aboriginal board and regional communities.

However, regional communities have not had a chance to consider the bill. I have sent copies of it to Aboriginal land councils in my electorate, to shire councils and to others. I am just starting to get some feedback. On Friday I have another meeting with Aboriginal members, as well as further discussions with councils. It is important that we get the legislation right. It is also important that we get feedback from all people, not just those at the top—the Aboriginal and Torres Strait Islander Commission or the head of the land council—because there is a lot of division and difference of opinion in my community regarding the provisions of the bill. The shadow minister said he has some briefing notes. Perhaps the Minister for Urban Affairs and Planning, and Minister for Housing should have sent briefing notes to all members of Parliament, particularly those whose electorates have large Aboriginal populations, so that a lot of questions arising from the legislation could be answered.

There are so many holes and unanswered questions in the legislation that it is like a sieve. Those questions have to be answered, and that is why the legislation should not be rushed. At this stage it is proposed that the bill be referred to a committee of the upper House so that we can get it right. It is too important not to get it right. I have read the Minister's second reading speech a couple of times, but it has not answered any of my questions. Honourable members need more time to walk through those issues with local communities. Councils are concerned about the loss of income from one sector of the community to another. Aboriginal housing co-operatives are exempt from the payment of rates, because they are benevolent institutions. In response to several applications by Aboriginal housing co-operatives in various shires throughout New South Wales, the Land and Environment Court ruled in all cases that the applicants were public benevolent institutions and that the land the subject of the appeals was used or occupied for benevolent purposes. The court concluded that the applicants were therefore entitled

to the exemption provided under section 132(1)(d) of the Local Government Act.

**Mr Knowles:** It is a statutory authority.

**Mr JEFFERY:** The Minister can say it is a statutory authority, but the Interpretation Act requires him to put that on the record and make it crystal clear. Rates are collected to provide services. If one group is exempt, the other sector of the community suffers. If that question cannot be answered, the issue becomes divisive. Mention has been made of duplication, the creation of another bureaucracy. The bill transfers thousands of residences in New South Wales to the Aboriginal Housing Office before resolving the management of neighbourhood social issues. The Minister's chief executive officer was at Kempsey. I asked him for help, and I thank him for his visit. I particularly appreciated the recent visit to Kempsey of Sol Bellear, the Director of Community Relations for the Department of Aboriginal Affairs, which was most productive.

**Ms Moore:** A top bloke.

**Mr JEFFERY:** He is. He is a very nice person. Mr Bellear has undertaken to monitor the issues and involve himself in solving major problems in the Kempsey community, many of which involve the suitability and maintenance of housing, as the Minister knows, together with meeting the needs of Aboriginal people and the expectations of the wider community. Antisocial behaviour is upsetting the local white and Aboriginal communities. Many Aboriginal people want to own their own homes and take pride in them. Today and again on Friday I will meet with constituents who want to get out of Aboriginal Land Council homes and live in Department of Housing homes. The general view is that the home is everyone's. One woman is becoming very upset because members of the local Aboriginal community come into her home and take her kids' toys. The Minister will receive representations from her for priority housing. The objects of the bill are as follows:

(a) to ensure that Aboriginal people and Torres Strait Islanders have access to affordable and quality housing . . .

(b) to ensure that priority is given . . . to those individuals who are most in need.

Those objects are well-intentioned and most commendable in theory, but experience has shown that many in need of housing are sometimes incapable of looking after a home. The Department of Housing has gone to the Residential Tenancies Tribunal and has found it difficult, under the rules

and conditions, to evict a tenant who is not doing the right thing. The Residential Tenancies Tribunal requires the Department of Housing to find such tenants alternative accommodation, otherwise it will not give an order to evict. The Government must take into consideration matters relating to the Residential Tenancies Tribunal. Other honourable members have referred to the fact that one family, which was moved from one house to another, wrecked three homes. I said earlier that sometimes those most in need of housing do not have access to private rental accommodation, or they might have a poor record in the rental or Department of Housing market. The legislation needs to resolve those problems. Some families need counselling and basic training before they can go into a home. The Government has an obligation to give them support and ensure there is ongoing monitoring so that their needs are met and their obligations as tenants are upheld. That is a major responsibility of Department of Housing and Aboriginal housing administrators. Where there is a history of people doing the wrong thing they should be monitored on a regular basis for the first six months.

Clause 41 provides for the recovery of debt by the Aboriginal Housing Office—a task which has been proven difficult by other housing authorities. Poor rent collection in some areas is leading to a wider issue in the broad community. Some Aboriginal people are asking whether discrimination is being practised against all those in need of housing. They are paying their way and believe that there has to be a tightening up of these provisions. Members of the Aboriginal community have said to me that we must avoid favouritism and cronyism, which have marred successful Aboriginal housing programs in the past. I do not want to dwell on the negative aspects of this legislation, but I have to say that the allocation of housing at Burnt Bridge at Kempsey, which was the subject of a Federal inquiry, fractured the community. I believe that we are overcoming those problems.

When dealing with taxpayers' money, it is important to remember that the expenditure on and construction of appropriate housing must be monitored more carefully. I agree with the views expressed on this matter by the honourable member for Keira. I ask the Minister to take this matter on board. We do not want a repeat of what happened to the north of this State and we do not want more division. Clause 13 in division 2 of the bill will enable the Aboriginal Housing Office to acquire land by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. Does that mean that a landowner can lose part or all of his land through compulsory acquisition?

**Mr Knowles:** It means what Wal Murray said it meant. If you look at that clause you will understand that you are talking nonsense.

**Mr JEFFERY:** If that is the case, anyone can come and take the Minister's home if he or she pays just compensation.

**Mr Knowles:** It does not say that. You are stirring up nonsense.

**Mr JEFFERY:** I ask the Minister to make this matter clear when he replies to debate on this bill. I do not want any misinterpretation of this provision.

**Mr Knowles:** I do not believe you. I know exactly what you want.

**Mr JEFFERY:** I want the Minister to make clear what this provision means or there will be problems. I am trying to pre-empt those problems by giving the Minister an opportunity to place on the record what the phrase "provision for just terms" means. The Minister must explain clearly and precisely what it means. If he does not he will be failing in his duty as a Minister. Clause 13(3) states:

Sections 34, 35, 36 and 37 of the *Public Works Act 1912* do not apply to or in respect of works constructed under this Act.

Does that mean it is not anticipated that works will cost more than \$1 million, or does the Minister not want any say in the expenditure of public funds, in particular in relation to sewerage and water under the *Public Works Act*? Where will that leave councils? What procedure will local government follow? Clause 8(1) in schedule 1, which makes reference to the constitution and procedure of the board, states:

Part 2 of the *Public Sector Management Act 1988* does not apply to or in respect of the appointment of an appointed member . . .

If that provision is removed from the *Public Sector Management Act* where are the checks and balances? These important questions have been asked by members of the community when I have been trying to get feedback on this bill. The legislation proposes to establish a five-year review period, plus a further year to report. A lot can happen in a six-year period. The shadow minister for housing made reference to a very short lease. I do not always agree with what Piers Akerman says, but in the *Daily Telegraph* of 26 May 1998 he asks a few important questions. The article states:

It would establish a five-year review period, plus a further year to report, giving the new body a minimum six-year period before any sunset clause could cut in . . .

The bill makes no reference to a need for annual reports, any appeals process or audit reviews, though these factors may be covered in other legislation not mentioned in this rushed document.

The Minister stated that the provisions in the bill for membership of the board are flexible enough to enable the appointment of leaders from the Aboriginal community. I agree with that statement, so long as we do not have a repeat of the problems that have been experienced in my electorate. I mentioned earlier that this legislation does not provide freehold rights to Aborigines. Many people who come to me express their desire to buy their own homes. Incidentally, the Minister is arguing against his own bill. He said in his second reading speech:

Nearly three times as many Aboriginal people reside in rental accommodation than do other Australians. In other words, only one-third of Aboriginal households have the benefit of purchasing a dwelling compared with more than two-thirds of the total population.

The Minister is arguing against the intention of his own bill. This is a perfect opportunity to establish an Aboriginal home ownership scheme. That would be preferable to transferring responsibility for Aboriginal housing from one department to another bureaucracy. I will give the Minister a pat on the back if I think it is needed and valid. I fully support the Minister's intention to remove the barriers to better housing services for Aboriginal people in New South Wales. It is acknowledged that many of those barriers are caused by duplication of planning, policy, funding and service delivery arrangements. However, this bill will create another bureaucracy. We have to give Aboriginal people access to adequate and culturally appropriate housing. The principal functions of the Aboriginal Housing Office should include within its monitoring role counselling and support for Aboriginal families so that housing is both appropriate and maintained. I do not believe that the wider community will welcome the establishment of another bureaucracy.

The Government must explain to the community why it is necessary at a later stage, if we can get through the consultation period. It must allow members to consult the community and explain why things are necessary, otherwise there will be division instead of reconciliation. Instead of building bridges we will be placing additional barriers on the bridges we have already built and that is not in the best interests of the Aboriginal community. The Government should carefully

consider the impact that this bill will have. Will it achieve its desired objects in its present form? I do not believe that it will. It is sad, but at this stage the Opposition opposes the bill. In the upper House the Opposition will refer the bill to a committee. If we get this bill right honourable members of this Parliament will be applauded for doing the right thing and for ensuring that Aborigines get fair, adequate and proper accommodation. [*Time expired.*]

**Mr SCHIPP** (Wagga Wagga) [12.28 p.m.]: One has only to look at the pile of papers being carried around by the shadow minister, the honourable member for Vaucluse, to realise that this bill is very complex. The Opposition will oppose the bill and in the upper House will seek to refer it to a parliamentary committee. Many matters in this bill are unexplained. The consultation process was one-sided and did not embrace the wider community. When were local members contacted? The electorates of many members on this side of Parliament have huge Aboriginal populations. We live in harmony with them and address their problems as best we can without disagreement or disruption. We have great empathy with Aboriginal problems and deal with them as responsible members of Parliament. In that regard I congratulate the honourable member for Keira, who, after hearing that the Opposition does not support the bill, did not accuse the Opposition of being anti-Aborigine. He is obviously concerned that the wider community, including local councils, needs to be included in the consultation process.

Major issues are involved in housing management in its broader sense. As the honourable member for Oxley said, the legislation has the potential to stigmatise Aboriginal housing. That would be a disgrace; it would be a shame both for the Aboriginal people who are being housed and for the wider community. Is this legislation necessary? The answer is no. The Department of Housing could implement the provisions of the bill. The bill creates rather than reduces duplication. The legislation will undoubtedly create a new bureaucracy; it establishes an entirely new department. The legislation applies a bandaid to accountability. Nothing will change in that regard unless the Government and the Federal Government are prepared to deal with the issue head on and listen to what the Auditor-General has said about wasting money that could be used for the delivery of services.

Those of us who were members of this House at the time of the change of government in 1988 will remember that the Greiner Government tried to introduce accountability legislation but was blocked by the Australian Labor Party and Independents in

the Legislative Council. If we had moved down that path at that time we would not now be debating this legislation. The honourable member for Keira spoke about Toomelah. I took a planeload of journalists to Toomelah to investigate what was happening there. Attention was not focused on better-quality housing and Aboriginal home owners who took pride in their homes and gardens. Attention had been focused on the worst houses, and that was not a fair presentation of housing at Toomelah. Marcus Einfeld, the Human Rights Commissioner, after having written his report, made a scathing attack on the Department of Housing.

After I challenged him about a five-page letter he had written, he sent a deputy commissioner to my office. I expected another attack on the Department of Housing, but when the deputy commissioner walked through the door she said, "Minister, I am here to apologise on behalf of Mr Einfeld." She apologised because the commission had misinterpreted and misread the situation and had not updated its information or consulted with the Department of Housing in the preparation of its report. The bill is not far removed from that report, which was fallacious and lacking in background research and consultation.

If there is an accountability problem the Government should face it head on. It should put the money where it is needed. The outcome of last Saturday's Queensland election was a result of government arrogance. That arrogance is evident in the one-sided process taken by the Government, perhaps consulting those directly affected but not consulting the wider community or the members of this House. Two weeks ago the Opposition was told that this legislation would be shoved through Parliament to coincide with National Sorry Day.

**Mr Knowles:** That is not right.

**Mr SCHIPP:** It is right, as the Minister for Housing knows very well.

**Mr Knowles:** You said that on the Alan Jones program, and the bill was on the business paper.

**Mr SCHIPP:** The Minister told the shadow minister that the bill would pass through all stages in one day. When the Opposition indicated it would refer the bill to a committee in the upper House the Government backed off for at least two weeks. The pile of papers being carried around by the honourable member for Vaucluse is an acknowledgment of the lack of consultation with the community or with members of this place about this groundbreaking legislation. Although the bill will set

up a completely new and totally unnecessary bureaucracy, there is no guarantee that it will deliver a better outcome. Does the Government believe that the bill will improve on the process for the provision of housing followed by the Aboriginal and Torres Strait Islander Commission?

The bill repeats exactly the same problems, and the Government will not face up to those problems. The Minister claims the bill has Commonwealth Government support. My comment is "So what?" The Commonwealth Government gets a great many things wrong, and it does not understand what happens at the coalface in the provision of housing in this State. I repeat that the Hanson factor and the public backlash against government in this country has been caused by government arrogance, and this legislation is a sign of an arrogant government.

My other concern is that the setting up of a stand-alone structure of the type proposed in the bill will lead New South Wales down the crazy path of an Aboriginal treaty, in other words, a nation within a nation. If this new organisation is set up, it is then a small step to the setting up of statutory authorities and departments in a range of other areas. Health services will be next on the Government's agenda. In my electorate there is already a separate dental facility for Aborigines. The public dental facility at Wagga Wagga has six chairs and two of them are vacant. Those two chairs were made available specifically for the delivery of Aboriginal dental care, but that was not good enough. Another separate facility was established about a kilometre and a half away. Once we go down that path of a Nugget Coombs treaty, a nation within a nation, we move towards stigmatisation, which would be dangerous and devastating for this country.

The legislation lacks explanation. Other speakers have dealt with various matters such as the resumption processes, the creation of a statutory authority and the duplication of the functions of the Department of Housing without any guaranteed benefit, and I will not go through them again. The Opposition agrees totally with the comments of the honourable member for Keira, who said that the bill should achieve the best outcome and the best housing. No-one argues with that. The argument is about the way the legislation has been drawn up. If the Minister believes that the bill will achieve its laudable and grand objectives, I challenge him to try to sell it to the community. Why was this ground-breaking legislation not the subject of a green paper or white paper? The Minister can throw his head in

the air and shrug his shoulders, but I get feedback all the time that he has not got a grip on the housing portfolio.

**Mr Knowles:** You would know, Joe.

**Mr SCHIPP:** I do know, and I have good contacts. It is time for more effort rather than half-baked proposals that have not been the subject of full consideration or consultation. The provisions are so authoritarian that even Aboriginal communities will have difficulty in appealing against decisions made by the AHO. The appeal process is not specified. We do not know how the AHO will identify land. It may register an interest with the Registrar General but the Registrar General will not require proof that the AHO has a genuine interest in the land. This monumental change in the delivery of housing will not be reviewed for six years. The Minister is required to inspect strategic plans every couple of years but they will not involve a review of the effectiveness of the Act. So potentially there could be a major breakdown in the system and it could be five or six years before the Parliament or the community knows anything about it. That is crazy administration of government.

The exemptions are not specified. Anyone reading the bill needs access to at least 10 Acts. How would people in the wider community be able to do that? It would be easy enough for members of Parliament if we were given the time. What are the exemptions from the Residential Tenancies Act? What is their extent? By opposing the bill perhaps we can jog the consciousness of the Independents in the upper House and they will see merit in referring the bill to a committee to delay it for a few months so that a working group can consider it and listen to the community. We are talking about the Aboriginal community. Nobody can tell me that the Aboriginal community has been fully consulted in the wider sense, even though it was stated that consultations were held around the State.

There was no publicity in my electorate that this inquiry was being held. It was not until the bill was presented to the Parliament and an article of four paragraphs in one column of a newspaper appeared that people became aware of the legislation. That shows how secretive the Government has been in relation to the legislation. I will do my best to ensure that in the upper House the bill is opposed or referred to a committee, which I hope will be a joint committee. Too much of the business of government is being left to one House or the other. This is a Parliament; it is not one House

or another. There should be more joint committees so that we can delve into these matters. I repeat that coalition members of this House represent more Aboriginal people than Government members do.

**Mr Knowles:** That is not true.

**Mr SCHIPP:** It is true in a direct way—

**Mr Knowles:** Statistically, directly and indirectly it is wrong. There are more Aboriginal people living in western Sydney than there are in the rest of the State.

**Mr SCHIPP:** All I am saying is—

**Mr Knowles:** You were Minister for Housing and you do not even know the basic facts.

**Mr SCHIPP:** That is your little cheap shot. We can forget all that. I am saying only that more electorates in the country have larger groupings of Aboriginal people. There are up to 6,000 at Dubbo. I do not know the numbers in Kempsey. There are 3,000 in Wagga Wagga. I join other coalition speakers in opposing this legislation.

**Ms MOORE (Bligh) [12.43 p.m.]:** I support the legislation. I have written to the Minister for Housing about four specific matters. I hope he will be able to address them in his reply or when the legislation reaches the upper House. In introducing the bill the Minister said that the Parliament had another opportunity to reaffirm its commitment to address the previous 210 years legacy of dispossession, discrimination and economic disadvantage suffered by Aboriginal people by taking a fundamental step toward advancing their rights to safe, healthy, decent and secure housing. I strongly support that statement and that it why I have restated it. I welcome the opportunity to do that in the same way as I welcomed the opportunity to express my strong support for the recent National Sorry Day and my unreserved apology to the Aboriginal people of Australia for the systematic separation of generations of Aboriginal children from their parents.

Before the arrival of white settlers 210 years ago Aborigines in New South Wales did not have a housing problem. Their cultures were based on respect for the land, heritage and spirituality. These determined where clan groups resided and the territories occupied by nations of clan groups. Through colonisation and white settlement Aboriginal life has been decimated by genocide and relocation. The removal of successive generations of children has had damning effects, the impacts of

which are still being felt today. Past government policies have been misguided and based on ignorance and paternalism. The Fifty-first Parliament must make future policies with extreme care and with none of the ignorance and paternalism that have characterised government action of the past.

Notwithstanding what has been said today, I understand that the bill has broad support among Aboriginal communities. I am informed by Michael Stewart of the New South Wales Federation of Housing Association, who has had a history of working with Aboriginal housing organisations, that there is wide support. I have seen letters of support from both the Aboriginal and Torres Strait Islander Commission and the New South Wales Aboriginal Land Council. So I cannot understand why the honourable member for Vaucluse has taken the position he has. However, I strongly support the Opposition claim that the Parliament has not had enough time to assess the legislation. The situation is similar to that with the Companion Animals Bill. After widespread consultation and green and white papers, when the legislation landed in this House—and it is so important to so many people, as this legislation is—we had to deal with it on the run. I have not had the opportunity to send any of my concerns, which could result in amendments, to the Parliamentary Counsel.

There is no doubt that the Carr Government has turned back the clock on reform of this House, the parliamentary process, participation of members rather than domination by the Executive, and scrutiny of legislation. I would support referral of the bill to a committee. I remind members that the House of Commons takes 18 months to finalise legislation, because it wants to get it right. I cannot understand why the Parliament sits for a few weeks at a time and legislation is rushed through or guillotined, as it is being guillotined today. We are denied the opportunity to debate motions of urgency or matters of public importance and denied private members' days to put forward matters of importance to our community.

**Mr Knowles:** We are not guillotining this bill.

**Ms MOORE:** That was an aside. I can understand why members are expressing such concern about this legislation. The representatives of the people have not had enough time, whereas I understand there has been wide consultation around the State. I have commended the Minister for that. But as law makers we need the time that is necessary to scrutinise and discuss and become fully aware of important pieces of legislation before making a decision. So I certainly support the

Opposition on that point. With this sort of legislation particularly we need comprehensive community input and ongoing scrutiny. As I have said on two occasions, I support the Aboriginal community. In relation to what the white community has done in the past, I believe the majority of people of New South Wales have not known the substance of the laws and, had they known, would not have supported them.

Notwithstanding that, I support the legislation. The establishment of a single Aboriginal controlled housing agency in New South Wales is a highly positive initiative to overcome the current lack of co-ordination between agencies, the duplication of program management, inefficient use of resources and inconsistent policies and procedures. I also commend the focus given to training and support for the Aboriginal housing sector, improved accountability, and flexibility for housing models and policies. However, I have raised four matters with the Minister and question whether the paternalism of the past has been totally eliminated.

I refer first to the matter of the chief executive officer being an Aborigine. The bill provides that the board of the Aboriginal Housing Office will consist of the chief executive officer and such Aboriginal persons as may be appointed by the Minister. It is extraordinary that the chief executive officer might be non-Aboriginal. It is an indictment of the paternalistic approach that is often taken to Aborigines that a non-Aboriginal person could be even considered to provide the most effective leadership for the Aboriginal Housing Office as chief executive officer. The mere idea that an Aboriginal person may not be able to gain the position on merit highlights destructive past policies and there is not much hope for the future if affirmative action is not taken to ensure that Aboriginal persons are given the opportunity to hold such positions.

Concern that an Aboriginal person might not be able to provide necessary accountability would be an even greater indictment of the accountability mechanism in this legislation. If the bill provides a new direction we must genuinely relinquish the reins in favour of the empowerment of Aboriginal and Torres Strait Islander people. We must allow them to shape and implement their own future direction. We must not return to the 1970s, when a white accountant invariably controlled grant money on behalf of the community recipients. This legislation could be easily strengthened by changing the wording of clause 30(2) to require the chief executive officer to be an Aboriginal or Torres Strait Islander. The Minister's second reading speech

emphasised the role of the Aboriginal Housing Office in providing leadership and having Aboriginal governance. The role of the chief executive officer will be crucial in that process.

The second concern I raise is that there are no affirmative action provisions in the bill in relation to the appointment of staff to the Aboriginal Housing Office. The Minister's second reading speech refers to the role played by housing infrastructure development in promoting Aboriginal employment opportunities. The staff of the Aboriginal Housing Office should be central to that. It is not sufficient to hope that in practice many or most staff will be of Aboriginal or Torres Strait Islander background. The bill provides that the staff of the Aboriginal Housing Office will be employed under part 2 of the Public Sector Management Act 1988.

There is benefit in merit-based recruitment and tenure as provided by that Act. However, appointment solely by superior merit can militate against the recruitment and career development prospects of Aborigines. The Aboriginal Housing Office will need a recruitment policy driven by solid affirmative action principles. An Aborigine who can demonstrate a capacity to get the job done should be preferentially recruited to the Aboriginal Housing Office as opposed to a non-Aboriginal applicant who might have formal qualifications but lacks the experience of being an Aborigine.

My third concern is the complex matter of accountability. The bill is dominated by a spirit of accountability to Parliament and ministerial control. It is loaded with accountability mechanisms such as caveats, specific purpose agreements and tied arrangements. These are necessary but they do not provide accountability to the Aboriginal community. I bring to the Minister's attention the provisions of clause 30(4), which states:

The Minister may determine the criteria for eligibility for appointment, including by requiring one or more of the appointed members to be nominated for appointment by a relevant body, group or person (such as ATSIC or the New South Wales Aboriginal Land Council).

Will the Minister provide an assurance that the board of the Aboriginal Housing Office will be genuinely representative of the Aboriginal community? Can he provide an assurance that its members will not be determined by political favour and that they will not change with each new government? I call on the Minister to be accountable to the Aboriginal community. The board must include at least two community representatives. The bill must require the Minister to invite nominations for board membership from Aboriginal communities

and organisations. The call for nominations must be publicly advertised in ways that will bring the call for nominations to the attention of Aboriginal people. The bill must provide that key organisations, including the New South Wales Aboriginal Land Council and ATSIC, are represented on the board and that board members must represent the cultural, political and geographical diversity of Aboriginal communities. The same old political and bureaucratic cronies must not be wheeled out for membership on the new board, whichever party is in government.

I want to deal finally with the use of the term "Aboriginal housing organisation." That term has been used to symbolise Aboriginal control, decision making, participation, organisational culture and values. An organisation that does not meet these criteria should not be described or promoted as an Aboriginal housing organisation. However, the bill provides for the use of the term "Aboriginal housing organisation" to describe organisations that may not meet those criteria of aboriginality. I note in particular that clause 25 of the bill allows for registered organisations to include Aboriginal or Torres Strait Islander corporations, Aboriginal land councils or bodies corporate that are controlled either directly or indirectly by Aboriginal people or Torres Strait Islanders.

As a matter of convenience the bill refers to these organisations, if registered under the legislation, as Aboriginal housing organisations. It need not do so because convenience is no justification. The problem is created by clause 26, in which registered organisations are called Aboriginal housing organisations. The bill could be amended to refer simply to eligible organisations or registered housing organisations. This is not a minor issue. It deals with respect for Aboriginal history and self-determination. It involves a respect for the struggles of Aboriginal people to regain control of their own organisations. It potentially changes the status, character and make-up of Aboriginal housing organisations. The Aboriginal housing sector is in obvious need of reform at all levels. Existing policy perpetuates welfare dependency. The bill provides a real opportunity for future empowerment. I call on the Minister to address the issues I have raised if the discrimination, disadvantage and paternalism of the past are to be truly abandoned.

**Debate adjourned on motion by Ms Ficarra.**

*[Mr Acting-Speaker (Mr Gaudry) left the chair at 12.56 p.m. The House resumed at 2.15 p.m.]*

## BUSINESS OF THE HOUSE

### Ministerial Statement

**Mr WHELAN** (Ashfield—Minister for Police) [2.15 p.m.]: I advise the House that the Legislative Assembly will sit on Friday, 19 June 1998, from 10.00 a.m. to 5.00 p.m. to allow consideration of the Appropriation Bill and cognate bills only. There is to be no other business. At the conclusion of question time today I will move for suspension of standing orders for that purpose. I advise the House also that the industrial dispute that affected the sittings of the House yesterday has now been resolved. Following discussion with the Opposition Leader of the House, this House will sit tonight and conclude at the normal time of 10.30 p.m., and on Thursday will sit normal hours.

### MINISTRY

**Mr CARR:** I advise that, in the absence of the Minister for Sport and Recreation, the Minister for the Olympics will take questions relating to her portfolio.

### POLICE INTEGRITY COMMISSION

#### Report

**Mr Speaker,** pursuant to the Police Integrity Commission Act 1996, announced receipt of the report of the Police Integrity Commission regarding the former special branch of the New South Wales Police Service dated 1998.

**Ordered to be printed.**

### PETITIONS

#### Governor of New South Wales

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

#### 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**.

**Sale of Knives and Extended Police Powers**

Petitions 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** and **Mr Glachan**.

**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**.

**Coffs Harbour Jetty**

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

**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**.

**Coffs Harbour Roadworks**

Petition praying that Coffs Creek Bridge be widened and lengthened at Orlando Street and Ocean Parade to provide a dedicated right-hand turn lane and that a roundabout be constructed at the junction of Hogbin Drive and High Street, received from **Mr Fraser**.

**BUSINESS OF THE HOUSE****Unanswered Question Upon Notice**

**Mr SPEAKER:** Order! In accordance with Standing Order 141(5) I draw the attention of the House to unanswered question upon notice No. 541, standing in the name of the Minister for Local Government.

**Mr E. T. PAGE:** The answer has now been provided. Unfortunately, there was a breakdown in procedure between my office and the department. I have issued instructions to ensure that that will not happen again. I apologise to the House for the delay.

**Mr SPEAKER:** Order! Members are aware that the House adjourned early yesterday. That may have created problems.

**DISTINGUISHED VISITORS**

**Mr SPEAKER:** I acknowledge the presence in the gallery of Mr Hashimoto, the Chairman of the Osaka Prefecture, and his delegation. I also acknowledge the presence in the gallery of a member of the Singapore Legislature, Mr Rai.

**QUESTIONS WITHOUT NOTICE****PUBLIC SERVICE ASSOCIATION  
DISPUTE**

**Mr COLLINS:** My question without notice is directed to the Premier. Did he deny in this House two weeks ago that he had entered into a consent award with the Public Service Association to deliver 10 per cent pay rises in the coming year? Given that this very pay deal is now the subject of industrial action because the Premier reneged on it, why did he mislead the Parliament?

**Mr CARR:** The Leader of the Opposition said today that phantom pickets were surrounding the Parliament. That is a curious statement. I wondered whether the phantoms he was seeing were the phantoms of Liberal leaders past—

[Interruption]

—or indeed, as the honourable member for Newcastle said with a wince, the phantom of Liberals leaders to come! As Charles Dickens wrote about the ghosts of Christmases past, we could have the ghosts of Liberals leaders past: Willis; Coleman, that memorable phantom; Mason—all household

names—McDonald; and Dowd. We are rather fond of John Dowd; we have no criticism of John Dowd. On the matter of the Public Service Association claim I am advised that before the Industrial Relations Commission the PSA agreed to lift work bans. Negotiations are continuing to identify and achieve the savings we always said without which the pay increase could not proceed.

#### COALITION ONE NATION PARTY PREFERENCES

**Mr MARKHAM:** My question without notice is addressed to the Premier, Minister for the Arts, and Minister for Ethnic Affairs. How will the failure of the Leader of the Opposition to rule out a One Nation preference deal affect New South Wales jobs and investment?

**Mr SPEAKER:** Order! Yesterday the Chair was dissatisfied with the level of interjection during question time. I again place the honourable member for Wakehurst on three calls to order.

**Mr CARR:** This is the eighth time I have spoken in this House on One Nation.

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

**Mr CARR:** I venture to say it will not be the last time. One Nation has, of course, as the member has identified, the potential to hurt jobs and investment in this State. This morning ABC radio reported that a representative of the Taiwan Australian Business Association advised that 10 companies would delay investing in Australia until after the Federal election. I make it clear that I would urge each of those companies to proceed with their investment decisions. I urge the Taiwanese company, which is reported as having reservations about investing in Queensland, to proceed with its investment in Queensland. I make it clear that One Nation should not be allowed to deter the very welcoming environment that Australia—all of Australia—presents to foreign investment. Today I call on the Leader of the Opposition to help us all to sell this case by saying that his party, the coalition, will not in any circumstances exchange preferences with One Nation.

**Mr Collins:** I have not done it.

**Mr CARR:** He has not done it. Given the fact that the coalition will not give this commitment, it is giving respectability to One Nation. I want to deny One Nation that respectability. We have to look to

coalition leaders in Victoria for a model for what coalition leaders in this State should be saying.

**Mr Collins:** Did you see what Jeff said about you?

**Mr CARR:** I am not quoting Jeff Kennett; I am quoting the Leader of the National Party in Victoria, Pat McNamara. He said in yesterday's *Age* that the Queensland coalition's decision to give preferences to One Nation over Labor was a mistake. He said that the Victorian National Party would not repeat the error. Pat McNamara, the Leader of the Victorian National Party said that. The Leader of the National Party in this State cannot say that. However, the fact is that our great State and its fine people are winning investment precisely because of its cultural and linguistic diversity.

I was with an American company today, Lexmark, announcing the go-ahead for a new regional headquarters in Sydney. That company said that one of the reasons it is coming here is the diverse cultural backgrounds and language skills of the work force in Sydney. American Express is one of the many companies that chose New South Wales for its highly skilled and culturally diverse work force. At least 25 per cent of employment growth in New South Wales over the past five years can be attributed to our success in winning foreign investment. More than 60 per cent of Australia's regional headquarters are based in New South Wales. In the past three years more than 100 regional headquarters have opened for business in the cities and regions of our State—American Express, State Street, Bankers Trust, Digital, First Data, Rockwell—creating thousands of jobs for our people.

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

**Mr CARR:** New South Wales Agriculture advises me that, on average, more than 54 per cent of all agricultural exports from New South Wales go to Asian markets. Indeed, one great part of our State is economically sustained by rice exports to Asia. It is an industry that employs 5,800 people. In the Hunter, coal exports to Asia are worth about \$3 billion out of a total of \$3.4 billion in exports. That is 6,000 jobs in the Hunter coal industry based on exports of coal to Asia.

One Nation's policy of restricting foreign investment would only mean fewer jobs for Australians, fewer opportunities for farmers and miners, and factory workers in particular. According

to the Department of State and Regional Development, New South Wales, by actively pursuing foreign investment, has attracted almost 50,000 new jobs in the past few years, and that is not all. I draw attention to our export patterns. Wheat exports to Asia are worth \$55 million; cotton, \$542 million; wool, \$599 million; and beef, \$318 million. Tourism, which has a considerable Asian component, is a \$20 billion industry employing a quarter of a million people.

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

**Mr CARR:** If the coalition really cared about farming families and jobs in this State, it would put One Nation last. Overseas companies are investing in New South Wales. A Port Kembla copper plant, with a major investment by a Japanese firm, will create 400 new jobs for the Illawarra. Doral Mineral Industries, which has Japanese funding, is establishing a new plant in Lithgow that will result in \$120 million worth of investment and 380 new jobs. Centennial Coal, which will bring to life the Clarence coalmine, which closed in February, has a Korean partner and will create 90 new jobs for Lithgow. A. Goninan and Company Ltd, a Newcastle firm employing 600 people, is competing for two separate contracts in Hong Kong with an estimated value of around \$900 million. Bengala mine, which means so much to the Hunter, has Korean and Japanese partners. It is no wonder that we, as a community, should reject the call of One Nation to ban foreign investment and its anti-Asian rhetoric. It is not in the interests of the people of this State, and least of all those who live in regional Australia.

It was with enormous concern, therefore, that we heard on ABC radio this morning the State Liberal Director, Mr Remo Nogarotto, prevaricating again about Liberal Party preferences. I am sure the transcript is being distributed even as I speak. He said that he could not guarantee that Liberal Party preferences would not go to One Nation. On half a dozen occasions Phillip Clarke said, "But this undercuts those assurances Peter Collins has been trying to get up," to which Nogarotto replied, "Well, that doesn't matter. It doesn't matter what the Leader of the Opposition says. The Liberal Party organisation will make up its own mind." Phillip Clarke was driven to say, "Well, it's going to be embarrassing for Mr Collins if you come up with a view that is at variance with his, isn't it?" But old Remo was not having anything of that. Remo ploughed on. He said, "No. We can't give an assurance. We give no guarantees. The fact is we might engage in a preference deal with One Nation."

**Mr Photios:** On a point of order. The standing orders of the House prevent a member from launching an attack on someone outside the House, particularly in a case such as this in relation to which the Premier misrepresents the facts. Mr Nogarotto is not in this House to defend himself against the lies—

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

**Mr CARR:** I call upon the Stasi to distribute the transcript of the interview. Let it go out from this time and place. We will put a copy of the transcript around and let the trained observers of the press determine what Mr Nogarotto said and what he did not say. At least my party director does not return the media's calls. When I say at press conferences, "Ask Mr Della Bosca. He is in charge of that," members of the media say, "We do, but he never returns our calls"—which is altogether a more satisfactory arrangement. While the coalition shirks its responsibility to the people in the regions of this State, I say on behalf of the Australian Labor Party: no preferences to One Nation. They will go to the coalition before they go to One Nation. We commit ourselves to an unremitting effort to explain these serious matters as a test of our confidence, maturity and decency as a community, not just to our own supporters, but to everyone.

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

**Mr CARR:** I certainly have confidence in the people of New South Wales. It is up to the Leader of the Opposition, the Leader of the National Party and every member of this House to demonstrate by their words and actions that they share my confidence in the people of this State.

#### PUBLIC SERVICE ASSOCIATION DISPUTE

**Mr ARMSTRONG:** My question is to the Minister for Mineral Resources, and Minister for Fisheries. Will he, as a member of the Public Service Association, comply with his union directives and join his departmental comrades in their strike on 10 July against the Government? In this dispute do his loyalties lie with his union, his department or his Premier?

**Mr MARTIN:** Does he get the long answer or the short answer?

**Mr SPEAKER:** Order! The Chair would prefer the short answer.

**Mr MARTIN:** How wonderful it is that the National Party can sink to such depths in this House after the hiding it received in the Queensland elections. I congratulate the Leader of the National Party on such a well-researched question. I am proud to be a member of the Public Service Association. My performance as a Minister stands in good stead against that of any former coalition Minister, and I am sure will be the equal of that of any future coalition Minister.

### **POLICE INTEGRITY COMMISSION SPECIAL BRANCH REPORT**

**Mrs BEAMER:** I direct my question without notice to the Minister for Police. What is the response to the report of the Police Integrity Commission on the disbanded special branch?

**Mr WHELAN:** After disturbing evidence of corruption and rorts, Commissioner Ryan disbanded the special branch in March last year. Its files were secured. The Royal Commission into the New South Wales Police Service proved that the special branch was a law unto itself with a complete disregard for privacy, accountability and financial propriety. The PIC's report supports the royal commission's findings. The B-grade, gumshoe, cloak-and-dagger days of the old Police Service are gone. The old special branch is dead, and the Government will ensure a fair and open process in relation to the old files. The PIC found that the special branch kept more than 58,000 index cards of individuals, groups, terrorists, politicians, journalists and certain organisations.

The paranoid, illegal and unaccountable behaviour by the special branch extended to files being kept on people engaging in such innocuous activities as attending a demonstration or writing a letter to the editor of a newspaper. Special branch had its own top-secret printing room, despite the denials of Commissioner Merv Wood in 1997. One might have been photographed or had a file created if one parked one's car anywhere near premises where a public meeting was taking place. Until 1977 the simple act of applying for a passport meant that special branch knew your business. After the abolition of the branch, the PIC commenced an investigation into the files. At that time I informed this House that the special branch was dead and that the Government would not allow it to be resurrected.

Today I advise the House that the Government intends to keep that commitment by adopting the three recommendations in the Police Integrity Commission report. As honourable members are aware, after the special branch was shut down an

interim VIP security unit was established under the command of Carolyn Smith. Indeed, it was always acknowledged that the legitimate functions of the former special branch would need to be maintained. That is why the royal commission's final report supported the formation of a newly constituted agency in the place of the former special branch with the functions of providing close personal protection for VIPs, internationally protected persons and other dignitaries. The Government remains of the view that any unit with these unusual functions should be subject to higher standards—an even higher level of scrutiny than most. That is why I have asked the commissioner, Justice Urquhart, to examine what role the PIC could play in monitoring and/or auditing the functions and operations of any new unit.

It is clear that the commission already has broad powers in relation to the general oversighting and auditing of the Police Service and it could conduct an investigation into any part of it at any time. However, I announce today that the Government will adopt the PIC's first recommendation with the necessary safeguards. I have already given notice today of legislation to ensure the new protective security group is specifically audited by the PIC. That legislation will contain provisions to mandate a special annual audit by the PSG's functions. I said before that the special branch is dead. It must never be resurrected. The Government has confidence that a special audit process and other post-royal commission safeguards will ensure that past practices do not resurface. The files of the former special branch are a matter of keen interest. As the report clearly indicates, the special branch files were not an urban myth; they were not a figment of an overzealous imagination. In fact, more than 58,000 files were audited by the PIC. It paid particular regard to the files concerning what might be considered typical special branch targets. In the commission's words:

Every index card and/or dossier identifying a member of Parliament, member of the legal profession, member of the judiciary, and some persons recorded as trade unionists or community activists was examined by the Commission.

The PIC's second recommendation deals with the future of the files. The holdings include index cards, subject files, photographs, maps, building plans, video and audio recordings, reports, correspondence, a library of publication and reference material, lists, exhibit items, equipment, inspection records, stationery, diaries and notebooks. Unbelievably, the PIC even found a filing cabinet full of firearms, other weapons and detonators. It appears that some of those items have been lying around for at least eight years. A working party has been established to

make recommendations to the Government concerning the future of these files. Members include officers from law enforcement agencies and the State Archives Authority. Today I have directed that the Privacy Committee and the Council for Civil Liberties also be included to ensure that non-law-enforcement interests are represented. I have also requested that the History Council of New South Wales be represented as well as the Cabinet Office.

Let me state it clearly. The Government wants members of the public to have access to their files. The days of men in dark glasses trailing politicians, journalists and unsuspecting members of the public are over. The Government does not want to follow the lead of other States where access has been completely denied. In other States no-one gets access because the usual practice is to destroy any holdings. In New South Wales we want to reverse this trend. That is why I want the working party to consider how to ensure that people have access to their files and to report to me, via the commissioner, by 30 September. New South Wales is unique. I am advised by the State Archivist that New South Wales is the only State in Australia that has not illegally destroyed all its files. However, it appears that the special branch has, over the years, improperly disposed of many of its holdings.

In deciding how to deal with the remaining holdings the working party will consider the matters outlined in the body of the PIC report. Of course, there are some sensitive matters which might mean that some files should be destroyed or not made available. For example, some files may include information about informants or ongoing operations. That material needs to be carefully assessed to prevent unintended consequences such as retribution or revenge. And in those circumstances where informants have provided information there is a continuing obligation to protect their identities, particularly in light of recent legislative developments requiring protection for whistleblowers. In short, the working party needs to recommend a process to government which achieves the objectives I have outlined. I simply state that the Government endorses the third recommendation subject, of course, to the matters I have outlined.

New South Wales is in the unique position to determine what is now to be done to the files of the former special branch. Some files will be of historic interest, others of concern to individuals, and some will be exempted due to the confidential nature of the material they contain. The Government wants a clear and open process in relation to the old files. It wants to ensure that files of this kind will never be

collected again. I take this opportunity to thank PIC Commissioner Urquhart and his team for the enormous amount of work that has gone into producing this report. Of course, I will update the House about how the files will be available once I have the benefit of the working party's report. I repeat: the B-grade, gumshoe, cloak-and-dagger days of the old Police Service have gone. In reply to an earlier interjection about who gave it the direction, I remind all honourable members that the report is available. They should ask: who was the police Minister in 1992?

#### **MAITLAND MOTOR VEHICLE FATALITY**

**Mrs SKINNER:** My question without notice is directed to the Minister for Community Services. Did the Director-General of Juvenile Justice specifically discuss with the Minister his concerns about the management of a 14-year-old boy prior to the fatal crash at Maitland involving the same boy? Why did the Minister fail to act when this issue was first raised with her?

**Mrs LO PO':** The untimely death of people in tragic circumstances is something about which none of us wants to hear. That is probably what we are talking about today. The Department of Community Services and the Department of Juvenile Justice have been involved with this young man and his family. Central to this young person's problems are family conflict and breakdown. The problems are complex and there are no easy solutions. A range of key agencies were involved in helping this young man, such as juvenile justice, police, counsellors, the Department of Community Services and health workers. He was on bail when this accident occurred. The decision to release him on bail was made by a Children's Court magistrate in Newcastle.

#### **FEDERAL EDUCATION POLICIES**

**Mr RUMBLE:** My question without notice is directed to the Minister for Education and Training. What is the Government's response to the Howard Government's cuts to education?

**Mr AQUILINA:** Today, for the first time in living memory, teachers and parents across this State have taken part in industrial action to demonstrate against the Federal Government's education policies. Today teachers and parents across New South Wales are saying to John Howard and his Government, "Enough is enough." While the New South Wales Government did not support any industrial action to disrupt students and schools, it fully endorses—as all honourable members should endorse—the anger of

parents and teachers over the Howard Government's education cuts and policies. Parents and teachers have every right to be angry at the Howard Government's policies, particularly the enrolment benchmark adjustment—the EBA—and the massive cost shifting of funds from public schools to non-government schools. Let us not be fooled: even the parents of non-government school students are opposed to this destructive and divisive policy.

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

**Mr AQUILINA:** I advise honourable members that the Australian Parents Council, the national federation of organisations representing parents of non-government schoolchildren, has called for the immediate withdrawal of the enrolment benchmark adjustment. In a letter to the Federal education Minister, David Kemp, the Australian Parents Council said:

The enrolment benchmark adjustment policy has driven an enormous wedge between government and non-government school-parent organisations in every State and Territory.

The council went on to say that the policy is creating enormous angst. Further, it said that it is the subject of rhetoric at every government school parent meeting and has effectively reawakened the State aid debate. John Howard's Government, with its funding policies for government and non-government schools, is bringing into consideration once again the State aid debate. The policy of John Howard and David Kemp has been completely discredited. It lies in tatters. Coalition education Ministers across the country have already condemned the Howard Government's policy. As early as June last year the Victorian Liberal education Minister, Bill Gude, former Queensland Liberal education Minister, Bob Quinn, Tasmanian Liberal education Minister, Sue Napier, Western Australian Liberal education Minister, Colin Barnett, Australian Capital Territory Liberal education Minister, Bill Stefaniak, former South Australian Liberal education Minister, Rob Lucas, and former Northern Territory Country Party education Minister, Fred Finch, condemned the Howard Government's education policies, particularly the enrolment benchmark adjustment. In a joint communique those Liberal and National Party Ministers said:

We are concerned that at a time when the State Government is pouring record amounts of money into public education the Commonwealth is trying to minimise its contribution by cost shifting between the State and non-State school system.

That joint communique of coalition education Ministers was issued in a media release dated 12

June 1997, more than a year ago. On 13 June 1997 in the *Canberra Times* the Liberal Australian Capital Territory education Minister, Bill Stefaniak, clearly made the point:

The Federal Government's new Enrolment Benchmark Adjustment scheme is basically a cost-cutting exercise where government schools lose money.

A Liberal Minister said that in reference to David Kemp and John Howard. Now even the parents of non-government school students have condemned the policy. Today's statewide Sky Channel television meeting is unprecedented. Parents and teachers are saying enough is enough. They know that the Howard Government is the enemy of public education, and that its policies are divisive and are driving an enormous wedge between parents. As stated by the Australian Parents Council, those policies are creating angst and should be abandoned. Unlike the Howard Government, the New South Wales Government reaffirms its commitment to education, particularly public education. Since our election we have demonstrated our commitment through our billion dollar boost to education funding. While the New South Wales Government has increased education spending by more than \$1.1 billion since its election in 1995, the Howard Government has abandoned its responsibility to our children by continuing to cut funds for New South Wales schools.

I welcome the students in the gallery who attend my old school—Christian Brothers, Lewisham. Up until now government and non-government schools have lived in harmony. But the Howard Government wants to drive a wedge between schools such as Christian Brothers, Lewisham, and public schools in New South Wales. I am not the only one saying that; the Australian Parents Council is saying that as well. The Howard Government's budget papers released last month confirm that funding for schools, TAFE, vocational education and training, and university is to be cut in real terms by \$404 million, or 4.5 per cent, this year.

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

**Mr AQUILINA:** Government schools have been hit the hardest with more than \$101 million to be cut between this financial year and 2001-02, representing a decline of 7.2 per cent in real terms. John Howard owes the more than 70 per cent of Australian parents who send their children to government schools an explanation of why he

misled them on an ABC radio program when he claimed that "in the changes we have made to Commonwealth spending, we deliberately quarantined from any spending cuts at all the support the Federal Government gives to schools in Australia". His own budget papers make him out to be a liar on this issue. The only schools quarantined have been non-government schools, which will receive a funding increase of more than \$154 million, or 6.8 per cent, over the next four years. The Howard Government's increase for non-government schools is being funded by cuts to government schools. Parents and teachers know that education and training are an investment in the future. It is about time that was recognised by John Howard and his Government.

#### **NORTH EASTERN FORESTS COMPREHENSIVE REGIONAL ASSESSMENT**

**Mr D. L. PAGE:** My question without notice is to the Minister for the Environment. Why has the Minister allowed the National Parks and Wildlife Service to blight freehold and leasehold farming properties with wilderness tags by including them in the comprehensive regional assessment of north eastern forests, thereby rendering those properties worthless on the property market?

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

**Ms ALLAN:** No wonder Pauline Hanson quakes when she sees photos of members opposite. I cannot wait to see the successor of the honourable member for Oxley in the next election campaign. The honourable member for Ballina has raised some interesting issues. Given the progress of the regional forest assessments around the State over the past few years, I would have thought he would have known better. Nevertheless, some of the furphies that he is trying to raise are interesting. I suggest that my colleagues the Minister for Urban Affairs and Planning and the Minister for Forestry take the opportunity to offer the honourable member a comprehensive briefing on what is happening with these assessments around the State. Come on down, Don! If the honourable member wants to put his hand up we will give him a briefing.

**Mr D. L. PAGE:** I ask a supplementary question. Having blighted these properties, will the Minister now act promptly to exercise the powers of the just terms legislation so that these landholders are no longer penalised by her Government?

**Mr Gaudry:** On a point of order. The honourable member for Ballina is stating as fact something that is obviously his opinion.

[*Interruption*]

**Mr SPEAKER:** Order! The honourable member for Newcastle has a good knowledge of the standing orders. He may continue.

**Mr Gaudry:** The honourable member is debating the issue rather than seeking an answer. He is treating as fact something that is an opinion.

**Mr SPEAKER:** Order! The Chair is unaware of the facts and assumes the question to be in order.

**Ms ALLAN:** That is a very wise ruling. I am delighted to have the opportunity to answer that supplementary question. I emphasise the fact that decisions on the comprehensive regional assessment process will be made by the end of the year.

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

**Ms ALLAN:** If the honourable member for Ballina and some of his colleagues had been interested enough to take the opportunity—keep your shirt on, Bruce!

**Mrs Skinner:** On a point of order. I ask you, Mr Speaker, in the interest of decorum in this House, to ask the Minister to refer to members by their proper title.

**Mr SPEAKER:** Order! The Minister may continue.

**Ms ALLAN:** The comprehensive regional forest assessment process is an ongoing, joint initiative. I am astonished at the ignorance of Opposition members but the Government is happy to provide further briefings to them.

#### **PUBLIC HOUSING SMOKE ALARM INSTALLATION PROGRAM**

**Mr THOMPSON:** My question is to the Minister for Urban Affairs and Planning, and Minister for Housing. What is the progress of the Government's smoke alarm installation program?

**Mr KNOWLES:** I remind the House that just a few weeks ago a very severe fire caused extensive damage to a Department of Housing home in Ambarvale. In fact, the fire was so extensive it damaged surrounding properties. It was a result of a candle left burning in the dead of night. The family at the property—a mother and her three teenage daughters—were sleeping but managed to escape the fire as a consequence of the hard-wired smoke alarms that were installed by the Department of

Housing just a few months before. On investigation of the fire, the authorities made it clear that had those hard-wired smoke detectors not been installed the four people would inevitably have perished in the fire. I am very pleased to report that in just over two years since we began our hard-wiring program all 330,000 public housing tenants will be better protected by smoke alarms by the end of July this year. This work is the most significant improvement in home safety and security ever undertaken by any public housing authority anywhere in Australia.

The Government's program to install hard-wired smoke detectors and alarms has been completed six months ahead of schedule and \$4.5 million under budget. Of course, the money will be ploughed straight back into further maintenance and security programs. In simple terms, the protection program means 185,000 hard-wired smoke alarms have now been installed in just over two years, and 137,000 homes are now protected. As I said, 330,000 people now have safer, more secure housing. At a cost of \$21.5 million, this capital upgrade represents money well spent. The cumulative savings as a result of this initiative of early detection of fire resulting in better protection of property will amount to about \$1 million each year—without considering the immeasurable value of saving a person's life. Each year there are about 600 fires in Department of Housing properties. The ratio is similar to that for fires occurring in private residences.

The department has not stopped at just fitting hard-wired alarms; in addition, in conjunction with my colleague the Minister for Emergency Services, New South Wales Fire Brigades, together with local governments and schools, and a range of community groups, the department has been working on education programs dealing with everything from community consultative processes to literature in the home demonstrating the need for proper fire awareness and safety. Our high-rise buildings have also achieved additional fire protection, including emergency lighting, intercoms, thermal detectors and smoke alarms in common areas.

During the installation program the Department of Housing also subsidised the purchase of battery-operated smoke detectors at a cost of around \$6 each, with 20,000 individuals purchasing those subsidised smoke detectors in the interim while we were going through the hard-wiring program. I remember that at the time the honourable member for Gosford characterised that as both a waste of time and money and a program that should never have been put in place. Had we taken his lead, there would have been more fires and inevitably more

people would have died. The program has involved an enormous effort over two years. The people associated with the work deserve our congratulations. Given the demands by the Hon. John Ryan in the upper House for an inquiry after the Claymore fires, I take the opportunity to compare what the coalition did in seven years. This Government installed 185,000 smoke detectors in 137,000 homes in just over two years. The coalition installed 1,500 in seven years, an average of about 200 a year.

**Mr Hartcher:** It was our program.

**Mr KNOWLES:** That is not a bad demonstration of the way in which the coalition ran programs in the Department of Housing: 1,500 in seven years plays 185,000 in two. That can be compared with our fivefold increase in allocation of security upgrades and a doubling of the funds available for maintenance of public housing. The coalition program failed abysmally because of a lack of care and attention and concern for public housing tenants in New South Wales. Our smoke detector program has been an enormous success. It, of course, will save lives and protect property. It underscores the Government's commitment to safe and secure housing for public housing tenants right around New South Wales.

#### RURAL MEDICAL EDUCATION GRANTS

**Mr NEILLY:** Will the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs inform me and the House what assistance the Government has provided to rural health professionals to improve their skills?

**Dr REFSHAUGE:** The Leader of the National Party, in his address to his party faithful, never mentioned rural health work forces, an issue that is of significant importance around the whole of rural New South Wales. The National Party is more interested in putting autobahns through the Blue Mountains than in the rural health work force. He did not even mention health in his speech. The Government has a commitment to the rural health work force.

**Mr SPEAKER:** Order! There is far too much audible conversation in the House. The Minister is entitled to be heard in silence.

**Dr REFSHAUGE:** We should encourage further study and practical experience for all our health professionals to ensure that patients can benefit from the latest in medical technology and treatment methods. Nowhere is it more important

than in rural New South Wales. I am proud to announce today a new program which will enhance the skills base and knowledge of rural doctors. Continuing medical education grants will allow up to 35 rural doctors to travel to Sydney and Newcastle to enhance their knowledge and skills. The \$100,000 in one-off funding will be available to pay for items such as travel, accommodation, and locum relief. The program is designed to allow up to 35 rural doctors to undertake short refresher programs or reskilling courses. All the study will take place in teaching hospitals in Sydney and Newcastle acknowledged as key centres of excellence in teaching. The trial program will provide support for physicians and paediatricians by helping them to maintain and increase their medical knowledge. The Carr Government recognises the importance of working in partnership with the organisations that represent the health professionals.

I should like to acknowledge the work of the Royal Australasian College of Physicians in developing this important program. The continuing medical education project I have announced today complements a raft of other Carr Government initiatives to assist rural-based health professionals. Added to the rural work force strategy are commitments to ensure that health professionals get a better go. Central to the rural work force strategy is the pilot locum service for specialist obstetricians and gynaecologists which begins this month. Specialists working in rural areas often find it difficult to take leave as there may be no obvious replacement. The pilot locum service co-ordinates short-term replacement of rural specialists, guaranteeing continuity of care for country communities.

In addition, the Government is working to improve the recruitment of rural nurses and to ensure they are given greater support and easier access to continuing education. As a result, I am pleased to announce another Carr Government initiative to support nurses in rural communities. The establishment of the Rural and Remote Nursing Scholarship Fund acknowledges the unique conditions under which rural and remote nurses work. The Government has allocated \$300,000 to the fund to be spent on study fees, travel and accommodation for rural undergraduate nursing students. Enrolled nurses who are converting their qualifications to a degree, as well as trainee enrolled nurses relocating for their TAFE block, are also eligible under the program. The first scholarships under this program will commence in 1999.

The Government's aim is to further extend the fund to support exchanges for rural nurses to metropolitan centres of excellence. It also seeks to extend the program to fund country placements for metropolitan-based undergraduate nurses who want

to work in country areas. This new program complements the appointments announced by the Government earlier this year of two professorial chairs in rural and remote nursing. The Government has an unwavering commitment to health professionals in rural New South Wales. The continuing medical education project and the Rural and Remote Nursing Scholarship Fund are key initiatives aimed at supporting and encouraging health professionals in country New South Wales.

By increasing knowledge and skills the Government can ensure even better standards of care for patients across New South Wales. The Government is putting doctors and nurses first by addressing the real issues facing rural health professionals. Gone are the days of the coalition Government, which did nothing to improve the rural health work force. Unfortunately, as honourable members know, in Orange the Leader of the National Party did not even once mention the rural health work force in his speech. He does not care about the rural health work force. This is a Labor initiative delivering for the bush.

## BATHURST WATER SUPPLY

### Supplementary Answer

**Mr AMERY:** I would like to give a supplementary answer to a question asked by the Leader of the National Party of the Minister for Regional Development, who said in this House that the matter should be referred to me for an answer.

**Mr Armstrong:** On a point of order. The standing orders make no provision for a Minister to give a supplementary answer on behalf of another Minister. The standing orders are quite specific that a Minister may give a supplementary answer to a question asked of him or her in a dedicated question time in this place. There should be no substitution of Ministers to try to cover one another's backs.

**Mr AMERY:** On the point of order. Yesterday when the Minister for Regional Development answered this question—and I am reading from the uncorrected *Hansard* proof—he said, "This question should be put to the Minister for Land and Water Conservation," and further, "I will refer the question to my colleague for an answer." If the Leader of the National Party does not want the answer, he should not have asked the question.

**Mr Armstrong:** Further to the point of order. The whole purpose of question time is to allow members of this place to ask questions of specific Ministers. Those Ministers have a responsibility to answer. If the Minister did not want to answer the question, he should have made that point before he attempted to answer the question.

**Mr Whelan:** On the point of order. Mr Speaker, I draw your attention to Standing Order 140(5), which states:

Ministers seeking to provide additional information to questions already answered at the current or a previous sitting shall do so at the conclusion of the question period.

Nowhere is there a provision that the Minister to give the supplementary answer should be the Minister who has given the reply to the question.

**Mr Armstrong:** On the point of order. The Leader of the House has made the point very succinctly. He is saying there is no provision for a substitution of one Minister for another Minister. He has made the wrong legal interpretation because he does not understand the standing order. He made the cogent point that the standing orders do not make provision for that to occur. The Minister should cover his own tail and not have somebody else cover up his inadequacy in answering questions.

**Mr SPEAKER:** Order! The Leader of the National Party claims that the Minister for Agriculture, and Minister for Land and Water Conservation is out of order in seeking to answer the question. It is a longstanding tradition of this House to allow as much discussion as possible. In the past Ministers have been permitted to answer questions on behalf of other Ministers. Yesterday the Minister for Regional Development, and Minister for Rural Affairs told the House that the question should have been directed to the Minister for Agriculture, and Minister for Land and Water Conservation. For that reason particularly, I rule that the Minister is in order.

**Mr AMERY:** Yesterday the Leader of the National Party directed a question without notice concerning the upgrading of Ben Chifley Dam to the Minister for Regional Development, and Minister for Rural Affairs.

**Mr Armstrong:** On a point of order. I must raise the point again that a Minister, in giving an answer, does not have the luxury of directing that an answer will be given by another Minister. Nowhere within the standing orders does it say that can be done.

**Mr SPEAKER:** Order! The Chair has ruled that the Minister is in order.

**Mr AMERY:** As the matter fell within my portfolio the honourable Minister referred the question to me for an answer.

**Mr ARMSTRONG** (Lachlan—Leader of the National Party) [3.18 p.m.]: I move:

That the honourable member for Mount Druitt be not further heard.

# **The House divided.**

## **Ayes, 41**

|                 |                 |
|-----------------|-----------------|
| Mr Armstrong    | Mr D. L. Page   |
| Mr Beck         | Mr Peacocke     |
| Mr Blackmore    | Mr Phillips     |
| Mr Brogden      | Mr Photios      |
| Mr Chappell     | Mr Richardson   |
| Mrs Chikarovski | Mr Rixon        |
| Mr Collins      | Mr Rozzoli      |
| Mr Cruickshank  | Mr Schipp       |
| Mr Debnam       | 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 J. H. Turner |
| Mr MacCarthy    | Mr R. W. Turner |
| Mr Oakeshott    | <i>Tellers,</i> |
| Mr O'Doherty    | Mr Fraser       |
| Mr O'Farrell    | Mr Kerr         |

## **Noes, 49**

|               |                 |
|---------------|-----------------|
| Ms Allan      | Ms Meagher      |
| Mr Amery      | Mr Mills        |
| Mr Anderson   | Ms Moore        |
| Ms Andrews    | Mr Moss         |
| Mr Aquilina   | Mr Nagle        |
| Mrs Beamer    | Mr Neilly       |
| Mr Clough     | Ms Nori         |
| Mr Crittenden | Mr E. T. Page   |
| Mr Debus      | Mr Price        |
| Mr Face       | Dr Refshauge    |
| Mr Gaudry     | Mr Rogan        |
| Mr Gibson     | Mr Rumble       |
| Mrs Grusovin  | Mr Scully       |
| Ms Hall       | Mr Shedden      |
| Mr Harrison   | Mr Stewart      |
| Mr Hunter     | Mr Sullivan     |
| Mr Knight     | Mr Tripodi      |
| Mr Knowles    | Mr Watkins      |
| Mr Langton    | Mr Whelan       |
| Mr Lynch      | Mr Windsor      |
| Dr Macdonald  | Mr Woods        |
| Mr McBride    | Mr Yeadon       |
| Mr McManus    | <i>Tellers,</i> |
| Mr Markham    | Mr Beckroge     |
| Mr Martin     | Mr Thompson     |

**Pairs**

|            |             |
|------------|-------------|
| Mr Cochran | Mr Carr     |
| Mr Ellis   | Ms Harrison |
| Mr Merton  | Mr Iemma    |
| Mr Tink    | Mrs Lo Po'  |

**Question so resolved in the negative.**

**Mr AMERY:** In relation to the question about the Ben Chifley Dam—

**Mr Armstrong:** On a point of order. The Minister clearly is making a ministerial statement because no question has been directed to him on the subject. I ask that it be ruled a ministerial statement and dealt with accordingly.

**Mr SPEAKER:** Order! I cannot rule on the point of order until I hear what the Minister has to say.

**Mr Whelan:** On the point of order. This cannot be regarded as a ministerial statement because the Minister clearly said that it was in response to a question. The point of order taken indicated that the Minister was giving a supplementary answer and not making a ministerial statement.

**Mr Armstrong:** Further to the point of order.

**Mr SPEAKER:** Order! The Leader of the National Party takes the point that the Minister is speaking on a matter of policy and therefore is making a ministerial statement. I reiterate that the Chair will not rule on the point of order until the Minister has spoken on what he has termed a supplementary answer.

**Mr AMERY:** Yesterday the Leader of the National Party directed a question without notice concerning the upgrading of Ben Chifley Dam to the Minister for Regional Development, and Minister for Rural Affairs. As the matter falls within my portfolio, the Minister has referred the question to me for an answer. In providing this supplementary answer to the House, let me—

**Mr Armstrong:** On a point of order. It is the custom of this place that where a Minister needs additional information he seeks that information—

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

**Mr Armstrong:** That the Minister is out of order in addressing this matter as a supplementary answer. It is a ministerial statement.

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

**Mr AMERY:** In providing this supplementary answer to the House, let me make the Labor Government's position quite clear, because the Leader of the National Party not only has got it wrong on the issue but is also pursuing the wrong Minister. I can confidently say that under this Government the upgrading of Chifley dam will go ahead as planned.

**Mr SPEAKER:** Order! The Leader of the National Party will cease interjecting.

**Mr AMERY:** Under the Labor Government the upgrading of Chifley dam will go ahead as planned. Design of the dam upgrading is well advanced and due for completion in October this year—ready for calling of construction tenders—and contract award early next year.

**Mr Hartcher:** On a point of order. I am cognisant of your earlier rulings, but the Minister is outlining Government policy. He is stating what the Government will be doing.

**Mr SPEAKER:** Order! The Minister is in order; he is not making a ministerial statement.

**Mr AMERY:** The cost of the design is \$1.329 million, and the Government has agreed to subsidise this at 50 per cent. The construction work will be carried out at an estimated cost of \$16.4 million. The level of Government subsidy to be offered is being assessed in the usual way. The Leader of the National Party said in his question that the council's number one project is the raising of the Chifley dam wall to secure Bathurst's water supply. He should get his facts right. I inform the House that the Chifley dam project, which was agreed to and driven by council, involves more than just raising the dam wall. By far the largest part of the project is a \$12.9 million safety upgrade to pass the probable maximum flood test. The raising of the dam wall—at an estimated cost of \$2.7 million—is principally aimed at servicing the future water supply needs of Bathurst city.

I have been advised that the current dam has sufficient capacity to meet existing city demands. I confirm that the milestones for the upgrade were

developed by the project manager of the Department of Public Works and Services, in full consultation and agreement with council and the Department of Land and Water Conservation. I am pleased to report that at the last project management meeting on 18 March council raised no objections to the design completion date of October 1998, and did not express a desire to accelerate that date. All parties are working to achieve this milestone. I conclude on a far more positive note by acknowledging the valuable contribution of the honourable member for Bathurst in keeping this important project on track since day one.

In relation to the question whether the honourable member for Bathurst is opposed to the project, I can inform the House that the contrary is the case. From personal experience I know that he is 100 per cent behind the Bathurst community each and every day. His numerous letters and phone calls to my office on this issue will attest to that. Unlike the Leader of the National Party, the honourable member for Bathurst has a great commitment to his electorate and does not just "kick in" in the build-up to a State election. I thank the Minister for Regional Development for referring the question to me for an answer.

#### **Questions without notice concluded.**

### **BUSINESS OF THE HOUSE**

#### **Days and Hours of Sitting**

**Mr WHELAN** (Ashfield—Minister for Police) [3.33 p.m.]: I move:

That standing and sessional orders be suspended to allow:

- (1) the House to meet on Friday, 19 June 1998, at 10.00 a.m.; and
- (2) at such sitting:
  - (a) the only business for consideration to be the Appropriation Bill and cognate bills and other Government business by leave of the House;
  - (b) no quorums or divisions shall be called; and
  - (c) unless adjourned earlier, the Speaker shall adjourn the House at 5.00 p.m. with no question being put.

I indicated earlier that this was the intention of the Government. At the time when the industrial dispute affected the Parliament it was believed that Parliament would not sit beyond 5.00 p.m. tonight, the same as yesterday. At that time it was not

known that industrial action might not persist until next week. However, the arrangements that were made will now be set in concrete by the passage of the motion.

**Mr HARTCHER** (Gosford) [3.34 p.m.]: I thank the Leader of the House for his courtesy in discussing this matter with me earlier. However, I point out that if he is now happy with the progress of matters, as the industrial bans have been lifted by the Public Service Association he might withdraw his massive guillotine notice—of which members were advised late last night—putting every possible bill under Standing Order 100. Honourable members have not received any such undertaking from him. If we are to have proper debate—

**Mr Whelan:** We have dealt with eight-tenths of them.

**Mr HARTCHER:** That is simply because most of them were dealt with this morning and they are no longer on the list.

**Mr Whelan:** It is marvellous what the guillotine does.

**Mr HARTCHER:** Members on this side of the House actually like to debate matters and ensure that the views of their constituents are expressed in the Parliament. That is all this is about. The other aspect on which the Opposition would like some assurance from the Leader of the House is that this year debate on the Appropriation Bill and cognate bills will not be guillotined. Last year we had the extraordinary spectacle of the most important bills of all—the Appropriation Bill and cognate bills—being guillotined and the honourable member for Manly voted for land tax. The only reason that the honourable member for Bligh did not vote for land tax is that she was not here when the Parliament was sitting. But the honourable member for Manly was here to vote with the Labor Party and to vote for land tax. The Appropriation Bill and cognate bills should not be gagged or guillotined.

**Mr Whelan:** Correct.

**Mr HARTCHER:** The Leader of the House said, "Correct", and that has been noted in *Hansard*. Accordingly, debate on those bills will proceed tomorrow and on Friday, and I thank the Leader of the House for his assistance in that regard.

**Mr Whelan:** And is likely to proceed next Tuesday.

**Mr HARTCHER:** The Leader of the House says that debate is also likely to proceed next Tuesday. For those reasons the Opposition will not oppose the suspension of standing orders.

**Motion agreed to.**

**BILLS RETURNED**

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

Landlord and Tenant (Rental Bonds) Amendment (Penalty Notices) Bill  
Motor Vehicle Repairs Amendment Bill  
Property, Stock and Business Agents Amendment (Penalty Notices) Bill

The following bills were returned from the Legislative Council with amendments:

Fair Trading Amendment Bill  
Home Building Amendment Bill  
Residential Tenancies Amendment Bill  
Retirement Villages Amendment Bill

**ABORIGINAL HOUSING BILL**

**Second Reading**

**Debate resumed from an earlier hour.**

**Ms FICARRA** (Georges River) [3.37 p.m.]: It gives me great pleasure, as a representative of the Leader of the Opposition on the New South Wales State Reconciliation Committee, to speak on the Aboriginal Housing Bill. The objectives of the bill are noble, needed and reasonable. However, it is because of the methodology of delivery of the objectives that the Opposition will have to oppose the bill. This disappoints me, because Aboriginal Housing is such an important part of our reconciliation that the Minister should have dealt with it differently. The approach should have been bipartisan and conciliatory.

There should have been adequate consultation with members of this House, especially with members of the Opposition who represent rural areas that have substantial and significant populations of indigenous people. They have always cared for those people, and they have always communicated well with them. Indigenous people often feel as if they are political pawns in the process. If this issue were to be dealt with in a spirit of harmony and bipartisanship, there could have been a completely different result. I hope that in the other place this bill will be referred to a joint review committee so that there can be better input into some of the anomalies that were raised previously by the shadow

minister, the honourable member for Vacluse, and by the honourable member for Wagga Wagga and the honourable member for Oxley.

A number of points need clarification and more consultation. The public loses confidence in governments. The result in Queensland last weekend is really just a kick in the pants for all the major political parties. The people are saying that those parties do not listen, that they do not consult. All Australians know of the problem that exists with indigenous housing. Aboriginal and Torres Strait Islanders are Australia's most disadvantaged group in terms of housing and related infrastructure. Indigenous families are 20 times more likely to be homeless than are non-indigenous families. About 38 per cent of all indigenous families are living in sub-standard dwellings. Australians as a whole do not feel proud about that. This bill should have been a useful and positive step towards addressing the 200 years of dispossession and injustice that have been suffered by indigenous people who lived on this continent for 40,000 to 50,000 years before European settlement. Adequate housing would have provided tangible benefits towards the reconciliation process for these disadvantaged indigenous people.

The responses of the Federal and State governments are compatible with the 1987 recommendations of the Royal Commission into Aboriginal Deaths in Custody. The recommendations were reaffirmed in Darwin in September 1996 by the Commonwealth Minister for Social Security, Senator Newman, the Minister for Aboriginal and Torres Strait Islander Affairs, Senator Herron, and the New South Wales Minister for Housing. The objects of the bill are just and proper. However, there is no need to create yet another public bureaucracy in the form of the Aboriginal Housing Office. Why can the measures not be implemented by the Department of Housing? If there are problems in the division of the Department of Housing that deals with Aboriginal housing, they should be resolved. The Government should not set up yet another bureaucracy which will not have the confidence of the community.

The objects of the bill are to ensure that Aboriginal and Torres Strait Islanders have access to affordable and quality housing that is appropriate to their social and cultural requirements and living patterns; to enhance the role of indigenous people in determining, developing and delivering policies and programs relating to housing; to give priority to the provision of housing assistance for indigenous people in greatest need; to increase the range of housing choices for Aboriginal people so as to reflect the diversity of individual and community

needs; to ensure that registered Aboriginal housing organisations are accountable, effective and skilled in the delivery of Aboriginal housing programs and services; to ensure that the programs and services are administered efficiently and in co-ordination with other programs; and to encourage the sustainable employment of Aboriginal people in the delivery of Aboriginal housing assistance. Those objectives are all wonderful and honourable and the coalition has no problem with them.

More consultation with the community as a whole and with Aboriginal groups in remote and rural areas is needed. A number of members on this side of the House who represent such communities have been in touch with them, and they do not know a great deal about the bill. The Minister in his reply will tell the House all about the consultation process, but this bill could have achieved something significant in a harmonious way. The problem is that the bill effectively establishes a second housing department before significant reform and administrative difficulties, inefficiencies and social problems are resolved in the Department of Housing. The bill transfers thousands of residences in urban areas to the control of the Aboriginal Housing Office before resolving management of neighbourhood social issues. There is no awareness of this proposal in the wider community. If proposals such as this are to be adopted in the present political climate, it is a good idea to have proper consultation, to air the proposal in public and to get everyone behind the process.

The coalition will be forced to oppose the bill because it believes the reform of Aboriginal housing should remain under the framework and management of the New South Wales Department of Housing, not with a separate organisation or department. Unfortunately, the bill includes some ill-defined provisions that may lead to later difficulties. It precedes the finalisation of related management issues and resolution of significant reform, and administrative and social issues in public housing generally. These have been outlined by previous speakers, so I will not repeat them. It is a pity that against the wishes of many Australians, indigenous people included, who have experienced many years of cronyism, patronising behaviour and policies towards their welfare and roting of the system by many indigenous and non-indigenous people, that the noble objectives that form the background of the bill could not have been accommodated without a second department of housing. The proposal will attract a lot of controversy.

The division of Aboriginal and Torres Strait Islander housing has been responsible for developing

a comprehensive and integrated framework for Aboriginal housing services and supporting directions consistent with self-determination principles for the Aboriginal people. The New South Wales Aboriginal housing sector comprises many housing providers who manage more than 3,000 dwellings. I believe the sector was beginning to work well and a great deal of consultation, particularly in rural forums, has had outstanding outcomes. However, if it was not it should have been reformed from within the Department of Housing. The Federal Government has made the improvement of housing a cornerstone of its indigenous affairs policy, and I know it is supported by the Minister.

Currently indigenous people may be housed under a multiplicity of public housing programs. They may access mainstream public rental houses built by States or Territory governments, or they may be placed in houses built specifically for indigenous tenants under the Aboriginal rental housing program, which is administered by the States and Territories. In both cases the Commonwealth and the States and Territories contribute to the cost of housing. The Aboriginal and Torres Strait Islander Commission, with funding provided by the Commonwealth, also constructs houses and provides infrastructure in indigenous communities under its community housing infrastructure program. In 1994 the Minister for Housing, Robert Webster, a coalition Minister, established the Aboriginal Housing Development Committee to report on future administration of Aboriginal housing and to provide advice on current programs. The committee's report, which was titled "Future Directions for Aboriginal Housing in NSW", was delivered in December 1996. The report's recommendations are reflected in the bill, as are ongoing negotiations for a proposed Aboriginal housing agreement between the Commonwealth, New South Wales and ATSIC.

The bill envisages transferring 3,800 State properties and approximately 2,800 ATSIC properties acquired in the past 20 years to a new office to achieve better co-ordination and service provision. But a separate bureaucracy is not needed to do it. It could have been done without the creation of the Aboriginal Housing Office. The duplication of Commonwealth and State Aboriginal funding and administration should be avoided, and opportunities should be provided for enhanced self-management of housing through a board. An Aboriginal board or an advisory board with the same regional committee structure could have been part of the Aboriginal housing division within the Department of Housing. I do not understand why

this legislation had to be made so controversial. I do not understand why the Government and the Opposition cannot work together harmoniously. Had the Minister consulted with the coalition and perhaps given this matter greater respect, better outcomes would have been achieved and the Government would have been considered a good government.

The 1996-98 New South Wales Aboriginal housing plan has resulted in \$51 million being allocated from the Commonwealth-State housing agreement for the acquisition of 345 dwellings in urban, rural and remote areas across the State. The program was developed by the indigenous community in co-operation with ATSIC and Aboriginal land councils through the community consultative structures established at State and regional levels. That has been achieved in the past two years without a separate authority, so why could the Government not have honed in on that successful process, refined it with all these noble objectives, and achieved the desired result within the department? Strategic directions for the Aboriginal housing sector have been outlined in much of the documentation from the Minister's department. Those directions are all quite sensible. Home ownership by indigenous people should be promoted. Currently the rate of home ownership in the indigenous community is only 28 per cent, compared with 69 per cent in the general community.

Members are aware of the advantages that flow from indigenous home ownership. Indigenous people want to be given a fair go. Home ownership improves self-esteem, and health and welfare outcomes. I could go through all the statistics, but I am sure the Minister and all members of this House acknowledge the benefits that flow from home ownership. The provision of Aboriginal housing and settlement in Australia during the 1970s and 1980s was characterised by either a total lack of consultation or inadequate consultation. Governments have failed at the grassroots level to provide appropriate housing to our indigenous people, to involve them in the planning, and to understand the relationship of their lifestyle and their family patterns to the design of houses. Those failures have to be overcome. By and large, bureaucracies continue to be preoccupied with capital funding for new houses and not with recurrent funding for the preservation of existing stock and the healthy functioning of the Aboriginal housing organisations.

The maintenance of housing stock has been the subject of criticism by many indigenous communities. The coalition knows only too well

about the poor management of Aboriginal housing in the past and the inappropriate and poor outcomes. We applaud the work of the joint Commonwealth-State working parties and the objectives of this bill. However, the Opposition cannot possibly support the establishment of yet another public bureaucracy which is answerable only to the Minister. What has happened to the Director-General of the Department of Housing? He is out of the loop. Let us clean up our act from within the Department of Housing and not create exclusive bureaucracies that divide indigenous people from the remainder of the community. We are all Australians and we all want to do the right thing by indigenous people as part of the reconciliation process. The proposal to create a separate office will only inflame those unreasonable and ill-informed people in our community who do not understand and do not want to understand.

The Minister could have handled this bill a lot better than he has done; it could have had a smoother passage if only the Minister had consulted in a bipartisan manner. The objectives of the bill are very noble. The Liberal Party represents a broad-based view in the community. The community does not want any more bureaucracies. If the Government has messed up the current bureaucracy it should clean it up, not only for the benefit of indigenous people but for the benefit of all Australians. Why is the board to be comprised solely of indigenous people? That is so patronising! Why does the Minister not say he will appoint the best people to do the job? If that includes a majority of indigenous people that would be wonderful. The Minister should not patronise the Aboriginal people. Everybody wants to improve housing, health and employment outcomes for indigenous Australians.

**Mr WINDSOR** (Tamworth) [3.52 p.m.]: I have listened to the debate on this bill with some interest. I may be the only member of this House who has not yet decided whether to support the bill. My vote will be determined by the response of the Minister to some of the questions that have been asked during the debate. As the Minister may be aware, a number of meetings and activities have taken place over the years, but that does not mean that all members of Parliament and all members of the community are aware of the matters dealt with by the bill. The Minister should not assume that the questions that have been asked during the debate were asked for political reasons or because of ignorance, although I am sure some were and, indeed, some of the questions I am about to ask might show some degree of ignorance. The broad community must be aware of the complexity of this bill. My electorate has one of the largest Aboriginal

populations in the State. I believe that the relationship between all of the communities in my electorate is excellent.

In the past there have been problems in relation to Aboriginal housing, particularly the funding allocated to Aboriginal housing. I acknowledge, as I am sure most people do, that the bill identifies some of those problems, attempts to come to grips with them, and attempts to improve past management practices. A few years ago I was, unfortunately, involved in calling in an administrator to tidy up the affairs of one of the Aboriginal organisations in my electorate. That was not a pleasant occurrence, but it happens from time to time in all sorts of communities. This legislation is not regarded by the Aboriginal community, or by any other communities in my electorate, as a matter of great concern. I have raised this matter with a number of people in my electorate, both Aboriginals and others, and with some members of the legal fraternity to try to get some idea of the purpose of the bill and to determine whether it delivers better services to the community than the services that are currently being delivered.

Some Opposition members have mentioned that this bill is extremely complex. Legal people are examining the way the bill relates to other legislation. Some of the questions raised about the memorandum of understanding in which the Minister was involved reflect the complex nature of the bill and leave unanswered some matters that the Aboriginal community wants addressed. I am unsure whether a sufficient period of time has been allowed to facilitate this process. I will leave it to the Minister to respond to that matter in reply. I would like the Minister to explain to me, and to others who may be interested, how the bill improves current arrangements. On the surface it could be said that the multiplicity of past arrangements and the abuses of those arrangements from time to time have led to improved allocation of funding and better accountability. My question relates to two communities with which I have been involved, one at a much closer level than the other. When I visit western New South Wales, which I do at least once a year, I travel through a number of communities and pay some attention to what is going on there.

What difference will this bill make to the community of Wilcannia, where various building programs have been undertaken in the past, and where some attractive buildings have been constructed? The condition of some of those structures today is obvious. What difference will this bill make to the community of Walhollow, which is

situated not far from where I live, although it is not in my electorate? I have had quite a lot to do with that community. I went to school with some of the people who still live there. I played football against them. Currently I am one of their greatest supporters. I represent them in the Werris Creek rugby league football club, which has been successful in the group 4 competition. The Walhollow community, an outstanding community, has in the past had a certain degree of self-control over the funding it has been given. It has achieved some of the things that this bill is trying to achieve. The Minister mentioned that people in that community are erecting buildings themselves. The members of that community—whether they be black, white or brindle—are outstanding. That is particularly so of the women and the leadership they display.

What difference, if any, will this bill make to those people? Will it make it harder for them to do what they have done in the past, or will it make it easier for them to continue what they have been doing? When people in Sydney and many members of this place talk about Aboriginal matters they speak with a degree of ignorance. Even though I have lived and worked with Aborigines all my life I do not pretend to be an expert on aboriginality. In this place we often assume that we are doing something to help them improve their lifestyles. The community of Walhollow does not need any improvement; it has achieved that on its own. On a slightly different level, what difference will this bill make to the community of Coaldale, near Tamworth, if reconciliation—a word that is often used in this place—becomes part of the political process? Reconciliation is working in the community of Coaldale. Members of that community do not often use that word; they do not have to as it is part of their lifestyle.

Last week I was fortunate enough to be accompanied by the Governor of this State on a visit to that community. It is not an Aboriginal community or a white community; it is a community of people working together. In the past that community has been indirectly involved in the allocation of various housing funds. The management committee of that community is made up of Aboriginals, white people and people with other backgrounds. Will this bill make any difference to the way in which those people have managed their own community, or will it provide an umbrella under which the community will receive direction from someone on high? I cannot answer that question, but I would like the Minister to answer it.

I would also like to know why these measures cannot be implemented through the existing structure of the Department of Housing. That matter has also been raised by Opposition speakers. I have concerns about the patronising tone of some parts of the legislation. Having regard to the political climate at this time, that should be avoided. With Hansonism drifting through the country, with political objectivity becoming blurred in recent weeks, and with people trying to take advantage of race issues, as we saw today during question time, a patronising attitude should be avoided at all costs. This House should not pass a bill merely to score political points.

All members know that in politics perception is important. At this time, more than at any other time in recent history, the perception of the broader community of the action Parliament is taking in relation to racial matters has never been more important. I accept what the Minister has said about broad consultation having taken place for years. The former coalition Government laid the groundwork and that has been reviewed by various Ministers. The Minister has worked through the legislation with various organisations. He has received letters from Senator Jocelyn Newman and others from across the board who support the general concept; it is possible that they also support the bill. The Minister should be involved with all the players. However, only a few weeks ago some Aboriginal organisations voiced concern about some part of the bill. A memorandum of understanding was entered into which highlights some present concerns, concerns that will always be present. No-one expects the government of the day to get it right with one bill.

At a time when racial tension is being generated by some in our community, the need for all governments to tread lightly and to make sure that the broader community is cognisant of the implications of government initiatives is extremely important. The honourable member for Wagga Wagga mentioned a perception by members of Parliament that this bill was to be rushed through in conjunction with Sorry Day. I got the same message from members from both sides of the House. Whether that was right or wrong, that was the perception. A degree of haste is possibly still evident. The Minister may be able to prove otherwise. That perception, the result of last Saturday's election and the belief that as a nation we need to concentrate on unity rather than division mean that this bill should have the broad acceptance of the total community, irrespective of what the Aboriginal community believes should happen. Most people I have spoken to do not have a clue about

the existence of this legislation. That is not a criticism of the Minister; he has been deeply involved.

**Mr Knowles:** They also do not have a clue that the Aboriginal housing has not been the responsibility of the Department of Housing for five years.

**Mr WINDSOR:** The Minister can tell me about that in reply. [*Extension of time agreed to.*]

My concern is not about the guts of the bill. Although its sentiments are admirable it needs tidying up. However, forces are at work in our community right now that will latch onto this sort of legislation and tell ignorant members of the broader community that this legislation is about the creation of two nations. If the Minister does not believe me he has only to look at the results of the election last Saturday in Queensland. I ask the Minister to address that matter in reply. My limited understanding of the bill indicates that it is not about creating two nations, but it would not be hard to beat up an argument in the big, bad world that it is part of a hidden agenda. The Minister has said that it has taken five to seven years to get the legislation to this stage. That will be drowned out in the shouting. They are the sorts of matters the Minister should take on board and of which the Premier should be cognisant. Unless the Minister can convince me otherwise in reply, and I hope he can because the bill has many good provisions, I believe that further consideration of the bill should be deferred to allow the broader community to have an understanding of it.

Although the Aboriginal community is well aware of the provisions in the bill, it has some concerns. Those concerns could probably be overcome in time. The Minister should make sure that members of Parliament, some of whom do not have a greater understanding of the bill than I do, are aware of its provisions so they can explain the bill to their constituents. The Opposition has said it is not opposed to the general thrust of the bill. But if the broader community regards it as part of a hidden agenda, it will react and the feeding frenzy that is already taking place will continue. We do not need that. The Minister should not rush this process. The Minister, his staff and many members of the Aboriginal community have taken part in the process, but the broader community is only just hearing about it.

If the bill is passed I suggest that the Minister spend a great deal of time explaining it and not take political advantage of any embarrassment that the

Opposition may have about last weekend's Queensland election result. He should explain in practical terms to the broader community what the legislation means, that it is a process to improve the current arrangements. I take the Minister at his word, and I hope he will be able to answer some of the questions I have asked. If the bill is about improving the current arrangements, allowing the Aboriginal community to participate in the provision of its own housing and making it more accountable through the Minister to the public and the Parliament, we need to spend more time on it. Recently in a street poll I asked people of all nationalities whether they had heard about this legislation. One person had heard about it. When I asked what it meant, that person did not know. I am not saying that every individual in the community should be an expert on legislation.

**Mr Knowles:** I did not know what an under and over was until I read the gun debate, but you know all about that. It does not mean the legislation is not understood.

**Mr WINDSOR:** Perhaps the Minister can explain what an under and over is when my bill, which has been languishing on the business paper for 2½ years, is debated. It is important that the broader community is fully aware of this legislation, particularly at this time. The last thing the Aboriginal community needs is controversy. The Government might like to generate some controversy but the last thing the Aboriginal community needs is some idiot coming out of the woodwork and claiming that a bill has been cooked up and no-one has read it. I await with interest the Minister's answers to the various queries that have been raised.

**Mr GLACHAN** (Albury) [4.10 p.m.]: My contribution will be brief and, I hope, to the point. We must always keep in mind that this is a statewide issue. We must not think that it applies just to rural New South Wales. It affects urban, city and country areas—the whole of the State. Aboriginal people live throughout all the communities in New South Wales. I share the concern of my colleagues about the setting up of a new bureaucracy to do a job that is already being reasonably well done within the Department of Housing. I cannot see the need for the new bureaucracy. A number of Aboriginal people I have spoken to are concerned and cannot see the need either. My colleague the honourable member for Tamworth just raised a very important point: there is a possibility that some people will see this as an opportunity to feed the fires of division and confrontation within the community.

There is too much of that already and we should not be doing anything that will encourage it. It is wrong and should not happen. Many Aboriginal people that I know do not want to be treated differently in any way. They just want to get on with their lives as part of our community and take their place alongside everybody else. I encourage that. The Minister's objectives are excellent and I strongly agree with what he wants to achieve. I want to see more opportunities for Aboriginal people in housing, which is a basic need for everyone. The home ownership rate within the indigenous population of Australia is 28 per cent compared with 69 per cent in the general community. We should put all our efforts into allowing Aboriginal people to own a home of their own. I want to see home ownership for Aboriginal people, as I want to see it for everyone else in the community. People owning their own home have great advantages. They have security and a sense of pride. It helps to keep families together and solves many problems.

Home ownership can do a lot for everyone in society, Aboriginal people included. Aborigines have difficulty achieving home ownership because some people are prejudiced against them, which is tragic. It is difficult for Aborigines to raise finance to get into homes. The average income for Aboriginal families is about \$24,000 a year, \$10,000 less than for families in the rest of the community. That makes it difficult for them to obtain finance from banks and building societies. If something can be done to help Aborigines get into a home of their own that would be wonderful. Some years ago one of the leaders of the New South Wales Aboriginal community came to see me. He said, "The Department of Housing rents houses to Aboriginal people and from time to time some of those people might damage the houses for one reason or another. Everyone gets upset and complains about it. But if you allowed them to own the house and have pride in the home and know it was theirs they would care for it as other people do who own homes."

I took him to see the then Minister for Housing and finance was arranged so that people from the Aboriginal community in Albury could move into homes and start to pay them off. When this happened the neighbours came to see me claiming that having Aboriginal people living next door would mean the end of life for them. They had heard rumours about what Aborigines do and how they behave. They thought that things would be terrible. Six months later they came to see me and said, "They are the best neighbours we have ever had. They are very proud of their homes, look after their gardens and are great neighbours. We are

delighted to have them there. The scheme is working well and we want the Government to do more along these lines." We do not want another bureaucracy but we want Aboriginal people to have the opportunity for home ownership rather than only renting. If the Minister can help in that way he will be achieving a great result for the whole community.

**Mr SMALL** (Murray) [4.15 p.m.]: In speaking on the Aboriginal Housing Bill I follow in the footsteps of many of my colleagues. The seat of Murray has a very large number of Aborigines and Aboriginal housing problems. Governments of all persuasions have done an excellent job in providing funding for housing in Balranald, Deniliquin and Dareton. At Namatjira Court in Dareton many homes have been constructed over a number of years. It is difficult to construct a suitable home for Aboriginal families. Three or four different styles of housing have been constructed by the housing co-operative with funds from Federal and State governments. The current design is far more creative than those of previous years. Recently there has been much greater input from Aboriginal families on the style of home that they would like, which has been a big step. The honourable member for Albury referred to the desirability of Aborigines owning their own homes. A home is one of the greatest assets people can have. People who own their own homes care more about them and respect them. That applies to all communities; not just among Aborigines.

I am concerned about a number of areas of the bill. I question the desirability of creating another structure. I query whether the cost of setting up another housing organisation and staff will reduce the funds available to provide housing. Another structure, board or management organisation will require considerable money, leaving less for providing housing for Aboriginal people. I would like the Minister to respond on this point. Another area I am concerned about relates to the acquisition of land. The bill refers to the acquisition of land under just-terms compensation. That is good. It is something that former Deputy Premier Wal Murray introduced. It protects the interests of other people in assets of land acquired, whether by the Roads and Traffic Authority or for housing or whatever. Will people have protection? Will the department be heavy-handed in acquiring good farming land? I appreciate that most of the land in my electorate of Murray is in the western division under western lands leases. Some of the land is already owned by Aboriginal co-operatives, particularly at Namatjira Court. At Cummeraganja at Moama and other areas such as Murray Downs an excellent job has been done.

I ask the Minister to inform me of the land that can be acquired because this is of concern. Rates should be paid if land is acquired within a shire. A problem exists in my electorate because rates are not being paid on Aboriginal co-operative housing land in the Wentworth shire. This situation poses a dilemma to local government in providing the necessary services for the Aboriginal community. Many Aborigines who rent or own homes in Dareton pay rent or rates, yet other families do not. This disparity causes disharmony within the community, not only between white people and Aborigines but amongst Aboriginal communities and it needs to be addressed. I have great respect for the Aboriginal people within my electorate. Wamba Wamba is doing well, with its new homes, hydroponic gardens and cultural centre. I am not seeking to remove benefits from Aboriginal people in my electorate but I am not prepared to support the bill in its present form. I endorse many aspects of the bill, but I ask the Government to acknowledge those concerns on behalf of Aboriginal people.

**Mr KNOWLES** (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [4.21 p.m.], in reply: I thank all honourable members who participated in the debate on this important bill. I acknowledge also that many issues have been raised and I will endeavour to cover those in as much detail as possible. At the outset I make the observation that the general tenure of the comments made by the Opposition, which has changed its view in the last week or so, means that we have a large number of acolytes to St Augustine, who is best known for saying—and I shall paraphrase—"Lord, make me chaste and pure—but not yet." A week ago the Opposition was going to vote for the bill with amendments. It has now changed its view because of what happened last Saturday.

Fear and cowardice are now being shown, particularly by the Leader of the Opposition. He may deny it now—only he and I will know that what I am saying is true—but a week or so ago both the honourable member for Vacluse and the honourable member for Wakehurst stood with me in Speaker's Square, looked me in the eye and said that they wanted the delay in an effort to work towards voting on this bill to establish an Aboriginal housing office. That is a matter of fact and I place it on the public record. They know that I, the Government and all those associated with this task over many years were progressing towards a bipartisan result that could have seen the establishment of an Aboriginal housing office. Instead, the Opposition will vote against this bill.

That is an indictment of the Opposition. In a brief period of time it has torn down one set of posters that supported this bill—despite all its mealy-mouthed commitments that it was working hard with the Government to gain support for the legislation in its party room—and has put up another set of posters. One need only scratch the surface—indeed, one need only read their contributions to the second reading debate—to see their fear, prejudice and cowardly responses. I take honourable members back to 1991-92 and make a passing reference to the commentary of the then Minister for Housing, the honourable member for Wagga Wagga, the Hon. Joe Schipp. He will go down in history and his headstone will read something like, "Here lies the man who not only is buried here but with him are buried the hopes and aspirations of thousands of families on the back of HomeFund."

**Mr Jeffery:** On a point of order. I thought the Minister would know better than this. Under the standing orders if an attack is to be made on a member of Parliament it should be made by way of a substantive motion. I ask the Minister to show some common decency and return to the leave of the bill.

**Mr KNOWLES:** Not only will he be remembered for HomeFund because it was such a tumultuous event in his ministerial career but underneath many other things were going on.

**Mr Jeffery:** On a point of order. The Aboriginal Housing Bill has nothing to do with HomeFund. It has not been mentioned in this debate. Therefore, Mr Speaker, I ask you to bring the Minister back to the leave of the bill.

**Mr SPEAKER:** Order! I have not been in the chair for the whole of the debate. I am not certain that what the honourable member for Oxley says is correct.

**Mr Jeffery:** I can assure you it is.

**Mr KNOWLES:** Whether or not it is true, in 1991 the then Minister set a target for Aboriginal housing programs in the Department of Housing. He signed the program—Ministers have to sign these programs—to spot purchase and/or to construct 79 dwellings in that year and 62 dwellings the next year. Despite those targets only 14 dwellings were built for Aboriginal communities in the first year and only nine were built in the following year. The Minister for Housing returned an unspent \$23.688 million to the Commonwealth because he was unable or unwilling to complete programs for Aboriginal housing. That is a great indictment of

that administration because the States always scramble for scarce money under the Commonwealth-State Housing Agreement. As a direct consequence of that and for other reasons—it is a matter of record—Nick Greiner removed the honourable member for Wagga Wagga as Minister, installed Robert Webster as Minister and established the Mant commission of inquiry into the administration of the Department of Housing. In his November 1992 report Mant said:

There is no reason why present stock of the Department should not be transferred to properly established and staffed community-based organisations if those organisations are able to do a better job of management and service provision. For example, the Aboriginal Land Council, in a submission to the Inquiry, suggested that the Councils could do a better job than the Department. I have formed no view on this contentious assessment, but there is no reason in principle why a transfer of responsibility could not take place if it could be shown that better management was likely to be the result.

The Government could have ignored or shelved that report, saying it was just another consultant's report, or just another report into yet another government bureaucracy. Instead, it adopted the report and separated the administration functions and the provider of funding components of the Department of Housing. That division took from the department the administration of Aboriginal housing programs. Some Opposition members say, "The Department of Housing has been doing a wonderful job with Aboriginal housing all these years." Let me remind them that the department has not been responsible for Aboriginal housing since 1993. Five years ago Minister Robert Webster removed Aboriginal housing programs from the Department of Housing. Whilst I can deal with matters of fact, I cannot deal with the ignorance or prejudice of honourable members opposite who do not understand what happened five years ago.

**Mr Windsor:** I did not say the Department of Housing was responsible for Aboriginal housing programs.

**Mr KNOWLES:** I am talking about the honourable members opposite who did make that reference to the department. I repeat: the Department of Housing and Aboriginal housing programs were separated in 1993, deliberately, with the agreement of the then Commonwealth Government, and that separation still has the endorsement of the present conservative Commonwealth Government. A Liberal-National coalition, led by the then Minister for Housing, Robert Webster, separated them and then established, in response to the Mant report, what we now know as the Aboriginal Housing Development Committee. I shall touch on the response of the Government—that is, the response

of Robert Webster—in 1993, which outlines the coalition's position. In relation to Aboriginal housing the response stated:

It is proposed to establish an Aboriginal housing policy and planning unit to be located in the Ministry and to undertake the following functions—

Six of those functions are then listed. The one germane to this debate is:

To provide a firm basis for the eventual self-management of their housing by the Aboriginal communities in accordance with recognised self-determination principles.

Robert Webster did that in 1993, when Aboriginal housing programs were removed from the operations, functions and responsibilities of the Department of Housing. And he did that for good reason: he did so in recognition of the historic failures of Department of Housing programs to provide adequate levels of service to indigenous communities. He did the same, in a fledgling way, for community and church housing providers. I note the presence in the gallery of the Chairman of the State's Community Housing Advisory Board. I would wager that some Opposition members did not know that that board existed—but I cannot do much about that. I would wager that some Opposition members do not know that a group deals with church-funded and local government-funded housing programs—but I cannot do much about that either. Frankly, few Opposition members show much interest until they see the word "Aboriginal" and say to themselves, "We must take a keen interest in this." That is what is going on. They know that, I know that, and I think the community knows it as well.

However, the arrangements that enable this Government to establish the statutory organisation were put in place five years ago. The budget papers for each of those five years spell out the programs. The exceptions were 1991 and 1992, before all these arrangements were up and running under Robert Webster, Mr Mant and Nick Greiner—those dark, dismal, penny-pinching and miserable years of Joe Schipp, who gutted those programs and sent back \$23 million. My question to the Parliament is: how long is long enough? When will coalition members find the courage to say that a process that was started in 1993 is ready to be consummated? At what point in time will they find the courage of their words and turn them into deeds? St Augustine: "Lord, make me chaste and pure—but not just yet!" There is always more consulting to do, a bit of dissension amongst Aboriginal communities, so there will always be a reason to not do it just yet. That will always be so, as it always is with any

organisation, any community sector or any part of our society. I suspect, and I put to the House, that because this measure contains the word "Aboriginal" it becomes the reason to do absolutely nothing other than to mealy-mouth words and express pious sentiments that amount to nothing.

Some years ago a visit to the town of Walgett gave me an exceptionally valuable insight into the housing issue and a range of lifestyle issues, and I came close to the core of understanding what this Parliament should be looking at today. I visited an Aboriginal housing estate at one end of Walgett that had been built entirely by the Government under a Federal Government project. There was a cluster of about a dozen new, European-style homes that were about 10 years old. The sewerage system and the garbage collection system for that housing estate had broken down and there were major health problems as a result. That health risk was impacting on the community. At the other end of Walgett was another Aboriginal housing settlement, but that one had been built by Aboriginal people, using available material.

The difference between the two housing estates will stand out in my mind for ever. The housing estate built by the Aboriginal people, although more modest in dimension, less orthodox in architectural terms and slightly different in planning terms, was far better than the housing estate provided by the Federal Government. Where Aborigines had been given the opportunity to develop their lives, their properties, their dwellings and to own them, that sense of ownership means as much to them as it does to any Australian. We as a society must engage and involve Aboriginal people in rectifying these problems. If we give Aboriginal people a sense of ownership we will be rewarded—it will be used and the results will be obvious. Those people were proud of their homes—as proud as anyone else. To me it was a stand-out example.

I wish I had said that. But who said it? It was the Leader of the Opposition, Peter Collins. He made that statement in this House on the day of the Aboriginal reconciliation statement, on 14 November 1996. That was the Leader of the Opposition supporting this bill. That is the genesis and determination in this bill—to provide quality of opportunity for individuals in indigenous communities. This is the Leader of the Opposition, the coward who let the National Party rump roll Liberal members in the party room because of the Queensland election results last Saturday, when a week before they were going to vote it up. He squibbed it. How can a party pretend to govern when its own leader, on the public record, describes and defines what every Australian knows to be true and then lets the Nationals get away with what they are getting away with today? I am almost ashamed to be here, in the sense that this House is letting an opportunity go by.

After five years of effort and enormous consultation—and this nonsense about no consultation will be blown away in a moment—when the Leader of the Opposition in this Parliament is on record as saying what I have just

quoted from *Hansard*, for the Opposition to vote against this bill is not only an indictment of them as individuals; it is an indictment of their inability to demonstrate leadership to the people of New South Wales. But it was not only Peter Collins who was making such statements. Many spoke in that reconciliation debate. One of those was the Leader of the National Party, Ian Armstrong. He spent considerable time in the debate pointing out that the overwhelming and overriding concern of indigenous communities right around this nation is to improve their standard of health. We all know about the levels of mortality, illness and poverty that exist, and that those figures are exponentially higher for indigenous communities than they are for any other community in our nation. Indeed, they rank with the figures of third world countries. The Leader of the National Party made it clear that unless the Government addresses health, and as part of addressing health addresses housing, it will always stand condemned for the generations of honest but failed efforts by successive governments. In that tone the Leader of the National Party said:

I have long remembered the words of an Aboriginal elder, who said to me:

"All the money and all the white doctors and nurses will make no real difference to our health until we have our own people trained to look after us."

I say: and so it should be for housing providers. During the course of this debate one honourable member made reference to the availability of dental services for indigenous communities. I refer him to his leader's words in relation to the provision of health services and urge him to recognise, as his leader does, that health and housing are inextricably linked and intertwined like a jigsaw, that one cannot be separated from the other, and that the full picture cannot be established unless the issue is dealt with in the way in which this Government is dealing with it. The Leader of the Opposition should have his speech framed, because he makes the point that so many of us would like to make, that unless we give indigenous communities an opportunity to develop their lives, their properties, their dwellings, and to own them, we will continue to discuss for generations to come the failures of Aboriginal housing programs.

The honourable member for Wagga Wagga, despite all his faults, may have actually started something. Not even Nick Greiner could ignore what was going on back in 1991-92. No government wants to send back to the Federal Government \$20 million of scarce housing funding—ever. That is what happened. For the first time in the history of this State, a State housing Minister did not spend the

money. I ask members to think about that for a moment. If anything came from that it was the recognition by Robert Webster that something needed to be done. The response of the Government back then separated these programs away from the Department of Housing and established an advisory board. When one removes all the hysteria and wobbly words about the need for consultation and the red-light warning that people will be upset, all the bill seeks to do is to appoint Tom Slockee and a few of the people in the public gallery who have been members of both Robert Webster's and now my advisory board. By the way, I have not changed the membership of the board for five years.

During all that time the board has been overseeing and advising Ministers on the allocation of funds, turning them from an advisory board into a statutory body—to pick up on some of the points that the Leader of the Opposition made—establishing a greater degree of ownership and control, and in doing so, a far greater degree of accountability over indigenous housing programs. That is all the bill seeks to do, that is all it was ever intended to do, and that is what it will do when it is passed by this Parliament. I confirm once again, in an attempt to punch it in, that since 1993 the Division of Aboriginal and Torres Strait Islander Housing has not been a part of the Department of Housing. So all the good programs that the Opposition has identified that the Department of Housing has done have not been done by it; they have been done—

**Mr Windsor:** Neither was Wilcannia.

**Mr KNOWLES:** I will come to that in a few moments. We have all night now; the PSA has sorted itself out. Based on Mant, Webster and Greiner, they have been part of the break-up of what we all now call, in bureaucratic management jargon, the funder-provider split. Instead of having one autonomous housing provider, we create a competitive environment. Not one Opposition member complained when one of those competitors of the Department of Housing was the community housing office, or the local government programs, or the AIDS programs, and those sorts of things. I bet that if the Government had called the bill the Aboriginal community housing program, or the Aboriginal AIDS program, we would have heard about that. Why do I think that might be the case? Because I think that the bill could have been modelled for any of the housing providers that have existed for some time.

I pay tribute to the advisory committee, which was originally set up by Robert Webster under the

chairmanship of Gerry Moore and which is now under the chairmanship of Tom Slockee. I pay tribute also to the staff of the Division of Aboriginal and Torres Strait Islander Housing for their efforts and the enormous amount of work that they have done. I assure the House that over those long and difficult years those people did more than consult Aboriginal communities, despite the fact that they consulted Aboriginal communities to death. From reports I have received since becoming Minister, and indeed from discussions with my former ministerial colleague Robert Webster, they have gone about that task sensibly, reasonably and in a businesslike fashion and have presented a report, not surprisingly, that everyone has signed off on. I will refer to the consultation process in a few moments. I always judge whether a consultation process has been successful when the outcomes of it are known. One of the tests of a positive outcome is when the various stakeholders have signed up.

These days it is unusual to get conservative governments and Labor governments to agree on very much about housing. An amount of \$200 million has gone out of the national housing budget, there is no new Commonwealth-State Housing Agreement, there are high levels of uncertainty nationally with all States and Territories, and there are downturns in construction programs. However, the Commonwealth Government, to its credit, has stuck like a baby to a blanket in regard to maintaining Aboriginal housing programs. But so has the State Government, and so has every State and Territory in the nation. It has been a co-operative effort to progress these reforms, not just in New South Wales but right around the country.

I assure the House that at every ministerial council I have attended since my appointment as Minister for Housing, under both Brian Howell's leadership and Senator Jocelyn Newman's leadership, there has been, naturally and properly after serious and hard debate, a unity of purpose to get to a point where, for once, we remove as many layers, middlemen and structures as possible between the funder and the recipient. That is what this bill does as well. I acknowledge on the record the support I have received from Senator Newman, the Federal Minister for Social Security and the Minister responsible for housing programs, and Senator John Herron, the Minister for Aboriginal and Torres Strait Islander Affairs. This work has been done jointly by those two Ministers. Senator Newman wrote to me in May this year in the following terms:

I am writing regarding the proposed Bilateral Agreement for Indigenous housing in NSW and the *Aboriginal Housing Act, 1998*, currently being considered by the NSW Legislative Assembly.

The draft of the NSW Indigenous Housing Bilateral Agreement would appear to effectively capture the goals and overall policy intentions of our respective governments. I believe it will lead to the greater coordination and efficiency in the delivery of indigenous housing programs in NSW.

I am also pleased to note that the latest draft of the Bilateral Agreement has accommodated all of the issues raised by the Commonwealth in previous negotiations.

The NSW *Aboriginal Housing Act, 1998* will enable the implementation of a Bilateral Agreement through the establishment of the Aboriginal Housing Office. The desired outcomes of both the NSW Indigenous Housing Bilateral Agreement and the *Aboriginal Housing Act, 1998* should be increased housing outcomes for Indigenous people in NSW.

May I take this opportunity to thank you for your continuing cooperation in the development of the Bilateral Agreement and I look forward to working with you in the implementation of the Agreement.

John Herron stated:

I understand that the NSW Government's response to indigenous housing needs in the State includes the development of a proposed Bilateral Agreement together with the consideration of appropriate legislation by the NSW Legislative Assembly.

My colleague, Senator the Hon Jocelyn Newman, Minister for Social Security has indicated that the draft NSW Indigenous Housing Bilateral Agreement appears generally to address the priorities identified by both the Commonwealth and New South Wales Governments.

I note that it is intended to establish an Aboriginal Housing Office under the NSW *Aboriginal Housing Act, 1998*. This arrangement will be welcomed by indigenous people in NSW as it will improve the delivery of housing services to them, whilst taking their unique requirements into account.

It is essential that housing for Indigenous people is provided in a coordinated and efficient manner, and I am pleased that the measures that the New South Wales Government is intending to put in place recognises the importance of this.

I am almost embarrassed to have an endorsement by two national senators of a conservative government but there it is. I am the only Labor Housing Minister in the country, but every other State and Territory conservative administration has backed this program. Let us all now stop the obvious mistake. The coalition is the only conservative opposition in the country. The coalition will vote against the bill despite what its leader said. The Nationals have obviously run into the party room and whipped up a frenzy, probably delivered by the honourable member for Wagga Wagga, despite support by the Leader of the National Party for the legislation. I

acknowledge that some indigenous community and peak organisations wanted to negotiate. Isn't that terrible!

The last time I looked, nobody dealing with governments acted as a supplicant and came along quietly. If people have things to say, they say them and we negotiate. National negotiations have taken place over the past five years; they have not been backroom deals but formal negotiations at ministerial council meetings right down through regional communities, through their peak organisations and through local organisations. As a result of one of those processes I have a letter from Gatjil Djerrkura, the Prime Minister's personal appointment as Chairman of the Aboriginal and Torres Strait Islander Commission. Stop me if I am wrong, but if there were any problems surely I would hear about them from Gatjil. In a letter dated 25 May he said:

My dear Minister,

I am pleased to advise that at its 53rd meeting on 21 April 1998, the ATSIC Board of Commissioners endorsed in principle the draft Housing Bilateral Agreement between the Commonwealth, ATSIC, and the New South Wales Government, subject to details of the agreement being finalised. I understand that your Government will shortly introduce legislation that will establish an Aboriginal Housing Office in New South Wales to administer the agreement.

I am pleased that negotiations between your Government and the Commission have proven so fruitful with the prospect of improved housing outcomes for Aboriginal people in New South Wales. I therefore look forward to continuing co-operation between the Commission and your Government and the early signing of the Agreement.

I have a similar letter from the New South Wales peak body, the New South Wales Aboriginal Land Council. I confirm that the council had concerns, too. The land council has been represented on the Aboriginal Housing Development Committee since it was established by Robert Webster in early 1994. I also have a letter dated 3 June from Ossie Cruse, the Chairman of the New South Wales Aboriginal Land Council, which states:

Please be advised that the New South Wales Aboriginal Land Council ("NSWALC") supports the passage of the **Aboriginal Housing Bill 1998** ("the Bill") through the NSW Parliament.

NSWALC is satisfied that the understanding reached in its detailed discussions with the Government will ensure the Bill is beneficial to Aboriginal people in NSW, including members of Local Aboriginal Land Councils, in terms of addressing their housing needs while providing for rigorous accountability.

NSWALC looks forward to a productive working relationship with the Government and the new Aboriginal Housing Office to provide better housing outcomes for Aboriginal people in

this State both informally and through the development and implementation of a formal process agreement.

I return to my earlier point: one of the tests of a successful consultation process is the response from the people directly involved in the agreement, the signatories to it, and either the funders or the intended beneficiaries. I received letters from all of those people, conservative governments and politicians. It would not be unfair to say—and I am sure they would not mind my saying—that neither John Herron nor Jocelyn Newman could be described as radical left-wing socialists or members of some closet fifth column who will undermine the sovereignty of our nation. The legislation is about establishing, in a statutory and legislative sense, a process that has been under way since 1993 and which, inevitably, will continue the good work that the Opposition talks about.

But the Aboriginal community can do a lot better if it has the opportunity described by the Leader of the Opposition: a greater sense of ownership, control and say over their destiny so that they, too, can be as proud of their home as anyone else, and establish, as he put it, a few more stand-out examples. I shall go into more detail about the consultation process before I come to the specific issues raised by members in their contributions. The honourable member for Vaucluse asserted, in leading for the Opposition, that the consultation process with the broader community about the Government's proposal was inadequate. I assure the House that a wide range of stakeholders have been consulted and are involved in the proposal and its full development, which began all those years ago. Every housing committee forum and conference convened in New South Wales since the beginning of 1996 has been told of the proposal and kept up to date.

This includes not just Aboriginal tenants, but all tenants in their committees and forums, the State Housing Assistance Planning Advisory Committee, the Community Housing Advisory Board and the Crisis Accommodation Advisory Committee. It also includes the general regional forums convened by the Department of Housing. Local government has been kept informed through its various newsletters from the Local Government and Shires Associations and through its network of committees dealing with housing issues. My housing policy green paper, which seems such a long time ago, talked about picking up this proposal from where it left off in 1995. Consultations were held throughout the State highlighting the proposal and going into the detail of it.

I launched the Aboriginal Housing Development Committee report—a great day—in Nowra in February 1997. At that time there was local, regional and statewide television and media coverage—one of the few occasions on which indigenous communities got issues such as this into the national media. Of course, when Cabinet decided to proceed with the legislation in November last year the principles in that statement of commitment were supported by the Opposition. Indeed, they were until a week ago. I stress again that there is nothing new or different now in the bill from what was talked about over all those years. The only thing that is different is a degree of cowardice—shame on Opposition members!—that has infiltrated the Opposition's party room since last Saturday. That is all that is going on here. I have asked the bureaucrats to give me some advertisements. I have advertisements that appeared all round the State in all the electorates represented by those members who spoke in debate on this legislation. These are not little advertisements—they are invitations to come to consultation meetings.

**Mr Shedden:** They did not want to be there.

**Mr KNOWLES:** I think that is right. The honourable member for Bankstown said that Opposition members did not want to be at the meetings. They had not heard about those meetings. No-one tapped them on the shoulder, had a yarn to them about them, or expressed concern to them. Surprise, surprise! I again make the point that we have been consulting the community for five years. It has been happening and Opposition members have not noticed. They have said—and some of them have been condemned by their own words—that it has been really good and have asked why the Department of Housing cannot keep on doing what it has been doing. The Department of Housing has not been doing these things—members of the community have been doing them. All we want to do is establish a statutory body which is more accountable, so that annual reports can be tabled in the Parliament. We want to establish registration and deregistration processes for organisations that either perform or do not perform.

We want joint agreements nationally and in State jurisdictions to begin to fund direct to these organisations, through the Aboriginal Housing Office, money that is otherwise eaten up by too many layers of national and regional bureaucracy. Reference was made earlier to the many bureaucratic layers and to the fact that the Government wanted to introduce another bureaucratic layer. This legislation will remove at least two or three of those layers, and

it will begin to allow indigenous communities, in the words of the Leader of the Opposition, to manage their own affairs and get better outcomes and better results on the ground, results that he could be proud of, in stark contrast to Federal programs—his words not mine. Let them do that with a degree of dignity and self-determination, which has been absent for generations. Opposition members intend to vote against this legislation. The honourable member for Vaucluse wants to be a minister for housing. If he remains in this Parliament long enough he might have that privilege. One of the great privileges he will have—

**Mr Fraser:** That will happen in March.

**Mr KNOWLES:** The point I make is that if and when it happens he will have the great privilege of working with indigenous communities in this State. He will discover, despite his ignorance at this stage—because I suspect that he has not had the opportunity that some of his colleagues have had and that I have had the privilege of having since I have been a Minister—that these people are not only capable of dealing with these issues; they are more than capable and better placed than he or I will ever be to deliver housing programs. The quicker that happens the better. I have always said, and I place on the record again—I have said it to Tom Slookee and to Gerry Moore and his committee—that I will not be setting them up to fail and nor will Jocelyn Newman. So the belt and braces approach embodied in this legislation which requires accountabilities and performance standards, the same as any other public sector organisation or statutory body, is a necessary imperative to ensure that people who make some of the comments that have been made in this Chamber today cannot point the finger and say, "We knew they could not do it. It was always going to fail." We know—and I think the honourable member for Tamworth might know from his own experience—that there are some spectacular successes.

**Mr Windsor:** Walhollow.

**Mr KNOWLES:** That is right. We can achieve more successes if we recognise nationally that the best way to rectify some of these problems is to embrace these communities and have them take greater responsibility for their actions and thereby have greater accountability. I am not being patronising. Frankly, that statement, which was made earlier, gets up my nose. This reverse approach assumes that somehow Aboriginal communities get treated better, they get more, and that somehow they are privileged. One has only to go to some of these

Aboriginal communities to establish how fallacious that statement is. Having infant mortality rates 10 times the national average and equivalent to Third World countries is a privilege that I do not want.

**Mr Shedden:** You do not see the real world in Vacluse.

**Mr KNOWLES:** Of course, there are not too many indigenous communities in Vacluse. There are a few millionaires and there is a land tax issue, but there are not too many battlers at Bellevue Hill. If ever the honourable member for Vacluse gets the chance, I hope one day he has the guts to look himself in the eye and say that what he is doing today is shameful, cowardly, disgraceful and disgusting, and it is happening either because he has not been able to lead the debate properly in his shadow cabinet or in his party room, or he has taken a decision to squib it despite both he and I knowing that he and his colleague the honourable member for Wakehurst were working hard to get this bill up in their party room as recently as a week and a bit ago. He will never live that down. The people in the gallery are the people with whom he will be working one day, if he ever becomes a minister for housing. They will then know that he has about as much empathy for their needs and aspirations as a speed hump. That is about as effective as the honourable member is on this issue. The honourable member for Vacluse has been ridden over by the worst housing Minister in this State's history. He has been annihilated by Joe Schipp, the only Minister for Housing who ever had to give \$20 million back—

**Mr Debnam:** On a point of order. A number of points of order have been taken about personal attacks and a number of members have spoken in this debate today. This debate was handled rather sensitively until the Minister spoke. I ask him to stick to the issues and to forget the personal attacks.

**Mr SPEAKER:** Order! The Minister is concluding his remarks.

**Mr KNOWLES:** My greatest hope was to see this Parliament match with deeds the words that were spoken on behalf of the Parliament by the Premier, the Leader of the Opposition and the Leader of the National Party in their reconciliation speeches only a few months ago. Those words have turned to ashes. They are worthless without the allied construction of this legislation and its passage through the Parliament. There is no better way of demonstrating this Parliament's commitment to

improving the needs of indigenous communities' housing and health needs than by letting this bill proceed with bipartisan support. But of course that will not now be the case. We have instead the potential for conflict and hostility and the weak-kneed, mealy-mouthed substandard approach of the Opposition to try to refer this bill to a committee in the upper House. I know what Robert Webster, who was a member of the upper House, would say if he were still there now. To be blunt, he would say, "Take your upper House inquiry and put it where the sun don't shine."

He knows, as I know, and, I suspect, as the Opposition knows, that the consultation processes have been done to death and the bill is ready to proceed. I have letters that demonstrate the consultation processes have not only taken place but that they have been successful. The coalition is now squibbing it and demonstrating its cowardice. This is about leadership. Of course events occurring throughout this nation are making people anxious. What happened in Queensland last Saturday clearly terrified the conservative side of politics. But the Opposition's response in this Parliament to those events has been hopelessly inadequate and fails the true test of leadership of any organisation that aspires to government in this nation.

There is no doubt that the Leader of the Opposition, from his own words, wants to support the bill. The Opposition supported it a week ago, and the Leader of the National Party in his contribution pointed out the value of the bill. But will the Opposition vote for it? No, the Opposition will divide the House on the second reading, vote against it, try to refer it to a committee and put it on the never-never in the upper House. That will not happen. I make the observation that the level of gutlessness and cowardice shown by the Opposition will stand as a millstone around the neck of the honourable member for Vacluse for as long as he has a political career, and around the neck of his leader. Whether or not the Opposition moves from those benches to those on this side of Parliament, people will remember what he has done. After what the honourable member for Vacluse told me last week as he looked me in the eye, I will always know that in any future negotiations he cannot be trusted.

Where is the honourable member for Wakehurst? The shadow minister for Aboriginal affairs will not participate in the debate. He will not come into the Chamber and place his feelings on the public record. Honourable members might also note

that not many other members of the Liberal Party are present in the Chamber. A move led by the National Party has resulted in the turnover of a process that the honourable member for Vacluse was trying to get up, and he failed miserably. I have addressed a number of issues in my reply. I will again write formally to the speakers in this debate to further clarify and place on the public record the matters that they raised in the second reading debate.

I assure the Parliament that these efforts of those responsible for the bill deserve to be supported. I place as my exhibits before the Parliament the support of Senator Newman, Senator Herron, the Aboriginal and Torres Strait Islander Commission, the New South Wales Lands Council and, of course, none other than the Leader of the Opposition, the honourable member for Willoughby, Peter Collins. This is a dark day for the Opposition, standing as it does in the way of history. Its actions are an indictment of everything its predecessors, including my predecessor Robert Webster, ever sought to achieve. I commend the bill to the House.

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

**The House divided.**

**Ayes, 48**

|               |                 |
|---------------|-----------------|
| Mr Amery      | Ms Meagher      |
| Mr Anderson   | Mr Mills        |
| Ms Andrews    | Ms Moore        |
| 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        |
| 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 Windsor      |
| Mr Lynch      | Mr Woods        |
| Dr Macdonald  | Mr Yeadon       |
| Mr McBride    |                 |
| Mr McManus    | <i>Tellers,</i> |
| Mr Markham    | Mr Beckroge     |
| Mr Martin     | Mr Thompson     |

**Noes, 40**

|                 |                 |
|-----------------|-----------------|
| Mr Armstrong    | Mr Peacocke     |
| Mr Beck         | Mr Phillips     |
| Mr Blackmore    | Mr Photios      |
| Mr Brogden      | Mr Richardson   |
| Mr Chappell     | Mr Rixon        |
| Mrs Chikarovski | Mr Rozzoli      |
| Mr Collins      | Mr Schipp       |
| Mr Cruickshank  | Mr Schultz      |
| Mr Debnam       | 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 J. H. Turner |
| Mr MacCarthy    | Mr R. W. Turner |
| Mr Oakeshott    |                 |
| Mr O'Doherty    | <i>Tellers,</i> |
| Mr O'Farrell    | Mr Fraser       |
| Mr D. L. Page   | Mr Kerr         |

**Pairs**

|              |            |
|--------------|------------|
| Ms Allan     | Mr Cochran |
| Mr Carr      | Mr Ellis   |
| Mrs Grusovin | Mr Merton  |
| Mr Tripodi   | Mr Tink    |

**Question so resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

**Pursuant to sessional orders business interrupted.**

#### PRIVATE MEMBERS' STATEMENTS

#### MOUNT DRUITT TUTORIAL CENTRE

**Mr GIBSON** (Londonderry) [5.24 p.m.]: I am concerned that an educational centre of excellence in my electorate which caters to students who need special care could be under jeopardy at the moment. The Mount Druitt Tutorial Centre, an annex of Plumpton High School, was established in 1991 as a cross-district resource for emotional disturbed secondary students. Initially it had 18 students but currently caters for 24. Students need to have a history of major problems in secondary schooling

and require a psychiatric assessment before they can be enrolled at this special school. Many of the students have come from juvenile justice institutions, which unfortunately have slowly been closing all over the State for some years.

The tutorial centre was established on the site of the old Plumpton primary school on the corner of Bottles Road and Rooty Hill Road South. In 1998 the buildings on the site were completely refurbished so that a new school, Plumpton House, for behaviourally disturbed students—often violent—could be established. At the time the education Minister, John Aquilina, promised that Plumpton House would be an additional resource and would not be established at the expense of other programs. The establishment of Plumpton House meant that the tutorial centre needed to be relocated. The principal of Plumpton High School, Glen Sargeant, and I have always been, and will continue to be, supportive of the program. Consequently, we requested that the tutorial centre remain linked to Plumpton High School. However, no alternative site has yet been found and a decision has been made to relocate two classes to the Mount Druitt district office at Emerton and one class to Plumpton High School. This would cater for only 18 students, with a class of six being transferred to the Penrith tutorial centre.

It is imperative for the success of the program that the unit remain as one facility on one site. The program has been enormously successful and many past students of this special school have found work or been re-integrated into the ordinary school system. The tutorial centre has 24 students and has had 5.8 teaching staff, including one head teacher support and one teachers' aide special. With a reduction to 18 students there will be 4.4 teaching staff, including one head teacher and one teachers' aide special. The tutorial centre operates individual educational programs for each student. They include a vocational component and an academic component. Support for the programs has been provided by the Department of Juvenile Justice, the Department of Community Services and other outside agencies.

It would be a tragedy to break up this special school and its programs. I have visited the centre many times. The way young people improve after attending the school has to be seen to be believed. We should not destroy a program which has been tremendously successful. There is vacant land between Plumpton High School and Plumpton primary and it would take little money—in the vicinity of \$100,000—to put three or four demountables on the site and virtually turn it into the special school to take the place of the tutorial

centre that the kids are using at the moment. If this could be done it would mean that the tutorial centre would be kept as one and the programs could continue as they are now.

Everyone in the Parliament would agree that when there is something special—and this school is special—that is catering for a very special need in our community it should not be dismantled. The administrators tell us that if the school is broken up into four different components for 12 or 18 months until the new school is built at Plumpton it will not make any difference to the school. But it will make a tremendous amount of difference. The kids have been through troubled times in their schooling. They would be devastated if, as soon as their thoughts on education are starting to change, the program is broken up. I urge the Minister to keep the program together as \$100,000 is not too much money to provide for this facility which is so special. [*Time expired.*]

#### MEDIA CENSORSHIP

**Mr SCHIPP** (Wagga Wagga) [5.29 p.m.]: I bring to the attention of the House a subject that was a recurring theme in the 77 crime prevention meetings held around the State on 11 May, meetings that were attended by an average of 200 people. The subject to which I refer is the showing of explicit material on television. I refer particularly to sexual activity, offensive behaviour, and violence and shouting matches on the soaps. That material was found to be related to increased crime and the lowering of community standards. In the available time to me all I can do is call on the Parliament to join in the campaign to increase the standard of television programs. I hope that all decent, family-minded members from both sides of the Parliament will acknowledge the merit in that objective. We should join with people such as Senator Richard Alston, the Federal Minister for Communications, and Susan Bastick from the Australian Family Association in their recent campaigns against sexually explicit material. I commend both those people for their efforts.

I well remember a statement made by the former Premier, Neville Wran, in a debate on pornography. He said that after viewing video material censors become desensitised. That is a profound statement. When people see a certain type of material for the first time they are shocked, but over time such material becomes par for the course. People in the industry have told the media that the community is now desensitised and that anything goes. That is not correct, and that is evidenced by the number of times the subject has been raised at

the crime prevention meetings. An article appeared on page 5 of the *Sunday Telegraph* of 14 June under the headline "Odds against Gomorrah". The article related to what Richard Alston had said about our society being in danger of becoming an electronic version of Sodom and Gomorrah and his efforts to emphasise the extent of the problem.

Predictably, Michael Idato, author of the article, gave his personal view that anything goes, and he referred to statements by people from various segments of the industry. Susan Bastick put forward compelling arguments and was spot-on when she said that the concern is not only about gratuitous adult viewing but that explicit material is being shown during prime viewing time. Much of the today's disrespect, road rage, queue rage and so on are attributable to soapies. Inappropriate promotional material for soapies is constantly shown and that leads to a deterioration in community attitudes.

Though this is a Federal matter, the Parliament has a right to debate the issue and should do so. Liberal Senator Helen Coonan has claimed that television does not impact on people's attitudes. I disagree. This rubbish has been on television for three generations, and because of that some people now consider it acceptable to shout someone down or to make an abusive gesture to someone in the street. I believe other honourable members share my view that this behaviour must stop. We as a mature group and this Parliament must stand united in the view that young children should not be forced to watch explicit material on television. [*Time expired.*]

#### **BELLAMBI SURF LIFE SAVING CLUB**

**Mr MARKHAM** (Keira) [5.34 p.m.]: I pay tribute to the Bellambi Surf Life Saving Club. On Saturday, 13 June, I attended the annual presentation night of the club, which was a successful and enjoyable night. This small club has only enough members for six patrols on weekends. There are two patrols on Sundays so every three weeks the same members are on patrol. On public holidays they are on patrol more often. Some 17 years ago BHP introduced an award for patrol proficiency and all surf clubs in the Illawarra area participated. At any time committee members could visit beaches to ensure that members were on patrol and that the right equipment was available to perform rescues.

Though Bellambi is a small club, in the past 17 years it has won the award 11 times, a record that club will hold for a long time. In those 17 years, the club has been awarded third place or better in the competition. That is an impressive record. Bellambi Surf Life Saving Club was formed

in 1909 and is one of the oldest surf clubs in Australia. It continued until the outbreak of World War I and disbanded during the war. It reformed after that war and continued until the onset of World War II, when it again disbanded and then reformed. During all of that time it has had many dedicated members.

On Saturday night, eight or nine life members were present and it was pleasing to witness the support those older members were given. One of the main problems with surf-lifesaving in this country is lack of finance. I have often questioned the lack of support that insurance companies in this country give to surf-lifesaving. Many lives are saved in Australia through surf-lifesaving clubs and one would think that insurance companies would break their necks to support them. The Bellambi club has a number of female members. Not many years ago surf-lifesaving clubs were bastions of male dominance and females were shunned. However, if females were not accepted in the surf-lifesaving movement today, many surf clubs throughout Australia would fail.

On Saturday night eight young people were presented with bronze medallions. That is a great achievement for such a small club. The club also has a strong junior base of about 80 children who meet on Sunday mornings to participate in various activities. I pay tribute to the President of the Bellambi Surf Life Saving Club, John Heath, who has served that club for quite some time. I pay tribute also to the President of the Illawarra branch of the Surf Life Saving Association, Alan Parsons, who has occupied that position for the past two years and was deputy president for two years prior to that. He will retire in July. I know that the work that Alan and John have done for the Bellambi Surf Life Saving Club and the Illawarra branch of the Surf Life Saving Association has been extraordinary. [*Time expired.*]

#### **MOLONG HOSPITAL AND MEDICAL SERVICES**

**Mr R. W. TURNER** (Orange) [5.39 p.m.]: The matter I raise with extreme concern is the situation that has arisen at Molong Hospital, which is within the Orange electorate. At present the Molong Hospital and the town of Molong have two general practitioners, both of whom service the hospital. Unfortunately, one of the doctors, who has been in Molong for more than 25 years, has announced that he will resign. The town is fearful that a snowballing effect could see the other doctor, who has also served the town and the hospital for more than 25 years, deciding to retire, leaving the

town without the services of a doctor. The Molong community is organising a rally and writing letters to the local press and doing all sorts of desperate things to try to resolve the problem in the hope that it will not lose medical services and facilities. Dr Gabb, who is to resign, is held in such regard by the community and district that he attends about 80 per cent of Molong patients, either at his surgery or at the hospital. Over the past few years he has built a surgery, rather than convert an old home into a surgery. Doctor Gabb has made a significant financial commitment to Molong, so one might ask why it is that he is to resign after so many years of service and commitment to the community. I will quote from today's *Molong Express* to give honourable members a couple of reasons why he has finally given up practising within the system:

Doctor Gabb said he had many grievances—but they were not money related.

"Rural doctors did have a dispute some years ago, but the matter was decided by arbitration, and the matter was settled satisfactorily.

"However, it is a source of concern to rural GPs that, although arbitration ruled that doctors must be paid superannuation, the current government has refused point blank to honour that commitment."

Later the article stated:

Doctor Gabb added that another source of concern was that GPs are solely responsible for arranging their own locums.

"We get no assistance in this from the Health Department, and we cannot go away unless we have locums, who are very hard to find.

"Some time ago, Dr Patel took eight weeks leave, arranged a locum, who became unavailable after one week—leaving me to handle the health requirements for the whole district.

"It was bedlam, but the Health Department ignored my appeals for help. They didn't want to know about it."

Those are just a few comments on the reasons that compelled Dr Gabb to give up his patients and leave the area. Dr Gabb becomes frustrated when patients that he is quite capable of attending are forced to Orange and Bathurst for treatment simply because he is not available at the hospital. Of course, that treatment is much more expensive and traumatic than the treatment that Dr Gabb could deliver at Molong Hospital. But, because he is not rostered on duty, he is unable to see those patients; in some instances, the other doctor, not being licensed to operate X-ray facilities, cannot treat those patients. As a consequence they must go to Orange or Bathurst. I quote from two of the many letters that are being received at my electorate office. The first

letter was addressed to Mr Barry Johnston, Chief Executive Officer, Mid West Health. It stated:

Perhaps this dispute is a ploy to reduce the status of Molong hospital yet again, because if Dr Gabb leaves the town the one remaining doctor will be unable to cope with the increased workload and so the removal of acute care beds could be justified, reducing the hospital to an aged care centre.

The other letter stated in part:

Dr Gabb has widespread respect both personally and professionally. He has invested a lot into the Molong district, in terms of time, money and facilities and I can only assume that conditions imposed by the Health Service must have become intolerable for him to consider giving up all that he has achieved since his arrival in Molong.

I ask the Minister for Health what assurance he can give me that the Government will do everything possible to replace Dr Gabb. I call on the Minister to instigate a private inquiry to ascertain why Molong is losing such a fine doctor, a doctor who has the complete confidence of the town and district. [Time expired.]

### TRANSRAPID VERY FAST TRAIN

**Mr RUMBLE** (Illawarra) [5.44 p.m.]: I refer honourable members to the MagLev Transrapid train, a tenderer for the rail link between Sydney and Canberra. Of the different companies putting in a bid for the Sydney to Canberra link, Transrapid is the only one that would travel via Wollongong. The Illawarra and south coast regions have many tourist attractions and much natural beauty. Since the steel industry retrenched more than 10,000 employees in the early 1980s, tourism and hospitality has been one of the areas that has been promoted in the Illawarra and south coast regions. As thousands of people travel from the area to Sydney each day, the introduction of the Transrapid would make life a lot easier for those commuters. The Transrapid train has captured the imagination of Illawarra residents after the consortium behind the project, at an official bid launch earlier this week, predicted the train would bring Sydney just 22 minutes travel time away and would also create more than 5,000 jobs during its construction and 3,000 extra jobs after 10 years. The consortium also plans to locate its regional operational, construction and maintenance headquarters in Wollongong. The Transrapid is one of four consortiums bidding to build a very fast train system between Sydney and Canberra, but the only one that would have its route through Wollongong.

My parliamentary colleagues the honourable member for Keira, Mr Markham, the honourable member for Bulli, Mr McManus, the honourable member for Wollongong, Mr Sullivan, the

honourable member for Kiama, Mr Harrison, and I have presented to the Parliament petitions that contain more than 70,000 signatures seeking that the Transrapid bid be the successful bid. MagLev uses the principles of magnetism—opposite poles attract, similar poles repel—and does away with wheels and rail tracks. Instead, electromagnetic energy lifts coaches from an elevated guideway and propels them forward. The motion is frictionless and almost noiseless because the coaches are travelling on a cushion of air. It has a top speed of 550 kilometres an hour, cruises at 400 kilometres an hour, and can accelerate to 300 kilometres an hour in just 60 seconds. On the Sydney to Canberra journey it would be 20 minutes faster than Speedrail's TGV and take half the time of the tilt train options.

The Transrapid train wraps around the guideway. It is positioned, vertically and laterally, by powerful electromagnets, making it virtually impossible to derail. It travels along a dedicated guideway and does not share the track with slow-moving freight trains or passenger trains, thereby eliminating the possibility of collision. The Illawarra escarpment would not be affected. If the Transrapid very fast train bid is successful, it will not traverse the beautiful escarpment like some giant caterpillar. An enhanced image of the Transrapid, showing a giant train superimposed against a backdrop of Wollongong, may have given some people the impression that the Transrapid would dominate the region's bushy backdrop. In fact, the Transrapid proposal is to use mainly existing road and rail transport easements, avoiding the need to build additional transport corridors, so the impact on the environment would be minimal.

A tunnel would be constructed west of Albion Park for the climb up to the Southern Highlands. The Transrapid consortium claims that this train is a truly green mass transport system, with environmental advantages including its elevated guideway, which allows movement underneath for fauna and natural waterways and its minimal impact on flora and agriculture. The Transrapid would produce low levels of greenhouse gas compared with other forms of transport. I conclude by saying that this is a quite unique and innovative rail transport system. As I said earlier, it is the only one that would travel via Wollongong. Wollongong desperately needs a fast and efficient transport system to Sydney because of problems now emanating from the winding bends around the escarpment. I fully support this proposal.

#### STAR STRUCK '98

**Mr BLACKMORE** (Maitland) [5.49 p.m.]: It is with great pleasure that I bring to the attention of the House a production called "Star Struck '98",

which was held in Newcastle from 10 to 12 June. This year's program was titled "Rocks". Since 1993, when "Star Struck" first commenced in Newcastle, prompted by Virginia Chadwick, then Minister for Education and Youth Affairs and Minister for Employment and Training, Newcastle has witnessed talent that gives great pride to the Hunter-based members. I know that you, Mr Deputy-Speaker, have attended some of those productions. This year some 2,500 school students performed in the production, which involved 106 schools over the three days. Some of the acts were absolutely brilliant. I only wish that when I went to school we had had the ability and talent to put on the performances that these young people put on nowadays.

I pay tribute to the production team producer, John Deacon; the executive producer, Sue Leask; the project officer, Madeleine Atkins; and the large group of people who make up the team that put in nine months of hard work, auditions and rehearsals to get the "Star Struck" production ready. The *Guinness Book of Records* shows that "Schools Spectacular" holds the world record for the largest number of performers on stage, with 2,500 performers on stage in one performance. Many of the students who performed in "Star Struck" are hopeful that they can go on to represent the Hunter region at "Schools Spectacular" on 27 and 28 November at the Sydney Entertainment Centre. I pay tribute to the many featured artists who were involved in the "Star Struck" production. Being of an age to be able to appreciate rock 'n roll, I was delighted to listen to some of the golden oldies that were performed in "Star Struck", including *Hey Elvis*. It was great to hear young people relating to and singing that song. Emma Randall and Robbie Urquhart were absolutely professional.

Some of the rock items included foot-tapping performances of *Ain't That A Shame*, *Lucille*—which was performed by Maitland Grossmann High School student Russell Thornton—and *Blue Suede Shoes*. The honourable member for The Entrance would be able to relate to that, because I think he still has a pair in his cupboard. A song that I thought stood out was *Crying*, sung by 18-year-old Maria Maroulis. It simply brought the house down at the finish. Maria has now been a part of "Star Struck" for five years. It was a fitting performance for someone who has put in so much effort. One of the renditions of young Darren Fewins—who is also a very good artist—was Human Nature's *Every Time You Cry*. Emma Randall, who I mentioned earlier, was another featured artist. Many people were attracted by the signing choir—the deaf students who performed a signing number. The production opened the gateway for so many young performers. The youngest performer was six years of age. I

know that many members of this House would have had great difficulty going on stage at such a young age. The production's compere, Mr Mike Rabbitt, said to the Minister for Education and Training, who was present, "I would like to give you a message, John. In the Hunter you probably have the best teachers anywhere in New South Wales." That was a tribute to the staff who have put this production on and given so much enjoyment to the people of the Hunter Valley. Congratulations to "Star Struck '98".

### BREAST CANCER

**Mr McBRIDE** (The Entrance) [5.54 p.m]: I draw the attention of the house to an epidemic that is affecting women—killing our mothers, wives, daughters, sisters, neighbours and friends. The disease does not discriminate between the rich and the poor, the old and the young, or between different cultures. Each year 9,700 women—that is, one in 11 women—are diagnosed with this disease and 2,600 die from it in Australia. The number of cases is increasing by 2 per cent a year. I am talking about breast cancer. Breast cancer strikes without discrimination, and so far its cause is unknown. It is an insidious disease and is the leading cause of death by cancer among Australian women. We must beat this disease, and it is in the interests of all people to do so.

Today I want to talk about the courage of a group of women who are doing just that. Their aim is not only to raise awareness of breast cancer and the importance of early detection and treatment, but to provide opportunities and inspiration to breast cancer sufferers and survivors. These women are members of a community organisation called Following the Fence Line. Following the Fence Line targets country and remote areas rather than major cities. The organisation plans adventures which are aimed at raising breast cancer awareness. It works through local bodies and involves as many existing clubs and organisations as possible, such as breast cancer support groups, women's organisations, church fellowships and country women's associations.

In March Following the Fence Line undertook its second major adventure: a 1,000-kilometre paddle down the Murray River. The adventure was called "Mainstreaming the Message". The paddle extended over five weeks, commencing at the end of March and concluding at the beginning of May. The paddlers commenced their journey at Tocumwal and travelled down the Murray River to Mildura. All the paddlers and two of the support team are breast cancer survivors. A high point of the paddle was the support given to the Fence Liners by local

communities along the Murray River. The Waterways Authority released one of its officers to travel with the women, and his experience and knowledge of the river added to their confidence and the way in which they approached each day's task.

All told, 22 women were involved in "Mainstreaming the Message", 17 paddlers and five support team members, which included a physiotherapist. On the river at any one time were 13 paddlers, one or two women in a support dinghy, and at least two support crew. Ten paddlers, two support crew and the physiotherapist completed the entire paddle of 1,000 kilometres. The remaining seven paddlers and two support crew were a group of paddlers who undertook shorter stages of the event ranging from one to three weeks. Unfortunately, one paddler who had intended to complete the whole journey retired after three weeks for health reasons. The age of the women ranged from 37 to 74 years of age. Five women came from Queensland, eight from Victoria, nine from New South Wales, and the physiotherapist came from South Australia. During the paddle the women met with community groups and gave informal talks highlighting their message and encouraging all women to have regular check-ups. They also gave encouragement to those who have suffered or are suffering from breast cancer. The women arrived at Mildura having faced the challenge of the river and conquering it, just as they had faced the challenge of breast cancer.

I would like to recognise the Fence Liners' courage and congratulate all those who took part in the paddle. The paddlers, or Fence Liners, included: Lorrie Ledwell, formerly of Wyong; Julie Woods, of Tumby Umbi; Wendy Archer; Dot Beaupourt; Joyce Castles; Felicity Lehmann; Carmel Carey; Carole Heap; Noni Holmes—who, sadly, passed away 10 days after the paddle at age 42—Betty Thompson; Bettina Woodburn; Tanya Wilson; Edith Cooper; Pat Hill; Louise Kynoch; Sylvie O'Day; and Charmaine Ryan. The back-up crew included Jan Dowd, Stephanie McCarron and Maureen McGrath. The boat crew was Ramonda Te Mainaroa, and the physiotherapist was Jan Ward.

Their message of hope and courage will give all women the determination to beat this frightful disease. The money raised by the Fence Liners will be donated to the Kathleen Cunningham Foundation for further research into the cause and cure for breast cancer. The Kathleen Cunningham Foundation is a national initiative, established by the Commonwealth Government in 1994, to promote and support breast cancer research. It was named after Dr Kathleen Cunningham, who was one of

Australia's most successful medical women, with a surgical career spanning some 43 years. Dr Cuningham undertook research on the causes of hormonal breast pain and was one of the first in Australia to advocate the treatment of advanced cancer of the breast by surgical removal of the ovaries and adrenal glands.

Giving her name to the foundation is a fitting tribute to a remarkable doctor who was ahead of her time in her approach to breast diseases. To date the Kathleen Cuningham Foundation has raised more than \$9 million. Next National Breast Cancer Day—26 October—people should remember the efforts of Fenceliners and buy a pink ribbon. All funds raised go to the Kathleen Cuningham Foundation to continue breast cancer research. The next Follow the Fence Line adventure will be a Celebration of Life and will be held early in the year 2000, hopefully at Uluru.

#### **TWEED PROPOSED METHADONE CLINIC**

**Mr BECK** (Murwillumbah) [5.59 p.m.]: I bring to the attention of the House the proposed establishment of a methadone clinic in the Tweed that is causing a lot of concern. The methadone clinic was first mooted for Tweed Heads in 1995. An application was subsequently rejected because of the objections raised by so many people at community meetings. The second application, submitted late 1997-early 1998, was rejected by the Tweed Shire Council and subsequently went before the Land and Environment Court, where the application was successful. Since then many public meetings have been held at which the people of the Tweed have stated overwhelmingly that they do not want a methadone clinic. As a result of the public meetings I have presented to the Minister for Health a petition with more than 4,000 signatures protesting against the establishment of a methadone clinic. I took the opportunity at the public meetings to advise people of the guidelines for the establishment of a methadone clinic, which were laid down in June 1991. Guideline 4 on page 3 states:

Methadone clinics are not to be located in, or adjacent to, residential areas or in other areas near to schools, colleges or places where children and young people congregate.

The area in which the methadone clinic is proposed is Tweed Heads south on the old Pacific Highway. It is opposite a major shopping centre that has recently undergone a \$50 million extension. I do not think it fits that guideline. Guidelines 7 and 8 state:

The local State Member of Parliament must be informed of, and his or her consent obtained for, the proposal and the specific purpose of the proposed clinic.

Proposed clinics which have significant local community objection will generally not be licensed.

I have used my power of veto and I advised the Minister accordingly by letter of 2 March, which states:

I support this decision [of the people] that it is not desirable to have a Methadone Clinic in the Tweed area and I hereby withhold my consent for the proposed Methadone Clinic.

I have also been advised by senior officers of the Minister's department that the guidelines incorporate a requirement for a local member's consent prior to approval by the director-general. The director-general has never given approval for the establishment of a methadone clinic when the local member has objected. That is, the guidelines have been followed in all cases to date. I sincerely hope that the Minister will advise his director-general, Mr Michael Reid, not to issue a licence for the methadone clinic. I am objecting not only as an individual but also on behalf of all of my constituents, who have loudly and clearly voiced their objections. I also have the support of the Tweed Shire Council, which has voted on a couple of occasions to object to the establishment of a clinic.

A few days ago the council, unfortunately, lost an appeal against the decision of the Land and Environment Court. However, that does not overrule the decision of the Minister or the director-general to issue a licence. Nor does it overrule the power of veto of the local member. I take this opportunity to advise the Parliament that I will not give my permission for the clinic to be established. If my power of veto were overruled, I am sure that not only members who are sitting in this Chamber today, but the entire 99 members, would be very concerned. I am aware that half a dozen chemists throughout the Tweed valley will supply methadone, and that approximately 30 people require it. Others who wish to obtain methadone can travel for half an hour to Miami. Plenty of public transport is available.

#### **KIAMA DISTRICT HOSPITAL REOPENING**

**Mr HARRISON** (Kiama) [6.04 p.m.]: On 26 June Kiama District Hospital in-patient services will be restored when the hospital reopens after six years. It will be a joyous event in the local area and will right the despicable actions of the coalition leading up to the closure of Kiama hospital after it provided more than 100 years of continuous service to local residents. During the seven long years of the former coalition Government, a substantial number of hospitals were closed by Ministers Collins and

Phillips, including hospitals at Marrickville, Kiama, Wollongong and the western suburbs to name just a few. The Port Macquarie, Hawkesbury and Yeoval hospitals were privatised and an attempt was made to privatise the Prince of Wales Hospital and the Sutherland maternity hospital.

This plan was set aside because of opposition and the political fallout that would have occurred. The closure of Kiama hospital, despite promises from the coalition leader at the time, Nick Greiner, and the health Minister, Peter Collins, was of particular concern to me. I shall read onto the record a couple of interesting press items. The first is attributed to Nick Greiner when he was Leader of the Opposition in New South Wales. He called upon New South Wales health Minister Unsworth to end the death of a thousand cuts for Kiama hospital. He said:

Mr Unsworth should assure the survival of the hospital's existing services after the introduction of Area Health Boards in October.

The current speculations are just part of a long-running saga of doubt over the hospital's future.

Mr Greiner continued:

It is a community which needs and deserves a health service of its own—that includes a hospital which provides medical, surgical and maternity beds.

Following the change of government there was quite a lot of conjecture about the future of the hospital. I will briefly quote from a press release issued by Peter Collins, Minister for Health at the time. His last words were:

Alderman Harrison's claims about the future of Kiama Hospital are totally without foundation. The hospital will not close after the State election.

That was shown up for the lie it was. It is a matter of record that the hospital closed in short order after the election. Health Minister Ron Phillips, who succeeded Mr Collins as health Minister, refused to meet with a deputation from me and Kiama council, claiming that no purpose could be served by it. But he surreptitiously summoned the mayor of Kiama of the time, in the company of a prominent local Liberal Party member, to Sydney. She agreed to go to Sydney on the premise that good news would be forthcoming. The good news was that the hospital would be closed. The Minister was not willing to overturn advice given to him by his bureaucrats.

The mayor's deputation was received on the condition she not tell anyone about it. It was to be confidential and I, as the local member, was not to

be told. Despite this deceit and this shoddy treatment of people in the local area, health Minister Phillips made a lightning visit to Wollongong when the announcement was made that a future Labor government would reopen Kiama hospital. He said that it was bad health planning and should not happen. The good news is that on Friday next week the Minister will be in the area. He will open the hospital, which will be greatly appreciated by the local community. It will be a great event and a great achievement for the Labor Government in this State.

#### **POLICE CONSTABLES SCOTT TUCKER AND WAYNE SNELL**

**Mr RICHARDSON** (The Hills) [6.09 p.m.]: On 21 April 1991 a constituent of mine, Scott Tucker, then a 21-year-old constable in the New South Wales Police Service, and his colleague Constable Wayne Snell arrested Mr Joseph Twigg in Luxford Road, Mount Druitt, and charged him with a number of offences, including speed dangerous, driving under the influence of alcohol, driving whilst disqualified, resisting arrest and assaulting a police officer. Mr Twigg's record included at least two previous drink-driving convictions, break, enter and steal and receiving stolen goods. He was technically unlicensed at the time of the offence. Given the legislation that has recently passed through the House, the Government will view Mr Twigg's reckless disregard of the law with the utmost seriousness. Mr Twigg is a large man and the two officers had to call for reinforcements to restrain him. When he was placed in the paddy wagon he apparently fell, cutting open his head.

Mr Twigg appeared in Blacktown Local Court on 5 September and again on 7 November 1991. On the second appearance he alleged the police officers assaulted him and he produced two witnesses to support his claim. He pleaded guilty to the charge of driving under the influence of alcohol. The other charges were dismissed. The magistrate hearing the matter, Roger Dive, ordered an investigation into the matter by police internal affairs, which was carried out by Inspector Adrian Dick. Inspector Dick, from whom I have a statement—I also have a statement from the Vice-President of the Police Association, Sergeant Ian Ball—found that the police officers had acted appropriately and that no charges should be laid against them. Nevertheless, following a scathing attack on the officers concerned by that well-known campaigner for truth and justice, that advocate for the common man, Chris Murphy, in the *Sun-Herald*, the matter was referred to the Ombudsman and the Director of Public Prosecutions. In March 1993 the Ombudsman reported, recommending that constables Tucker and Snell be prosecuted for assault.

This matter was heard in the Downing Centre Local Court. The magistrate, Pat O'Shane, refused to allow it to be dealt with before a judge and jury, and was scathing of the police, suggesting that they were lying and refusing to allow photographic evidence that would have discredited the testimony of Mr Twigg's independent witnesses. Magistrate O'Shane convicted the two young constables and they were suspended from duty. They appealed their conviction to the District Court, where they appeared before Judge Peter Phelan. This was at the time of the police royal commission and Judge Phelan, in effect, told the officers that the only way they would not go to gaol would be if they pleaded guilty, adding that it was no good relying on other officers to lie for them; that he was aware of the police culture and the fact that the police conspired to cover up for one another. These threats notwithstanding, the two constables elected to continue with their appeal.

Following the conflicting evidence of the independent witnesses, one of whom admitted he had coloured his evidence and the other of whom said he had seen things he assumed must have happened because of what Mr Twigg had told him, the judge dismissed the major charge of assault occasioning actual bodily harm. One might have thought that that would have been an end to the matter, but the judge then found the constables guilty of common assault on the basis of the evidence from the same two discredited witnesses. The two constables were subsequently sacked from the Police Service even though Sergeant Ball described Scott Tucker as "an excellent young copper". A written complaint to the Judicial Review Committee regarding the conduct of Judge Phelan was dismissed because the judge had retired, effective 20 September 1997. To add insult to injury, on 31 March this year the Victims Compensation Tribunal ordered Scott Tucker to pay \$10,450 compensation to Mr Twigg for several bruises not necessarily sustained during the arrest and a laceration to the head caused, Scott Tucker says, when Mr Twigg was placed in the paddy wagon.

If anyone is the victim in all this it is Scott Tucker. Inspector Dick, who recently retired, said in his statement that Tucker and Snell were victims of a judiciary which was influenced by the evidence and publicity that was then forthcoming from the royal commission. They were also the victims of bad luck, appearing not just before Judge Peter Phelan but also before magistrate O'Shane, whose bias against the police virtually guaranteed that they would not receive a fair trial. I understand very clearly the doctrine of the separation of powers and

the need for the courts to operate independently of this Parliament, but when there is a miscarriage of justice I believe it is my duty, as a member of this House, to speak up on behalf of my constituents. The transcript of the trials and the reports of Sergeant Ian Ball and of former Inspector Adrian Dick cast significant doubt on the conviction recorded against Scott Tucker. I ask the Attorney General to reopen the conviction with a view to it being quashed or a pardon being granted by the Governor.

#### **Mr RODNEY FOX WORKPLACE DEATH**

**Mr LYNCH** (Liverpool) [6.14 p.m.]: I draw to the attention of the House an extremely serious set of circumstances relating to the death of Rodney Fox. The matters that I will raise call into question some serious matters concerning occupational health and safety standards on a site or sites supervised by the New South Wales railways. Mr Fox was a resident of Liverpool. His two brothers, Brad and Ray Fox, are also residents of Liverpool. I have had the benefit of discussing these matters with both Brad and Ray Fox and with Mr Steve Dixon of the Construction, Forestry, Mining and Energy Union. The Hon. Peter Primrose, who was present at those discussions, raised these matters in the other place. Mr Fox was killed on Saturday, 23 May. He was at that time employed as a dogman by LBJ Cranes and Rigging. It was subcontracted by Gillespies' crane service, which was contracted in turn to New South Wales railways in one of its corporate guises.

Rodney Fox was killed when a train struck him on the line between Burwood and Strathfield. He was working with a crane that was involved with another crane in the dual lift of an overhead stanchion. The train concerned was travelling westbound; that is, work was going on at that site while trains were still using some of the lines. My concerns relate not just to this incident but broadly to the safety of procedures at sites under the control of the New South Wales railways. The accident occurred at approximately 8.00 p.m. It was, of course, quite dark at that time of the year. Whilst Mr Fox was at the end of his shift, another shift was supposed to work through the night. No artificial work lighting was provided for the site, apart from the headlights on the cranes. I cannot believe that anyone could seriously argue that that was anything other than incredibly unsafe. Even more disturbing, there were no flagmen on site, even though the adjacent railway line was live, that is, trains were travelling up and down the line. Equally unbelievably, there were no safety barriers or safety tape to separate workers from the live line.

These are all, to my way of thinking, appalling breaches of what one would have thought were basic, commonsense safety procedures. Another difficulty on the part of the site railway managers was the total absence of written documents setting out safety procedures. Specifically, in defiance of what I understand is their legal obligation, there was no risk assessment plan and no work method statement. The mechanism by which these facts have come to my attention is quite illuminating, if not rather horrifying. At about 8.45 p.m., Steve Dixon, the CFMEU co-ordinator, arrived on the site. Mr Dixon eventually spoke with the senior railways manager on the site. Mr Dixon requested a copy of the risk assessment plan and the work method statement. The State Rail Authority manager wanted to know why Mr Dixon had the temerity to ask for those documents. He was then correctly informed by the WorkCover officer present that Mr Dixon had a right to view the documents.

The project managers then said that they would get the documents. They returned with a thick document which they gave to Mr Dixon. It was clear that the documents in that thick bundle referred to a project called "Redfern to Central". Not unnaturally, Mr Dixon suggested that that had nothing to do with the project between Burwood and Strathfield. I am still staggered by this answer. When Mr Dixon pointed this out, the senior SRA site manager said that the office had been burned down about one month earlier and that all the documents were lost in the fire. Finally, at about midnight, the site managers conceded that they did not have and at no stage had a risk assessment plan or a work method statement for the Strathfield-Burwood project. Not surprisingly, at 12.20 a.m. the WorkCover officer issued a prohibition notice which prohibited work from continuing on the basis that there had been a contravention or likely contravention of sections 15 and 16 of the Occupational Health and Safety Act 1983. The reasons expressed for the issuing of the prohibition notice included the statement:

There is no work method statement for the project, identifying risk and site safe work systems.

Eventually, at 5.00 a.m., the site management finally produced a copy of the documents that were required. I cannot see how the absence of these documents can be excused. Their absence is indicative of an absolute contempt for the safety of the workers concerned. Working adjacent to live railway lines on which trains are travelling must be one of the most potentially dangerous jobs in this city. The performance of the SRA site managers appears to be so substandard that nothing less than a complete alteration of procedures is required. I

believe that there ought to be an immediate inquiry into the railway authorities to ensure that all safety requirements are abided by. I also think that the Fox family and the union should be represented at that inquiry and that all costs ought to be paid for. One of the Fox brothers said to me that he should not have to pay to ask someone how his brother was killed. There is a much broader concern than just this one case. Steve Dixon said to me that this is not just an accident that has occurred; this is potentially a catastrophe waiting to happen. It is not acceptable in this day and age that these apparent appalling breaches of safety standards should occur on any site and place any worker at risk.

### **ARMIDALE MULTIPURPOSE EXHIBITION PAVILION**

**Mr CHAPPELL** (Northern Tablelands) [6.19 p.m.]: At the present time Armidale has a major need for a permanent pavilion, trade display area or indoor-outdoor space which could double as a multipurpose building for other sporting, trade and cultural activities. The trigger for recent action at the local level was concern during this year's annual Wool Expo. The organising committee cannot continue to pay the huge rental that is outlaid each year, approximately \$50,000 per annum, on temporary pavilions on the Armidale creek site for the Wool Expo. That money would be better spent on a permanent building on a permanent site. The Wool Expo, which has been going from strength to strength, is a major event that attracts industry support throughout the State and, indeed, Australia. It attracts to Armidale thousands of people, individually and in groups, and busloads of schoolchildren. But the income from trade space rental, entry fees and sponsorship is not enough.

The Wearable Wool Awards, a related activity, is now a firmly established national and international competitive fashion design event. It has become hugely successful in its own right and needs to develop its own future. Although I hope that the future will always remain linked to the Wool Expo, it ought not be held back from its inevitable continuing growth and development by the financial burdens from which the Wool Expo is presently suffering. A major exhibition pavilion for use as a permanent home for the Wool Expo could also be used by the regular major national and international events that are held in Armidale in conjunction with the University of New England, our co-operative research centres, beef breed societies and many others. Only last week Armidale held the World Conference of the Shorthorn Society. In the past few months Armidale has hosted major international conferences on genetics and other areas of academic and industry interest.

In almost every case there is real difficulty in finding suitable meeting, display and performance space. Indeed, many events that could be held in Armidale do not go ahead because of lack of space and many that proceed are held back from achieving their full participation rate because of lack of suitable facilities to cater for large numbers of people and displays. The Wool Expo and the Wearable Wool Awards and other organisations have a great need for a satisfactory venue. Significant opportunities would be obtainable if an appropriate facility were available. Armidale could host many more conferences, trade events, exhibitions and cultural and sporting events if an appropriately located indoor-outdoor venue were available. To fully explore the opportunities and possibilities for the development of a major multipurpose facility, Armidale will need support.

For instance, it is essential to explore all the community needs that could be met by such a facility and the business opportunities that exist so that they can be developed. We need to know what sporting and cultural usage will be made of an appropriately located, designed and equipped facility. Having undertaken data collection and project design, a business plan could then be developed. The facility could be a major boost to the local economy, whilst fulfilling a current urgent need by the Wool Expo in particular and allowing for the growth of an entirely new level of regular activity in the community, to the mutual benefit of all.

The planning, organisation, funding and management control of such a facility are beyond the scope of any one of the currently existing organisations or irregular, but frequent, events held, such as science conferences and beef breed society congresses. I raise the issue to inform the Premier and the Government—and I note the presence in the Chamber of the Minister for Regional Development—that it is important that Armidale receive funding support to enable such a project design to proceed. I ask the Minister to take the matter to the Premier and to endeavour to find some way that the Government can provide immediate support to enter into a data collection process and funding of a business plan to enable the construction of a much needed facility in Armidale for the Wool Expo and other events that I have brought to the attention of the House. [*Time expired.*]

**Mr WOODS** (Clarence—Minister for Regional Development, and Minister for Rural Affairs) [6.24 p.m.]: Perhaps as a first step the honourable member for Northern Tablelands might write me a letter.

## MULTILATERAL AGREEMENT ON INVESTMENT

**Mr GAUDRY** (Newcastle) [6.25 p.m.]: A public meeting was held in Newcastle to discuss a pernicious agreement, the multilateral agreement on investment, between the Australian Government and 28 other governments of the world's richest industrialised countries, members of the Organisation for Economic Co-operation and Development. These governments are currently negotiating, and have been for some time, a binding agreement on international investment. The meeting was convened by the Newcastle Trades Hall Council and arose from many concerns raised by the trade union movement, business organisations, Australian Labor Party branches and the environmental movement in the Hunter region. This matter was raised at the ALP national conference and general concerns were expressed worldwide about the potential of the agreement to impact on national investment in a country and on the environment and workers' rights.

The multilateral agreement on investment—MAI—recognises investors' rights, predominantly those of transnational corporations, without raising corresponding obligations. It will also restrict a national government's ability to protect and promote the rights of individuals, community groups and small business. Certainly many concerns are raised by this agreement, which has been negotiated behind closed doors. One of the most outstanding and disgraceful aspects is that the agreement has been negotiated over time by both the former and current Federal governments, or government department bureaucrats, without open discussion in the community or within the parliamentary structure.

The features that particularly cause concern are that governments would not require multinational corporations to employ or train local people, buy local products or transfer technology—all of which are absolutely essential for the development of industry at the national, regional and local levels. If this treaty were transferred and became a binding multilateral agreement, Government decisions which unreasonably impaired investment returns would be outlawed; legislation which promotes local development or the protection of the environment, labour rights or indigenous rights could be challenged; and investors could sue governments for lost income. Those matters should create great concern in the community.

Under the MAI a dispute resolution mechanism would be created without access for citizens, non-government organisations, indigenous people or local governments. That could be used to

dismantle existing laws and deter the introduction of new legislation which protects citizens but imposes costs on investors. A great deal of concern has been raised by this potential multilateral agreement on investment, and that concern was made apparent at that meeting. The meeting was addressed by Pat Ranauld from the public sector research centre, on behalf of the broader movement by Doug Cameron on trade union rights and the impact of the MAI, and Anna Reynolds of the Australian Conservation Foundation regarding the impact on the environment. Concerns were raised by the large group who participated. The friendship room of the Newcastle Workers Club was filled that afternoon with a broad section of community members.

Because labour rights are impacted on unions are very critical of the MAI. The Australian Council of Trade Unions executive has passed a resolution which argues that the MAI is based on a wrong premise, severely limiting the basis of the proposed treaty and limiting the ability of governments to regulate investment in the public interest. The MAI has the potential to profoundly affect the rights of indigenous people. Australian law and international law recognise the specific cultural and land rights of indigenous people but the MAI places the rights of investors on a higher plane than international and environmental law. There is great concern about the MAI. All members should look very closely at it. [*Time expired.*]

### MANUFACTURING INDUSTRY

**Mr OAKESHOTT** (Port Macquarie) [6.30 p.m.]: I raise concerns about a recent survey undertaken by the Australian Business Chamber and the Colonial State Bank of manufacturing in New South Wales. The findings from the June quarter 1998 survey of 507 manufacturers in New South Wales showed that in seasonally adjusted terms overall business conditions weakened to the lowest level since 1996. Production, sales, orders and profitability were all lower in the June quarter. This has led to manufacturers operating at lower levels of capacity. About 59 per cent of respondents were operating above 70 per cent of available capacity—the lowest level in more than five years. The export business of manufacturing remains under pressure. The downturn in export orders in the June quarter was the most significant since the survey began in 1985.

Despite higher raw material costs and weaker sales, manufacturers have been restrained in lifting prices. In the June quarter competitive pressures led to more manufacturers reducing selling prices than opting to increase prices. Pleasingly, manufacturers

are more optimistic about conditions in the September quarter. Production, sales and orders are expected to increase, but the level of optimism is the most restrained since early 1996. Further, capacity use is expected to fall to the lowest levels in five years. The survey's overview of manufacturing conditions showed that for the second consecutive survey business conditions deteriorated in the June quarter, with notable weakness in profitability, employment and export orders. All regions noted weaker business conditions in the June quarter but Wollongong and Newcastle were worst affected. Newcastle respondents expect further deterioration in the September quarter. This is a clear message that regional business is hurting most and needs support.

An analysis by size of firm showed that mid-size firms are being most affected by the downturn in manufacturing. Firms in the 21 to 99 employee segment experienced a marked deterioration in business conditions in the June quarter and, on balance, expect no improvement in the September quarter. Manufacturing in New South Wales is hurting and further opportunities on the mid-north coast must be developed. We have a strong local and regional manufacturing sector for jobs and employment. This six-month slump in New South Wales manufacturing must be recognised and addressed by governments and industry together.

With the fall in the Australian dollar we have a window of opportunity for employment within this very important manufacturing sector, and exports can be expanded. Many people do not realise what a valuable role export industries play in life on the mid-north coast. Examples of very successful exporting companies include, in the Manning Valley, Wingham Abattoirs with meat, Hot Tuna with clothing, Britax with car components, Bayview Seafoods, Stebercraft with boats and Lord Safes. The Hastings Valley has Cassegrain vineyards with wine, Soft Edges with clothing, BCR with whiteboards and airport materials, Coast to Coast Sports with sports clothing, Polytech Antiwear with machine components and Hastings Dataloggers with software.

All these businesses are leading the way, employing local people and generating genuine jobs. I therefore encourage governments at all levels to continue to support and aggressively assist business development in this sector. The Australian business survey highlights what damage to regional employment and business the lessening of foreign investment and the lifting of tariffs would do. It is only by looking to the future and gaining access to more and more markets throughout the world that local business on the mid-north coast will have a

greater chance of successfully investing, exporting and employing. I believe that the fortress Australia mentality will hurt local employment and I urge governments of all persuasions to aggressively support genuine local job development in regional New South Wales by aggressively supporting the manufacturing sector of New South Wales and by aggressively supporting export development from New South Wales. I congratulate Australian business on its continued survey work, which is an invaluable tool for government. I urge all involved in policy development not only to take note of the latest survey results but also to support local manufacturing development, which without doubt is the employment backbone of regional New South Wales.

#### **NORTHSIDE STORAGE TUNNEL SPOIL**

**Dr MACDONALD** (Manly) [6.35 p.m.]: I draw to the attention of the House two matters relating to the northside storage tunnel, a flawed capital work proposed by the Government and costing approximately \$400 million. The project, which is about to start, involves a 15-kilometre tunnel six metres in diameter running from Lane Cove to North Head. The matter has been brought to the attention of the House before but I wish to refer to two particular aspects tonight. A home will have to be found for approximately a billion cubic metres of crushed sandstone as and when the tunnel is built. The Government has decided to take the spoil by a spur tunnel down to Little Manly Point and from there barge it to White Bay. The 1.4 kilometre spur tunnel will be of four metres diameter.

I request that the Government consider a proposal from the North Head Alliance, a community-based group. The alternative is known as the Sewell proposal. Under it, the spur tunnel would not have to be built and the crushed sandstone would not have to be removed from North Head; it would be used to bury the North Head sewage treatment plant. There is a complex of buildings, tanks, roadways and parking areas at the plant. They could be built over by using a supporting concrete roof. The spoil would be used to fill above the concrete roof so that the whole of the site could be regenerated. As one comes in from the ocean one sees an ugly scar at North Head. The slope of the area would be terraced and regenerated. That proposal would result in the beneficial reuse of the site. I have a letter from the White Bay precinct supporting the proposal. It is implacably opposed to the material being barged to White Bay. The proposal would protect Little Manly Point and the endangered fairy penguin colony in an aquatic reserve there, which would be at risk from the 60- to 70-metre-long barges.

The proposal would also avoid disturbance of Little Manly Point, which is a remediated contaminated site. The work there was completed in 1992 with funding from the coalition Government. Any operations there would disturb the cyanide deposits. The point has been converted into a public reserve. It is to be used to bring the tunnel through and the material is to be barged across the harbour. Significant cost savings are offered by the alternative. It should be much cheaper to cover the STP than to build a \$10 million spur tunnel. The Government has argued that the tunnel must be built by the time of the Olympics. I have a letter from Sandy Hollway of the Sydney Organising Committee for the Olympic Games indicating quite clearly that SOCOG has no interest in the tunnel being built before the Olympics. It states:

SOCOG does not have a view in respect of the tunnel's completion, as the operations of the Olympic Games are not necessarily affected by the Tunnel.

The Minister has stated that the project must be completed by the year 2000. I put it to the Minister that that is not necessary. Another matter I would like to draw to the attention of the House in the short time left to me concerns the question of a community liaison committee. Sydney Water established a process whereby it is seeking to inform the community about its operations. Month by month it is holding meetings to inform the community. A community meeting was held on 2 May at which a motion was moved that I, as a member of Parliament, should be an independent chairperson of the community liaison committee. Initially that was rejected by Sydney Water and by the North Head Alliance.

However, that decision has been reversed and I have had the opportunity to chair the latest meeting of the community liaison committee. The committee could be useful as a complaints mechanism and for community input. I will not allow it to be used as a marketing tool by Sydney Water. However, if this project must go ahead, and it appears that the Government intends to push ahead with it, a proper grievance mechanism must be put in place for the community to express its concern about the environment and for complaints to be made to Sydney Water and to the Northside Storage Tunnel Alliance.

#### **SOUTHERN HIGHLANDS WINE AND OLIVE INDUSTRIES**

**Ms SEATON** (Southern Highlands) [6.40 p.m.]: I speak in support of an important emerging agricultural industry in my region, the fine cold climate wine production industry and the development of an olive industry. I declare at the

outset that I am proud to be an olive producer and I began that enterprise seven years ago with my husband. In recent years I was delighted to find in the region from Tarago and Taralga up to Berrima, Mittagong and, potentially, Wollondilly the emergence of olive oil and fruit producers and the recent formation of the Southern Tablelands Olive Growers Association—STOGA—which has held informative field days.

Joadja Winery and Elling Forest Vineyards have been established for several years and our local wines have been award winners. In the past two years up to 24 vineyards have been established and the Southern Highlands Vignerons Association was formed in the past year as an advocate for the industry on agricultural and tourism issues. The Southern Highlands electorate welcomes these associated and compatible industries for the visual values they bring to local tourism, the diversity they offer to our agricultural sector and the jobs that will build over time in both vineyard and grove management and in value-adding.

The main issue I wish to raise is water, because in agriculture water is paramount. The Carr Government has failed to respond to these emerging industries, which provide new hope in regional New South Wales. That is evidenced by its treatment of farmers in respect to dam water. The Minister for Regional Development is at the table and I hope he takes this matter on board and makes some changes. The former Government encouraged soil conservation assistance for farmers to build dams and make themselves drought-proof, which should be an objective of every farmer to avoid the peaks and troughs of rainfall. However, in direct contradiction the Carr Government's policy now effectively stops farmers from using dam water for the irrigation of horticulture and new products such as grapes and olives. It is environmentally and economically damaging at a time when the Government should be looking for ways to help regions find new solutions.

Drip irrigation is one of the most efficient watering systems available and is used by both these industries. However, the Carr Government has turned off the tap and, worse still, has done a poor job of telling existing farmers about new water restrictions. It certainly has not informed would-be vignerons and olive growers, some of whom have now invested in plant stocks only to find they cannot water them, that they now have to change investment plans mid-stream because the goalposts have been moved. The alternative to dam run-off water is bore water. Even if bore water is available, and in many cases in my electorate it is not because

of sustained drought, it often has a mineral make-up that is harmful to the quality of the end product. Cool climate grapes are a low-yield, high-value product. They are sensitive to inputs, including water quality.

Olive groves require drip irrigation initially but after they are established they usually become independent of irrigation; they are hardy trees. It is short-sighted of the Carr Government to prevent new investment in olives and grapes because of theory-driven policy from Sydney head offices, when a more flexible approach to the use of dam water would result in farmers who are presently struggling with lower value products, such as wool or beef, diversifying into other areas. They would also make some environmental improvements to their properties. Olive trees and grapevines play the same role in soil retention as any land care style treeline. Most of the plantings are being undertaken on hillsides, which will benefit from planting. In fact, the whole catchment will benefit from this type of planting and the role it will play in soil conservation.

The establishment of olive groves and grape growing can kill two birds with the one stone because it provides extra diversity and new economic solutions. It also improves soil quality and retention. That would normally be provided by tree planting and other schemes which often do not have a later use. I urge the Carr Government to note the concerns of the Southern Highlands Vignerons Association and the Southern Tablelands Olive Growers Association. I note there is sufficient interest in olive growing in my area that STOGA is considering organising another representative group in the Southern Highlands area. Allowing sensible use of dam water will have long-term environmental benefits, tourism benefits and will result in new, high-value agricultural and manufacturing industries commencing in regional New South Wales.

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

*[Mr Acting-Speaker (Mr Mills) left the chair at 6.45 p.m. The House resumed at 7.30 p.m.]*

#### **ENVIRONMENTAL TRUST BILL**

##### **Second Reading**

#### **Debate resumed from 4 June.**

**Mrs CHIKAROVSKI** (Lane Cove) [7.30 p.m.]: The object of the Environmental Trust Bill is to facilitate a number of changes to the structure and

operations of the existing environmental trusts. The bill proposes mechanisms to replace Sydney Water trade waste charges as the principal source of revenue for the environmental trust scheme; the streamline of the operations of the existing trusts while maintaining all existing functions; the broadening of the operation of the trusts' emergency pollution clean-up program to allow for payments in respect of some clean-ups of orphan wastes; the amending of some provisions of the Forestry Restructuring and Nature Conservation Act; and the inclusion of three new uses to which the funds from the trusts can be applied.

The existing environmental trust scheme was established eight years ago. The bill now before the House aims to secure the future of the trusts' programs by replacing Sydney Water trade waste charges, which may cease under a load-based licensing system due to commence in September, with a standing appropriation from the Consolidated Fund as the principal source of revenue for the scheme. It is proposed that each year the single trust would receive \$13.5 million, indexed, from the Consolidated Fund, with minimum allocations established for environmental rehabilitation, research and education grants.

Before I speak about some concerns that the Opposition has about the bill I should indicate that the Opposition will not oppose those measures. However, I would like to use this opportunity to raise some concerns about the load-based licensing scheme, which was referred to by the Minister for the Environment in her second reading speech. The bill comes before the House because that scheme is about to be introduced in New South Wales. Let me place on record that the Opposition, when the bill establishing that scheme went through the House, indicated support for the concept of polluter pays, but we did say at the time that the devil would be in the detail. That certainly appears to be the case now.

A number of my colleagues and I, as shadow minister for the environment, have received substantial representations from numerous people who will be affected by the load-based licensing scheme. As recently as two hours ago yet another group was in my office expressing genuine concern about the fee structure which the Environment Protection Authority, under the auspices of the Government, is about to introduce. I refer to the structure of the administration fee and the actual fee for the loading. I ask the Minister, who I am sure is well aware of those representations, to take on board some of these concerns, for example, the concerns of intensive agricultural industries such as piggeries,

which in some cases find themselves faced with fee increases of the magnitude of 1,000 per cent.

The Minister should take on board some of the concerns of industries such as the petroleum industry, which is faced with administration fees well in excess of the fees it is now paying. I understand that under this measure one particular group that is now paying about \$30,000 will have to pay about \$1 million. The proposal of those substantial fee increases is a nonsense. Such fees, which are supposedly introduced in an effort to clean up the environment, will make it more difficult for people to find money to improve the environment in which they operate because the funds normally available to them to improve the environment will be paid out in fees.

I take this opportunity to urge the Minister to direct the Environment Protection Authority, not quite to go back to the drawing board—I do not think it needs to go back that far—but certainly to delay the process so that further consultation can take place and so that the concerns of a number of groups in the business community can be adequately addressed. It is pointless introducing a scheme which, at the end of the day, either will put people out of business, which the load-based licensing scheme has the potential to do, or, alternatively, instead of encouraging people to improve the environment in which they operate will lead them to pollute to the level of their existing licences. That is not what the Government said it wants to do with load-based licensing, it is not what the community expected, and it certainly is not what the Opposition will support.

I ask the Minister to take on board those concerns that I have raised. There is no urgency about the introduction of this scheme. I note that it is supposed to be gazetted in July and operational in September. Deferral of the scheme for two months to allow further consultation would not, in the overall scheme of things, be a substantial problem for the environment. People to whom I have spoken are supportive of the principle, but they are concerned about the process. I ask the Minister to take those concerns on board and defer the introduction of the scheme.

I should point out to the House, more forcefully than the Minister did in her second reading speech, that the original proposal for the trusts was an initiative of the former coalition Government. The initiative was introduced in a bill in May 1990 by the former Minister for the Environment, the Hon. Tim Moore. It is fair to say

that its introduction at that time was more than innovative, it was almost revolutionary. I understand that this had been the first time anywhere in the world that trusts of this sort were established, that is, trusts that sought to raise a substantial sum of money for the restoration and rehabilitation of the environment, for research into the environment, and finally for education about the environment. Minister Moore said in his second reading speech at the time:

The purpose of the legislation is to create the three environmental trusts—the Environmental Restoration and Rehabilitation Trust, the Environmental Research Trust, and the Environmental Education Trust—and to build a substantial long-term capital base for community investment in environmental projects that would not otherwise be met with normal government funding at a Commonwealth, State or local government level.

At the time it was an innovative idea to establish a fund with a large amount of money that would be available for ongoing research, rehabilitation, restoration and education of the kind referred to by the Minister in his second reading speech. The Minister at the time emphasised that there would be a long-term capital base for the fund and envisaged that the fund would continue to grow into the future. Minister Moore anticipated, on projected figures available at the time, that by the year 2000 about \$425 million would be accumulated in the fund. Unfortunately, that will not be the case. As the present Minister for the Environment has said, whilst she too is seeking to secure the financial base of the trusts by means of the bill before the House, nothing like that sort of projected funding will be available to the trust.

It is unlikely that there ever will be, under the proposals before the House, anything of the magnitude of \$425 million in the fund. I understand that the fund currently has about \$60 million. It had about \$130 million when the coalition left office but, because of allocations to forestry restructuring, that sum has decreased to \$60 million. My concern relates to the implications of that for the environment, especially when problems related to the environment are increasing, not decreasing. The Government should be facilitating growth in the fund, not only maintaining the fund at its existing level, to address those issues. I understand from the Minister's second reading speech that the \$13.5 million indexed allocation from the Consolidated Fund will only maintain the fund at the existing level; it will not provide for any growth in funds.

That is a problem that raises concerns about the environment. Those working to rehabilitate the environment are concerned about the lack of a commitment to ensure the growth of the fund to a

substantial figure such as the \$425 million envisaged by former Minister Tim Moore. I ask the Minister to indicate whether she believes that the \$13.5 million allocation is likely to increase to a substantially greater amount in future years, or whether it is her intention that the allocation will remain at that amount as an indexed figure.

My second concern relates to the application of funding to the forestry restructure. Although the Opposition accepts that the Government had the prerogative to choose how it would spend the money, when the Government introduced the Forestry Restructuring and Nature Conservation Bill the Opposition expressed concern that \$60 million of the trust money would be used to pay for the restructure and queried whether that was an appropriate use of the funds. The bill extends the application of funds from the trust for the forestry restructure for another 12 months. The Minister's explanation for this in her second reading speech was that more time is needed to finalise the restructuring process. I suppose that in itself is an admission.

How much more time is required to get the restructuring process right? As I understand it, the process is not delivering either in a timely manner or in any sense of regenerating employment in the areas affected by the forestry restructure. Most of the money is being spent on what the Opposition would call exit payments rather than on establishing new jobs or businesses. I seek the Minister's assurance that in extending the period substantial funds will be invested in job creation to ensure the future of those areas affected by the downgrading of the forestry industry. The honourable member for Bega would know better than most that it would be a sad state of affairs if all the money simply went to paying for redundancies instead of being invested in future jobs for those areas. The third concern I raise relates to the amount of funding available for community groups. Clause 12, which provides that grants are to be made in accordance with certain minimums, reads:

The Trust is to ensure that the total amount of grants for each of the following areas during a financial year is not less than the amount specified in respect of that area:

- (a) grants to encourage and support restoration and rehabilitation projects—\$1 million,
- (b) grants to promote research—\$0.5 million,
- (c) grants to promote environmental education—\$0.5 million.

As I understand it, the bill does not contain a provision preventing these grants from being taken

out of the capital of the fund. The lack of such a provision contributes to the Opposition's concern that the fund is being run down. As I said, at the time of coming to government the Labor Party had access to approximately \$130 million in the fund. I am advised that the additional use of the trust funds sanctioned by the Forestry Restructuring and Nature Conservation Act means that the capital of the fund now stands at about \$60 million and the new financial arrangements contained in the bill will only maintain the fund at that level. I seek the Minister's commitment that if the capital of the fund is called upon, additional funds will be made available from consolidated revenue to top up the fund to ensure that money is available at all times for those community grants.

Further, I seek the Minister's assurance that it is her intention that the amounts outlined in the bill, which are stipulated as minimum amounts, will not by way of practice become maximum amounts. That would be most unfortunate and would reflect poorly on the reasons expressed by the former Minister, Tim Moore, why the fund should be a growing fund and his belief that the funds available for research, rehabilitation and education should increase annually and that there should be no predetermined amount for those funds. I turn now to the composition of the trust. Clause 6 provides:

- (1) The Trust is to consist of 5 members.
- (2) The members of the Trust are:
  - (a) the Minister, who is to be Chairperson of the Trust, and
  - (b) the Secretary of the Treasury, and
  - (c) the Director-General of the Environment Protection Authority, and
  - (d) a person appointed by the Minister from a panel of 3 persons nominated by the Nature Conservation Council, and
  - (e) a person appointed by the Minister from a panel of 3 persons nominated by the Local Government and Shires Associations.

In his second reading speech the former Minister Tim Moore stressed the need for individuals with specialist skills to be represented on each of the trusts. With the amalgamation of the trusts into one trust, the Government has chosen to limit the scope of representation on the single trust and has excluded any representation from industry. Whilst I recognise that the newly amalgamated trusts will deal with issues other than industry-related pollution, the Opposition is disappointed that the Government has chosen not to include an industry representative

on the trust as the Opposition believes that the expertise of industry would probably be beneficial in assessing the appropriateness of a number of the applications to the trusts for grants.

Whilst I note that the new trust will continue to have as part of its application process the assessment of grants by a technical committee, which obviously will have people with appropriate qualifications on it, the Opposition is concerned that the final decision on trust grants will be made by the trustees without expert input from industry. In her reply the Minister could perhaps explain why an industry representative was excluded, given that a manufacturing representative was previously a trustee on both the environmental restoration and rehabilitation trust and the environmental research trust. Another concern relates to schedule 2.1 to the bill, which amends the Forestry Restructuring and Nature Conservation Act. Item [14] of schedule 2.1 amends schedule 1 of that Act by allowing funds to be expended on additional environmental activities, including a comprehensive assessment of forested land in the State; acquisition, and subsequent management, of land for national parks and other categories of dedicated or reserved land; and the implementation of a solid waste strategy on Lord Howe Island.

When the Forestry Restructuring and Nature Conservation Bill was debated in Parliament the Opposition raised concerns about the lack of detail on how the funds were to be expended. I reiterate those concerns now in relation to item [14] of schedule 2.1. In doing so I note that this year's budget papers indicate that \$11.1 million is to be spent from the trusts in the establishment of new national parks. The Minister would be aware that recent media reports have indicated that the National Parks and Wildlife Service is currently considering the creation of 49 new national parks. I understand that the Minister has denied that. I therefore ask her to indicate to the House where she intends to acquire property for new national parks as anticipated by the budget, that is, how and where will she spend the \$11.1 million that the budget anticipates will come out of the environmental trust for the acquisition of new national parks.

Members on this side of the House are concerned that part of the Premier's election strategy might be to have created the magic 100 national parks so that in March next year he can quote that figure to the people of New South Wales. I am concerned that the schedule provides that moneys will be made available for the subsequent management of the parks but does not specify that the money is to be considered in the assessment

process. I seek the Minister's assurance that the National Parks and Wildlife Service, if it is considering declaring 49 new national parks, will only do so after a comprehensive assessment of the economic and social impact of any park on affected communities and will only do so after extensive community consultation. That is not an unreasonable proposition to put to the Government, and I seek the Minister's assurance, if she is intending to be part of the process of these declarations of national parks, that she will follow that process.

The Opposition is concerned about who can apply for funding under the grants. I understand that the Minister intends to move an amendment tonight that will include the words "community organisations" as those to whom grants can be given under the trust. I seek her assurance that schools will be able to continue to seek funds from the trust under the greening of schools program, which, it is fair to say, has been one of the more successful parts of the trust. In fact, it has been taken up with great enthusiasm by a number of schools, and it should be encouraged. The Opposition will not oppose the bill. It supports the principles of the bill. It was an innovative, exciting and almost revolutionary change introduced by the coalition Government to ensure continued adequate funding for environmental rehabilitation, restoration, research and education.

The Opposition supports the purposes of the bill. I have asked the Minister to address the concerns I have raised. It would be a concern for the whole of the community if such legislation was not about ensuring the continuation of the trust, but facilitating the diminution of available funds. I ask the Minister to ensure that she addresses those concerns in her reply. We are all supportive of improving our environment. In spite of comments that sometimes come from Labor members, the coalition is green. We are concerned to ensure that the environment in which we live is preserved and rehabilitated, and maintained for future generations. We support any initiatives that do that. If the concerns I have raised can be addressed by the Minister, the Opposition will have no trouble in not opposing the bill.

*[Debate interrupted.]*

#### **DISTINGUISHED VISITORS**

**Mr ACTING-SPEAKER (Mr Gaudry):** Order! I take this opportunity to welcome Susie Maroney and her mother, Pauline, to the gallery. They are accompanied by the honourable member

for Wakehurst. I convey to Susie the congratulations of every member of the House on her recent magnificent earth-shattering swim from Mexico to Cuba. Following her success the Minister for Sport and Recreation and the Opposition spokesperson for sport and recreation conveyed the congratulations of the House to Susie. Every member of the House acknowledges that her swim was a magnificent achievement.

#### **ENVIRONMENTAL TRUST BILL**

##### **Second Reading**

*[Debate resumed]*

**Mr ROGAN (East Hills) [7.52 p.m.]:** Susie, I am sure that had other honourable members been aware that you would grace us with your presence this evening a much greater number of members would be here, such is the esteem in which you are held. I can assure you that all of us are justifiably proud of your achievements and you as a person. I am delighted to make a short contribution to the Environmental Trust Bill and to congratulate the Minister for the Environment on its introduction and the introduction of innovative and progressive environmental legislation in general. The honourable member for Lane Cove indicated that the Opposition will not oppose the bill, which is pleasing and understandable when one considers what the legislation seeks to achieve. The honourable member raised a concern about funding. The Minister stated in her second reading speech that the object of the bill is to provide for a standing annual appropriation of \$13.5 million adjusted for inflation.

If the Federal Government had seen fit to do that with its grants to various organisations and the money received by this State, I am sure we would be in a much better position to do far more for the environment than we are currently doing. The massive cutbacks of Federal funding to this State, perhaps more so than most States, will impact substantially on the ability of the State to deal with the very important issue of the environment. When the Government came to office in 1995 one of its first actions was to use the capital reserves of the environmental trust to ensure that two of the biggest issues facing us—the management of our forests and the development and management of our national parks estate—were adequately resourced. This was not because of any antipathy towards the environmental trust—in fact, the Labor Party supported its creation in 1990—rather, it was because there was a higher priority at the time for the use of the funds.

Notwithstanding the need to use the capital of the trust in this way, the Government believes the program should continue long into the future after the Forestry Restructuring and Nature Conservation Act ceases and normal programs under the trust can recommence. However, this needs to occur in an efficient manner and in a way that recognises that the Government has transformed the landscape of environment protection. The trusts do not operate in the world in which they were created. The Government has introduced significant grants programs to support efforts in every sector of the community on waste minimisation and the prevention and mitigation of stormwater pollution.

The structure and operation of the trust must allow for flexibility in targeting resources to areas not addressed by this type of initiative. I have no doubt that the reforms outlined by the Minister in this package will significantly improve the capacity of the trust to ensure that the right effort is supported in the right place at the right time. The move to a standing appropriation from the Consolidated Fund to replace Sydney Water trade waste charges is timely. The Minister has explained that the introduction of load-based licensing later this year may have implications for the future of trade waste charges. This is quite logical, given that these charges were, in part, conceived of as a financial incentive for industry to reduce its pollution. This proposal is not about pre-empting the outcome of any such review; it is about allowing for the continuation of the trust regardless, and this is important.

Not to put in place the type of alternative proposed by the Government could see the trust scheme left high and dry in the future without a secure revenue stream. It is not the Government's intention to allow that to happen. Given that it was the Greiner Government that established the trust in the first place, I would be surprised if the Opposition would want that either. The solution offered in the bill guarantees that revenue will continue to flow at current levels, adjusted for inflation. As the Minister pointed out, the bill further strengthens the partnership between local government and the State Government in protecting the environment. The participation of local government on the trust will bring its expertise to trust decision making. Also, the broadening of provisions relating to payments from the trust for clean-up costs will address a longstanding concern of councils. Changes to the Forestry Restructuring and Nature Conservation Act respect the complexity of issues in bringing change to the management of our forests. Again, I congratulate the Minister on the introduction of this legislation and I commend her

most highly for the introduction of other environmental legislation. It is wonderful that the legislation will have the support of all members.

**Mr ARMSTRONG** (Lachlan—Leader of the National Party) [8.00 p.m.]: On behalf of the National Party, I indicate support for the Environmental Trust Bill. The National Party agrees with the views expressed by the honourable member for Lane Cove, who led for the Opposition in debate on this bill. Whilst I, like my colleague the honourable member for Lane Cove, do not oppose the legislation, I take this opportunity to direct some remarks to the Minister for the Environment concerning the progress of the fundamental reforms to load-based licensing that brought about this legislation. I acknowledge that, late last year, when the load-based licensing bills were before this House, they were not opposed by the Opposition. However, during debate on that legislation the then shadow minister said:

The Opposition is mindful that it is important to strike the right balance in protecting our environment and at the same time ensuring that industry is not so debilitated that it simply packs up and leaves the State.

The shadow minister continued:

I urge the New South Wales Government to ensure that the consultation taken in February is genuine and recognises the importance of getting the balance right. The system should not be heavy-handed and it should not be implemented without consideration being given to its effect upon jobs; at the same time we must find the right balance for the environment.

Many members have received representations concerning draft regulations from intensive rural industries, ranging from small peak associations, producer organisations and individual producers to some of the largest organisations in the country. At present the pig industry is going through some difficult times because of overproduction and the introduction of imported pig meat in this country. In the last three decades the pig industry has been one of the most efficient industries we have seen. It has virtually led the world in the modernisation of intensive animal farming in this country and in the introduction of new technology, genetic improvements and consultative marketing in the domestic market. That industry has been able to demonstrate that change is inevitable. In many ways it has led those changes.

It has demonstrated that whilst it has been profitable it is prepared to improve its own genetics, marketing and technology and, importantly, to live within the environment. In the main it has endeavoured to maximise responsible economic and environmental management. I will read into *Hansard*

a letter signed by Mr John G. Beevers, Chief Executive of the Pig Improvement Company, Australia. We must recognise, first, the historical perspective of this industry; second, its success; and, third, the fact that it is one of the leading industries in this area. I place considerable credence on the submission I have received from that organisation. The letter, which is dated 17 April and which is addressed to me, states:

Subject: EPA Regulatory Impact Statement

Please find enclosed a copy of PIC Australia's submission as requested by the Environment Protection Authority (EPA).

The EPA has recently informed PIC Australia of the scale of charging for intensive industries such as ours. Notwithstanding the very brief consultation period, we strongly feel that not only is the basis of charging flawed, but that we are being singularly identified as an easy target to impose this tax.

As you will know, most other countries around the world have responded to the call for an imposition of charges on polluters by levying these charges in direct relation to the volume of pollutant discharged. The basis of charging piggeries on liveweight and not on volume discharged is unfair and does not provide any incentive for reducing output.

All intensive agriculture is required to have a system in place that addresses the importance of waste management and/or recycling. PIC is a pork producer who has addressed these issues.

We would urge you to lobby the government to suspend this proposal until such time as a more equitable and scientifically based means can be implemented.

You will, no doubt, hear from other significant investors involved in intensive agricultural areas who feel the same as this company.

If you would like further information please do not hesitate to contact me.

Yours sincerely

John G Beevers  
Chief Executive

That sums up the best part of some 20 letters and submissions I have received from both small and large pig producers. The important factor in that submission, which corresponds with other representations, is that that organisation is asking for the assessment of the impact effluent discharges are having on the environment and subsequent charges to be based on scientific fact. By any benchmark that is a reasonable request. When we are talking about something as important as the environment and one of our major employing and producing industries—the pork industry—the Government and the Opposition should realise that these regulations should be based on scientific fact. Mr Beevers said:

The basis of charging piggeries on liveweight and not on volume discharged is unfair and does not provide any incentive for reducing output.

To me that is a matter of logic. After all, we are talking about the discharge of effluent, a far more equitable manner of judging the impact of piggeries on the environment as opposed to the live weight of pigs. If someone wants to work out the correlation between the live weight of pigs and the amount of effluent that is being discharged, that is fine, but it seems to me to be a long way of going about it. Why do not we just determine the discharge of the effluent and forget about other aspects which can only confuse whatever scientific information is being used? I ask the Minister to take note of those two points. There is no doubt about the fact that industry wishes to co-operate. But it requests the Minister to consider allowing these evaluations to be made on a scientific basis. The method used to measure the impact intensive piggeries might be having should be based not on live weight but the discharge of effluent.

Other intensive industries have similar concerns to those I enunciated for the pig industry. The sheep-rearing industry ranges from stud breeders through to those in the south of the State who are producing ultra-fine wool. Ultra-fine wool is one of our most valuable products. Australia leads the world in the production of ultra-fine wool. It is producing wool down to 13 microns—the finest wool ever intensively produced. Another intensive industry is the chicken industry. Only recently the Minister for the Environment referred to the creation of jobs caused by the expansion of the chicken industry in the Griffith area. Those intensive industries are facing the same difficulties faced by the pig industry. Any methodologies used by those intensive industries have to be done scientifically. I hope that the Minister addresses those issues when she replies to debate on this legislation. I hope she addresses the issues raised by investors—those people creating jobs and leading in world in quality animal production. Most importantly, their concerns about the environmental impact of their industries are as great as the concerns of any greenie or the Government. They know that, if they are to be successful, they must be self-revolving and maintain the best conditions for the health of animals and a clean and wholesome environment. The Minister should recognise that their objects are the same as the objects of the Government, the Opposition and the broader community.

**Ms ALLAN** (Blacktown—Minister for the Environment) 8.09 p.m., in reply: I appreciate the Opposition's support for the Environmental Trust Bill. As I outlined in my second reading speech, the

Environmental Trust has enabled this Government to embark on the greatest nature conservation program of any government in Australia's history. As the honourable member for Lane Cove said, the trusts have funded an historic reform package to save our ancient old-growth forests and, at the same time, to guarantee sustainable growth in the timber industry. In three short years the Government has expanded the estate of national parks, nature reserves and historic sites. It has used these trust funds to ensure that the unprecedented 15 per cent increase of the national estate has been well managed and well resourced. While the Government has used the capital funds in the trust, it has continued to support those community-based programs that enjoy strong support throughout New South Wales.

By replacing the Sydney Water Corporation's trade waste charges with a standard appropriation from the Consolidated Fund, the Government is ensuring the future of the trusts without pre-empting the outcome of any review of these charges. Such a review is likely as a result of the commencement of load-based licensing later this year. I will talk more about that later. By creating a single trust able to be responsive to the environmental priorities of the day, the Government is not abandoning the original trusts scheme, rather it is improving it. I am pleased that has been recognised in positive comments on the proposal by Opposition members. We are able to do this as a Government because our many significant environmental reforms have fundamentally changed the context in which the trusts operate. Other grants programs put in place by the Government, dealing with waste and stormwater, again underlie the need for an environmental trust structure to be more responsive. After all, it is not the only environmental grants program operating any more.

Greater flexibility will mean better targeting of scarce public resources. On the issue of targeting, the Government has decided to introduce amendments to clause 12 of this bill to ensure that community groups have guaranteed levels of funding in each program area. That follows the precedent established by the Forestry Restructuring and Nature Conservation Act and recognises that community groups have far less certainty regarding funding than do government departments and local councils. Guaranteeing minimum levels of funding for community groups will provide a framework for better planning in this sector and, therefore, better linkages to programs being run in other sectors. The new trust membership ensures that the key stakeholders are around the decision-making table, for the first time properly including local government in this scheme. Technical committees with members with expertise in relevant fields,

including industry and manufacturing, will ensure that the existing merit-based approach to awarding grants is carried forward into the new scheme.

The Government is improving the transparency of decision making in the scheme and at the same time ensuring that prospective applicants are given better guidance as to the trusts' priorities and processes. The amendments to the Forestry Restructuring and Nature Conservation Act recognise the complexity of the issues involved in restructuring the forest industry. Allowing more time for these processes to occur provides a benefit to all stakeholders. Both the honourable member for Lane Cove and the Leader of the National Party spent a great deal of time expressing concerns on behalf of various individuals and groups on the issue of load-based licensing. Those concerns have also been expressed to the Government in a lengthy consultation process that is currently proceeding.

Load-based licensing is a major reform of the New South Wales environment protection licensing system and, therefore, will generate considerable community interest and debate. The Environment Protection Authority has advised me that because the proposed system will control half the interest charges to the environment, approximately 3,500 activities will be affected because of their individual potential to pollute the New South Wales environment. As has already been expressed, the Government, with the support of the Opposition, passed the Pollution Control Amendment (Load-based Licensing) Act late last year to enable the scheme to proceed. We are now at a point where the scheme is about to proceed. The Government has engaged in an eight-week consultation program to ensure that the interests of all parties to be affected by the proposed scheme are considered in the development of the regulations to the Act.

Four regional seminars conducted throughout the State have been well-attended. In addition, interviews have been held between various industry representatives and representatives of not only the Environment Protection Authority but also members of the Government and of my ministerial office. As a result of those lengthy discussions, the EPA is carefully reviewing each written submission received to identify the desired improvements to the proposed regulation. Once the review is complete, the Government will consider each proposed change and make the appropriate amendments. Implementation of the load-based licensing scheme will see this State emerge as the clear leader in Australia in the integration of the environment and the economy, consistent with world's best practice.

As was hinted at in the contributions of the honourable member for Lane Cove and the Leader of the National Party, various submissions have been received from a broad range of industry groups across New South Wales. The majority of submissions received were from the following industry sectors: sewage treatment, pig production, coalmining and coal handling, electricity generation, tanning, miscellaneous chemical production, paper production, animal slaughter, feedlot production, chemical production and cement production. I am also advised that written submissions indicate the overall support for the polluter-pays principle on which the scheme is based remains strong. Despite some individual concerns from industries, the general support for the principle has remained strong in the submission stage.

As outlined during the consultation program, in the first stage of the implementation scheme only administration fees will be payable for livestock-intensive activities. I am advised that load fees will be introduced via a subsequent future amendment of the regulation, which will occur once the EPA and industry representatives have jointly developed load calculation protocols for these industries. The EPA informs me that once the protocol is developed, administration fees will be discounted by 50 per cent to provide greater rewards for those licensees who achieve low levels of emissions. The scheme also provides discounts of up to 100 per cent on load fees where there is sustainable management of liquid waste. I am also informed that industry representatives have indicated that well-managed operations in those industries are operating sustainably and will be eligible for discounts.

The feedback from representatives of feedlots, poultry farms and dairies, and also from industries that have been referred to by Opposition members, is that the scheme will apply only to larger operators and that impacts are moderate and broadly acceptable. Despite the scare campaign that is being waged by some coalition members, the reality is that broad consultation is occurring and a keen and sincere attempt is being made by the EPA, the agency responsible for finalising the nature of the regulations, so that the Act is effectively implemented to ensure that the concerns of groups such as the New South Wales Farmers Association and the Pork Council of Australia are adequately met. The Leader of the National Party, in particular, insinuated that the interests of these groups are being ignored, which is not true. Widespread consultation is continuing within the community to ensure that the regulations that are eventually developed to accompany the legislation are pertinent, relevant and sustainable. The Government has given

that commitment, which has been echoed by the EPA. It is important that Opposition members understand that as well. I look forward to the continued support of the Opposition on this issue and to its support during the Committee stage.

**Motion agreed to.**

**Bill read a second time.**

**In Committee**

**Clause 12**

**Amendments, by leave, by Ms Allan agreed to:**

- No. 1 Page 6, clause 12(a), line 6. Insert "to community organisations" after "grants".
- No. 2 Page 6, clause 12(b), line 8. Insert "to community organisations, universities and research institutes" after "grants".
- No. 3 Page 6, clause 12(c), line 9. Insert "to community organisations" after "grants".

**Clause as amended agreed to.**

**Bill reported from Committee with amendments and report adopted.**

**COMPANION ANIMALS BILL**

**In Committee**

**Consideration resumed from 16 June.**

**Clause 13**

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [8.22 p.m.]: I move Government amendment 2:

- No. 2 Page 11, clause 13(1), line 22. Omit "no more than 2 metres in length".

This amendment will clarify that where a dog is in a public place it must be under the effective control of some competent person by means of an adequate chain, cord or leash. The amendment deletes the arbitrary numerical requirement that a chain, cord or leash be no more than two metres in length.

**Amendment agreed to.**

**Ms MOORE** (Bligh) [8.23 p.m.]: Because my fourth amendment was not agreed to I will not move my fifth amendment. I move amendment 6 circulated in my name:

- No. 6 Page 12, clause 13, line 20. Insert "However, there must at all times be at least one public place in the area of a local authority that is an off-leash area." after "different days."

The bill constantly fails to recognise the needs of dog owners and their pets, particularly in urban areas with limited open space and small backyards. The present provision, if enacted in its current form, would reduce the quality of life for many animals by reducing the options for exercise and play. The amendment will enable owners to spend quality time outdoors with their pets. It is intended to provide a bare minimum guarantee that dog owners will have at least one off-leash area close by where they can take their pets for exercise. Specifically, it requires councils, by order, to declare a public place to be an off-leash area to ensure that there is at least one public place in the area of a local authority that is an off-leash area. I stress that it is the bare minimum: I would like to think that councils will provide more than one area. The responsibility of pet owners in these areas and the willingness of the community to accept the provision will be the real indicators that this legislation has achieved its stated aim of promoting the welfare of companion animals. They will be the indicators of the effectiveness of the community education programs provided by the bill.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [8.26 p.m.]: The Government supports the amendment. I regularly take my dog to a free-range reserve at south Coogee which is provided by Randwick Council. I feel that it necessary for the socialisation of the dog. So I am sympathetic to the amendment.

**Mr SMITH** (Bega) [8.27 p.m.]: The Opposition agrees with the amendment. There is no doubt that owners of dogs need areas in which to exercise them, particularly if the legislation is so restrictive that dogs cannot even be run in the owner's yard. Dogs must have an open area. Councils should be instructed to provide such areas. It should not be voluntary; each local government area should provide space in which a dog can run freely and show some of its natural instincts rather than be continually on a leash or a chain. Having an inadequate area to run around in often makes dogs become savage. They should not be confined in the yard of the owner. Having a dog in the yard is protection for the owner but it is good for a dog to have an area in which to run. Councils should provide at least one area for this purpose.

#### **Amendment agreed to.**

**Mr RICHARDSON** (The Hills) [8.29 p.m.]: I have a degree of concern about clause 13(4). A dog

is not considered to be under the effective control of a person if the person has more than four dogs under his or her control. Whether it can be said that an owner has effective control of the dogs really depends on the size of the dogs and the ferocity of the animals. For example, four ferocious rottweilers or perhaps german shepherds—such as the Minister's dog—snarling and straining at the leash would cause the average person to be hard put to control them. A mother out with a stroller or with a toddler holding her hand might be terrified, as the toddler would be, by the sight of four rottweilers, allegedly lawfully under the effective control of a person. Perhaps the Minister should give consideration to restricting the number of dogs that can be under the effective control of a person, for the reasons I have outlined.

#### **Clause as amended agreed to.**

#### **Clause 14**

**Ms MOORE** (Bligh) [8.30 p.m.], by leave: I move amendments 7 and 8 standing in my name, in globo:

- No. 7 Pages 12-14, clause 14, line 21 on page 12 to line 8 on page 14. Omit all words on those lines. Insert instead:

#### **14 Dogs in public places**

- (1) A person who has effective control of a dog (as provided by section 13(2)) is entitled to take the dog into or on a public place unless the local authority in respect of that place has made an order that prohibits dogs in that place.
- (2) Such an order is of no effect unless notices stating that dogs are prohibited in the public place concerned are conspicuously exhibited by the local authority at reasonable intervals in, or near the boundaries of, the public place.
- (3) The Director-General may issue guidelines (relating, for example, to health, safety or environmental issues) concerning the making of orders under this section.

- No. 8 Pages 14 and 15, clause 14, line 26 on page 14 to line 2 on page 15. Omit all words on those lines.

These amendments relate to dogs in public places. Following the green and white papers I expected the bill to acknowledge the enormous value and contribution of companion animals to the lives of many community members and to encourage responsible ownership. The bill unamended fails to protect or promote the rights of responsible dog owners. Amendment 7 can stand on its own but

presumes that changes were made by amendments 4 and 5, which were not agreed to, and refers to clause 13(1) rather than clause 13(2). The impact is that effective control will then mean on a leash. I refer to a letter I received from a constituent following introduction of the legislation, who said:

As Companion Animal legislation reads at this moment, I can no longer take my friend's elderly dog, on a lead, for its walks in Paddington. To do so, one passes on the left a coffee shop which rounds the corner where people sit with their amiable dogs having a coffee and reading the paper. To the right is a church and bang next to the church is a fence of the local school. Presently, as one reads the suggested legislation, one is breaking the law on both sides of this exit. Isn't it strange that in other cities like San Francisco, Berlin, Paris and London there is no such restriction. Quite the contrary—dogs are not only allowed but welcomed! There seem to be no problems caused by this civilised arrangement. One might wonder what happens if you actually live next to a school and have a cat or dog if this legislation should be brought into being.

In the Paddington area taking the dog with mother and kids shopping is a pleasant and normal process, never seeming to cause problems and giving pleasure to most of the Paddingtonians who are often observed stooping down to pat another's dog and smile sweetly at it—or if it is tethered outside a shop or restaurant, not finding it objectionable.

I read that letter to the House because it can be related to so many people, owners and situations in the urban areas that the Minister and I represent. I have real concerns about the legislation and seek the Minister's support for my amendments. The majority of clause 14 is excessively restrictive, designed to address only the small minority of animals that create any real nuisance or safety problems. The amendments remove most of the restrictive section. The new clause will uphold dog owners' rights to take their pets into public places unless there is a clear and specific reason for the dog to be prohibited. It recognises that this right is not absolute in certain situations in relation to health, safety or the environment. The amendments allow for dogs to be prohibited in specific areas where such consideration has been explicitly taken into account. Specifically, the amendments provide that a person who has effective control of a dog can take it into a public place unless prohibition has been established.

The amendments will also enable the local authority to prohibit dogs in some public places where there is reasonable cause and to place signs in that public place advising of the prohibition on dogs. The director-general may set guidelines for such prohibitions. I urge honourable members to be sensible and reasonable, to understand the needs of owners of companion animals and to acknowledge the way society conducts itself. Many constituents who live in urban areas and who take their companion animals to the coffee shop, shopping,

past their church or school will not change their habits. The bill will merely create a much more repressive society and will achieve the opposite to what was intended. I urge the Minister to accept my amendments.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [8.35 p.m.]: I cannot accept the amendments, because proposed Government amendment 3 clarifies the situation raised in the letter referred to by the honourable member for Bligh. There will be potential inconsistencies if dogs are allowed to go where they are not prohibited. Councils will need to consider erecting signs in specific areas. I do not think more signs are necessary. Government amendment 3 clearly states that a person is not committing an offence simply by walking a dog past an outdoor sitting area, footpath restaurant, or having a dog at that restaurant. My amendment is a far better way of addressing the issue raised by the honourable member for Bligh.

**Ms MOORE** (Bligh) [8.36 p.m.]: Proposed Government amendment 3 improves the situation but does not achieve what was sought by the legislation originally, that is, to educate the community about the benefits of companion animals, to make it easy for owners to keep them and to create a society where companion animals are accepted, to promote, encourage and educate people on responsible ownership. I am disappointed that my amendments will be negated.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [8.37 p.m.]: The amendments would mean that a council would have to inspect every area and identify every outdoor restaurant. It would then need to erect a sign to say that a dog can be walked past the restaurant. That would be a monumental administrative nightmare. My amendment will allow a person to walk a dog past an outdoor restaurant—it is as simple as that. The concerns of the honourable member for Bligh will be covered by Government amendment 3.

**Ms MOORE** (Bligh) [8.38 p.m.]: The Government's foreshadowed amendment goes some way towards addressing the problems I have raised. However, the Minister is extreme in suggesting that councils will have to inspect every area and put up signs. Councils should identify areas where there are environmental or health problems and put up signs, but this bill is about educating the community on the benefits of companion animals and responsible ownership. It will not be necessary for councils to put up numerous signs; signs will be necessary only in those few areas where councils do not want responsible owners and their companion animals to go.

**Mr SMITH** (Bega) [8.39 p.m.]: The amendments being considered by the Committee would make the provisions of the bill too restrictive. The Opposition would certainly support the clauses as they exist. It would not be workable to require the erection of signs outside every eating place. At least the provisions of the bill would enable persons to walk past an outdoor restaurant if they have their cats or dogs under control and not interfering with people or other animals. But to allow those animals within the confines of outdoor eating places would not be the right way to go.

#### **Amendments negated.**

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [8.40 p.m.]: I move amendment 3 circulated in my name:

No. 3 Page 14, clause 14. Insert after line 25:

- (4) A dog is not prohibited under this section in a place that is a food preparation/consumption area if the place is a public thoroughfare (such as a road, footpath or pathway).

This amendment will make it clear that a person does not commit an offence simply by walking a dog past an outdoor seating area or a footpath restaurant, or simply having the dog with the person at such an area. The requirement for the dog to be under effective control will still apply. Of course, for health reasons, dogs should not be allowed inside the actual restaurant area or in food preparation areas. I think this amendment will address the matters raised in the letter and articulated by the honourable member for Bligh.

#### **Amendment agreed to.**

#### **Clause as amended agreed to.**

#### **Clause 15**

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [8.41 p.m.]: I move amendment 4 circulated in my name:

No. 4 Page 15, clause 15(2), line 20. Omit "20 penalty units". Insert instead "5 penalty units".

This amendment will retain the existing penalty under the Dog Act for not having a greyhound muzzled when in a public place. It continues the current requirement.

#### **Amendment agreed to.**

#### **Clause as amended agreed to.**

#### **Clause 16**

**Ms MOORE** (Bligh) [8.42 p.m.], by leave: I move amendments 9 and 10 circulated in my name in globo:

No. 9 Page 15, clause 16, lines 25-28. Omit all words on those lines. Insert instead:

- (1) If a dog attacks or bites any person or animal (other than vermin) and causes any injury to the person or animal, the owner of the dog is guilty of an offence.

No. 10 Page 15, clause 16, line 30. Omit "10". Insert instead "5".

These amendments relate to an owner being liable if a dog attacks a person or an animal. I believe the clause in the bill is another example of anti-dog provisions and legislative overkill. The wording of the clause would allow action to be taken against the owners of animals that simply engage in normal canine behaviour. The clause also could lead the community to believe that dogs are dangerous and should not be readily available as companion animals. This is not true. The vast majority of pet owners are responsible and their dogs cause little or no problem.

It is not appropriate that someone be fined up to \$1,000 if a dog worries someone without causing any damage, or rushes another dog in a park. We expect this legislation to educate members of the community, especially those who are unfortunate enough not to have had first-hand experience of the enormous benefits of companion animals, about those benefits. People are being fed a diet of vicious dog stories; those are the incidents that hit the media all the time and are given a lot of publicity. People who have no experience of the benefits of companion animals to those who live alone and to families might think that most companion dogs are vicious and will attack them. That is an unbalanced view. I had hoped that this legislation would go a long way towards addressing that issue.

I received a letter from the World League for the Protection of Animals pointing out that the bill is based on the concept of animals as disposable nuisances. That attitude is reflected in public reaction. If my amendments are not accepted, the current provisions in the bill provide that the owner of a dog on a lead that engages in normal canine behaviour by rushing at another dog could be fined \$1,000. People who are familiar with and understand

normal canine behaviour would treat such a reaction sensibly, as it should be treated. I think the clause is extraordinary, and I strongly urge the Minister to accept my amendment.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [8.44 p.m.]: The Government will not accept the amendments. I have been advised that the Hon. R. S. L. Jones will move an amendment in the other place to subclause 16(1) to delete the words "rushes at" and "worries or chases". The Government will accept that amendment. I do not believe that it is appropriate also to delete the words "whether or not any injury is caused", that is, a physical injury, as the amendments moved by the honourable member for Bligh seeks to do. This is because the provision of the bill is not simply aimed at deterring physical injury. Vicious confrontations between dogs and other persons, or dogs and other animals, that stop short of actual physical injury can and do occur and can cause extreme fear and anxiety in our community.

As I mentioned a couple of days ago when we were discussing this bill, I have a very big german shepherd. If it ran up to a child, that child would be petrified. I am confident that my dog would not bite a child, but if I were a child and a large dog such as my german shepherd rushed at me, I would be scared. My german shepherd is a very social animal and a great companion, but I would be concerned about the effect it would have on a person or child, or even some other dog, if it rushed up to them. So the Government is unable to accept the amendments moved by the honourable member for Bligh.

The penalty provided for in the bill is not a new penalty. It comes from the existing Dog Act provision which has been in existence for ages and has not caused a problem. It is a maximum penalty that is provided for. If the matter goes to court, the penalty is determined by a magistrate; it is not an on-the-spot penalty, but a maximum fine constraining a magistrate on the penalty that can be imposed. This provision in the Dog Act has not been a problem in the past, and it will not be a problem in the future. People should be aware that they must have control over their animals. I repeat: the Government will accept the amendment to be moved by the Hon. R. S. L. Jones in the upper House to remove the words indicated.

**Mr RICHARDSON** (The Hills) [8.46 p.m.]: In the context of the comments made by the Minister, I reiterate my remarks on clause 13(4), which states that a dog is not considered to be under the effective control of a person if the person has more than four dogs under his or her control. The

Minister just said that a large dog like his german shepherd could induce fear in certain people if that dog rushed up to them. Imagine what the effect would be if four german shepherds or four rottweilers rushed up to a person or child. The problem with the clause is that all dogs are not created equal. That is one of the major flaws of this legislation. Six chihuahuas would not be equivalent to a single great dane, for example. The Minister did not address that matter when I raised it before, and I would like him to address it now.

**Ms MOORE** (Bligh) [8.48 p.m.]: I am pleased to hear the Minister say that the Government will accept the amendment to be moved by the Hon. R. S. L. Jones in the upper House, for it is similar to the amendments that I have moved. I welcome that advice from the Minister. However, I regret that the amendments are not accepted in this Chamber.

**Mr MacCARTHY** (Strathfield) [8.48 p.m.]: I seek an assurance from the Minister in relation to the amendment that he foreshadowed will be moved in the other place. What concerns me about the amendments moved by the honourable member for Bligh is that the bill provides for an offence whether or not an injury is caused, whereas the amendments moved by the honourable member for Bligh would create an offence only if the attack causes injury to a person. Of course an attack by a dog can cause damage other than physical injury, and I do not mean emotional trauma. A dog might grab a person by the leg and tear clothing. That might not cause physical injury, but it certainly would cause damage. That sort of act would not be covered by the amendments moved by the honourable member for Bligh, but I believe it is covered by clause 16 of the bill. So I support the provision of the bill as it stands and I am opposed to the amendments proposed by the honourable member for Bligh. However, I seek from the Minister an assurance that any amendment accepted in the other place will cover circumstances such as damage to clothing and the like.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [8.50 p.m.]: The word "attacks", which will be left in clause 16, will deal with those matters.

**Amendment negatived.**

**Clause agreed to.**

**Clause 18**

**Dr MACDONALD** (Manly) [8.51 p.m.]: I move amendment No. 1 standing in my name:

- No.1 Page 17, clause 18, line 7. Insert "It is the duty of a local authority for a place that is commonly used for exercising dogs (including an off-leash area) to provide sufficient rubbish receptacles for the proper disposal of the faeces of dogs that defecate in the place. "after "authority."

The purpose of the amendment is to ensure that local authorities provide a rubbish receptacle for the disposal of faeces and also the bags that go with them. Many councils already provide them. I am a councillor on Manly Council, which provides them in a number of places. There are two good reasons for this amendment, and I am sure there may be others. First, it seeks to ensure the provision of receptacles in area where dogs exercise, including off-leash areas. If these receptacles are not provided people may be tempted to hide the faeces in the bush or under a tree, or they may be required to carry them some distance to their homes. Simply, from a practical point of view, the provision of these receptacles is the right thing to do, and I would like that provision enshrined in the legislation.

Second, the amendment sends the right message to the community, that is, that people should do the right thing and clean up after their dogs. I am assured by the staff at Manly Council that they receive more complaints about dogs than about anything else. The complaints are partly about nuisance dogs, but they are also about people who do not clean up after their dogs. I am committed to companion animal ownership. I am the owner of a number of dogs and I do the right thing. This is an appropriate amendment to include in the legislation, and I thank the Government for supporting it.

**Mr SMITH** (Bega) [8.52 p.m.]: As I said earlier, this amendment is the right way to go. Local government authorities should make it mandatory that exercise areas be provided for dogs; the bill as originally drafted provided only an option. If the restrictions imposed by the bill are passed by both Houses of this Parliament, it should then be compulsory for local government authorities to provide areas in which dog owners can let their dogs run and exercise in accordance with their natural instincts.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [8.53 p.m.]: The Government agrees to the amendment. I do not want to keep harking back to my activities, but in the reserve where I take my dog two such bins are provided, one at either end of the reserve, and they are well used by the people who take their dogs there. The bins contain plastic bags and a disposal area is provided for the used bags. I am happy to accept the amendment, as the proposed provisions are quite rational.

### Amendment agreed to.

**Dr MACDONALD** (Manly) [8.54 p.m.]: I move amendment 2 standing in my name:

- No. 2 Page 17, clause 18. Insert after line 7:

- (3) A person for the time being in charge of a dog that is in a public place must at all times carry an implement, container or other article that is suitable for use for removing the dog's faeces. This subsection does not apply if the dog is being carried in a vehicle or vessel.

Maximum penalty: 5 penalty units.

The Government has indicated that it will not support the amendment. I feel strongly about the amendment because again it is about responsible animal ownership. The Minister in his response to me indicated that this aspect is dealt with under clause 18(1) of the bill, which provides for a penalty if a dog owner does not remove the dog's faeces appropriately and dispose of it properly. Frankly, I do not think the Minister is living in the real world. In the real world there is a lot of angst among people opposed to dog ownership about those who are not doing the right thing. The Minister says the rangers will catch them out. The point is that they do not. Very few penalties are issued because it is hard to catch offenders. Councils are underresourced and they do not have rangers available, or some of them may be unwilling to deal with offenders or they may be ineffective in their jobs.

The amendment seeks to introduce a new level of responsibility on the part of dog owners: they must carry an implement, a container or other article that is suitable for removing the dog's faeces. It is important to come to terms with this problem. If we do not do so, opposition to dog ownership will continue to increase. My electorate has a high level of dog ownership and I constantly see people taking their dogs out. They are often wearing board shorts which have no pockets, and they allow their dogs to defecate. They have absolutely no intention of cleaning up after their dogs. The amendment seeks to provide evidence of an intent to do the right thing. I have no problem about a ranger approaching people to ask whether they have the necessary implement, container or article to remove dog faeces if that is necessary in the next five minutes, or whatever it may be. People must carry plastic bags or an appropriate implement, and the bill should provide that it is an offence if they do not. Many people do not carry such implements because they know that there is no chance that they will be picked up.

Literally dozens of dogs are exercised at North Steyne, the 1.5 kilometres between Manly and Queenscliff. It is not an off-leash area, but plenty of people break that law. Many people exercise their dogs on-leash, and they wear board shorts. It is clearly evident that they have no intention of cleaning up after their dogs. I am not assured by the Minister's response that this matter is already dealt with under clause 18(1). It is not, because the system is not working at the moment. We should implement companion animal legislation by requiring responsible ownership.

**Mr RICHARDSON** (The Hills) [8.58 p.m.]: I oppose the amendment; it is far too restrictive. The Government said that people must dispose of dog faeces. That is restrictive enough without people being inspected to see whether they are carrying the necessary implements to pick up after their dogs. There are several ways in which people can get rid of dog faeces. They can use any bit of rubbish that is lying around the street to clean up after their dogs. A maximum penalty of penalty units for the offence is a little drastic. The general intent of the legislation is that owners will be made to clean up after their dogs. It is up to the Government how that will be done, but dog owners should not be inspected to see whether they have the necessary implements on them.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [8.59 p.m.]: While I have some sympathy with the argument, I believe that the bill already deals with the offence. If a dog defecates and the owner does not clean up the faeces, the owner will be liable for a penalty. The alternative is simple: does a council ranger front up to everyone in the street and ask, "Where is your plastic bag?"

**Mr Smith:** You could use a hanky.

**Mr E. T. PAGE:** It could be a hanky. The community would be more concerned about a confrontation over the existence of a plastic bag when a person is challenged. How the faeces is removed is a matter for the individual. It is appropriate to define the penalty, which then becomes the basis on which the person is fined. The alternative is for the ranger to follow a person for 5 or 10 minutes or half an hour, to see whether the dog defecates and whether a plastic bag is available. It is not practical to support the amendment and the Government does not accept it.

**Dr MACDONALD** (Manly) [9.00 p.m.]: The current legislation is not working. If one goes to a park where people are supposed to be picking up dog droppings, one quickly realises they are not

doing so. Approximately 50 per cent of those who exercise their dogs are not doing the right thing. The Minister has his head in the sand. The amendment would go a long way towards sending out all the right messages. We should not trivialise the issue by suggesting that rangers stalk every owner and check on everyone. However, they should conduct random checks and have a blitz in areas to find out whether people are doing the right thing. Once a few fines have been issued people will start to do the right thing and carry plastic bags. If they carry them, they are more likely to pick up as well.

**Amendment negated.**

**Clause as amended agreed to.**

## Clause 19

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.02 p.m.]: I move Government amendment 5:

No. 5 Page 17, clause 19, lines 12-15. Omit all words on those lines.

The amendment will delete the offence of "owner liable if dog chases vehicle". The offence is unnecessary because it duplicates the offence dealt with in clause 31. By definition, if a dog is rushing at or chasing a vehicle it is not under effective control, and the owner would be liable to prosecution in any event. It is double jeopardy. I seek the indulgence of the House to remove clause 19.

**Amendment agreed to.**

**Clause omitted.**

## Clause 20

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.02 p.m.]: I move Government amendment 6:

No. 6 Page 18, clause 20(5), lines 13 and 14. Omit all words on those lines. Insert instead:

Maximum penalty: 5 penalty units for a first offence or 10 penalty units for a second or subsequent offence.

The amendment will significantly reduce the proposed penalty applying to a dog owner who breaches a nuisance dog order in the case of dogs that repeatedly bark. That is not an unusual problem in the community. The penalties now proposed by the Government are less than those applicable for

breach of a noise abatement order under the Protection of the Environment Operations Act. Some confusion has surrounded the procedure for the issuing of a nuisance order. As suggested in the companion animals white paper, the provision will allow complaints about genuine nuisance dogs to be resolved. It does not protect people who take arbitrary action. The language used in clause 20 makes it clear that the nuisance must occur repeatedly or consistently. It is not about one-off events. A person complaining of a nuisance will have discussions with the dog owner, and perhaps the council, to try to resolve the problem. The owner may not know that his or her dog is causing a nuisance.

If the owner refuses to act and the nuisance continues repeatedly or consistently, the council may issue an order to the dog owner to resolve the issue. The solution might be as simple as fixing a hole in the fence or ensuring the dog gets sufficient water, food or exercise. If, despite the order being issued, the dog owner still refuses to do anything about the nuisance the council may choose to issue a penalty notice, which is likely to be no more than \$200. If the owner continues to do nothing, higher penalties are available if the matter goes to court. Again, a maximum penalty will apply. I do not expect a matter would often get that far. The overwhelming majority of problems would be resolved at the local level without the issue of a penalty notice. It is important to have a law to create the means by which genuine and real nuisances can be abated.

**Mr RICHARDSON** (The Hills) [9.04 p.m.]: I should like to comment briefly on the Minister's backdown. The Opposition was astounded that the penalty level was set at as high as \$1,100 for a first offence and \$4,400 for a second or subsequent offence. It is not only the Opposition, according to the Minister, who misinterpreted the bill. An article in the *Sun-Herald* of 24 May 1998 suggested that a fine of \$1,100 would be imposed if one's dog urinated on another person's property. For the second offence the fine would jump to \$4,400. Talk-back radio was running hot for days because the Government got it wrong. It is not good enough for the Minister to say that the clause has been misinterpreted. The legislation should have been properly drafted in the first place, particularly when one considers the 2½ years of consultation, the 10,000 submissions, the green paper and the white paper. In the same article the Minister said there had been some drafting errors. The Opposition concurs. However, there were not only "some drafting errors"; most of the legislation was ill-conceived and ill-drafted. That is highlighted by this clause.

**Amendment agreed to.**

**Clause as amended agreed to.**

## Clause 21

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.06 p.m.], by leave: I move Government amendments 7, 8 and 9 in globo:

No. 7 Page 18, clause 21, lines 19-22. Omit all words on those lines. Insert instead:

- (1) Any person may lawfully seize a dog if that action is reasonable and necessary for the prevention of damage to property.
- (2) Any person may lawfully seize, injure or destroy a dog if that action is reasonable and necessary for the protection of any person or animal (other than vermin) from injury or death.
- (3) A person who seizes a dog under the authority of this section is not required to comply with section 62 (Seized animals to be taken to council pound) if the person delivers the dog to its owner or an authorised officer.

No. 8 Page 19, clause 21(5), lines 11 and 12. Omit all words on those lines. Insert instead:

- (5) Nothing in this section authorises a contravention of the *Prevention of Cruelty to Animals Act 1979*.

No. 9 Page 19, clause 21. Insert after line 12:

- (6) The authority conferred by this section to destroy a dog extends only to authorising the destruction of the dog in a manner that causes it to die quickly and without unnecessary suffering.

Amendment 7 will make it absolutely clear that a person may lawfully seize a dog only if that action is reasonable and necessary for the prevention of damage to property. However, any person may lawfully seize, injure or destroy a dog if that action is reasonable and necessary for the protection of any person or animal, other than vermin, from injury or death. The amendment has been moved in response to concerns that have been raised with me since the bill was tabled. I acknowledge that it was originally to be moved by the Hon. R. S. L. Jones in the Legislative Council. The power to injure or destroy a dog that a farmer reasonably believes will molest, attack or cause injury to a farm animal is retained. This important provision allows farmers to protect their stock from feral dog attack. Amendments 8 and 9 make it clear that the Companion Animals Act does not override the Protection of Cruelty to Animals Act. If a dog is permitted to be lawfully destroyed, it must die quickly without any suffering.

**Mr SMITH** (Bega) [9.07 p.m.]: The Opposition is reasonably happy with the

amendments. They have removed some of the draconian implications of the bill and make it a little more reasonable. It was inevitable that the killing of an animal would be brought under the provisions of the Protection of Cruelty to Animals Act. Killing dogs and cats at will and in any manner was unacceptable. People are not always as responsible and humane as they should be. The amendments will allow people who find themselves or their property under attack from a dog—particularly in farming areas where dogs attack sheep, farm animals, et cetera—to take appropriate action. The amendments are reasonable.

**Mr RICHARDSON** (The Hills) [9.10 p.m.]: Clause 21 is another of these seminal clauses. Many people in the community simply cannot understand how a piece of legislation as ill-drafted as this legislation could ever have reached this Chamber. The Minister said earlier that some people misunderstood the import of clause 20. I do not think anybody could misunderstand the import of clause 21 subclause (1), which states:

Any person may lawfully injure or destroy a dog if that action is reasonable and necessary for the protection of any person or animal (other than vermin) from injury or death or for the prevention of damage to property.

Every Opposition member speaking in this debate made the point that it was totally unreasonable to give people cart blanche to injure or destroy animals because they were scrabbling in the garden, or something similar. Subclause (5) of clause 21 states categorically:

A person does not incur any civil or criminal liability for anything done by the person under the authority of this section.

That of course has been changed to read:

Nothing in this section authorises a contravention of the Prevention of Cruelty to Animals Act 1979.

The Minister may claim that was his original intent. It certainly was not carried through in the original bill as it was presented in this Chamber. The RSPCA was outraged, as indeed were most right-thinking citizens. It is an indictment of this Government that a piece of legislation that contains a clause as draconian as this one was in its original form should ever have been introduced in this Chamber.

**Amendments agreed to.**

**Clause as amended agreed to.**

## Clause 22

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.13 p.m.]: I move Government amendment 10:

No. 10 Page 20, clause 22(3)(b), line 11. Omit all words on that line.

This amendment is consequential on Government amendment 5, which has already been agreed to.

**Amendment agreed to.**

**Clause as amended agreed to.**

## Clause 27

**Ms MOORE** (Bligh) [9.12 p.m.], by leave: I move amendments 11 and 12 standing in my name in globo:

No. 11 Page 23, clause 27, lines 2-8. Omit all words on those lines. Insert instead:

### 27 Cat to wear form of identification

- (1) A cat must wear a form of identification that enables a local authority to ascertain the following information:
  - (a) the name of the cat and the address or telephone number of the owner of the cat,
  - (b) (once the cat is registered) the information contained on the current registration tag for the cat.
- (2) The identification may take any of the following forms:
  - (a) a collar worn around the cat's neck with a tag or tags attached,
  - (b) a microchip,
  - (c) any other form of identification prescribed by the regulations.
- (3) This section does not affect the operation of section 6.

No. 12 Page 23, clause 27, lines 14-17. Omit "The regulations may provide that a registration tag can show the information required to be shown on a name tag and for that to be sufficient compliance with the requirement to have a name tag attached to a cat's collar."

These amendments parallel my earlier amendments on the requirement of dogs to wear collars and tags. Amendments are particularly required in relation to cats as many cats will not wear, and will make every attempt to remove, a collar. As I stated when I moved my earlier amendments, these changes are

introduced to rationalise the legislation and to remove a provision that has considerable potential to cause problems, even for responsible owners. Specifically, the legislation provides that a cat must wear some form of identification that enables a local authority to ascertain the contact information of the owner and the current registration information of a dog. It allows for alternative methods to be used, including collars, microchipping and tattooing. Under these amendments, local councils will be responsible for ensuring that they have scanning equipment to read the information. The Minister will be responsible for ensuring that the register of companion animals is able to provide the relevant information based on an animal's identification.

**Mr RICHARDSON** (The Hills) [9.13 p.m.]: The Opposition has a degree of concern about the clause as it stands. A cat must have a collar around its neck and there must be attached to the collar a name tag that shows the name of the cat and the address or telephone number of the owner of the cat and the current registration tag for the cat.

**Ms Moore:** And it must also be microchipped.

**Mr RICHARDSON:** The honourable member for Bligh reminds me that the cat must also be microchipped. I hope I will be excused for saying so, but we are going for overkill. The poor cat will be virtually carrying an albatross around its neck. One thing was not taken into account when this bill was drafted. The Minister, in the article to which I alluded earlier, conceded that cats are not dogs and dogs are not cats. I said as much—

**Mr E. T. Page:** Dear oh dear! Stop the debate!

**Mr RICHARDSON:** In the article about which I spoke earlier the Minister is quoted as saying:

There had been some drafting errors when the word "dog" from the old Dog Act was simply changed to "cat" in the new bill.

By the Minister's own admission he has not woken up to that fact. So that is an absolute nonsense. This afternoon I discussed this bill with Ian Nicholas from the Royal New South Wales Canine Council Ltd, the RSPCA, Trudy Strauder from RAS cat control and Karen Hedburg from the Australian Veterinary Association. They pointed out to me, as many members of this House would know, that cats, unlike dogs, will not keep a collar on. A cat that has a collar around its neck may actually be strangled by the collar if it gets caught up. It is grossly unfair for the Minister to say that a person who has registered

a cat has to put a collar around its neck and that that person faces a fine, even though the level of the fine has been significantly reduced, if the cat throws off the collar. That draconian aspect of this bill, which should have been corrected, has not been addressed by the Government. To be obeyed laws must be fair, and they must be capable of being obeyed. I do not see how a cat owner can be responsible for whether a cat throws off a collar. The problem at the heart of this bill is that a great deal of it has been ill thought out and is unworkable.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.16 p.m.]: The Government has valid reasons for not accepting the amendments. It is common for cats to have collars. It is not unusual for a cat to wear a collar, just as a dog wears a collar. It is completely impractical to suggest that somehow there is something intrinsically wrong with a cat wearing a collar. Of course it is possible for a cat to be strangled if it gets caught. It is also common for a dog to be strangled if it gets caught by the collar. The point with which we are concerned is the welfare of the animal, a matter about which the Opposition is not concerned. If a cat is lost or injured under normal circumstances the person who finds that animal will not have a scanner. It is reasonable for that cat to be identified so that it can be returned to its owner. It would be quite barbaric if it were not able to be returned to its owner. The Government will not accept the amendments. As I explained earlier, there must be a reasonable, practical way for the average citizen to be able to identify an animal which has been found injured or lost so that it can be returned, where it belongs, to its rightful owner.

**Ms MOORE** (Bligh) [9.18 p.m.]: The Minister is not acknowledging the nature of cats. Most cats, which are home-based animals, would not be lost or injured in the same way as dogs would be. They will be microchipped so if someone wanted to identify them and return them to their owners that would be possible, via the council. Cats are much more vulnerable to serious injury from wearing collars than dogs. I live in an urban area. My family has always had a cat. Cats roam around urban gardens, climb over fences and—

**Mr Smith:** Visit their friends.

**Ms MOORE:** Yes, they visit their friends. They could easily be caught or strangled in the vines that are commonly grown along fences in urban areas. I urge the Minister to accept my amendments and not to insist that cats have to be microchipped as well as wear collars. I do not believe a collar is appropriate for all cats. Some cats do wear collars.

Some cats live in flats and will not roam in gardens, and sometimes it is appropriate for cats not to wear collars. It is unreasonable and draconian to make this provision mandatory.

**Mr RICHARDSON** (The Hills) [9.19 p.m.]: Does the Government intend that the owner of a cat that throws its collar will be guilty of an offence?

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.19 p.m.]: Obviously, as with all legal principles, it depends on the circumstances.

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

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

**Ayes, 2**

Dr Macdonald  
Ms Moore

**Question so resolved in the negative.**

**Amendments negatived.**

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.23 p.m.], by leave: I move Government amendments 11, 12 and 13 in globo:

- No. 11 Page 23, clause 27(1), line 3. Insert "that is registered" after "cat".
- No. 12 Page 23, clause 27(1), line 7. Omit "(once the cat is registered)".
- No. 13 Page 23, clause 27(2), line 11. Omit "5 penalty units". Insert instead "1 penalty unit".

Amendments 11 and 12 will ensure that only cats registered under the Act will be subject to the collar and tag requirement and will effectively exempt existing owned cats. While the Government believes these amendments strike a reasonable balance, owners of all existing cats will be encouraged to have their cats wear a collar and tag. It is for the cat's own good. If a cat is lost or missing, the collar and tag enables any person finding the animal to quickly contact the owner without the animal having to go through the seizure and impounding procedures. This will help to significantly reduce the high number of owned cats that go missing and die every year.

**Amendments agreed to.**

**Clause as amended agreed to.**

## **Clause 28**

**Ms MOORE** (Bligh) [9.25 p.m.]: I move amendment 13 standing in my name:

- No. 13 Pages 23 and 24, clause 28, line 24 on page 23 to line 27 on page 24. Omit all words on those lines. Insert instead:

### **28 Cats in public places**

- (1) A person is entitled to take a cat into or on a public place unless the local authority in respect of that place has made an order that prohibits cats in that place.
- (2) Such an order is of no effect unless notices stating that cats are prohibited in the public place concerned are conspicuously exhibited by the local authority at reasonable intervals in, or near the boundaries of, the public place.
- (3) The Director-General may issue guidelines (relating, for example, to health, safety or environmental issues) concerning the making of orders under this section.

This amendment parallels the amendment moved earlier to improve access by responsible pet owners with their pets to public places. The bill in its original form placed excessive restrictions on dogs, but the situation is worse for cats. The comments made by another member that these problems have arisen because the legislation confuses cats and dogs also apply here. The vast majority of clause 28 is excessively restrictive and is designed to address only a small minority of animals that create any real nuisance or safety problems. This amendment removes most of that restrictive section. Specifically this amendment provides that a person can take a cat into a public place unless prohibition has been established—that is, if a person wants to. How many people take their cats into public places? A local authority may prohibit cats in some public places should there be a reasonable cause. The local authority must place signs in public places advising of the prohibition on cats, which I think would be most unlikely. The director-general may set guidelines for such prohibitions. In other words, the amendment overturns the proposal by the Government that pets—in this case, cats—be prohibited from public places, which is unreasonable.

**Mr RICHARDSON** (The Hills) [9.26 p.m.]: Clause 28, prohibiting cats in some public places, is another seminal clause and another reason the Opposition is opposing this legislation. The prohibition of cats from within 10 metres of any playing apparatus provided in a public place or park for use by children is patently absurd. The

legislation provides for a cat owner to be liable to a fine if his or her animal is within 10 metres of a swing set. As I said previously, for laws to be obeyed they must be just and enforceable. This legislation does not qualify in either of those respects. A change that has been made to the subsection relating to restaurants is welcomed. But there is still the issue of cats being prohibited from school grounds. It now will be an offence for cats to hop over their owner's back fence onto school grounds, despite the fact they may have been doing it for the past 10 years. I do not know how a cat owner whose property backs onto a public school could reasonably deal with that issue, short of killing the cat or giving it to the RSPCA. A cat cannot be chained up. An owner could build a cage and stick the cat in the cage.

**Ms Moore:** Chain it up with its collar.

**Mr RICHARDSON:** As the honourable member for Bligh said, the collar could probably be used to chain it up, but the cat would throw the collar further down the track. It is absolutely ludicrous. The Minister admitted in the *Sun-Herald* that sections of the bill were transferred from the Dog Act to relate to cats. He did not recognise the fundamental difference between the two species. Indeed, parts of this provision should be dispensed with completely.

**Mr WINDSOR** (Tamworth) [9.30 p.m.]: When I made my contribution to the second reading debate I spoke strongly against cats. I believe that the honourable member for Bligh has moved a reasonable amendment in that cats and dogs should be treated somewhat differently. I ask the Minister to reconsider his position in relation to the amendment.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.31 p.m.]: I have heard all the arguments but I do not believe that the Government should change its position on the amendment.

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

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

**Ayes, 3**

Dr Macdonald  
Ms Moore  
Mr Windsor

**Question so resolved in the negative.**

**Amendment negated.**

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.33 p.m.]: I move Government amendment 14:

No. 14 Page 24, clause 28. Insert after line 40:

- (4) A cat is not prohibited under this section in a place that is a food preparation/consumption area if the place is a public thoroughfare (such as a road, footpath or pathway).

This amendment mirrors Government amendment 3, which has already been passed. I indicated previously that the Government would agree to amendments in the Legislative Council to improve this provision.

**Amendment agreed to.**

**Clause as amended agreed to.**

#### Clause 29

**Ms MOORE** (Bligh) [9.34 p.m.]: I move amendment 14 circulated in my name:

No. 14 Page 25, clause 29, lines 13-16. Omit all words on those lines. Insert instead:

- (1) If a cat attacks or bites any person or animal (other than vermin) and causes any injury to the person or animal, the owner of the cat is guilty of an offence.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.34 p.m.]: The Government is prepared to accept this amendment.

**Amendment agreed to.**

**Clause as amended agreed to.**

#### Clause 30

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.35 p.m.]: I move Government amendment 15:

No. 15 Page 26, clause 30(5), lines 13 and 14. Omit all words on those lines. Insert instead:

Maximum penalty: 2 penalty units for a first offence or 5 penalty units for a second or subsequent offence.

This amendment severely reduces the proposed penalty for a breach of a nuisance cat order. There will also be a much lesser penalty for a breach of a dog nuisance order. I reiterate the comments made about Government amendment 6 in relation to nuisance orders: they are available only to resolve a nuisance that occurs repeatedly and persistently.

**Mr RICHARDSON** (The Hills) [9.35 p.m.]: In the substantive debate I made the point that it is very difficult for a cat owner to control a cat to the extent that a dog can be controlled. Cats climb fences and trees and will go onto an adjacent property and defecate and urinate there. They may well do that repeatedly, and have been in the habit of doing that repeatedly. The current owners of the property next door may not mind the animal doing that. But the house may change hands or there may be a falling out between the neighbours. The cat could then almost be used as a weapon between the neighbours. Reducing the penalty does not eliminate the fact that the offence is an unjust and uncontrollable one. Once again, cats have been substituted for dogs: the provision has been largely lifted from the provision in relation to dogs. I repeat: cats are not dogs. They do not have the same behavioural patterns. I am astounded that, given the amount of dissent that there has been within the community and the amount of additional consultation, the Minister has not recognised that fundamental point relating to this clause and he has not eliminated the provision altogether. I would have thought that it was very difficult for a cat owner to have control of the animal to the extent that if there were a dispute between the owner and the neighbour the cat would not be used in the dispute and designated a nuisance cat.

**Amendment agreed to.**

**Clause as amended agreed to.**

### Clause 31

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.38 p.m.], by leave: I move Government amendments 16 to 20 in globo:

No. 16 Page 26, clause 31(1), line 19. Omit "injure or destroy". Insert instead "seize".

No. 17 Page 26, clause 31(1), lines 21 and 22. Omit "or for the prevention of damage to property".

No. 18 Page 26, clause 31. Insert after line 22:

(2) A person who seizes a cat under the authority of this section is not required to comply with section 62 (Seized animals to be taken to council pound) if the person delivers the cat to its owner or an authorised officer.

No. 19 Page 27, clause 31 (5), lines 11 and 12. Omit all words on those lines. Insert instead:

(5) Nothing in this section authorises a contravention of the *Prevention of Cruelty to Animals Act 1979*.

No. 20 Page 27, clause 31. Insert after line 12:

(6) The authority conferred by this section to destroy a cat extends only to authorising the destruction of the cat in a manner that causes it to die quickly and without unnecessary suffering.

These amendments are a result of real concerns that have been raised with me concerning clause 31 actively protecting persons and property against cats. The amendments were originally drafted by the Hon. Richard Jones from the Legislative Council. I acknowledge that in this Chamber. The amendments will make absolutely clear that a person may seize a cat only if that action is reasonable and necessary for the protection of any person or animal from injury or death. There will be no power to injure or destroy a cat in the circumstances that are most likely to arise in an urban situation. The power to injure or destroy a cat that a farmer reasonably believes to have molested, attacked or caused injury to a farm animal is retained. This important provision will allow farmers to protect their stock from feral cat attack. An authorised officer will also be free to injure or destroy a cat in a wildlife protection area if that cat is attacking or harassing another animal other than vermin. However, this will be lawful only if there is no other reasonably practical way of protecting the animal. This will be important to enable the protection of native animals under attack from feral cats—a very real and serious problem. Amendments 19 and 20 will make clear that the Companion Animals Act will not override the Prevention of Cruelty to Animals Act. If a cat is permitted to be lawfully destroyed under the provision it must be done only in a manner that causes it to die quickly without unnecessary suffering.

**Mr RICHARDSON** (The Hills) [9.39 p.m.]: I listened with interest to what the Minister said about this clause. I also listened to what he said on the radio about it. I referred earlier to what he said in a *Sun-Herald* article. He seems to be operating under the delusion that this clause relates only to feral animals. Indeed, the newspaper article quoted him as saying, "The law allowing the killing of cats was aimed at feral cats, which can be dangerous. It was not meant to be open slather." There is nothing whatsoever in clause 31, as originally drafted, to indicate that it is aimed at feral cats. Indeed, right throughout the owner of the cat is to be held liable. I cannot for the life of me understand how there could be an owner of a feral cat unless that owner is God. Once again I do not understand how the Government could have had the gall to introduce the legislation in its original form.

**Mr WINDSOR** (Tamworth) [9.40 p.m.]: I listened to the Minister, but he spoke quickly and I was unable to understand the distinction between an urban cat that has an owner and a feral cat that does not have an owner. If feral cats are on our property they leave in one way, and that is not with the blessing of the Government. Irrespective of the law, that is what will happen. I would like the Minister to clarify the position of a cat that comes onto someone's property, which is assumed to be feral but which may well be owned by someone at that time, and it is dispatched by way of a rifle. What is the legal position of the landowner at that time?

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.42 p.m.]: The honourable member for The Hills is naive in his statements because he has not voted the way he has spoken and therefore should be ignored. If he votes the way he has spoken that is okay, but if he says one thing and does not vote accordingly, he should not be accepted. In answer to the honourable member for Tamworth, this amendment relates to attacks by cats. A person who has reasonable and necessary cause to injure or destroy a cat to save another person or animal from injury or death is covered legally. A feral cat cannot be defined categorically. There are degrees of ferocity of cats and feral cats live in urban communities, though probably not many. If a feral cat attacks a child in a pram and is then belted with a shovel, that person is covered legally because it could be argued that he or she was acting in a reasonable and necessary fashion. New clause 31(5) has now been clarified to cover people under the Prevention of Cruelty to Animals Act. Anyone who kills or injures an animal in an antisocial way may have to face proceedings under the Prevention of Cruelty to Animals Act. Nothing in this bill diminishes the implications of that Act but its aim is to protect people with a reasonable cause to safeguard a person or animal from an attack by a marauding cat. This measure does not talk about owners. It is the cat that is the problem because it is acting in an antisocial and injurious manner. That is the sum cause of the problem.

**Mr WINDSOR** (Tamworth) [9.44 p.m.]: I refer honourable members to a recent incident in my mother's garden. She has many birds and we have been fortunate to be able to keep cats out of her garden. However, a persian cat arrived, remained for a number of weeks and during that time killed many birds in the garden. That cat was dispatched.

**Ms Moore:** How was it dispatched?

**Mr WINDSOR:** The honourable member for Bligh would be appalled if I divulged the way in

which the cat was dispatched. The Minister referred to the RSPCA. Who is being protected here? Is the Minister saying that under this legislation the RSPCA will protect the cat in the example I have given? What will be the position of people who want to protect their native birdlife against an invader?

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.46 p.m.]: The aim of clause 31 is to protect the person who reasonably and necessarily takes action for the protection of another person or animal other than vermin and in doing so may injure or destroy the cat. If a person fulfils that criteria, the clause provides legal protection. The Prevention of Cruelty to Animals Act still applies and someone could prosecute but that does not affect this legislation, which relates to cats that are a threat to people and other animals.

**Mr RICHARDSON** (The Hills) [9.47 p.m.]: Perhaps the Minister could also clarify what the situation would be if a cat went into a garden and was playing with a small skink, which is an animal. On the basis of the Minister's comments it would be appropriate for the owner of the property or any person to dispatch that cat with a shovel, a .22 rifle or whatever else came to hand.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.48 p.m.]: The answer is simple. The honourable member should read clause 31(1), which states:

Any person may lawfully injure or destroy a cat if that action is reasonable and necessary for the protection of any person or animal (other than vermin) from injury or death or for the prevention of damage to property.

If the honourable member cannot interpret that, it is consistent with his voting pattern.

**Amendments agreed to.**

**Clause as amended agreed to.**

## Clause 36

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.49 p.m.]: I move Government amendment 21:

No. 21 Page 29, clause 36(1), lines 9 and 10. Omit "no more than 2 metres in length".

This is consequential to amendment 2.

**Amendment agreed to.**

**Clauses 37 to 63**

**Dr MACDONALD** (Manly) [9.49 p.m.], by leave: I move amendments 3 to 10 circulated in my name in globo:

- No. 3 Page 29, clause 36(3), lines 20-23. Omit "the requirements of section 12 (Owner's responsibilities while dog on private property) are not reasonably capable of being complied with". Insert instead "the dog is not confined, tethered or restrained in such a way as to prevent the dog attacking or chasing a person lawfully".
- No. 4 Page 29, clause 36(5), lines 29-32. Omit "section 64 (Unclaimed animals can be sold or destroyed) unless an authorised officer is satisfied that the requirements of section 12 are reasonably capable of being complied with". Insert instead "section 63 (Unclaimed animals can be sold or destroyed) unless an authorised officer is satisfied that the dog is reasonably capable of being confined, tethered or restrained in such a way as to prevent the dog attacking or chasing a person lawfully".
- No. 5 Page 35, clause 51(1)(b), line 27. Insert "or chasing" after "attacking".
- No. 6 Page 37, clause 52(1), lines 25-26. Omit "section 12 (Owner's responsibilities while dog on private property) or of section 51". Insert instead "section 50".
- No. 7 Page 38, clause 52(3), line 5. Omit "sections 12 and 51". Insert instead "section 50".
- No. 8 Page 39, clause 56(1)(a), line 13. Insert "or chasing" after "attacking".
- No. 9 Page 40, clause 57(1), lines 30-31. Omit "section 12 (Owner's responsibilities while dog on private property) or of section 56". Insert instead "section 55".
- No. 10 Page 41, clause 57(3), lines 6-8. Omit "section 64 (Unclaimed animals can be sold or destroyed) unless an authorised officer is satisfied that the requirements of sections 12 and 56". Insert instead "section 63 (Unclaimed animals can be sold or destroyed) unless an authorised officer is satisfied that the requirements of section 55".

These amendments are consequential upon the omission of clause 12. The amendments seek to reinstate the essence of clause 12 in relation to dangerous dog provisions.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.49 p.m.]: The Government supports these amendments.

**Amendments agreed to.**

**Ms MOORE** (Bligh) [9.50 p.m.]: I move amendment 15 circulated in my name:

No. 15 Page 34, clause 48. Insert after line 18:

- (3) However, a Court must not make a destruction order unless it is satisfied that the making of a control order, or an order permanently removing the dog from its owner (which the Court is, by this subsection, authorised to make), will not be sufficient to protect the public from any threat posed by the dog.
- (4) If the Court makes an order permanently removing a dog from its owner, the dog is to be dealt with under Part 7 as if it were a seized animal. However, the dog is not to be sold to the owner from whom it was removed by the order.

A number of clauses of the bill raise concerns that animals may unnecessarily be killed or destroyed. The amendments previously moved by the Minister address a number of those concerns. It is the intention of a number of my amendments that destruction of an animal should only be as a last resort. In my earlier speech in the House I referred to my concern about this clause. It gives explicit authority to a court to order that a dog be destroyed. At that time I stated that courts must be required to issue control orders rather than destruction orders, except in extreme circumstances. The law should not punish animals for the actions of their owners. The primary cause of problem animals is always a lack of appropriate care given by the owners. My amendment intends to add an additional safeguard, specifically providing that a destruction order is to be made as a last resort, after it is clear that a control order or removal of an animal from its owner will not be sufficient. An animal that is permanently removed from its owner as a result of this clause is regarded as a seized animal but it is not to be sold back to the owner from whom it was removed.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.51 p.m.]: The Government is prepared to accept that amendment.

**Amendment agreed to.**

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.51 p.m.]: I move Government amendment 22:

No. 22 Page 34, clause 48(5). Insert at the end of line 26:

The dog must be destroyed in a manner that causes it to die quickly and without unnecessary suffering.

This amendment makes clear that any dog destroyed pursuant to a destruction order issued under section

48 must be destroyed in a manner that causes it to die quickly and without unnecessary suffering. Once again, I acknowledge that this amendment was originally drafted by the Hon. R. S. L. Jones.

**Amendment agreed to.**

**Clauses as amended agreed to.**

**Clause 64**

**Ms MOORE** (Bligh) [9.53 p.m.]: I move amendment 16 circulated in my name:

No. 16 Page 45, clause 64, lines 7 and 8. Omit "7 days".  
Insert instead "14 days".

This amendment relates to unclaimed animals being sold or destroyed.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.54 p.m.]: The Government is unable to accept this amendment. It would place an unreasonable and potentially very costly burden on those animal welfare organisations that operate animal pounds.

**Amendment negated.**

**Ms MOORE** (Bligh) [9.54 p.m.]: I move amendment 17 circulated in my name:

No. 17 Page 45, clause 64. Insert after line 8:

- (2) However, it is the duty of the council to consider whether there is an alternative action to that of destroying a seized animal and (if practicable) to adopt any such alternative.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.54 p.m.]: The Government will accept this amendment.

**Amendment agreed to.**

**Clause as amended agreed to.**

**New Clause 78**

**Ms MOORE** (Bligh) [9.55 p.m.]: I move amendment 18 circulated in my name:

No. 18 Page 52. Insert after line 13:

**78 Subsidies**

- (1) The Director-General is to establish, out of money to be provided by

Parliament for the purposes of this section, schemes for subsidising the following:

- (a) the costs of desexing dogs and cats,
- (b) the costs of complying with the identification requirements of section 6,
- (c) the fee to be paid for registration of a companion animal by persons in receipt of a pension, benefit or allowance under the *Social Security Act 1991* of the Commonwealth.

- (2) The regulations may make provision as to the manner in which the schemes are to be implemented.

This is the humane response to an economic rationalism amendment. Specifically, these provisions are designed to reduce, waive or subsidise some of the costs where appropriate. The provisions provide a number of strategies including: subsidising services to enhance the likelihood that owners will undertake positive action such as desexing their animals and ensuring that their animals are readily identifiable; and reducing fees, costs or charges that may prevent persons on low incomes from owning an animal. The amendment specifically includes persons in receipt of a government pension, benefit or allowance.

How much better is it for an unemployed person to have a companion animal to look after, to care for, to walk? Pets relieve stress. They are a good incentive to exercise. They are good for our health. It is important and beneficial to promote companion animals and to enable all people to have a pet if they wish. I am concerned that the financial impact of this legislation will make pet ownership harder. Constituents tell me that the costs of ownership will be significantly increased as a result of a range of provisions in this bill. I am attempting to address that issue. It is important that the cost of complying with this new legislation does not make responsible pet ownership impossible for people on low incomes. This is particularly important to address because companion animals can be vital to the welfare of many people, particularly those who are unemployed.

**Mr WINDSOR** (Tamworth) [9.56 p.m.]: I oppose the amendment. I do not deny the sentiments expressed by the honourable member for Bligh in support of her amendment, but I think there are far

more important matters for government spending than subsidising those who wish to keep pets. Not the least of those is one matter raised by the honourable member this afternoon in relation to Aboriginal housing. This is a classic case of society having to make decisions on its priorities. Our economic system should not drive people to keep pets at the expense of someone else who may not be inclined to keep pets. I have no doubt about the benefits of pets—the honourable member for Bligh and I share this great love for staffordshire bull terriers, and our household has a number of pets. However, I do not think the Government should start directing dollars raised from people who do not keep pets to those who would like to keep pets. I strongly oppose the amendment. I believe it sends the wrong message. The priority of the Government should not be whether people should have pets but the education, housing and provision of adequate health services for the people. The decision to have a dog or a cat is a matter for the individual rather than the State.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [9.59 p.m.]: The Government is unable to accept the amendment because proposed new section 78 would create a significant and indeterminate cost to the budget. As I have an animal, I am well aware of the benefits to the household of having companion animals. The main costs of having a companion animal are food and veterinary services. The costs incurred by the legislation are minimal compared to those costs. The Government cannot accept the amendment.

#### **Amendment negatived.**

#### **Clause 81**

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [10.00 p.m.]: I move Government amendment 23:

No. 23 Page 54, clause 81, line 18. Omit "management".  
Insert instead:

management,

- (h) any matter referred to the Board by the Minister.

This is a machinery amendment which simply makes it clear that one of the functions of the Companion Animals Advisory Board is to advise the Minister on any matter referred to the board by the Minister.

#### **Amendment agreed to.**

**Ms MOORE** (Bligh) [10.00 p.m.]: I move amendment 19 as circulated in my name:

No. 19 Page 54, clause 81. Insert after line 18:

- (h) the development of information kits to meet the requirements of section 12,
- (i) the development and implementation of desexing schemes for companion animals,
- (j) the development and implementation of schemes for subsidising costs and fees referred to in section 87.

The amendment requires the Companion Animals Advisory Board to provide advice and recommendations to the Minister on three additional matters in relation to concerns raised. Many of the clauses in the bill address what needs to be done when something goes wrong in relation to companion animals. This amendment deals with problems in a positive and pro-active way. It supports an earlier amendment requiring people who sell animals to provide sufficient information for customers to make responsible decisions. It is intended that material to support the amendment be developed under the advice of the Companion Animals Advisory Board using funds available through the Companion Animals Fund.

The amendment also seeks to ensure that the number of animals destroyed annually is reduced by providing an incentive to owners to have their animals desexed. Community groups have called for the implementation of subsidised desexing programs. Desexing is the most effective way of reducing the number of unwanted animals which must be destroyed. Owners of companion animals must be encouraged to have their animals desexed. Cheap or free veterinarian desexing clinics and support for groups that already supply this service must be provided. It is intended that funds to support this provision be made available through the Companion Animals Fund. The amendment also provides for a reduction in the cost of ownership of companion animals for persons who are on low incomes. The substance of this provision is dealt with in an additional amendment specifically dealing with this issue. It is intended that funds to support this provision be made available through the Companion Animals Fund.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [10.02 p.m.]: I am unable to accept the amendment in the form proposed, as indicated in the Government's opposition to amendments Nos 1 and 18. I am sympathetic to some aspects of the amendment. Everything the Government has done in

the education process to encourage people to have their animals desexed will be encompassed in the registration procedure, whereby a registration fee of \$35 will apply to a desexed animal and a registration fee of \$100 will apply to an entire animal. I believe that will go a long way towards ensuring that people have their animals desexed.

**Amendment negated.**

**Clause as amended agreed to.**

**Clause 85**

**Ms MOORE** (Bligh) [10.02 p.m.]: I move amendment 20 circulated in my name:

No. 20 Page 56, clause 85. Insert after line 11:

- (3) In particular, the Director-General is to seek the advice of the Board regarding priorities for the allocation of money from the Fund with regard to the following:
  - (a) ongoing community education programs in relation to the benefits of having companion animals.
  - (b) provision of programs to enable responsible ownership by all members of the community who have companion animals.

This is the "Big Tick" amendment. The real success of this legislation rests with the establishment of the Companion Animals Advisory Board to provide for the ongoing co-ordinated and effective community education program. This amendment is intended to keep education as a priority for the board, the Minister and the director-general. Without an effective education program, the bill's measures become predominantly a range of punitive controls and will fail to genuinely promote responsible ownership. An effective education strategy will justify the financial expense placed on pet owners by the bill. A pro-active education campaign can address the issue of irresponsible ownership and limit the need for some of the more extreme measures contained in the bill. The amendment is designed to reduce doubt that the Minister will meet his commitment to an effective education program. Specifically it provides that the director-general seek the advice of the board on the two central issues of ongoing community education on the benefits of companion animals and ongoing education for owners of companion animals to assist them to be responsible owners.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [10.04 p.m.]: The Government accepts the amendment.

**Amendment agreed to.**

**Clause as amended agreed to.**

**New Clause 95**

**Ms MOORE** (Bligh) [10.04 p.m.]: I move amendment 21 circulated in my name:

No. 21 Page 60. Insert after line 10:

**95 Fees and charges**

- (1) Any fee or charge payable under this Act:
  - (a) may be paid by such instalments as may be allowed by the person levying the fee or charge, and
  - (b) may be reduced or waived in respect of persons in receipt of a pension, benefit or allowance under the *Social Security Act 1991* of the Commonwealth.
- (2) The regulations may make provision as to the following:
  - (a) the minimum number of instalments that may be allowed.
  - (b) the minimum intervals that may be allowed between each instalment.

This amendment relates to fees and charges and will be opposed by the honourable member for Tamworth. However, I move the amendment and strongly urge the Minister to accept it. This amendment is the Government's last chance to show that it has compassion for people affected by the costs imposed by this bill. I remind the Minister that it is much better for an unemployed person to have a companion animal to look after, to care for, and to walk. Pets relieve stress. Animals are a good incentive for people to exercise. They are good for our health. It is important and beneficial to promote companion animals and to enable people to have a pet if they wish. This amendment makes it clear that fees and charges can be waived or paid in instalments—perhaps that may be acceptable to the honourable member for Tamworth—to spread the financial cost over a reasonable period. It provides options for the Government to mitigate the impact of this legislation. The cost of complying with this new legislation must not make responsible pet ownership impossible for anyone, particularly people on low incomes.

**Mr WINDSOR** (Tamworth) [10.06 p.m.]: It seems that I have been verballed by my fellow staffordshire bull terrier owner. I should say to the honourable member for Bligh that I do not oppose this amendment at all. In fact, I do not see it as

being contrary to the earlier amendment. The earlier amendment requires other people to pay, and this amendment requires that those under the legislation pay. I do not see a problem with that, so I will not oppose the amendment.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [10.06 p.m.]: The Government supports the amendment.

**Amendment agreed to.**

**New clause agreed to.**

**Bill reported from Committee with amendments and report adopted.**

### CRIMES LEGISLATION AMENDMENT BILL

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

#### Second Reading

**Mr E. T. PAGE** (Coogee—Minister for Local Government), on behalf of Mr Whelan [10.08 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 3 June. The second reading speech appears at pages 1 to 3 of the *Hansard* proof for that day. The bill is in the same form as presented in the other House. I commend the bill to the House.

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

### BILL RETURNED

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

Local Government Amendment (Parking and Wheel Clamping) Bill

### DISTINGUISHED VISITORS

**Mr SPEAKER:** Order! I acknowledge the presence in the gallery of a number of distinguished visitors from the Burmese government in exile. I welcome them to the Legislative Assembly of New South Wales, a democratic forum that has operated since 1823. I hope their visit to the New South Wales Parliament will be of value to them.

### ABORIGINAL HOUSING BILL

#### Third Reading

**Mr WHELAN** (Ashfield—Minister for Police), on behalf of Mr Knowles [10.11 p.m.]: I move:

That this bill be now read a third time.

### The House divided.

#### Ayes, 50

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

#### Noes, 36

|                |                 |
|----------------|-----------------|
| Mr Beck        | Mr Peacocke     |
| Mr Blackmore   | Mr Richardson   |
| Mr Brogden     | Mr Rixon        |
| Mr Chappell    | Mr Rozzoli      |
| Mr Cruickshank | Mr Schipp       |
| Mr Debnam      | 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 J. H. Turner |
| Mr MacCarthy   | Mr R. W. Turner |
| Mr Merton      |                 |
| Mr Oakeshott   | <i>Tellers,</i> |
| Mr O'Doherty   | Mr Fraser       |
| Mr D. L. Page  | Mr Kerr         |

**Pairs**

|            |            |
|------------|------------|
| Mr Carr    | Mr Cochran |
| Mr McManus | Mr Ellis   |
| Mr Moss    | Mr Tink    |

**Question so resolved in the affirmative.**

**Motion agreed to.**

**Bill read a third time.**

**House adjourned at 10.22 p.m.**

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