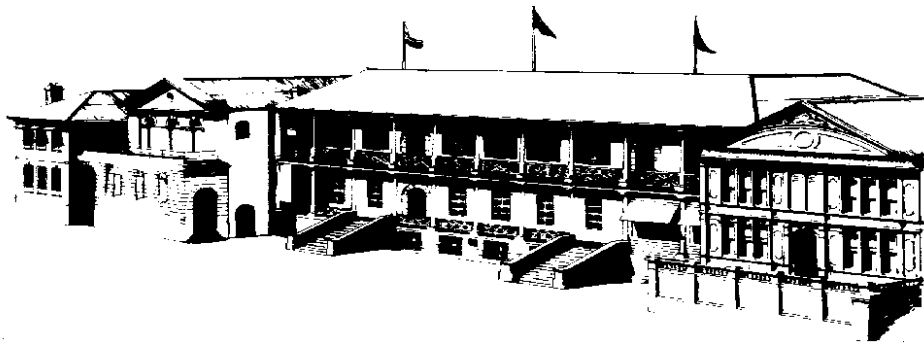




NEW SOUTH WALES



Legislative Assembly

**PARLIAMENTARY
DEBATES**

(HANSARD)

**FIFTY-FIRST PARLIAMENT
SECOND SESSION**

OFFICIAL HANSARD

Wednesday, 23 September 1998

LEGISLATIVE ASSEMBLY

Wednesday, 23 September 1998

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

Mr Speaker offered the Prayer.

NATIONAL PARKS AND WILDLIFE (PARRAMATTA REGIONAL PARK) BILL

Second Reading

Debate resumed from 22 September.

Mrs CHIKAROVSKI (Lane Cove) [10.00 a.m.]: The Opposition will not oppose the provisions of this bill. The Parramatta Leagues Club is a significant part of the Parramatta community and this bill will allow the continued existence of the club and its facilities, which are located on Parramatta Regional Park land. The Government has responded appropriately to a problem associated with Parramatta Regional Park. In 1997 the Government declared Parramatta Park, as it then was, to be a regional park and that caused a legal problem for the Parramatta Leagues Club. For some time the club had held a lease over a small part of the original park and had constructed a car park and part of its three-storey building on it.

The lease expired at the end of September 1997, at which time it became apparent that under the existing declaration of the regional park neither the Minister for the Environment nor the Parramatta Regional Park Trust had the power to allow the club to enter into that lease. At that time I had discussions with the Minister for the Environment and trust staff about an appropriate way to resolve the problem. The Crown Solicitor had confirmed that neither the Minister nor the trust were in a position to grant the lease. The advice received was that if such a lease were granted it could create problems for the Government, because it may lead to a damages claim by Parramatta Leagues Club.

The Government did not deserve to be in that position and, given the circumstances, the Opposition agreed that it was appropriate for the Government to take the action it has taken. The object of the bill is to excise part of the regional park land and to lease it back to the club. This, in effect, will overcome the club's problem and is an

appropriate way for the matter to be dealt with. All honourable members are well aware of the significant role that the Parramatta Leagues Club has played in the Parramatta community and that it has produced many good footballers over the years.

I reveal that I was brought up on rugby union and my introduction to rugby league occurred first and foremost through the Parramatta Leagues Club. The people I went to university with introduced me to league and we went to a few games. I got to know the names of Peter Sterling, Mick Cronin and Ray Price. I also reveal that for the past 12 years, being the mother of a 13-year-old boy, I have been a confirmed Bears supporter. I was not cheering when Parramatta knocked the North Sydney Bears out of the competition, nor when Canterbury knocked Parramatta out of the competition last Sunday.

The Parramatta Leagues Club has been a great club and an integral part of the community for many years. The club and the football team have provided a wonderful service to the community and the club funds a number of community groups. In the circumstances, the Opposition does not oppose the bill and supports its application. I note that the bill provides for a 99-year lease, which has caused concern to some members of the trust. I am sure that the Minister is well aware of those concerns but, because of the circumstances, it is appropriate for that lease to be approved. The club should be allowed to continue to use the car park and the status of its buildings should not be affected. I ask the Minister for the Environment: what arrangements are contained in the bill for rent to be allocated to the management of Parramatta Regional Park? How much rent will be paid? Will it be indexed? The Opposition is happy to support the bill.

Ms ALLAN (Blacktown—Minister for the Environment) [10.06 a.m.], in reply: I thank the honourable member for Lane Cove for indicating the Opposition's bipartisan support for the bill. As I said in my relatively brief second reading speech, when this bill has passed through both Chambers the Government will negotiate a fresh lease with the Parramatta Leagues Club. At this stage it is agreed that the club will pay an annual rent of \$270,000. At the moment the Government receives no income

from the club for the subject area because the lease expired in September 1997. The rent had been in the vicinity of \$165,000. The new arrangement is a significant appreciation of that amount.

I emphasise that the club has occupied this land for 40 years and has undertaken a number of improvements to the site. I acknowledge the presence in the Chamber of the local member, the Minister for Sport and Recreation, who enthusiastically supported the passage of this legislation. Last night I omitted to say that at no time did the club proceed with any improvements without relevant consultations and approvals. Within the first few months of the Government coming to office the club briefed me and others about the improvements it was making. The club has undertaken extensive improvements and at all times did so with the approbation of the Government and the local council. The buildings on that site have certainly had the appropriate approvals. I look forward to the passage of this bill and to succeeding negotiations with the club.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LOCAL GOVERNMENT AMENDMENT (COMMUNITY LAND MANAGEMENT) BILL

Second Reading

Debate resumed from 10 September.

Ms FICARRA (Georges River) [10.10 a.m.]: In September 1997 the Minister for Local Government issued a green paper identifying possible reform measures for the community land provisions of division 2 of part 2 of chapter 6 of the Local Government Act 1993. The reforms centre on species conservation on community land, having regard to the principles of ecologically sustainable development and the more recently introduced Threatened Species Conservation Act 1995; the relationship between community land management and the provisions of other legislation, particularly the Roads Act and the Environmental Planning and Assessment Act; and the granting of leases and licences that may alienate community land from its intended purpose.

The bill seems harmless when one looks at those objectives. However, most of the proposals in the Government's green paper have been solidly rejected by the Local Government and Shires Associations, both in their official response to the

Minister and more recently in their weekly circular No. 37/98. The associations wrote to 177 New South Wales councils and assessed their individual responses. The Regional Organisation of Councils prepared reports on the green paper. Some of the comments are significant and should be recorded in *Hansard*. The Local Government and Shires Associations' circular identifies 12 areas of concern. The associations summarise those concerns in the last two paragraphs of the circular, which state:

The Associations have expressed concern to the minister about the prescriptive nature of the amendments proposed by the Bill. Strong opposition has been expressed to the matters detailed in points 3 and 10 above, on the basis that they will increase the administrative burden on councils without any real community benefit.

Councils may be aware of a recent press release by the Environment Liaison Officer on the Associations' position on the Bill, which asserts that the Associations are attempting to water down the Bill. The Associations reject any such assertion as a total distortion of the Associations' position.

I place on record the third and tenth concerns of the Local Government and Shires Associations. Their third concern relates to the requirement that all amendments to plans of management be publicly exhibited prior to the adoption of the plan. This would appear to be almost motherhood and apple pie to honourable members who have spent time in local government, including the Minister for Local Government. I have been involved in local government for 15 years. However, if the public exhibition of adopted plans of management becomes overly prescriptive, even on small issues, the whole process could be tied down in an administrative nightmare. I shall cite some instances of that later in my contribution.

Point 10, which the Local Government and Shires Associations also objected to, requires public notification of certain leases or licences for terms of five years or less and creates a call-in power for approval by the Minister. The associations object to this because of the centralised control of the Minister. I am not suggesting that the current Minister for Local Government would be unreasonable and exercise that centralised control and power. However, future Ministers for local government may remove the autonomy of local government.

I further highlight the objections of the Local Government and Shires Associations. The associations assessed the opinions of 177 New South Wales councils—the response rate was about 85 per cent. In the past the Minister for Local Government and many honourable members have said that they value the input of councils because they are close to

their communities on issues, that they reflect grassroots opinion. Therefore, we should listen to what their representative body—the Local Government and Shires Associations—says. I refer to the associations' complex submission to the Minister, in which they said:

The Local Government and Shires Associations of N.S.W. ("the Associations") welcome the opportunity to comment on the . . . Green Paper. It is unfortunate that the Green Paper seems seriously flawed. It is underpinned by sweeping comments such as "significant community concern has arisen in recent months" without providing evidence to support the generalisations that have been made. As well, many its proposals seem to propose duplication of existing legislative requirements or fail to recognise existing practice.

More importantly, the thrust of the Green Paper clearly flies in the face of the philosophy which underpinned the 1993 Local Government Act. The Act was introduced with the stated aim of doing away with legislative prescription of a council's activities, but the Green Paper indicates a move back to the prescriptive approach which characterised the 1919 Act. The Associations find such a trend most disturbing.

When the honourable member for Dubbo was the Minister for Local Government he continued to reform the Local Government Act 1919, reform that was initiated by the Hon. Janice Crosio. His reforms were well received. Consultation with all local councils took place over two to three years. He removed the prescriptive, inflexible approach of the old Act and empowered councils, gave them flexibility and allowed them to be close to their communities. However, this bill takes us back to the old approach to local government. The Local Government and Shires Associations' submission continued:

In addition, some of the Green Paper's proposals appear to contradict the NSW Government's stance on the National Competition Policy.

Further, each of the issues raised in the Green Paper includes a reference to "Suggestions Received", without identifying the source of those suggestions. The suggestions would have greater credibility had their sources been identified.

Many of the Green Paper's proposals will impose substantial additional costs on councils (which necessarily means their communities) for no real gain. This will inevitably lead in less funds being available for both the maintenance of community land in a council's area and the provision of other services to the community.

Most councils have objected to the move away from the generic approach to plans of management adopted by councils across the State. They have objected also to the additional resource requirement to capture the environmental data that may date quickly and become irrelevant at the time of development. They have objected also to the increased importance of the category of the land

with management objectives prescribed by legislation rather than locally determined criteria. They have strongly objected to the requirement to have all leases and licences approved by the Minister.

In particular, many councils have complained that although the deadline for submissions was extended to 31 October 1997, they were not afforded the opportunity to consult their communities and the users of the community land within their local government areas. However, the Minister wants councils to seek a broad spectrum of community response so that the resulting legislation will reflect the experience and views of the community. The Minister and his staff should learn to get it right. If the Minister wishes to have broad consultation he must allow adequate time for it to take place. Many users of community lands and many residents and community groups would like to have a say in the management of those community lands. The Minister must try a little harder on the consultation process. Inadequate time was allowed for the community consultation process undertaken in this instance, especially as the department required a response within six weeks of the release of the green paper.

In light of several Land and Environment Court decisions, most councils acknowledge that the current legislation is inadequate to deal with community land management. Councils are unsure how to prepare their plans of management or whether the policy documents remain valid. The green paper did not provide answers to these core concerns of councils. However, the proposals have the potential to inhibit councils in their setting of strategic directions and objectives in respect of their community lands. The proposed measure would not be an improvement on the current policy of environmental management. With regard to the content of plans of management, the Local Government and Shires Associations did not support the preferred option as there was no demonstrated need to duplicate requirements already imposed by other legislation. I wish to place on record Kogarah Municipal Council's response to the Minister of 10 November 1997. Geoff Clarke, then acting general manager, made the following response on this issue:

. . . Kogarah Council is situated in a built environment and we have the requisite knowledge about our endangered species and aboriginal sites in our area. Even though we are supportive of the basic tenet of this policy, we are concerned about the impact proposal (a) will have on other local government areas located in rural and non-metropolitan urban areas. Our Council's plan of management already identifies these key details about our community land.

Item (e), requiring all plans of management to be complete in themselves, obviates the strategic role that the plan of management plays in setting future direction for community land. This is not acceptable, particularly given the time, resources and money to prepare all manner of material required to complete the plan which may range from identification of aboriginal and historical sites, threatened species, traffic and heritage studies etc. It will also restrict the outcomes based approach our Council has adopted for the management of Kogarah's community land. By its very nature a plan of management should be malleable and flexible enough to accommodate the changing aspirations of its community and the uses of its community land.

The Council of the Shire of Baulkham Hills submitted an excellent report in relation to the Local Government Amendment (Community Land Management) Bill. I acknowledge the presence in the Chamber of the honourable member for Baulkham Hills, who will comment further on the input of the Baulkham Hills council to this measure. The council's report stated:

As the reforms do not support the generic approach adopted by this and many other Councils, the proposed reforms that affect this approach should not be supported. There would be a significant cost impact if individual plans of management were required for each public reserve within the Council area. Also, if individual plans were prepared, in accordance with the proposed legislation, there would be a considerable risk that these plans would not be relevant at the time that any specific works are proposed resulting in the need to carry out further investigations.

The more appropriate procedure is to continue with the generic approach with specialist studies being carried out where appropriate and when development is proposed to occur in individual reserves.

The Minister has not made it clear as to what time frames these forms are to be addressed and Council's ability to conform to requirements set down in the paper are difficult to measure.

In relation to the financial impact, Baulkham Hills council said:

In a previous report to Council . . . the estimated cost of preparing individual plans of management for all public reserves was identified as \$440,000. Council took the approach to prepare six (6) generic plans.

To meet the new requirements of the proposed legislation, supplementary information would need to be gathered. It is estimated that \$90,000 would be required to engage specialist consultants to provide the additional information required.

I refer to attempts to regulate the use of community lands, which was dealt with in issue 3 of the green paper. The following response of the Local Government and Shires Associations was most appropriate:

The Associations can see no justification for introducing such a requirement. It is seriously inconsistent with the Act's philosophy of allowing councils flexibility in the delivery of

services to their communities. There is no evidence to support any claim that, in general, councils are presently dealing with community land in an inappropriate way. If anything, the Associations say that the evidence is to the contrary.

Most councils are dealing responsibly with the management of community lands and are consulting interest groups and local residents in a proper fashion. The response of the Local Government and Shires Associations continued:

As well, the introduction of a requirement of this kind introduces greater opportunity for vexatious challenges and greater possibility that councils will be forced to expend already scarce resources on dealing with them. Such a situation cannot be seen as being in the community's interest.

The Minister really is not travelling too well: the changes in categorisation, dealt with in issue 4 of the green paper, got another thumbs down from the Local Government and Shires Associations. The associations were scathing in their criticism of most of the proposals set out in the green paper. I quote their comment in relation to changes in categorisation:

The Associations submit that if there is a need to regulate the way in which "natural areas" are recategorised (which, we say, has not been demonstrated) it could more effectively be done through the existing planning system. It is possible for "natural areas" to be zoned as environmental protection areas under Local Environmental Plans, which in the Associations' view is a more effective and appropriate way to address any perceived problem in this area.

It is noteworthy that the NSW Government does not impose similar requirements upon itself in relation to the management of vacant Crown land under the Crown Lands Act 1989.

One might say that the community more often has criticism of State and Federal governments and what they do with their public lands than they do of what local councils do with their lands, because the many checks and balances in place ensure that local councils do the right thing. However, as we all know, State and Federal governments can override local planning instruments. That has been done before. So, quite rightly, the associations give us a kick up the backside. The associations continued:

No good reason has been advanced to justify why the management processes employed by local government for community land should be subject to a different, stricter regime.

Issue 7 of the green paper deals with the amendment of draft plans of management after the completion of a public exhibition. Yet again, this is an issue which, the associations submit, addresses a non-existent problem. The associations note that preference (b) as contained in the green paper has the potential to create a bureaucratic nightmare for those

administering plans of management. There should be no need to re-exhibit minor changes to the plans of the type described at page 21 of the green paper. If abuse is suspected, appeal rights already exist under section 674 of the Act. The suggestion that every change arising from consideration of public exhibition processes should be re-exhibited raises the prospect of a series of time-consuming consultation loops over potentially minor matters.

In his reply the Minister should outline how the proposal will work. It could become a bureaucratic nightmare every time a plan of management is put on public exhibition. As the green paper notes, to require public re-exhibition of a plan of management that has been amended in any way, whether meaningfully or not, could add to the cost of and time involved in adoption of the plan, and that may discourage councils from making minor desirable mechanical amendments, not of concern to the community, to the exhibited plan. The associations agree with this view and submit that it reinforces the need not to interfere in the present situation.

Issue 9 deals with the permissible purposes requirement relating to leases, licences and other estates. In considering this issue the green paper seeks a return to the regime that prevailed under section 519C of the Local Government Act 1919. I thought we had moved forward to the Local Government Act 1993, but we are going backwards. I know that some honourable members opposite would like to go back into history. However, the Local Government Act 1993 went a long way towards empowering local communities and that reform process should be continued. We should not return to the old prescriptive style of the State Government overseeing every aspect of the council's operations.

The association's objection is that the green paper proposes a reintroduction of the public purpose requirement. Such a step would be contrary to the Government's often-stated commitment to a reduction in prescription or regulation. It may also infringe on the national competition policy, particularly in relation to competitive neutrality. The paper also seems to differentiate between users and uses. Is it suggested that the use should be assessed according to the nature of the user? This is not, nor could it ever be, a proper basis for any distinction. In the associations' view, the logic that underpins the green paper's reasoning on this point is fundamentally flawed. The green paper makes no substantial case for changing the legislation, and the associations submit that it should remain as it is.

Issue 10—leases and licences, selection of the lessees and licensees—also has problems. Currently the Act gives a council the power to decide whether a lease of community land may be granted. The green paper suggests that this power should be limited by requirement to call tenders for certain types of leases specified in the plan of management. The suggestion seems to ignore the reality. It is almost inevitably the case that a council that wishes to lease out any part of its real estate portfolio—whether community or operational land—will call for tenders or, at least, expressions of interest to ensure it has canvassed all the potential lessees in the marketplace and is able to enter into a lease in the most advantageous terms. Simple commercial reality requires this, quite apart from any existing obligations on a council to ensure the community receives the best return on its investment.

Again, the associations submit there is nothing in the green paper that substantiates the course of action proposed in this preferred option, and there is no good reason to change the existing position. Issues 11 and 12 deal with leases and licences, responsibility for final decision and public participation in the decision. These issues are closely related. The associations dealt with them as one, stating that the preferred options to both issues are unrealistic. They stand contrary to the philosophy of the 1993 Act. As the green paper notes, the 1993 Act set in place a fundamentally different approach to community land management from that which was obtained under the 1999 Act, in harmony with the general thrust of the 1993 Act to make councils more responsible and more accountable to communities for their actions, policies and decisions.

The options proposed by the green paper would significantly blunt that thrust. A council cannot be responsible and accountable to its community for its decisions if it always has to have them approved by the Minister. That approach places responsibility squarely on the Minister's shoulders and turns the council into little more than a cipher. This is not correct. It is not empowering and respecting local councils. We all know that for a long time local councils have sought to be recognised in the Australian Constitution. I am surprised that the Minister for Local Government—

Mr E. T. Page: Your lot opposed that.

Ms FICARRA: I did not agree with my party on that stand. I do not know what the Minister's idea was. But I did not agree with my party's stand, and that is recorded. The Minister's electorate would admire him more if, occasionally, he said to his party, "We like the general thrust of what you are saying, but that issue is not right."

Mr Lynch: Like the GST on food?

Ms FICARRA: That is another issue, which we will probably debate again today after question time. The executive summary from the associations was that the preferred options on both issues are unrealistic, and no case has been made for any change to the present situation. Issue 13 also deals with leases and licences, assignment and subleasing. The associations concluded that two of the proposed changes, whilst not being intrinsically objectionable, take no account of what is now normal conveyancing practices. Again, the associations do not support that proposal because they do not believe it is necessary. It has a bad track record.

Schedule 1, item 5, which inserts new sections 36A to 36D, deals with community land protected under the Threatened Species Conservation Act 1995 and/or the Fisheries Management Act 1994 because it is the habitat for endangered species. It is the collective opinion of most of the non-metropolitan councils, supported by some of the metropolitan councils as we heard in the case of Kogarah and many other Sydney-based councils, that it is just another Carr Government power grab from the local communities back to the National Parks and Wildlife Service and New South Wales Fisheries. The 1993 rewrite of the Local Government Act was consistent with an increase in autonomy for local communities through their locally elected representatives. I see no reason why the National Parks and Wildlife Service or New South Wales Fisheries should have any more power to intervene or any more control than they have already.

Many people, particularly those in rural Australia, do not appreciate the continual interference and lack of consultation as to the benefits of practices in rural New South Wales. This is yet another power grab by bureaucrats who sit in an office far removed from the decision-making process in local communities, often in rural New South Wales. The coalition is unhappy with most of the bill, as is the Local Government and Shires Associations. It would be a waste of time to attempt to amend the bill, because it is basically wrong in every aspect. In neither this place nor the other place will the coalition attempt to amend the bill in any way; it will oppose it outright.

If I were the Minister I would be most embarrassed by the current track record of badly drafted legislation. We have seen a succession of backflips, plastic surgery and total rejection in the other place. The most recent publicly damaging bills were the Companion Animals Bill and the Local

Government Legislation Amendment (Elections) Bill, which sought to rot the Sydney City Council elections. I almost feel sorry for the Minister for Local Government, although if I were to shed any tears they would be crocodile tears. He should go back to the drawing board or completely scrap the legislation. We do not need it. It is not supported by local government, nor is it supported by local communities. The 1993 Act was good and relevant legislation. The coalition has great pleasure in totally opposing the bill.

Mr LYNCH (Liverpool) [10.39 a.m.]: I support the bill. Before turning to the substantive provisions, I must note some of the aspects of the quite extraordinary performance of the previous speaker. One of the problems with politics for those who do not take it seriously is that they will say one thing one day and something quite different the next day. Those who do not take their position in public life seriously do that frequently and they end up looking like dills.

Mr O'Farrell: I hope you look in the mirror.

Mr LYNCH: In response to the honourable member for Northcott, I am referring to the honourable member for Georges River. The honourable member for Georges River gave us an extraordinary rendition of support for the Local Government and Shires Associations and a defence of councils, telling us that councils are important and that it is appalling that State bureaucrats can have anything at all to do with community land. Her comments today are very different to comments she has made previously.

Ms Ficarra: Quote them!

Mr LYNCH: I am delighted to accept the invitation. I refer in particular to the honourable member's comments in this House on 12 November last year during debate on the Environmental Planning and Assessment Amendment Bill. She said:

Those of us with a long history in local government know the frustrations associated with a variety of council administrative features—the overzealous, officious counter bureaucrat; the excuse of lost files; the files put into pending in-trays while the officer goes on holidays or forgets; the councillors not reading business papers or not carrying out inspections; the regular deferring of items for ward inspections that may or may not get full attendance; and the perennial "Let's play politics with this one, chaps," just because the applicant is a friend of a friend or may have been seen handing out leaflets for one party or another. I know that this sounds shocking, but it happens.

During debate on the City of Sydney Amendment Bill on 17 June 1997 she said:

This proposal is fraught with horrible visions of corruption. People suspect that there is corruption in local government, and that is why local government has such a bad name . . . we hear disgusting stories from the Independent Commission Against Corruption and council officers about developers approaching councils and making deals behind closed doors.

In light of those comments it is extraordinary that the honourable member is now pretending to defend local government. She would do herself and her party much more good if she maintained a consistent line. It is particularly interesting that the honourable member for Northcott is in the Chamber because his attacks on council are well known. It is interesting also that the honourable member for Georges River quoted at length from the submission from Baulkham Hills shire council because the honourable member for Baulkham Hills has had some very unkind things to say about that council on many occasions.

Now the honourable member for Baulkham Hills will probably say nice things about that council because it happens to suit the short-term, inconsistent and unprincipled position adopted by the Opposition. Frankly, these matters are too serious to be dealt with in such a cavalier fashion. They are matters of great principle and significance. For members opposite simply to adopt a particular line because it suits them on the day when it did not suit them a couple of days ago is an inappropriate way to conduct the formulation of public policy and legislation in the last decade of the twentieth century. This legislation is aimed at better protecting council-owned land, land that is regarded as community land.

A rational view of the legislation clearly shows that it allows for greater public input into decisions about community land. One of the many things members opposite have forgotten in this debate is how jealously local communities guard publicly owned, community land. Communities take great interest in publicly owned land, which is why the imposition of greater probity and controls on the processes of dealing with community land are not only inherently desirable but something for which there is broad support in the local community.

There is in my electorate of Liverpool an area of public land called the Elouera Nature Reserve. The residents have jealously guarded that land for a long time. The land surrounds Cabramatta creek running broadly from Elizabeth Drive to Hoxton Park Road and has significant vegetation. Much voluntary planting work and other more programmed work has been undertaken to try to return the land to its natural state. That work has attracted a whole range of native birds, and the land has developed a

pleasing and desirable aspect. Over a period residents such as Margaret and Carl Rhodin have spent a lot of time working on that project and running the Elouera Nature Reserve Committee. Another resident, Rex Turner, is still involved. Together with Mr Ruebens, the chairperson of the committee, Neil Rogers, was responsible for organising on 30 August volunteers to plant a large number of trees in the area around Ireland Park.

Obviously that is of interest to me because it is part of my local electorate, but it also demonstrates that it is important and significant for residents to look after community land for the future. For that reason this legislation is very important. The honourable member for Georges River referred to the 1993 Act. In broad terms, that Act has worked reasonably well. However, a number of matters need to be resolved or finetuned, which is precisely what the Government is attempting to do in this bill. If the protestations of members opposite about the 1993 Act working well are to be taken seriously, the Opposition would support this bill because it plugs loopholes, finetunes the Act and takes into account a number of court decisions.

The absurd proposition of honourable members opposite demonstrates that they have such little regard for the future of community land that they are prepared to let some of the anomalies resulting from court interpretations stand without attempting to address them. Clearly, that suggests that the Opposition's position has no bona fides or legitimacy. The present regime provides that community land cannot be sold, which is as it should be. However, under the current provisions—and these matters need to be finetuned—it is possible to misuse environmentally sensitive land and to alienate community land by lease or a licence for what are essentially private purposes. That matter is at the core of this legislation. This purpose of the bill is to prevent community or publicly owned land from being used for private, non-community purposes.

It is not surprising that the legislation needs to be finetuned. The Act has already been amended several times, as intended and expected. It is hardly an extraordinary or unusual course, given the complexity of the 1993 Act and the time it has taken for the legislation to be introduced. As I said, some court decisions require the Act to be amended and finetuned. The process of getting to this point has been fairly lengthy. There has been a green paper and lengthy consultation. For those reasons it is not surprising that the legislation largely gets it right.

The present regime allows community land to be placed in one of four categories: a natural area, a sports ground, a park or an area for general community use. Those categorisations are useful as far as they go but the legislation does not define the categories or indicate the consequences that flow from land being placed into one of the categories. This bill addresses those gaps and lacunae; it is finetuning. It provides a fifth category for community land, that is, an area of cultural significance. That category will relate generally to land of Aboriginal, historical or cultural significance. The bill will enable community land to be protected under the Threatened Species Conservation Act or the Fisheries Management Act on the basis that the land is a habitat for endangered species.

If land is categorised in that way there must be a new plan to deal with that specifically. If a plan currently exists for the land, that plan is suspended until a new plan is adopted; nothing can be done with the land, other than current uses, until the new plan comes into effect. That same regime applies to community land that is the subject of a recovery plan or a threat abatement plan. The same general scheme applies also to land that council has resolved to contain significant natural features or an area of cultural significance. The bill requires a much more significant plan for that block of land, rather than simply a generic plan that has no specific relevance to the land. Once land is categorised as being of natural or cultural significance it cannot be recategorised without a public hearing.

Other significant amendments are in the nature of finetuning—maintaining the principle of public ownership and the public use of public land. Section 40 of the Act is to be revised so that all amendments to the draft plan of management for community land are publicly exhibited. The alternative would be to publicly exhibit all substantial amendments. The difficulty with that is the definition of what is substantial and what is not. Frankly, it might have some useful social function but it is not to be encouraged in this legislation. New section 46 provides that leases, licences or other estates cannot be issued unless they are consistent with a plan of management. They cannot be granted if their purpose would defeat the core objective of the categorisation of land. Those conditions, which are tighter and more specific, again endorse the principle of the proper use of publicly owned land.

There are some interesting and, I think, useful changes to the legislation dealing with leases. If there are objections to a proposal for a lease or licence for more than five years, that proposal must

go to the Minister for approval. Of course, there is an obvious loophole in the proposal. If we dress up the interests of those to whom we want to grant a licence or a lease, that is not covered in the current legislation. For example, if I wished to grant exclusive access over community-owned land, in the nature of a roadway, it would not be covered by current legislation. This legislation will close that loophole. Another interesting potential loophole in current legislation relates to the issue of a lease for less than five years, which provides a significant incentive to council to renew it automatically prior to the expiry of the five-year period, or imposes a significant penalty at the same time.

That effectively means that council would be getting a lease or licence for much longer than five years, although it is dressed up in a legal technicality to prevent it being caught up by the current provisions. That loophole will also be closed by this legislation. Any lease or licence for less than five years that has a significant incentive to renew it, or a disincentive not to renew it, is to be treated in the same way as it if it were for more than a five-year period. Another interesting issue about leases that is to be commended is that the current regime for ministerial consent to leases for a period in excess of five years has been extended to leases and licenses that operate for less than five years, if public objections have been lodged to the proposed leases or licences. If the Minister so chooses, he may call that in that provision to provide consent to or rejection of the proposal. That is another string to the bow of protecting public use of public land and community use of community land.

The coalition's position on this legislation is quite bizarre. The honourable member for Georges River, who led for the Opposition, said that the bill was so flawed and hopeless that it should be thrown out. Much of it is finetuning and much of it covers obvious loopholes and problems. Even if we took seriously the rhetoric and substance of the argument of Opposition members we would not be able to justify throwing out this bill. That is an extraordinary position for Opposition members to adopt. It is consistent only with the fact that there is no merit or substance in the position they have adopted. As I indicated earlier, it really is a simple case of Opposition members saying one thing on one day and another thing on another day.

Mr RIXON (Lismore) [10.54 a.m.]: The Local Government Amendment (Community Land Management) Bill will amend division 2 of part 2 of chapter 6 of the Local Government Act 1993, which governs the use and management of community land. The objects of the bill are:

- (a) to require plans of management for community land that is of particular significance for environmental reasons to regulate the use and management of the land in a manner that takes account of that significance, and
- (b) to impose further restrictions with respect to the grant of leases, licences and other estates or interests in respect of community land.

The purpose of this legislation is to make councils more responsible and accountable to their communities by removing prescriptive legislation. In September 1997 the Government issued a green paper on community lands in response to community concerns about the degree of community alienation of those lands. However, the source of those concerns has never been identified. Without any real community pressure or any substantial evidence of constituent concerns, this bill can only be termed legislation for legislation's sake. It must be opposed in its present form. Most changes seem to be driven by ideology rather than by reason. The bill transfers power from councils to State bureaucracies, limiting the autonomy of councils. If a piece of land is classed as a natural area, restrictions will be imposed as to the type of building that may take place.

Both the Threatened Species Conservation Act and the Fisheries Management Act already impose detailed requirements on the managers of land, which include critical habitat. That has the potential to create two sets of conflicting requirements that will lead to expensive and unnecessary litigation for councils. The introduction of the category "cultural significance" to a plan of management offers only a broad definition and needs a much more refined definition. There is no reason why natural areas or culturally significant areas should require separate plans for separate areas if the management issues are identical for each. The provisions are overprescriptive and seem to require a separate plan of management if an area of community land contains one of a number of features. In the case of land that contains more than one feature, a separate plan will have to be prepared for each, which will waste much effort and resources.

Labor's briefing paper stated that a public hearing for any proposal to recategorise land from a natural or culturally significant area would be required, whilst councils are required to notify local residents directly of leasing or licensing proposals. The amendments include a requirement for notice of a leasing proposal to be given to any owner or occupier of land in the vicinity of the council if, in the opinion of the council, the land the subject of the proposal is likely to form the primary focus of a person's enjoyment of community land. That

provision is very vague. What is land in the vicinity of a community? Is it land adjoining a community, or does it encompass a wider area? If it encompasses a wider area, how wide? How does a council decide what will form a person's primary focus? These provisions will result in mass litigation.

The legislation states that, in certain cases, subleasing of community land for a purpose different from that for which the lease was granted would be prevented by the new legislation. That amendment is simply overprescriptive. It takes away a council's flexibility in dealing with such leases. This bill gives each category a definition and a binding set of objectives to be followed in respect of any lease, licence or estate issued on the land. This bill is restrictive as to exactly what a council can do with land. It would effectively destroy the changes made by the 1993 Act. It adds to the complexity of the leasing process and, therefore, the cost to the community. It has the potential for massive legal problems. The bill transfers power to the National Parks and Wildlife Service and New South Wales Fisheries by proposing to make those responsible for plans of management for protecting critical habitats answerable to the National Parks and Wildlife Service or New South Wales Fisheries.

There is no evidence that there is a problem regarding critical habitats. No specific evidence has been produced of critical habitats being used inconsistently. This legislation is unnecessary overregulation. All amendments to a plan of management under this legislation would have to be re-exhibited for public comment. That could mean that a plan of management could not be amended, even to correct a minor typographical error, without going through the full exhibition process which will result in more wasted time and money. It has been reported to me that the Local Government and Shires Associations does not support the bill. Consequently, the Opposition opposes the bill.

Mr MOSS (Canterbury) [10.59 a.m.]: The Local Government Amendment (Community Land Management) Bill tightens up the regulations relating to community land so that it remains where it should, that is, with the community. In an age of deregulation one might ask why the Government is travelling down the path of imposing additional rules and requirements in relation to community land. The simple explanation is that community land consists mainly of open space, and urban areas lack open space. Open space is so scarce that rules must be imposed to maintain for the future the little area that remains. The demand for open space extends beyond the Sydney metropolitan area to urban areas such as

the central coast, the Hunter region and the south coast.

The legislation is necessary to avoid the kind of mistakes that have been made in the past. In fact, the lack of regulation in the past has brought about today's shortage of open space. The handing over in the past of publicly owned land to private interests is a scandal of enormous proportions. For example, almost all bowling clubs occupy government land, government land leased to local government or land owned by local government. Another example of that kind of handover involved the Scout Association, for which I have tremendous admiration. Although I do not have the statistics to back up my argument, I am willing to guarantee that at least half the scout halls in this State occupy what was once publicly owned land. In the past local government gave away land willy-nilly.

Ms Ficarra: For community use.

Mr MOSS: Yes, on the argument that it was for community use, but that is not in fact so. The land is occupied by private organisations, which may be community oriented but which are, nonetheless, private groups that have acquired the land for their exclusive use. It is as simple as that. In the past local government also misused public open space. In the 1970s and 1980s child-care centres sprang up everywhere. Although in the main these centres are owned by local councils, nonetheless they encroach on public open space. Again, those centres were for the exclusive use of a handful of families with young children, but the land was used to the detriment of the community as a whole. Local government was directly responsible for robbing the community of open space even when the land remained under the control of local government. Council-run child-care centres are a perfect example of that.

It should be remembered that green space makes up an important part of the character of our urban environment. That green space extends from large well-known spaces like the Domain, the Royal Botanic Gardens and Hyde Park, which are major attractions for tourists, to parks and other open space areas that provide places for kids and families to play and for local sporting groups to hold events. The Local Government Act 1993 went a long way towards preventing the wholesale takeover of community land. One positive aspect of the Act is that councils are now required to draw up plans of management for community land. Whilst a plan of management does not necessarily prevent the abuse of community land, the requirement for its preparation demonstrates, if nothing else, the value of community land.

Under the Local Government Act plans of management are required for the classification of community land as natural areas, sporting areas, parks or land for general community use. However, the bill goes further, and this is one of its best aspects. It provides an additional classification of community land, namely, an area of cultural significance. I fully support the addition of this further category. Those who believe that the present classifications of parks or land for community use are sufficient to define all community land are wrong. A parcel of culturally significant land cannot be put to any unspecified community use, in the same way as permission would not have been given in the past to build a BMX track through a natural bush area. The new category will prevent the removal of heritage items from any area classified as culturally significant. New South Wales has many culturally significant areas. One area that comes to mind is the site of the brick kilns in Sydney Park. The wider the definition of community land and the greater the number of regulations, the more chance there is of preserving what little open space remains.

As well as expanding the classification of community land the legislation also provides a set of core objectives for each category. Through this bill the Government is spelling out the restrictions that apply to each category of community land and the uses to which the land may be put. Though that approach may seem dictatorial, it is necessary to keep the custodian of community land, which is primarily local government, on its mettle. It is important to emphasise that the core objectives relating to each category of community land do not apply only to local councils. The same objectives will apply to land leased out or given under licence. The objectives relate specifically to the land, irrespective of who has control of it.

This section of the bill is beneficial in two ways. First, it ensures that the definition of the land remains the same regardless of who has control of it and, second, because of the core objectives the public entitlement to such land remains intact even if it is leased to a private operator. In her contribution the honourable member for Georges River placed a great deal of emphasis on the fact that local government was concerned about the bill. I am unaware of any bill introduced in this House relating to local government that has not generated the concern of the Local Government Association or drawn comment from it. The association has every right to dissect such bills, but it is the Government's responsibility to do what it believes is correct in the interests of local government.

I should like to give an example of how a council can become confused and hypocritical over

community land. Recently, one of the councils in my electorate, Canterbury Council, has been anxious for the Government to acquire the site of a disused water tower community open space. The site of the water tower is not community land or open space. However, Sydney Water has offered to hand over to the council a sizeable portion of the land. Another section of the land will be sold off for medium density development, which will be more acceptable than a rusty water tower. However, the council is up in arms; it believes that the Government is not giving it enough free land and should provide the whole area for open space purposes.

At the same time the council is in the process of attempting to lease out to a private organisation a former bowling club that is built on a public park. That is a misuse of community land. The council claims the Government is not doing enough to provide open space, yet it is throwing away a portion of that very open space. That is one reason the Government must constantly and carefully consider ways of regulating the use of community land. The bill provides that a lease of five years or lesser periods will no longer be available if it is not subject to the same terms and conditions as, say, a 20-year lease. Future leases of five years or lesser periods will have to be advertised.

Controversial leases will no longer be available in increments of five years or lesser periods to avoid people finding out about them. That provision in the bill is excellent. Council officers will no longer be able to approve developments on community land. In other words, future developments will have to be approved by the council in question. It is only right and proper that if a building is to be erected on land zoned as open space the elected representatives of the community, and not council bureaucrats, who are not answerable to the community at large, should be charged with approving it. The bill is excellent legislation. It attends to many matters that needed further consideration, and for that reason it has my full support.

Mr O'FARRELL (Northcott) [11.12 a.m.]: Having read the bill and having listened to the speeches of earlier speakers in the debate I was confused. After listening to the honourable member for Canterbury I am even more confused. I have to tell the members of the Blacktown branch of the Country Women's Association who are in the public gallery that in my electorate the CWA hall is located on community land. According to the honourable member for Canterbury, that body, being a private organisation, has robbed the public of community land. That is an unacceptable view. In another guise the honourable member for Canterbury is the leader

of the Parliamentary Baden-Powell Guild, which supports scouting and scouting activities.

There are many scouts on both sides of this Parliament. The honourable member for Pittwater is a former senior patrol leader of the Ashfield 10th Catholic Scout Group. Many in politics, regardless of their political persuasion, have a great commitment to that organisation, which has served the interests of the young people of this State for a long time indeed. It is appalling to hear that organisation described in this place by the leader of the Parliamentary Baden-Powell Guild as an abuser and robber of community land. The members of scouting organisations provide, year in and year out, an enormous service to our community. They do a great service to our young people, and the honourable member attacks them. The honourable member for Georges River and I believe the chief scout should be aware of this matter. At the next annual general meeting of the Parliamentary Baden-Powell Guild we will be looking with great interest to the honourable member for Hawkesbury for leadership.

Mr Gibson: That would be right up your alley.

Mr O'FARRELL: Everyone knows why the House is getting only a part-time ethics adviser: because he will spend the rest of the time with the honourable member for Londonderry. The reason I am confused by the approach of the Minister and the Government is that in 1993 they supported the Local Government Act, which took a less prescriptive approach to local government. As the honourable member for Liverpool knows, I am not a great admirer of that Act. It seems to me that no level of government is completely a business. One can no more apply business standards to members of this House than one can to members of the Federal Houses or to local councils.

The problem I have with the 1993 Act is that to an extent it made councillors powerless; it put politics in the hands of general managers. In an area like my electorate the chief politician on the council is the general manager. The man who is doing the deals for the council election to be held tonight in Hornsby is the general manager of Hornsby council. That is not how it should be; he was not elected by the ratepayers. Nevertheless, as I have said, the bill which later became the Act, which was introduced in 1993 by the honourable member for Dubbo, sought to take a less prescriptive approach to local government. Last year the Government continued that approach with changes in the Environmental Planning and Assessment Amendment Act. That

legislation sought to take regulations and prescriptions governing a significant aspect of local government that causes heartache to home owners and businesses trying to expand or modify their premises out of the hands of the local council.

A year later the Minister for Local Government, one of the last remnants of those who believe in the eastern European philosophy that fell out of favour years ago, is trying to introduce extensive, prescriptive legislation. I can see those in the chorus. The only people present in the Chamber supporting the legislation are the old lefties. They may not look old but they are traditional old lefties who still have not got over the fall of the Berlin Wall. Despite the bipartisan view that there should be less regulation and prescription in local government, the bill is another attempt by the Minister for Local Government to extend his control.

That is not the only reason I am confused; that is simply an indication that the Carr Government does not have a clear idea of where it wants to go. I am confused because, when provided with the opportunity in the past to protect the community, the Minister and the Government have not done so. They have taken a hands-off approach and refused to intervene, and that has often been at the expense of ratepayers across the State. I should like to give the House four examples in my area. One relates to a site in Thornleigh which was classified by the council as community land. It was set aside for community purposes, and the council suddenly decided it wanted to establish an enterprise on that land.

The Minister for Local Government knows that 3½ years later that proposal has cost the ratepayers of the Hornsby shire \$4.5 million. There is still no new enterprise, but at no stage during that 3½ years would the Minister for Local Government stand up for the residents of Hornsby shire, particularly the residents of Normanhurst and Thornleigh, and say this is valuable community land which should be kept for community purposes, the purpose for which council had always had it earmarked. The Minister and the Government, which professes to have a commitment to community land, were given that opportunity and they sat on their hands.

The second example relates to the construction of the M2. A number of parcels of land were not required for road reservation. Hornsby council and other councils have been trying to persuade the Roads and Traffic Authority to cede this land to them for community use. On each occasion the RTA has turned its back on the councils and told them to go to blazes; it is not interested. The honourable

member for Canterbury spoke about the paucity of community land in Sydney, yet when opportunities arise the Government's response is to go jump. Nevertheless, the legislation is apparently intended to protect community land. The third example relates to the Government's lifting, two years ago, of a road reservation which would have linked the F3 to the M2. It is called the B2-B3 road reservation and it cuts through Wahroonga. Since that reservation has been lifted the Department of Urban Affairs and Planning has encouraged Wahroonga council to zone the area for medium-density and high-density development.

The corridor has been in existence from time immemorial. It has terrific stands of local gum trees. This Government, which professes great support for community land, is trying to have that area redeveloped for medium-density and high-density development. The same thing has happened in the electorate of Canterbury, with the support of the local member. Canterbury City Council wanted not only the site of the water tower but the whole parcel of land to be dedicated for community land. The Minister, however, said, "No, you can't have it all. We're going to put in high-density development."

The fourth example relates to an area of land in the electorate of Hawkesbury. Fagan Park is an important regional park in northern Sydney. It includes an area of bush known as Carr's bush. I assure honourable members that Carr was no relation to the Premier; in fact, there is a proposal that it be known as Rozzoli's bush. That area comprises just about the only unalienated land in the park. The rest of the park looks rather like Centennial Park, with European trees. The bushland comprises approximately seven hectares of natural bush. At present Hornsby council is attempting to alienate that land. Will the Minister for Local Government or any other Minister take an interest in the issue and stand up for ratepayers who are concerned about the alienation of community land? No.

I am confused because this would appear to be a muddle-headed approach from, first, the Government, which says one thing one day and does something different the next, and, second, the Minister, who when given the opportunity to stand up for the interests of the ratepayers and the community on community land issues has sat on his hands for 3½ years. To answer a question posed earlier by the honourable member for Georges River, I do not in a sense understand why the Minister is putting forward legislation giving him greater centralised power when in the past he has refused to use the existing powers available to him.

Those powers are extremely strong. As the honourable member for Canterbury has said, the powers to be provided to the Minister for Local Government under this legislation are dictatorial.

There is a specific matter that I should like the Minister to address in response to this debate. Currently, if a private land-holder can gain access to a property from a public road, a council's plan of management specifically excludes the council from granting right of access over community land. Local ratepayers and councils ask: if, pursuant to the amendments to sections 34 to 40, council has the ability to grant a lease, licence or easement to those private land-holders over its community-classified lands for vehicular access, who is responsible should those land-holders injure a resident using the said community land within the area embraced by the licence or lease?

As the Minister knows, public liability is a problem. Difficulties relating to public liability can be caused in a number of areas across Hornsby and Ku-ring-gai municipalities where there is alienation of land. Certainly local councils would appreciate some clarification as to the effect of this bill on the granting of public access across community land. Australians have just witnessed a terrific performance by our athletes at the Kuala Lumpur Commonwealth Games. Australia won 198 medals in total and 80 gold medals.

Mr Gibson: Doesn't that give you some encouragement to get out on the road and start jogging?

Mr O'FARRELL: No, there is no danger of that. The Minister for Local Government is a dual gold medallist. He has unnecessarily complicated the companion animals legislation, legislation that was well-intentioned but a mish-mash and an utter disaster. He has again managed to overcomplicate, overregulate and obfuscate in this area. The green paper to some extent outlined a sensible approach, but this legislation is a disaster and deserves to be opposed.

Dr MACDONALD (Manly) [11.24 a.m.]: I support this bill. In my contribution I wish to develop an argument as to whether the bill meets its objectives and whether it is consistent with previous remarks made by the Minister for Local Government. The objectives of the bill are clear. One is to include more prescriptive measures in the development of plans of management for community land. Another is to provide more protection in the form of restrictions on granting leases, licences and other estates or interests on community land. I

regard those as being good objectives. In May last year the Minister for Local Government indicated in the House his intention to introduce this legislation. At the time the Minister was responding to the honourable member for Canterbury, who asked what the Minister was planning to do to stop the public from being shut out unreasonably from public parks and ovals as the result of local government deals. That was a fair question. The Minister outlined a number of measures. He said:

I shall shortly be taking to Cabinet a number of proposals to ensure that community land is secure from leasing arrangements that unreasonably exclude public access. It is my view that leasing arrangements should proceed only when they provide for an improved public amenity . . .

It is of particular concern to me that when the new Local Government Act was passed by the former Government in 1993 the provisions for public scrutiny of leasing arrangements were watered down . . .

Proposals I shall take to Cabinet will include a requirement that no leasing arrangement proceed unless it serves a public purpose.

Those words are set to return to haunt the Minister in some of the comments I intend to make. In response to the same question asked on 21 May 1997 the Minister made the comment:

I do not support proposals for leasing arrangements that purely provide a benefit for a private person or organisation.

The Minister continued that line of argument in his second reading speech on this bill. The Minister then said that the "present provisions of the Act are too broadly cast". The Minister there hinted that there is widespread public disquiet about the weakness in that part of the Local Government Act. I agree with that. The Minister in his second reading speech said that he intends to introduce measures that will protect the public interest. All those comments made me feel good, until I went to examine what will happen in a particular instance. It will come as no surprise to the Minister that I intend to draw to the attention of the House what has happened at the Balmoral Bathers Pavilion. What happened with the leasing of that pavilion was an absolute scandal and a disgrace.

The pavilion should never have been leased out with the Minister's permission. It is now gone from the public domain for many years. It would appear that something similar could happen under the provisions of this bill. For the benefit of honourable members I shall provide a little background to the issue of Balmoral Bathers Pavilion. At the turn of this century all of the foreshore land at Balmoral was under private

ownership and the public was unable to access the beach. In 1905 concerned citizens agitated concerning that alienation. A royal commission was held in 1909 and recommended that 100 feet of the beach be resumed for public access and that the land behind Edwards Beach be resumed to be made into a large permanent reserve. Mosman residents paid for the land that was resumed and it was dedicated to the people in 1930. The community made great efforts to gain public access to that foreshore.

The old Bathers Pavilion was falling into disrepair. Currently it houses a well-known restaurant. There has been a longstanding dispute between Mosman Municipal Council and the Bathers Pavilion lessees about the way forward. At the end of the day the Minister approved the lease, despite significant opposition from local residents and significant disquiet about the way in which arrangements had been made. Even though this area is outside my electorate—it is in an adjoining electorate—I took a deputation to the Minister on this issue because people who came to see me were not satisfied that they were receiving proper representation. The principles concerned were that there would be an inappropriate increase in the commercialisation of public land.

There is no doubt that it was against the public interest to lease the Bathers Pavilion for 21 years. Only 3 per cent of the premises will remain available for public access; the remainder will be commercial. The premises will be used by a conference facility and by a restaurant. The restaurant currently seats 122 people, which will increase to 250. The restaurant's licensed capacity, which includes the bar area, is 391. In other words, the Bathers Pavilion is being commercially expanded onto adjoining public land and beyond the bounds and capacity of the building.

The casualty will be public access; the beneficiary will be the private sector. The Minister approved the lease to increase the commercialisation of that public land. It was argued that the heritage building would benefit if private tenants were to take it over. That argument does not stack up when we look at what is happening. Mosman Municipal Council is spending \$2.45 million to upgrade the building and money is being invested by the lessee—it is in her interest to expand the facilities within the building. It has not been argued that the building would have fallen down if the lease had not gone ahead: the money is there—the council is spending \$2.5 million.

The council did not consider alternatives, the lease did not go out to tender and it dealt with an

individual tenant. That is clearly inappropriate, particularly in light of documentation from ICAC. In my view, the council blatantly abused the intention of the plan of management under the provisions of the 1993 Act. The council used the plan of management to justify the current proprietor of the restaurant having a 21-year lease. This is a sad story in relation to the Bathers Pavilion. As I said, the same decisions could be made in the future despite the introduction of this legislation. I will ask the Minister to consider ways to strengthen the legislation.

I refer to the importance of public access to community land, and not just land held by local government. In my electorate there are some very contentious issues about public access to community land. Manly wharf, which is publicly owned, was leased out by previous governments—both Labor and coalition—for 99 years to a private operator. That private operator now seeks to breach the lease and build a hotel on that site. If that occurs there will be a denial of public access to the last working passenger-based finger wharf in Sydney Harbour.

In my area there is great disquiet about the leasing out of the quarantine station, one of the great heritage sites of Sydney, the State and Australia. The quarantine station is part of the National Parks and Wildlife Service. As I understand it, the quarantine station will be leased for possibly 40 years to a private operator, with a corresponding reduction in public access. People are marching in the streets because they do not want to be alienated from public land.

Another example is the St Patricks seminary site, which was public land given to the Catholic Church. The Catholic Church has since vacated the site. People have had access to that land for many years, with the courtesy of the Catholic Church. The land has been alienated by the Catholic Church: it has leased out the main seminary to a tourism college and residential buildings will be put on most of the rest of the site. Again, the public will be locked out of public land. These precious remnants of public land must be protected at all levels of government, a sentiment that needs to be echoed strongly in this legislation. I am not critical of the Minister for Local Government, except in relation to Balmoral's pavilion. I commend the Minister for introducing legislation that will seek to overcome some of the deficiencies of the 1993 Act.

I am pleased that the environment groups and the Environment Liaison Office have sent out letters of support for this legislation. The office has been critical of the Local Government and Shires

Associations of New South Wales for opposing this legislation. The Environment Liaison Office believes that the legislation should be strengthened for some of the reasons I have indicated today. The office states in correspondence and press releases:

... councils are finding it hard to resist intense pressure to reclassify the community's parks and buildings to make money.

Honourable members know that governments are under pressure to divest themselves of community land, to lease out community land or to go for small government to privatise. It is all part of the economic rationalism of small government and shifting the burdens across to the private sector. Improvements need to be made to the processes for managing changes to community land. I would like to hear the Minister's response to the proposals of the environment groups. Indeed, I understand the proposals may be the subject of amendments in another place.

The environment groups propose, first, if land is to be reclassified either from community to operational or operational to community it must be done in an open and accountable way by the use of public hearings. Financial matters should not be grounds for reclassification, with which I agree. Second, the environment groups propose the creation of plans of management that are a fundamental requirement under the current Act. It must include public hearings on the proposed plan. Third, they claim that the granting of leases or licences should be subject to tender. In this regard I have referred to the situation at the Balmoral pavilion. There should not be a private process between the developer and councils. I would like the Minister for Local Government to assure the House that he will look at strengthening the legislation. I am the Minister's ally in this regard; I will support this legislation. However, it does not go far enough.

Mr RICHARDSON (The Hills) [11.36 a.m.]: What is the rationale for introducing this legislation? In his second reading speech the Minister said:

... there is widespread concern that the present provisions leave too much scope for misuse of environmentally sensitive land, and for inappropriate alienation of community land for essentially private purposes by lease or licence. A corresponding community demand for reinforcement of its right to participate in important decisions about how community land is used and managed has also become apparent.

Honourable members have not heard from the Minister for Local Government or seen any specific evidence that the current system does not work. However, the honourable member for Canterbury

made an interesting speech. I echo the comments of my colleague the honourable member for Northcott: I share his incredulity about the chairman of the parliamentary Baden Powell association. The honourable member for Cronulla, the honourable member for Georges River and I are members of that association. Most honourable members strongly support their local scout and guide groups.

The honourable member for Canterbury said that private organisations, such as the scouts, that require land for private use are alienating that land from community use because the land is being applied for the benefit of a few families. The honourable member for Canterbury also described this legislation as dictatorial. Land that is currently being used by the scouts, sporting organisations, the Country Women's Association and other community groups that provide valuable services to the community is held to have been alienated from the community. Indeed, the Government seems to want to address that issue and do something about it. No clearer rationale for the coalition's opposition to this legislation could have been provided.

The Opposition has other concerns with this legislation that stem from the process, costs, and impact of the legislation on local government and local communities—the very communities that the Government suggests will benefit from the passage of the legislation. I am indebted to David Ransom, the parks and recreation manager of the Council of the Shire of Baulkham Hills, for providing me with useful information and the excellent paper he prepared for council at the end of last year on the Government's green paper. In his paper he spells out in no uncertain terms the concerns that Baulkham Hills council has with this legislation.

The bill stipulates that all plans of management must be complete in themselves, which means that there is really no scope for change unless that plan, once again, goes out for community consultation. Because he represents an area that is already fully built up, the Minister for Local Government does not understand that uses of land may evolve—community needs will change—particularly in growth areas such as my electorate, which is the fourth biggest in the State. The Rouse Hill development area is proceeding apace and another 8,500 homes were approved this week. Obviously community facilities will be needed and council is drawing up plans with the assistance of the Department of Urban Affairs and Planning to ensure that community needs are met, although they may evolve with time. Mr Ransom believes that the bill provides for councils to prepare management plans for all parks, reserves and community land currently under their control.

Obviously not every piece of land that a council currently owns has been the subject of a management plan. Indeed, under the current Local Government Act Baulkham Hills council has prepared generic plans for community land under its control. Under this legislation individual plans of management are likely to be required for each public reserve for needs that are not yet certain. The needs would have to be specified in the plan, which might require later alteration, if the area is built up. Recreational activities also change—for example, at the moment skateboarding and basketball are popular and, to some extent, baseball has taken over from cricket. Those requirements need to be included in the plan of management, which could change in the future.

Mr Ransom estimated that providing the supplementary information needed to prepare management plans for all lands under the control of Baulkham Hills council would cost an additional \$100,000. The cost of preparing individual plans for public reserves could be \$440,000, to which would be added the cost of consultants. Therefore, that brings the total required to prepare all the plans of management for public reserves within the Baulkham Hills shire to \$550,000. Obviously council would not want to meet that impost at this stage and believes that that money would be wasted because of future necessary changes.

Plans of management need to be malleable and flexible to suit changing requirements and needs. Under current legislation community land is categorised into one of four categories: natural area, sportsground, park and general community use. The proposed legislation introduces a fifth category: an area of cultural significance. In his second reading speech the Minister was critical of the Act. He said:

However, the Act does not define those terms, nor does it specify in what way those categories should relate to or affect the way in which community land should be used or managed.

Once again one can be too prescriptive about these things. The plan must be malleable and flexible and allow for changing community needs. The Minister continued:

The bill accordingly makes provision to identify what land should appropriately be placed in each category, and prescribes—

note the word "prescribes", which is, as the honourable member for Canterbury suggested, dictatorial—

a number of core management objectives that must apply to land in each category. These definitions and core objectives are contained in a draft exposure regulation that I will release

today for public comment. The definitions and core objectives have been developed in consultation with a number of government agencies who have a direct interest in environmental and land issues.

It should be noted that he referred to government agencies, not local government agencies. Baulkham Hills council holds that there is no reason why areas of cultural significance should require separate plans of management if management issues are identical for each area. Mr Ransom's report stated:

All of the criteria recommended to be identified as a result of this reform will require expert knowledge not currently held by Council staff. The need to identify this information on an individual reserve basis does not support the generic approach to plans of management adopted by this and many other Councils.

Council work teams are already collating this type of information in response to the introduction of other legislative requirements. The current resolution of the data may not support the requirements of the reform which requires application to individual parcels of community land.

Considerable additional resources would be required to meet the proposed legislative requirements if this proposal is successful. Council's preference is to only prepare individual plans when specific works are contemplated, otherwise resources may be unnecessarily wasted on studies that may never be used.

Mr Ransom made the point I have already raised. He said:

Further, a study prepared when specifically needed will be far more relevant than a study that may be a number of years old.

The Minister spoke about community land being alienated under the current system. Under the proposed legislation amendments may mean that existing reserves on which threatened species have been discovered—for example, the Fred Caterson Recreational Reserve at Castle Hill—could be alienated because a new plan of management must be drawn up if one is currently in place. I understand that there are some threatened species on the Fred Caterson reserve; obviously that has been taken into account in drawing up the plan and must now be ratified by the National Parks and Wildlife Service. It might decide that various reserves and other facilities within that large complex be withdrawn from public use. How that benefits the community when there is obviously a recovery plan in place for those threatened species eludes me.

I ask the Minister for Local Government: when a threatened species is identified on public land, is that public land categorised as a natural area? It might contain kiosks, ovals or changing rooms. A similar example occurred at the brick pit at the Homebush Bay Olympic site in which the green and

golden bell frog was found. That land is not being developed until a recovery plan has been put in place for that frog. Does the Minister have any evidence of a problem regarding critical habitats and the way in which councils manage them? I will be interested to hear his comments on that issue.

If minor amendments are made to draft plans of management after the completion of the public exhibition, they will have to go back to public exhibition again, which will involve considerable delays, substantial costs for council and will mean that the land will not be put to good use while the debate continues. The greatest problem with this legislation relates to leases. The Minister referred to the current legislation in his second reading speech. He said:

It would be possible under that provision for community land to be leased for a purely private purpose and associated with any public benefit.

We have already heard the honourable member for Canterbury speak about scouting and other community organisations, which he believes do not provide a public benefit. Members on this side of the House disagree strongly with that, and believe that such organisations provide a genuine public benefit. The Minister further said:

This is widely regarded as unacceptable, and there is a strong feeling in the community that leases and licences of community land should only be granted for a public purpose.

How does the Minister define "public purpose"? Does he mean that use of land by a sporting club, pony club, riding club or scouts' organisation with a lease over a piece of land does not constitute community usage? Does the only permissible community usage involve usage of land that is freely available to every member of the community? If so, that would involve a fundamental change in the structure of our society.

I would not have been so concerned about the issue had it not been for the extraordinary statements made by the honourable member for Canterbury some minutes ago. It is possible—it happens currently—that a person living next to a sports oval, for example, could complain to the Minister. As the Minister may oversight or refuse leases, even those of less than five years duration, one assumes that the Minister might take the complaint into account and refuse renewal of such a lease. Of course, that could be detrimental to sports clubs and other community organisations in my electorate—indeed, throughout New South Wales.

Opposition members are concerned because the bill seeks to transfer powers from local government to the State government—that is, it seeks to remove

powers from the community. This measure appears to be strongly at odds with the Minister's statement that the bill has evolved from community concern. I ask: community concern expressed by whom? Is the bill before the House simply because the Minister wants to prove his green credentials in the lead-up to the election? No doubt the Minister will say that he has issued a green paper and that that has gone out for community consultation.

I recall that the same procedure was followed with the Companion Animals Bill. That bill went out for consultation, but the consultation process did not seem to make an iota of difference: some 10,000 submissions were received in response to the green paper issued by the Minister. We ended up with legislation that was completely unacceptable to honourable members on this side of the House and to the community. The bill as proposed was not accepted in the upper House; it was so substantially modified that it finished up nothing like the legislation that was introduced by the Minister. We wonder whether this bill will not suffer the same fate.

Mr E. T. PAGE (Coogee—Minister for Local Government) [11.51 a.m.], in reply: The comments made by honourable members opposite were mind-boggling. I was devastated by what they said. I had hoped that the honourable member for Lakemba would speak to the bill, but unfortunately he did not take part in the debate. I thank the honourable member for Liverpool and the honourable member for Canterbury for their contributions.

Motion agreed to.

Bill read a second time and passed through remaining stages.

PRIVATE MEMBERS' STATEMENTS

Suspension of standing orders agreed to.

THE ENTRANCE ELECTORATE BUS TRANSPORT

Mr McBRIDE (The Entrance) [11.56 a.m.]: I wish to report to the House on the vexing issue of bus transport in The Entrance electorate and transport from the electorate to other areas on the central coast. The geography, the natural land and water barriers create a difficult environment for bus companies to meet the increasing public transport needs of the area. This situation is further complicated by recent changes related to continuing growth on the central coast: for example, the continuing growth of randomly located housing areas without link roads and turning circles to facilitate efficient bus movements; and the continued

growth and expansion of major shopping centres such as Westfield Tuggerah, Bay Village, Lake Haven and Erina Fair.

Developments such as new housing areas and major shopping centres have further distorted previous traffic patterns, creating new demands and making delivery of services to the community even more difficult. To illustrate the current difficulties, I instance the problems associated with travel from The Entrance peninsula, that is, North Entrance, The Entrance, Long Jetty, Shelley Beach and Killarney Vale to Wyong Hospital. With the extensive and continuing expansion of services and facilities at Wyong Hospital over the past three years there has been a shift of clientele from the eastern side of Tuggerah Lakes from Gosford to Wyong Hospital. However, the current bus service does not reflect this change in medical services.

Bus travellers commute to Wyong, at Kanwal. This one-way trip can take more than two hours, a return journey of about four hours. The only alternative is a taxi, which would cost my constituents nearly \$30, or \$60 for the round trip. Under the current management regime for bus services it is impossible to address this problem. I have received representations from Berkeley Village, Berkeley Vale, a retirement village of nearly 500 elderly people, expressing concern about the frequency of service and connections to trains and other bus services.

Other representations expressing concern came from Killarney Vale resident Mr Don Booler, who is concerned about after-hours services over the weekend for young people; Mr Lyle Eggins of The Entrance, who is concerned about commuting to and from Wyong Hospital; Mr Tom Lyons, honorary secretary of The Entrance Community Precinct Committee, who writes of concerns relating to bus movements around Tuggerah Lakes, commuting to Wyong Hospital and the coordination of bus-to-bus timetables and bus-to-rail timetables; and Mr Tom Radnedge of Long Jetty, expressing concern about the coordination of XPT services with bus timetables.

Further examples of representations expressing concerns came from Mrs Walters of Killarney Vale, concerning the location of bus stops in relation to medium-density aged accommodation; Mrs Beryl Withnell of Long Jetty, concerning the lack of bus services after 7.30 p.m., Monday to Friday, for commuters; Mrs Puckeridge of Long Jetty, concerning coordination of bus timetables with fast trains and the impact of coordination of timetables on the elderly; and a petition from the Killarney Vale area concerning the provision of express bus services to Gosford.

I acknowledge the efforts of the local bus companies to resolve these problems. However, I suggest that it is perhaps time to have a comprehensive review of the distribution of services to try to provide a more efficient bus service to constituents and to address the shifts in commuter problems. I acknowledge the sincere efforts of Peter Caunt, Planning and Development Manager of the Red Bus Services, to deal with these issues, along with those of representatives of Busways. However, representations from my local community tell me that it is time to have a major review of current services.

I am suggesting a sweeping review that looks at innovative schemes, allocation of boundary services, and pathways to improve links with bus-to-bus and bus-to-train timetables. A tinkering or rejigging of the current management regime of bus services is clearly not good enough. I request the Minister for Transport, the Hon. Carl Scully, to implement this review. Also, I ask Gosford City Council and Wyong Shire Council to support my request. As I pointed out at the commencement of this statement, this is a difficult issue to deal with. I acknowledge the difficulties that bus companies have in attempting to improve services, given the problems associated with the environment and other issues.

However, it has clearly reached the point where we need to consider creative ways of improving existing services. One suggestion made regarding bus services is to have buses travelling clockwise and anti-clockwise around Tuggerah Lakes. This would do away with many of the problems associated with transportation to Wyong Hospital, and it would dramatically improve services for all those undertaking movements from shopping centres within the area. This is a very important issue, not just for the people in my electorate but for those on the central coast.

MOTOR VEHICLE COMPLIANCE PLATES

Mr KERR (Cronulla) [12.01 p.m.]: I draw the attention of honourable members to a serious problem in the electorate of Cronulla. Last month I received a letter from a constituent as follows:

On Sunday the 4th of January 1998 my fiancé and I were looking at purchasing a second hand motor vehicle and we saw a 1991 Toyota MR-2 Red in colour advertised in the Sunday's Sydney Morning Herald Drive lift out.

My constituent contacted the owner, Mr Steven Hanna, who lived at Greenacre. Mr Hanna told my constituent that although he lived in the Bankstown area he would be travelling to his sister's house in Cronulla and could meet my constituent at an agreed

place in Eloura Road at 1.00 p.m. My constituent and his fiancée arrived at the agreed place at the agreed time but Mr Hanna was not there. When the vehicle subsequently arrived it was driven by another man. My constituent inspected the vehicle and took it for a drive. When he came back he asked why Mr Hanna wanted to sell the vehicle. He was told that Mr Hanna had owned the vehicle for about six months and was selling it because his wife had had a baby and the vehicle, which was a two seater, could not be fitted with a baby seat.

My constituent noticed that the registration number of the vehicle, AFK-09B, was different from the registration number in the advertisement, SCO-399. Mr Hanna told him that a friend had put the wrong registration number in the advertisement. These explanations seemed reasonable and legitimate. My constituent then offered \$19,500 for the vehicle, which was accepted. He paid a holding deposit of \$100, received a signed receipt and agreed with the seller that he would pick up the vehicle at 6.30 p.m. on the following Tuesday. He then contacted the Register of Encumbered Vehicles to make inquiries about the vehicle. He was told that the vehicle was all clear and he purchased a certificate to prove that. At the time the Register of Encumbered Vehicles told my constituent to make inquiries about the vehicle at his local police station, which he did. The police said that if the Register of Encumbered Vehicles had told him the vehicle was okay, it was okay.

When my constituent inspected the vehicle at his home he became suspicious and took photographs of the vehicle. He then went to his bank to stop payment on his cheque but was unable to do so, despite the intervention of his solicitor. He then took the vehicle to Sutherland police station where it was inspected and the registration papers were confiscated on the spot. He was told that he would be contacted the following week in regard to police at Bass Hill inspecting the vehicle. The following Saturday was to be his wedding day. During the week he had the vehicle taken to Bass Hill where an inspection confirmed that it had been stolen. The vehicle was then taken from my constituent.

Unfortunately my constituent has since been informed by police that the vehicle was stolen from the Bondi area and turned up at a Roads and Traffic Authority authorised inspection station at Guildford, which has since been closed. More than 50 vehicles were registered at that authorised station. My constituent has also been advised that the Roads and Traffic Authority authorised inspection station is a vacant block of land, that it is more than two years since there was a building erected on it and that it

was previously a residential home. In his letter my constituent asked how the RTA could have allocated an inspection licence to a vacant block of land or a residence, and whether the RTA periodically inspected the books of the business.

My constituent sued the person who sold him the vehicle but that person has been declared bankrupt. It is an insult. However, my constituent can hold his head high because he has taken all the right steps. The broadcaster Alan Jones suggested that if insurance companies were to remove compliance plates from wrecked vehicles before they are sold it would solve this problem which arises all too frequently. Honourable members are aware of the massive police operation some weeks ago during which many innocent people had their vehicles taken. I advised the Minister's office that I proposed to raise this serious matter in the House. My constituent is considerably out of pocket. He has been told that the police have established a task force in the Lidcombe-Bankstown area to deal with this type of crime, but I have been told that the police do not have the manpower or the resources to stop this criminal activity. The Government should act on the suggestion made by Alan Jones, as this matter involves a young family man. I am sure the House will treat this matter seriously.

Mr KEVIN DWYER COMMUNITY SERVICE

Mr GIBSON (Londonderry) [12.06 p.m.]: Last Monday Penrith City Council elected a new mayor to replace Councillor Kevin Dwyer, OAM. I am pleased to see the honourable member for Penrith, the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women, in the Chamber. Kevin Dwyer is not necessarily a Labor man; he is an independent council member who represents east ward. He is married to Margaret, and has a daughter, Anne, and three grandchildren. Kevin was first elected to council more than 20 years ago. Since then he has fulfilled the role of mayor on three occasions and the role of deputy mayor on 12 occasions. I am sure honourable members will agree that that is an outstanding record and one to be proud of.

Kevin's family settled in the Penrith area in 1788. In those days the family were dairy and stud farmers. They owned the original homestead at Cranebrook which now forms part of the Penrith Lakes scheme. The Dwyer family is one of the best known families in the Penrith-St Marys area and Kevin has been actively involved in many organisations and associations. He is an executive member of the local government association and has

been actively involved in the Western Sydney Regional Organisation of Councils for many years. He served as chairman of the Nepean-Hawkesbury catchment committee for five years from 1983 to 1988 and as deputy chairman for the past year.

Kevin Dwyer is a judge with the Australian Illawarra Shorthorn cattle association. He has judged cattle and goats throughout Australia and has acquired a reputation in that regard. He is the kind of person from whom communities grow and he has left his mark on the Penrith-St Marys area, which he loves. He has had a vision for the city of Penrith for a long time. That vision included local economic development and the nurturing of a healthy and happy lifestyle for the residents of that part of western Sydney. I am proud to call Kevin Dwyer a friend and I will always look up to and respect him. If someone approaches Kevin with a problem he will invariably say, "Let us have a look at the situation. Let us go out and see the people, and if we can help them we will." The way that Kevin goes about his business is his trademark. That sums up the type of person that he is.

Kevin always talks to people. He does not get too excited; he evaluates the situation and then offers assistance if he can. Kevin has touched the hearts of everyone who has come into contact with him. The St Marys and Penrith areas are definitely the richer for the presence of the Dwyer family. Kevin has a proud record in relation to community work. He has been associated with the western Sydney Regional Organisation of Councils; he has been a delegate for many years and served as vice-chairman of the association; he was a member of the board of Prospect County Council for a long time; he served on the Joint Council of Rivers and the advisory committee as delegate and chairman; he is an executive member of the Local Government and Shires Association; and he is the director of the City of Penrith Regional Indoor Aquatic and Recreation Centre.

Kevin is a director of the Joan Sutherland performing arts centre and of the St Marys regional aquatic centre. In addition, he is a member of the following organisations: the economic development and employment committee for the area; the St Marys community precinct working group; the children's service working party; and the St Marys residential civic and community projects steering committee. I could continue to quote from the lengthy list of organisations with which Kevin Dwyer has been associated, but I will not do so. Let me just say that Kevin Dwyer is a gentleman. I have never heard him express a bad word about anyone. He is always available and ready to assist. If the largest organisation in the world held a function in

the local area, Kevin would be invited and he would attend. By the same token he was present at Llandilo recently when I received a deputation of only one person. I congratulate Kevin Dwyer on his work for the local community. [*Time expired.*]

ELECTRICITY RURAL SUPPLY

Mr CHAPPELL (Northern Tablelands) [12.11 p.m.]: I place on record the details of a meeting I attended several months ago. The purpose of the meeting was to draw attention to an issue that government generally must address, which flows from the national competition policy, economic rationalism and so on. That issue is the extension of mains power electricity to an isolated rural community. In early June Mr Barry Goebel—who lives on Gulf Road near Emmaville, to the north-west of Glen Innes—contacted me. Barry informed me that a number of families live on Gulf Road. As the local member for the area, I know all of the roads throughout the electorate pretty well, but I have not traversed the length of Gulf Road because it is a no-through road, and I was not aware of the number of families and properties on that road.

Most of the properties, at least those further removed from Emmaville, do not have electricity connected. Many families and prospective developers of other homes and farms in the region are anxious to have mains power connected. A meeting was called and a representative of the franchise distributor, NorthPower, was invited to attend. The meeting was held on a Saturday afternoon in the home of James and Kerry West and many people attended. The discussion revolved around how they might go about getting the power connected and who was responsible for extending new power lines to service consumer groups.

No-one would argue against the proposition that electricity connected to residential, farmlet or industrial properties is connected at the owner's cost, but who is responsible for providing mains power into the area from which individual consumers can take their supply? The Independent Pricing and Regulatory Tribunal has the matter in hand and I expect that NorthPower—and other regional electricity distributors who have made similar inquiries—will receive an answer soon. The supply of power throughout the State is a community responsibility. It should not be left to the consumer, who may live 20 or 30 kilometres from the nearest power pole, to pay the whole cost. That would not be possible.

In this instance 30 or 40 families who live without power have indicated that they want to have it connected. The majority are ready to connect

immediately; some are prepared to connect over the next two or three years, after they have saved some money; and others have indicated they will be ready to build in three to five years and will require power connection at that time. The power mains must be installed throughout the region so that when these people want to connect to the supply, they will be able to do so by paying only the local connection cost. The matter has been referred to IPART for determination on whether the distributor should make the contribution or it should be done by other means.

I do not particularly care whether the regional distributor or the Government pays for this community service obligation, but it should not be left to the individual consumer. To leave all costs associated with providing electricity mains supply to individual consumers will result in a slowing of economic development in this State. The families at that meeting that day are people of goodwill who want their fair share of the action. I have indicated to those families, to the NorthPower representative, Mr Vince Kelly, and to my prospective Federal parliamentary colleague, Stuart St Clair, that the community is responsible for installing electricity mains supply so that everyone has access to mains power. In this day and age everyone is entitled to that supply as a basic service. As I said, IPART is due to report back to NorthPower. I hope it will see the sense in recommending that perhaps NorthPower or the Government should be responsible for connecting mains power as a community service obligation so that as people want to tap into it they can do so progressively over the next few years.

HEATHCOTE EAST BRIDGE

Mr McMANUS (Bulli) [12.16 p.m.]: I accept that in my electorate politics are often played and to some degree most politicians play that game. However, playing politics has gone far enough and my constituents in Heathcote east and rail commuters generally have been placed in danger. Heathcote east bridge enables access to residents of Heathcote east, supplies a road route to Wilson Parade, provides access for students travelling to and from Heathcote High School, and is an access road for emergency services vehicles from Fire Brigades units stationed on the eastern side of Heathcote railway station. Some years ago the Government allocated \$500,000 to upgrade the bridge.

In the past couple of years I have waited patiently for Sutherland Shire Council to honour its commitment to ensure that as the Government repaired the railway bridge it would supply necessary funding to ensure the proposed road

deviation for that bridge proceed at the same time. Unfortunately, when framing the 1997-98 budget the Liberal council and its so-called Independent colleagues not only reduced funding for the bridge entirely, but also withdrew the \$200,000 the council had allocated in 1996-97 for that purpose. I was disconcerted in recent times when the Leader of the Opposition and the honourable member for Sutherland stood on the bridge to be photographed for the *St George and Sutherland Shire Leader* and indicated that the Government needed to do something about the bridge. The bridge is in the heart of my electorate and I am concerned for the safety of rail commuters. The bridge has a 27 tonne limit and is used by school buses and by emergency service vehicles for access to the control centre.

I do not expect Liberal Party members on Sutherland Shire Council to desist in their game. For almost six months they have been putting up posters suggesting that the Government is at fault. I am not prepared to allow this politicking to continue because I am concerned about the safety of those who use this bridge. The Government allocated \$500,000 but I can no longer wait for a remedy. The bridge is in such a state of disrepair that the Minister must take action to ensure the safety of rail commuters and the safety of those who drive heavy vehicles across the bridge. I ask the Minister to take urgent action to investigate the bridge's safety. If such an investigation indicates that the bridge is in disrepair, the Government must ensure that the \$500,000 allocated in the budget is used to repair the bridge.

If the bridge is repaired commuters will travel safely, but once again we face opposition to the necessary road deviation. It is incumbent upon council to re-evaluate the situation. It receives millions of dollars in income from rates paid by my constituents and the time has come for council to spend some of that money on those ratepayers. This will be the last opportunity to ensure that the Heathcote east rail bridge is fixed and to provide protection to commuters and to the people who live in that isolated area. I congratulate the former Minister, the honourable member for Kogarah, who, when he first took over the ministry, provided emergency access at Heathcote railway station so that in times of emergency there would be an opportunity for residents to escape from east Heathcote by way of the railway station. However, a dangerous situation still exists and the bridge should be repaired as soon as possible. The Sutherland Shire Council must accept its responsibility and help to ensure the safety of people who live in Heathcote east.

COWAN BACKLOG SEWERAGE PROGRAM

Mr O'DOHERTY (Ku-ring-gai) [12.21 p.m.]: I ask the Government to give urgent consideration to a matter I have raised before by way of the mediation process which is discussing the backlog sewerage program in my area. That is to have the suburb of Cowan—perhaps it could more accurately be described as a village—added to the backlog sewerage program. Honourable members will be aware that the Government has announced seven priority areas for backlog sewerage programs in Sydney, two of which are in my electorate. They are Brooklyn-Dangar Island and the Mount Ku-ring-gai industrial area. Both are high priorities for our community, but to my amazement the Government did not see fit to include Cowan in the program. Cowan is located between Brooklyn-Dangar Island and the Mount Ku-ring-gai industrial area. Only a very shortsighted government would fail to include Cowan as part of the backlog sewerage program for the northern tip of the metropolitan area of Sydney.

The area is environmentally very sensitive. It includes Berowra Creek which is a major tributary of the Hawkesbury River. I have raised the issue of the quality of the water in Berowra Creek on numerous occasions since I was first elected to Parliament in 1992. It had been the subject of discussion in the local community for a long time before that. The issue of water quality has really taken off within the past 10 years. Communities are rightly demanding that governments—local and State—deliver water of the highest quality. Berowra Creek is a perfect example. Perhaps, Mr Acting-Speaker, it is a place where you used to play as a young lad when you were growing up in the Asquith area. In those days one could see through the clear water in Berowra Creek.

When I visited Berowra Waters the other day local residents told me that when they were growing up in the area they could see in the water the various sea creatures, yabbies and so on, that they were attempting to catch; that when they were children the water was so blue that they could not gauge the depth of the creek. Because the water was refracting the light they could not gauge whether something was just below the surface or several metres down. One cannot do that at Berowra Waters today. People do not let their children play in Berowra Creek. The water is just not safe. It is subject to sewage overflows. It is also subject to stormwater problems and foremost amongst those problems is septic tank overflow. That is why the areas I have mentioned—Mount Ku-ring-gai

industrial area, Brooklyn-Dangar Island and Cowan, the subject of this address today—should be included in the backlog sewerage program.

The residents of Cowan held a meeting the other night—and I will be attending another one in a week or so—to urge the Government to place Cowan within the scope of the work currently being done to design a system for the Mount Ku-ring-gai industrial area. Earlier today I was speaking to Mediate Today, the company engaged by the Government to try to scope the plant and try to resolve some of the community issues prior to the preparation of documents by Sydney Water. I have found Mediate Today an excellent company to deal with. I understand the community has been very happy with the way the process has been carried out. I congratulate the Government for using that process to try to resolve some of those longstanding issues. Months ago I raised with Mediate Today the issue of including Cowan, but it is not within the scope of that company. It cannot include Cowan as part of the program if the Government says it is not a priority area. It is shortsighted in the extreme to say that Cowan should not be included.

The residents of Cowan have received letters from Hornsby council relating to the requirement to be licensed to operate their septic tanks. That is the result of more brilliant legislation from the Carr Government that imposes strictures on people going about their normal daily business—and that includes flushing the toilet! The residents of Cowan are rightly angry. They should not have to pay extra. They should be included in the backlog sewerage program and I assure them of my continuing support to achieve that aim.

**HUNTER REGION HEALTH SERVICE
PERFORMANCE**

Mr MILLS (Wallsend) [12.26 p.m.]: It gives me great pleasure to offer my congratulations and thanks to health workers in the Hunter Area Health Service. Those workers—nursing staff, doctors and medical staff, technical and support staff and administration—in the first six months of this year were able to achieve a reduction of 52 per cent in the number of patients waiting longer than 12 months for surgery in public hospitals in the Hunter. That is a huge success. Therefore, the staff of the area health service deserve our thanks and congratulations. In particular, success was achieved in the John Hunter Hospital in the Wallsend electorate, the Mater Misericordiae Hospital and the Royal Newcastle hospital in the lower Hunter area.

In January this year 263 people in the region had been waiting more than 12 months for surgery in the four hospitals—that is the John Hunter, Mater Misericordiae, Belmont and Royal Newcastle hospitals. By May that number had been reduced to 191 and during June the number was reduced by a further 25 per cent to 125. To illustrate how successful this attack on the problem of patients waiting inappropriately long times has been, at John Hunter Hospital in January 103 people were waiting longer than 12 months. By the end of June that had been reduced to 10 patients. At the Mater Misericordiae Hospital 22 patients were waiting in January and that was reduced to four by June. Belmont Hospital did not have a significant problem: the number stayed below four during the entire six-month period.

At the Royal Newcastle Hospital, which is where most orthopaedic surgery is carried out in the Hunter region, the number of patients waiting was reduced from 138 in January to 107 in June—in total from 263 in January to 125 in June. Government policy has been to give priority to patients waiting longest, and with the co-operation of the staff of the Hunter Area Health Service that priority has been brought to fruition. In addition to thanking the staff, I also thank the various trade unions, and professional associations. They deserve our compliments for co-operating with the ongoing process of change and improvements in the health services. New South Wales public hospitals cared for a record number of 1.35 million patients during the last financial year; 9 per cent more admissions than in 1994. The dramatic increase in admissions has been made possible by the \$1.3 billion increase in health funding throughout New South Wales since this Government came to office.

That achievement should be set against the background of Federal Government health cuts and the significant increase in the number of people who have dropped out of private health insurance funds and are turning to the public hospital system. A major attack has been made on the problem of patients waiting inappropriately long periods for treatment. Success has been achieved in the Hunter and in other parts of the State. In the same six-month period, across the whole of New South Wales, a 28 per cent reduction was achieved in the number of patients waiting for treatment.

In June staff of the Hunter Area Health Service achieved the best overall performance in New South Wales in exceeding targets for timely treatment. For patients requiring urgent treatment—that is, within 30 days—the New South Wales average achievement was 91 per cent of targets, and

in the Hunter staff achieved 110 per cent. For patients requiring non-urgent treatment—that is, treatment not required within 12 months—the New South Wales average achievement was 98 per cent of targets, and in the Hunter 101 per cent of the target was achieved. The New South Wales average achievement on patient admissions was 100 per cent, and the Hunter achieved 101 per cent. The New South Wales average achievement on same-day booked surgery was 98 per cent of the targets, and Hunter staff achieved 104 per cent of their target.

Unfortunately, the print media do not normally give recognition to success stories in the health services. In August reports appeared in both the *Newcastle Herald* and the *Sydney Morning Herald* ignoring any successes and reporting only difficulties. The media highlighted reports that at the Newcastle Mater Misericordiae Hospital people sometimes had to wait more than eight hours for admission. The media forget that in the past 12 months there has been a big improvement in achievement of emergency department targets and that patients, even while waiting for admission, get x-rays, blood tests and other treatment. Thank you to the health workers of the Hunter. [*Time expired.*]

TAREE WEST PUBLIC SCHOOL

Mr J. H. TURNER (Myall Lakes) [12.31 p.m.]: Today I draw to the attention of the House the need for an assembly hall at Taree West Public School. The school has needed an assembly hall for a long time and I recall speaking in the House on this issue in 1993. The former member for Manning, Wendy Machin, and I have both been involved in correspondence on this matter. In 1996 the Minister for Education and Training in correspondence to me made the following statement:

Taree West Public School is listed on the Department's capital works five year program for a communal hall and will be considered for planning approval along with all State priorities.

I understand that the matter went to the top of the priority list. However, nothing has occurred. It is of vital importance that an assembly hall be provided at the school. There has been talk that the needs of Gloucester Public School may have usurped those of Taree West Public School on the priority list. Gloucester Public School was accorded funding for an assembly hall in the most recent budget. One would hope that Taree West Public School will now return to its place of top priority and that funding will be provided in next year's budget for the carrying out of construction work. The school council of Taree West Public School has written to me on this issue on several occasions. The council

rightly points out that the current arrangements are unsatisfactory. The secretary of the school council, Ann Robertson, wrote to me in June of this year stating:

The lack of suitable area to accommodate the whole of the 500 plus student population, their teachers and, when needed, their families and carers has been an ongoing problem for this school since its inception half a century ago. The school community is continually forced to find venues outside the school grounds to hold even the simplest of functions. Children are being disadvantaged every week due to the lack of facilities in which to rehearse and perform drama, hold presentations, concerts, receptions and other formal functions, conduct indoor sporting activities and fulfil many other duties.

The matter has become increasingly urgent, and understandably this Council looks to clarify your position on the lobbying for government funds to provide this important utility.

I ask the Minister to consider this important provision. School functions are sometimes held outside the school buildings. That is completely unsatisfactory. In a letter written to me in 1995 the school stressed the dangers in Australian children having to spend time outdoors during the hottest part of the day. The school at that time forwarded a newspaper clipping from the *Daily Telegraph Mirror* of 14 November 1995 headed "Changes to cut school cancer risk". It is important to be mindful of health aspects. Sometimes school functions are held at the police-citizens youth club, which is located a fair walk from the school. To get to the club building schoolchildren have to cross the busy road that links Taree with Wingham. That is not satisfactory in this day and age.

Taree West Public School is a significant school. It is one of the few schools in the area that does not have an assembly hall. The Government should look to providing funds for an assembly hall. The school has now existed for half a century but still does not have the benefit of a multipurpose centre or an assembly hall. In 1993 there was some hope held out that, with the rearrangement of the administration block, a hall may be provided. Regrettably, that did not occur. The time has come for the school to be provided with a multipurpose centre for the benefit of the children and the staff. The provision of such facility can only make for a better educational institution at the school.

WARRAGAMBA PUBLIC SCHOOL FIFTIETH ANNIVERSARY

Mrs BEAMER (Badgerys Creek) [12.36 p.m.]: Today I inform the House of the celebration last weekend of the fiftieth anniversary of Warragamba Public School. It was a celebration for the township of Warragamba, where the public

school has been the centre for community activities. Warragamba is a small, close-knit community nestled amid beautiful bushland. The school principal, Ray Farnham, on arriving at the school two years ago after spending five years at Badgerys Creek Public School remarked, "I've left paradise for something closer to heaven." Warragamba Public School reached its 50-year milestone despite the fact that it was planned to be demolished after the dam was completed in the 1960s. The site was to be rehabilitated.

In celebration of the 50-year anniversary of the school a number of functions and events were held on the weekend. The classrooms were opened for the display of memorabilia. It was wonderful to see people looking back over old school photos, and I saw a number of people who had not seen each other for decades embrace as they remembered their time together at the school. The official launch of the anniversary was held on Saturday and I congratulate a number of people on their efforts. I congratulate the students who led the anniversary proceedings with such dignity and poise. The school captain, Jenna Parsons, and all the other students excelled themselves in their introductions of various items and speakers. The junior and senior choirs were wonderful and sang together and then separately to entertain those who attended. The efforts and skills of dancers selected to perform at a regional dance exhibition were very evident.

The anniversary celebrations did not come about without a long period of preparation. Two of Warragamba's longest serving citizens were instrumental in the success of the celebrations. George and Mavis Morgan spent the past few years chasing down information locally, nationally and internationally to ensure that memories of the past 50 years were well documented. Mavis attended what was known as the old town Warragamba Dam 1 public school in the 1940s, and the couple's children and grandchildren attended Warragamba Public School. The efforts of those two motivated people really need to be commended. Warragamba's history is tied to the dam. The original school was built in 1942 and was used for several years. It was built by the Water Board and was a single-room structure made from corrugated iron. As honourable members may imagine, it was not particularly well adapted to the climatic conditions.

The new school was constructed on the present site and at the time was considered to be of the latest architectural design. That construction literally fell down two years ago. F block, which had six classrooms at the time, attracted termites, and they took their toll. At the beginning of the first term

1995 the rooms were evacuated and upon further inspection the ceiling caved in. Children were taught all over the school and in the town hall as demountable classrooms were sought. The new principal, who had been at the school only a day when the school fell down, seized every opportunity to make sure that a new school was constructed. When the extent of damage was assessed it was obvious that the classrooms needed to be demolished and rebuilt. The rebuilding of the school will provide a school of the latest architectural design, and that is nearing completion. The school is looking forward to moving into its new buildings and beginning the next 50 years of public education in the town.

One of the most popular items at the school anniversary was the book published to commemorate the event, *A Flood of Memories*. The book traces the history of those who have lived in Warragamba, those who have shaped its past and those who will shape its future. I enjoyed reading the personal histories of many of the former students, teachers and principals. Their reflections of their experiences at Warragamba Public School demonstrate that it was an institution which valued the learning environment. However, some of the recollections are more personal. Chris Poli, now a year six student recalls:

In kindergarten we had a sausage sizzle, my teacher asked if she could push in at the front. I said, "No, go to the end". Then I got sent to the end and out on detention.

Luke Bewley remembers:

In first class Renee Fenton sat next to me. I noticed her hair was a bit longer on one side than it was on the other so I trimmed it back to her shoulders.

Mrs Denegate, one of the first teachers at the school, was asked to assist in teaching because of the increasing enrolments but was unable to do so unless she took her three-year-old daughter to class, which she was given permission to do. A quotation from the book in relation to Mrs Denegate reads:

On occasions she took pity on some of the smallest children that had followed their brothers and sisters to school and would keep them in the class for the day. It got to the stage where it was easier to tell their parents to dress and put shoes on the kids and send them to school before they were 5 years old. This was much better than worrying if they got home when they were sent home.

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [12.40 p.m.]: I congratulate the honourable member for Badgerys Creek for bringing this matter to the

attention of the House. I also congratulate the school. I know Ray Farnham; he is a former colleague of mine. His late father used to be my boss. I taught with his brother-in-law and his sister. The Farnham-McKay family are good educators who are concerned for the children in their care. Although I was not aware of and did not attend the celebration I can well imagine that in the hands of Ray Farnham it would have been a great event. People like Ray care about communities; they understand that communities are the backbone of good schooling. I congratulate the school on its fiftieth anniversary, which I am sorry I missed.

AUSTRALIAN DEMOCRATS CANDIDATE Ms VICKI DIMOND

Mr BROGDEN (Pittwater) [12.41 p.m.]: Yesterday the thin veneer that has protected the Australian Democrats on Sydney's northern beaches was stripped away. On Sydney's northern beaches the Australian Democrats have traditionally polled very well. Indeed, in the by-election when I was elected in 1996 the primary vote of the Australian Democrats was 14 per cent and the primary vote of the Australian Labor Party was only 13 per cent. Today's *Daily Telegraph* reports that the perennial Democrat candidate for the Federal electorate of Mackellar and the State electorate of Pittwater, Ms Vicki Dimond, has formally approached the One Nation Party candidate, John Webeck, seeking his preferences in the electorate of Mackellar at the 3 October Federal election. I want to bring to the attention of the House some of the public statements by both Ms Dimond in the present campaign and by her leader, Senator Meg Lees. In a document issued by Ms Dimond in the electorate of Mackellar she stated:

Reconciliation and tolerance—the key to the Democrats' commitment to an honest balance in Australian politics.

In 1998 Senator Lees said in her election speech:

I make no apology for our aggressive campaign to point out the dangers of One Nation . . . We will continue to defend a dynamic, culturally diverse Australia as an objective worth having, and worth fighting for.

Indeed, the Democrats' election propaganda states:

The choice for balance of power is clearly between the Democrats and One Nation. That is a clear choice about the sort of values Australians hold important in the making of our laws—honesty or dishonesty, tolerance or intolerance, unity or division, fairness or prejudice.

It is clear that despite the views of the Australian Democrats at the national level, in my local community Ms Dimond has decided to do a grubby,

dirty little deal with One Nation. The report in today's *Daily Telegraph* states that Ms Dimond said to Mr Webeck, "Honestly, who do you think has worked harder for issues in this local area?" Ms Dimond claims Mr Webeck replied, "I know you have." There is a vast difference between the public statements of the Australian Democrats and the private actions of their candidate on the northern beaches. The people of the northern beaches should be fully aware of those statements when they cast their votes on 3 October. They should know that the Australian Democrats, a party founded by a former Liberal which occupied the centre of politics but has now moved to the left, is a party that is willing to do grubby, dirty political deals with One Nation at a local level.

In contrast, the Liberal Party has made it clear in the electorate of Mackellar, through the sitting member and Federal Minister, Bronwyn Bishop, that One Nation will be placed last on its how-to-vote cards. Liberal candidates across the country have taken the same position. The Australian Democrats, however, have not. Indeed, in recent years I have had to put up with Ms Dimond appearing at every public function I attend. She jumps up, almost like a jack-in-the-box, in front of the cameras when photographers from local newspapers are taking photographs. Ms Dimond has been told by senior Democrat that she should get her face in every photograph, so she has attempted to become very active in the community.

Ms Dimond does not understand the difference between State and Federal issues. She believes she should run with the Mona Vale Road issue, a State matter, in the Federal campaign. The people of the electorates of Pittwater and Mackellar will see through this duplicitous attempt by the Australian Democrats to do a grubby deal with One Nation. All the public statements of the Australian Democrats have condemned One Nation. Indeed, Ms Dimond is part of a local group of community leaders, which includes the Liberal member for Warringah, Tony Abbott, who have voiced their concerns about the politics of One Nation. A recent photograph in the *Manly Daily* showed Ms Dimond at a meeting of that group.

However, she has now shown those people that she is willing to do a deal with One Nation. She has shown that her public statements do not matter and what the public thinks the Australian Democrats stand for does not matter. She is willing to go to the lowest levels to try to win. The sad truth for the Australian Democrats is that Ms Dimond will not win either the Federal electorate of Mackellar or the State electorate of Pittwater. I want the people of the

northern beaches to know that if they vote for her they will be voting for a charlatan. The political party of which she is a member is supposedly opposed to the policies of One Nation, but the local candidate is more than willing to make a deal with One Nation.

BERKELEY PROPERTY DAMAGE

Mr SULLIVAN (Wollongong) [12.46 p.m.]: On behalf of Mr Vic Thomas of Denniss Street, Berkeley, I bring to the attention of the House property damage to private residential properties adjoining Department of Housing properties. On Friday 26 June or Saturday 27 June the fence at the back of Mr Thomas' home which divides his property from a Department of Housing property at 24-26 Massey Street, Berkeley, was damaged by a car which traversed the Department of Housing property. Mr Thomas has raised this matter with me because of the difficulty he is experiencing in getting anywhere with the Department of Housing. This is another example of damage to property by a Department of Housing tenant or by a tenant's visitor. On 14 July I wrote to the area manager of the Department of Housing and raised this matter. On 11 August the area manager said in reply:

As you have indicated in your representations the damage was caused to the fence by a car that was driven by persons unknown. The Department has no responsibility for the third party property damage to Mr Thomas' fence and accordingly is not willing to fund the repairs.

That reply raises the important issue of who is responsible. Initially I advised Mr Thomas that he should talk to the Illawarra Legal Centre or the chamber magistrate at the Local Court. Subsequently I wrote to the Minister for Urban Affairs and Planning, and Minister for Housing and requested that he reassess the issue in the light of the evidence. The vehicle which caused the damage to the fence was on Department of Housing property. If the Department of Housing cannot identify the driver, it should at least implement measures to prevent a repetition of such an occurrence. I draw the attention of members to an article in today's *Sydney Morning Herald* which is headed "Blitz on tenants who 'make life hell'." The Department of Housing property at 24-26 Massey Street has been vandalised. I am told that copper downpiping has been removed and sold, fixtures have been damaged or removed and sold.

Mr Rixon: Stolen.

Mr SULLIVAN: Yes, that is the appropriate word. This matter should be investigated with some urgency. This is not the first time that I have

received complaints about tenants at this property. Those complaints highlight the necessity for the legislation that has been foreshadowed by the Minister for Urban Affairs and Planning, and Minister for Housing. The sooner that legislation is introduced the happier the tenants of Department of Housing properties and adjoining privately owned properties will be. Because of the actions of a few, neighbours often suffer as much, if not more, than departmental tenants.

Since I became a member of this House I have become familiar with cases in which people have gained access to Department of Housing properties and set themselves up as drug dealers, receivers of stolen property, and so on. In my electorate Department of Housing properties were becoming dilapidated and neglected. In the past few years a significant amount of money has been spent on them. I am aware of the significant work that has been undertaken by the department to upgrade common areas. The misbehaviour or unlawful activities of a few should not have an adverse impact on the enjoyment of life of other residents. I compliment the Minister on his foreshadowed legislation and urge him to introduce it as quickly as possible.

LISMORE POLICE NUMBERS

Mr RIXON (Lismore) [12.51 p.m.]: On 27 May I spoke about the problems caused on the upper Clarence River west of Lismore because the number of police officers serving in the region had been reduced by unreplaced transfers, illness, leave and for other reasons. The officers who are still on duty are trying to perform the impossible task of covering such a huge area; they are highly respected in the community for doing so. I regret that the Police Service has not reached full strength, but I am pleased to report that a sergeant is expected to take up duty in Tabulam next month. The people of the area continue to support their police officers and have put forward a positive proposal to assist them. I received a letter from Geoff Bateman, OAM, President of the West of the Range Australia Day Association, which stated:

I enlist your aid in assembling a mobile Police promotional crime display suitable for exhibition at public gatherings, such as Australia Day celebrations, local agricultural shows and other like festivals. Such displays provide an insight into the wide range of Police activities conducted in the public interest and allow members of the public to view and appreciate some of the more dramatic and sensational cases solved by Police. This is a relatively low cost but extremely effective exercise in public relations and education.

You would be more aware than I that an increasing number of parents no longer teach their children that Police are their best friend. The message that Police represent the difference

between a safe and orderly life and complete and utter mayhem is now rather unpopular, it is easier today to portray the Service as bogey men, killjoys and generally ineffective. The Police image suffers in this district, not so much with the older generation but certainly with youth. I might add that sensationalised publicity in connection with corrupt members of the service has tainted the vast majority of fine officers. Young people have been exposed to this adverse publicity over a significant period and with lack of experience, many tend to associate corrupt behaviour with the norm. This unwarranted situation is made worse by unthinking and loud mouthed adults, who further influence the opinions of youth.

Local Police such as Bonalbo's Senior Constable Ian Harmon, a community minded, most effective and professional member, fight a continual uphill battle against stupidity and indifference. I firmly believe that an effective display, promoting the community involvement and crime fighting expertise of the Police Service would be worth its weight in gold as far as public relations is concerned . . .

As you are aware, for the display to be promotionally relevant, exhibits would need to contain significant local content, unfortunately, there are any number of problem areas that could be highlighted. On a brighter side, there is an abundance of Police successes which also may be highlighted. In addition, the Police museum could be accessed for exhibits of historical and infamous crimes. I would see the display requiring updating as local trends dictate, with a complete display change of high profile exhibits not less than annually . . .

In conclusion, I can see immense benefits associated with such a display. The public interest in Police work is constant, and a chance to look behind the scenes is too good an opportunity to resist. The opportunity to educate young people with a hard hitting and easily understood graphic display of the results of drug addiction, should be irresistible to Police. Best of all, this mobile display unit enables Police to reach people in a manner not otherwise possible.

I support that request. Such a display could be used at the many festivals, shows, and functions on the far north coast and produce a worthwhile community benefit. I ask the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women to convey the request to the Minister for Police.

RETIREMENT OF Mrs AVRIL JOHNSON

Mr THOMPSON (Rockdale) [12.56 p.m.]: I should like to say a few words about Mrs Avril Johnson, principal of Athelstane Public School, which is in my electorate. Mrs Johnson is retiring after a teaching career of 42 years. She is a very special person. Rarely have I meet anyone who is so forthright and single-mindedly committed to public education. Through her passion and high moral principle, Avril Johnson has earned the respect not only of the school and education community but also the broad community. In a multicultural school in a multicultural area Avril won the support and confidence of the children, their parents, friends and neighbours, local business people and citizens.

Last Friday a retirement dinner was held in her honour and my wife, Lucy, and I were privileged to attend. Speakers at the dinner were Mrs Julie Ford, Mrs Helen Spaul, Mr Glenn Horton, Mrs Robin Caffrey and Mr Ken Olah, the district superintendent of the Department of Education and Training. All the speakers at the dinner referred to Mrs Johnson's absolute commitment to the education of young people. Most of them had worked as teachers with Avril and they all spoke of her fine leadership qualities. Glenn Horton said that some leaders take the path of least resistance, but Avril never did. He said she was always guided by a higher force, her deep faith in God, and that she ensured the dignity of others was respected and maintained. In a climate of change she understood the big picture, and through her leadership she instilled confidence in her teachers.

Mrs Caffrey also referred to that attribute, and said that Avril is larger than life, never still, full of hustle and bustle, always on the move. She is an inspirational leader, a great delegator and innovator, and that her staff were never bored while she was around. Avril began teaching in the public education system in 1956. During her career she was employed at Broken Hill North school, Bellwood Aboriginal school, Macksville school, Beverly Hills North school, Miranda North school, Woollooware school, the St George area office, Rockdale school, Haberfield demonstration school, Crown Street school, Arncliffe school, and finally Athelstane Public School.

She was promoted to leadership positions of deputy mistress, assistant principal, deputy principal and principal, including the most senior level of principal at the primary level. At her last two appointments the Arncliffe school gained a director-general's award for school achievement in technology, and Athelstane public school received a similar award for inclusive education. In the words of District Superintendent Olah, it has been Avril's enthusiastic leadership, vision and support that have enabled her schools to thrive and achieve the success that they have. At last Friday's dinner, Mr Olah said:

I said Avril's specific achievements are too many to list, but let me mention the areas in which Avril has had a major impact.

Firstly, teaching and learning. Avril's expertise in literacy is widely recognised and highly regarded. You've seen that here where for the past nine years, there's been an extraordinary amount of work done on English and literacy across the curriculum. Add to that science, community languages, technology, performing arts, PD/H/PE and assessment and reporting.

Secondly, Avril has a passionate commitment to equity. She has devoted her working life to children from disadvantaged backgrounds. You won't find a principal with a better understanding of non-English speaking background communities, you won't find a better school-wide special education program, you won't find anyone more patient and persistent in trying to help a child with severe problems.

Third, parent and community involvement. Avril has a deep conviction that kids do better when teachers, parents and community work together. She's always encouraged parents to be in classrooms, was amongst the first in the state to establish a school council, shares school facilities with community groups, and draws widely on community support, from the Mosque, to TAFE, to local government, local media and so on.

Through all of this, Avril has shown that if you want school development and caring for kids, you must first support your staff. She creates a real sense of team. She encourages leadership in others and inspires them to come up with ideas and give things a go. She's sensitive to individuals and always has time to listen and help.

At the same time, she's no starry eyed softie. She has a realistic understanding of individual strengths and weaknesses, sets high expectations, evaluates frankly and expects everyone to participate constantly in professional development.

Nobody could have said it better than Ken Olah. Avril Johnson has been a shining beacon in our community. To me, she and the administration she presided over at Athelstane embody everything that is good about the New South Wales public education system. Avril is a woman of short stature, but she is a giant in what she has achieved. On behalf of the community of Rockdale, I put on record my thanks to Avril for all she has done to make life better for so many young people who have been in her charge over the years. I wish Avril and her husband, Allan, a happy and lengthy retirement.

Private members' statements noted.

[Mr Acting-Speaker (Mr Clough) left the chair at 1.01 p.m. The House resumed at 2.15 p.m.]

PETITIONS

Governor of New South Wales

Petitions praying that the office of Governor of New South Wales not be downgraded, received from **Mr Armstrong, Mr Blackmore, Mr Brogden, Mrs Chikarovski, Mr Collins, Mr Debnam, Mr Ellis, Ms Ficarra, Mr Glachan, Mr Hartcher, Mr Hazzard, Mr Humpherson, Dr Kernohan, Mr Kerr, Mr Kinross, Mr MacCarthy, Mr Merton, Mr O'Doherty, Mr O'Farrell, Mr Phillips, Mr Photios, Mr Richardson, Mr Rozzoli, Mr Schipp, Ms Seaton, Mrs Skinner, 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

Petitions praying that land tax on the family home be abolished, received from **Mr Blackmore, Mr Brogden, Mrs Chikarovski, Mr Collins, Mr Debnam, Mr Ellis, Ms Ficarra, Mr Glachan, Mr Hartcher, Mr Hazzard, Dr Kernohan, Mr Kerr, Mr Merton, Mr O'Farrell, Mr Photios, Mr Richardson, Mr Schipp, Ms Seaton, Mrs Skinner, Mr Smith, Mrs Stone and Mr Tink**.

Land Tax

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

Kings Cross and Woolloomooloo Policing

Petition praying for increased police strength at Kings Cross local area command and police foot patrols in Woolloomooloo, received from **Ms Moore**.

Surry Hills Policing

Petition praying for increased police presence in the Surry Hills area, received from **Ms Moore**.

East Sydney and Darlinghurst Policing

Petition praying for increased police presence in East Sydney and Darlinghurst, received from **Ms Moore**.

Kings Cross Policing

Petition praying for increased police presence in Kings Cross, received from **Ms Moore**.

North Head to Little Manly Point Spoil Tunnel

Petition praying that construction of the spoil tunnel from North Head to Little Manly Point be opposed and that the excavated sandstone stockpiled at North Head be used to rehabilitate the North Head sewage treatment plant, received from **Dr Macdonald**.

Northside Storage Tunnel

Petition praying that plans to construct a storage tunnel from Lane Cove to North Head be

abandoned, and that the allocated funds be used to find a long-term sustainable solution to sewage disposal, received from **Dr Macdonald**.

Transmission Structures

Petition praying that telecommunication carriers not be allowed to erect transmission structures within close proximity to residential homes, schools, child-care centres, hospitals, and aged-care centres, received from **Dr Macdonald**.

Raworth Sewerage Connection

Petition praying that the homes of Raworth citizens be connected to the Maitland sewerage system, received from **Mr Price**.

Northside Storage Tunnel Ventilation Exhaust

Petitions praying that a permanent ventilation exhaust not be located in Tunks Park valley or the car park adjoining Long Bay, received from **Mr Blackmore, Mr Brogden, Mr Collins, Mr O'Farrell and Mr Tink**.

Corrimal Railway Station

Petition praying that Corrimal Railway Station be staffed at weekends and on public holidays, received from **Mr Markham**.

Moore Park Passive Recreation

Petition praying that Moore Park be used for passive recreation after construction of the Eastern Distributor and that car parking not be permitted in Moore Park, received from **Ms Moore**.

Moore Park Light Rail System

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

Lakes Way Link Road

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

REORDERING OF GENERAL BUSINESS**Canterbury Rugby League Team**

Mr MOSS (Canterbury) [2.28 p.m.]: I move:

That the General Business Notice of Motion (General Notice Canterbury Bankstown Bulldogs) given by me this day have precedence on Thursday, 24 September 1998.

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

Mr MOSS: Priority should be given to this motion tomorrow because it will be the last opportunity for this House to congratulate the members of the Canterbury rugby league team and wish them good luck in the National Rugby League grand final against Brisbane on Sunday. The House will rise tomorrow for a two-week break and not return until 13 October. As the grand final is on this Sunday, if the House resolves to support the Canterbury rugby league football team, it should do so tomorrow; it would be useless to do so after the event.

Mr SPEAKER: Order! Members on both sides of the House may be a little testy because of the approaching rugby league grand final. However, they should give the honourable member for Canterbury an opportunity to explain why his notice of motion should be reordered.

Mr MOSS: I know my motion attracts some opposition. It is important for the House to debate my motion so that it can weed out the New South Wales politicians who would support Brisbane this weekend! If any New South Wales member of Parliament supports Brisbane in the grand final on Sunday, he or she would be better off jumping the border to try his or her luck at politics in Queensland!

Mr Hazzard: On a point of order. Clearly members of the Opposition totally support the Canterbury rugby league team and are interested in the grand final on Sunday. But there are matters more urgent to be considered by this House, principal among them the provision of electricity in this State. We support Canterbury all the way!

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

Mr MOSS: I know I have some support for debate on this motion. Now that the Rabbitohs and Roosters are out of the competition, the Premier, consistent with his passionate interest in football, will be at the grand final on Sunday supporting the Bulldogs. I am glad the Premier leads by example, but only a debate on the motion will determine if we follow that lead.

Mr SPEAKER: Order! Although the Chair has extended a degree of latitude to members during the contribution of the honourable member for Canterbury they will now extend the appropriate courtesy to the Deputy Leader of the Opposition.

Electricity Company Finance Risk Management

Mr PHILLIPS (Miranda—Deputy Leader of the Opposition) [2.31 p.m.]: I move:

That the General Business Notice of Motion (General Notice) (Electricity Corporations) given by me this day have precedence on Thursday, 24 September 1998.

The motion of which I gave notice today should take precedence tomorrow because, as we speak, our electricity industry is being eroded by billions of dollars. New South Wales faces a financial scandal. We joke in this House about who will win a football match over the weekend, but this most important motion is about responsibility of government and a pending financial crisis for this State that rivals the collapse of the state banks of Victoria and South Australia. Yet the Government has washed its hands completely of any responsibility. The pending financial crisis is the result solely of three breaches of contract over which electricity corporations are being sued.

Mr Hunter: On a point of order. The honourable member must put to the House why his motion should take precedence. He is talking about South Australia and Victoria. He is not putting the reasons that his motion should take precedence over the motion of the honourable member for Canterbury.

Mr SPEAKER: Order! The Deputy Leader of the Opposition has only three minutes in which to explain why his notice of motion should be reordered. The Chair has extended a degree of latitude to all members during both contributions.

Mr PHILLIPS: The Government supported corporatisation of the water industry, yet it washed its hands of the recent water problem. The Government corporatised the electricity industry and set up the systems of control. As this huge debt increases in New South Wales the Minister for Energy and the Government have said that it has nothing to do with them. There is no more important issue to debate tomorrow than the incurring electricity industry debt and of wasted value of up to \$2 billion. This House, at its rising tomorrow, will not sit for two weeks, and it behoves every Minister and Government backbencher to debate what is happening in the electricity industry. People are walking in off the street writing out contracts and finding themselves being sued in court for more than \$600 million because of the failure of the Government to monitor risk management in the electricity industry. I warn members opposite that they should debate this motion; most of them do not know what is happening in the industry.

Question—That the notice of motion of Mr Moss be reordered—put.

The House divided.

Ayes, 47

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

Noes, 44

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

Pairs

Mrs Grusovin	Mr Kinross
Mr Rumble	Ms Seaton

Question so resolved in the affirmative.

Business reordered.

QUESTIONS WITHOUT NOTICE

ROADS AND TRAFFIC AUTHORITY VACANT PROPERTY RENTAL

Mr COLLINS: My question is to the Minister for Transport, and Minister for Roads. Will the Minister explain why a prominent Pitt Street shopfront, which is rented by the Roads and Traffic Authority for almost \$6,000 a month, has been allowed to sit vacant for the past two months? Why is it that the only activity at the site occurred today when television cameras moved in to expose the fact that the Minister has already wasted \$12,000 of taxpayers' money?

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

Mr SCULLY: What an extraordinary question!

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

Mr SCULLY: One of the first things this Government did when it came to office in 1995—

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

Mr SCULLY: Honourable members should go to level 41 of the GMT building.

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

Mr SCULLY: It was a luxury unit for John Fahey. It was the previous Government's decision.

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

Mr SCULLY: How much money—how many thousands of dollars—was set aside for furniture, a bedroom suite—

[*Interruption*]

Let us talk about the honourable member for Gosford. In this document—

Mr Photios: What about this document, Carl?

Mr SPEAKER: Order! The Minister will place the document to which he referred on the table. I ask the Serjeant-at-Arms to remove the member for Ermington.

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

Mr SPEAKER: Order! I have previously reminded members that the use of props in the House is disorderly. After I had placed two members of the Opposition on three calls to order for displaying material in a disorderly manner, the Minister for Transport, and Minister for Roads brought great discredit on the House by doing the same thing. The task of ensuring that all members of the House comply with the standing orders is a difficult one, and I expect Ministers of the Crown to abide by rulings given by the Chair. In the past I have extended a degree of latitude to Ministers and others who have embellished their contributions by the use of props. The behaviour of the Minister will make it difficult for the Chair to extend the same degree of latitude in the future.

Mr SCULLY: It is appropriate to point out the hypocrisy on the part of Opposition members when they raise these matters. I am informed that the space is to be used for a range of Roads and Traffic Authority displays. Material has been prepared to inform the public of traffic arrangements.

CHILD PROTECTION PAEDOPHILE OFFENCES LEGISLATION

Mrs BEAMER: My question is addressed to the Minister for Community Services. What is the Government doing to better protect children from paedophiles?

Mrs LO PO': There is no member better suited to ask a question about the protection of children than the honourable member for Badgerys Creek.

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

Mrs LO PO': In this parliamentary session the New South Wales Government will introduce

two ground-breaking laws to toughen measures to protect children from paedophiles. Yesterday State Cabinet approved the creation of a new offence applying to convicted child sex offenders. The new offences were included in the recommendations of the Royal Commission into the New South Wales Police Service paedophile inquiry. It will now become an offence for a convicted child sex offender to loiter without a reasonable excuse in an area frequented by children. These sexual deviants have to understand that their depravity will not be tolerated by this Government, nor, I think, this Parliament.

The areas that are frequented by children include schools, school playgrounds, school bus stops, child-care centres, playgrounds, sporting areas and parks. The loitering offence will carry a one-year gaol term. The offence will apply to all convicted child sex offenders regardless of how long ago the conviction was recorded. In addition, the Government is creating a new offence of engaging in persistent sexual abuse of a child. The new offence will address a 1989 High Court of Australia decision making it difficult to bring an offender to trial. The High Court said that an accused person could not be put on trial if the alleged victim—who was a child at the time of offence—was unable to provide details such as the precise date, time and place of the abuse.

As a result of the new legislation a charge can be laid if three or more pre-existing sexual offences are proven against an offender. The exact times, dates or circumstances of the three or more offences will not need to be proved. But the nature of the three or more incidents and the general period in which they are alleged to have occurred will need to be reasonably proved. This offence will create a severe penalty of 25 years in prison. Justice James Wood in his report recommended the creation of these offences and noted that it was "common practice for paedophiles to loiter where children gather".

Too often the accused escapes justice on technical grounds and the law as it stands currently does not recognise the grim reality of child sexual abuse. These two new offences will build on this Government's strong record on child protection. The Government's achievements in this regard include: 160 new child protection field officers in Department of Community Services staffing; setting up the internationally recognised Child Protection Enforcement Agency, which has been praised by the American FBI as a world leader; and setting up joint investigation teams between the Department of Community Services and the New South Wales

Police Service. These depraved mongrels will be stopped. They will not be tolerated by the State.

WALGETT HEALTH SERVICES

Mr ARMSTRONG: I ask a question of the Minister for Health. Why is it that people from the Walgett area who need an operation have to be transferred 270 kilometres to Dubbo Base Hospital and Health Service because Walgett District Hospital does not have adequate equipment or staff to cope with emergencies, despite a recent upgrade?

Dr REFSHAUGE: One would think that Opposition members were trying to stage a play of *Macbeth*. They have an obsession with their leadership. Even the Leader of the National Party knows that he is under attack at the moment. This is like a scene from *Macbeth*: there is the deception, the murder and the betrayal. The honourable member for Lane Cove and her uncontrolled ambition are at issue.

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

Dr REFSHAUGE: There are the dire prophecies of the leader being slain in his sleep, the flight of the loyal subjects and the bloody quest for absolute power. It all falls apart, however. The honourable member for Lane Cove gets an attack of the guilts and her consort in conspiracy, the honourable member for Gosford, has trouble sleeping. One sees him sleepwalking around the corridors of power, wringing his hands, saying, "Out, out, damned spot." Last time there were 14 supporters, but now there are only nine. Which Liberal Party frontbench member did not speak? The honourable member for Gosford did not speak, because he has been promised a few things. Not every coalition member is consumed by absolute power; a couple are interested in their constituents.

Mr Amery: Joe Schipp.

Dr REFSHAUGE: Strange that mention should be made of the honourable member for Wagga Wagga. The honourable member for Wagga Wagga is one of those to whom I would refer. He wants to put patients before politics. Yesterday at question time the Leader of the National Party asked me a question about Junee District Hospital. I have a letter that was written by the honourable member for Wagga Wagga to the Junee Shire Council about Junee District Hospital.

Mr O'Doherty: On a point of order. My point of order relates to relevance. The Minister had the

opportunity yesterday to answer yesterday's question. Today is the day to answer today's question. Otherwise, this nonsense will be repeated in a few weeks time.

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

Dr REFSHAUGE: The honourable member for Ku-ring-gai supported the Leader of the Opposition. But Government members know what the honourable member for Lane Cove is writing down on her list of who will be part of the new shadow cabinet, and the honourable member for Ku-ring-gai is not included.

Mrs Skinner: They want to take your portfolio from you.

Dr REFSHAUGE: You're gone. The honourable member for Wagga Wagga is concerned about his constituents, he wants to put his constituents before politics. The honourable member in his letter to the Junee Shire Council—and I must admit that the council has today issued a press release joining with the Greater Murray Area Health Service in trying to get more nurses to that area; they have joined the Government in that quest—

Mr O'Doherty: On a point of order. If the standing orders mean anything, the Minister must be directed to return to the question, which was about Walgett.

Mr SPEAKER: Order! The honourable member for Ku-ring-gai has already taken that point of order and the Chair has ruled on it.

Dr REFSHAUGE: I do not know why the honourable member does not want me to praise the honourable member for Wagga Wagga. A couple of days ago the honourable member for Wagga Wagga wrote to Junee Shire Council saying, "Personally, I deplore the attempt by some to play politics with this important issue"—the issue of getting more nurses to the area. The Leader of the National Party has been told to butt out, as has the honourable member for North Shore. The honourable member for Wagga Wagga told the Leader of the National Party to butt out. Those members have no credibility in rural New South Wales.

The State Government is working with the Federal Government on a number of issues to try to get more skilled staff into country New South Wales. The State Government has put a \$2 million rural work force strategy in place in an attempt to, among other things, get more skilled and trained

staff to work in country areas. The strategy will provide scholarships so that country people can train in Sydney. Such people are more likely to return to the country when they complete their training. The Government is still trying to get more doctors to work at Walgett. The area health service is doing what it can. I expect the shire council, as often happens in country areas, will work with the area health service to help get skilled staff at Walgett.

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

Dr REFSHAUGE: The Junee Shire Council wants to work with the Government—not the Opposition—to try to solve its problems. If members of the Opposition want to be part of the solution they ought to work with the community rather than pot shot against the community. The honourable member for Wagga Wagga knows that the honourable member for North Shore is a dope—he told her to butt out. She should listen to him.

ROAD SPIKES TRIAL

Mr STEWART: My question without notice is directed to the Minister for Police. What is the Government doing to protect police officers and the community from the consequences of high-speed pursuits?

Mr WHELAN: Honourable members are too aware of the sometimes tragic consequences of high-speed police pursuits. Unfortunately, while honourable members acknowledge that such pursuits can be extremely dangerous, they are a necessary part of the core police duty of apprehending criminals.

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

Mr WHELAN: Every police pursuit must be judged individually. Split-second decisions are required by police when they are faced with a vehicle whose driver ignores a direction to stop. Not one pursuit termination device is appropriate in all circumstances. With that in mind, the Government and the Police Service have been working together to give New South Wales police the best available range of options to deal with pursuits. This action was based on advice from, and consultation with, the police pursuit management committee, the Staysafe committee, the Roads and Traffic Authority, the Police Service and the Police Association. Today I am pleased to announce that

the Government has approved an operational trial of tyre-deflating devices or road spikes. The purpose of the trial is to assess the operational effectiveness of road spikes and to examine any safety implications for police and the public.

Mr SPEAKER: Order! I call the honourable member for Wakehurst to order for the second time. I call the honourable member for Eastwood to order for the second time. If the honourable member for Wakehurst continues to behave in the manner he is now behaving I will place him on three calls to order.

Mr WHELAN: The overriding concern for the Government and the Police Service is the safety of police officers and the public.

Mr SPEAKER: Order! I call the honourable member for Ku-ring-gai to order.

Mr WHELAN: Field trials of road spikes require amendments to the Local Government Act and the Traffic Act. Today I am pleased also to advise that I have liaised with my colleagues the Minister for Transport, and Minister for Roads and the Minister for Local Government and the necessary legislative changes have been approved to enable the field trial to proceed. I am also pleased to announce that a successful tenderer has been nominated by the Police Service and arrangements for the field trial will be under way as soon as possible.

As I said before, the overriding concern in this trial is the safety of police and the public. Road spikes will provide police with an alternative option to lengthy, high-speed, dangerous police pursuits. It is one of a number of options the service is exploring to give police alternatives to pursuits in order to stop fleeing motor vehicles in individual circumstances. Others include in-car videos and mobile data terminals. The Police Service is continually reviewing guidelines for police pursuits. The trial of alternative technologies such as road spikes, in the interests of improving the safety of police, has the strong support of the New South Wales Police Association.

The Police Service will develop standard operating procedures for road spikes before commencing the trial. The guidelines will build on existing rules for police when engaging in pursuits and urgent duties. Currently pursuits are regulated under the safe driving policy of October 1996. This policy sets out various responsibilities such as procedures, the role of supervisors, radio, communications, primary response vehicles and

when pursuits should be terminated. Only senior officers trained in using road spikes will be able to use the device and only with the authorisation of a duty operations inspector or a local area commander. I am advised that road spikes can be used in lengths from three to five metres, either locked into one another or placed in a nylon sleeve. I am also advised that when a vehicle drives over the device the spikes enter the tyres, remain in them and deflate the tyres.

Mr SPEAKER: Order! Too many members are conducting personal conversations. Hansard is having difficulty hearing the Minister. Members on both sides of the House will remain silent.

Mr WHELAN: The devices will be carefully monitored and reported on in relation to the potential for injury to other people and property. Special training and education on the use of road spikes will be put in place. I am advised that the trial will be conducted during the next 12 months in metropolitan and country locations. At its conclusion, the trial will be evaluated and, depending on its results, the service will determine whether to distribute spikes statewide, to limit their distribution to particular locations or to specialist areas, or not to use the devices at all.

I am advised that if the trial is successful a further public tender for the supply of road spikes will be called. This trial is about ensuring the safety of police and the public on our roads. Road spikes will offer police officers an alternative method of stopping fleeing motor vehicles in appropriate circumstances. I urge all honourable members to support this important road safety initiative.

MANLY FERRY PASSENGER SAFETY

Dr MACDONALD: My question without notice is to the Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney. Will the Minister guarantee the safety of passengers on Manly ferries? If not, does the Minister intend to amend the regatta-exclusion zones on Sydney Harbour?

Mr YEADON: I understand the concerns of the honourable member for Manly for passenger safety on Manly ferries, which remains the ultimate priority of the Government. Clearly the honourable member's concerns are the result of an incident that occurred on Sunday when the vessel *Narrabeen* went aground on rocks at Middle Head. I inform the honourable member for Manly that on Monday morning all the appropriate authorities met to re-

check the charts and the regatta course layout on Sydney Harbour. It was agreed that the parameters of the plan are sound and will continue to remain in place. The meeting was the first Government initiative to ensure the ongoing safety of passengers on Manly ferries. The Waterways Authority is currently trying to determine precisely what occurred on Sunday at around 3.30 p.m. I expect to receive its report in the next couple of days.

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

Mr YEADON: If the report indicates that there is a need to rectify any component of the course or any operational matter surrounding the marking out of the harbour, including the people who are operating on the harbour, the Government will immediately act on its recommendations. I assure the honourable member for Manly that the Government is also concerned about passenger safety and that it has moved immediately to address that issue.

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

Mr YEADON: The Government is now in the process of determining what occurred last Sunday so it can take it into account in the future.

SYDNEY WATER CORPORATION BOARD MEMBERS

Mr ROGAN: My question without notice is to the Minister for Urban Affairs and Planning, and Minister for Housing. What is the Government's response to recent comments on the appointment of the new Sydney Water members?

Mr KNOWLES: It is a delight to see a smile back on the face of the Leader of the Opposition. Perky Peter is back and is sitting taller in the saddle. It is a different situation for crestfallen Kerry. I wonder, Peter, how long will it be before they come back and get you. The Leader of the Opposition should not trust these people much beyond the Federal election. Speaking on the radio 2BL news program at 7.45 a.m. this morning, the honourable member for Gosford criticised the appointment of the three new directors to the board of the Sydney Water Corporation. The honourable member for Gosford—the Opposition spokesman on Sydney Water—said:

... the new directors are known for their money-making skills—

remember that—

and not for their scientific abilities.

He further said:

The State Opposition has long urged the Government to appoint from a field of expertise in academia, in medicine and in science . . .

Brains from further afield repeated the same thing. The newsreader from radio 3LO in Melbourne said:

The State Government has fallen into its old trap of appointing people with excellent qualifications in making money, in churning out millions of dollars in revenue, but not with any expertise in making sure that we have clean, potable drinking water.

Mr Hartcher: Exactly. Isn't that the issue? We can't even get a drink of water out of you.

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

Mr KNOWLES: We had the response. The honourable member for Gosford confirms his view that the board appointments are better known for making money rather than their ability to participate in health, science and academia.

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

Mr KNOWLES: Let me compare and contrast the Government's three appointments with the three people who were removed from the board, those who had been appointed by the former Government when Sydney Water was corporatised. Honourable members will remember John McMurtrie, John Colvin and Belinda Hutchinson. Were they scientists or medical specialists? No. John McMurtrie is a banker, John Colvin is a corporate lawyer and Belinda Hutchinson is a banker. They are good at making millions. Let us apply the Hartcher test of competence in academia, medicine and science to our board appointments. The first appointment, Jeffrey Wright, is well-known and currently the General Manager of Wingecarribee Shire Council—which, I point out to the House, will be particularly valuable even though issues have been raised by McClellan about the outer catchment.

I will run through the curriculum vitae of Jeff Wright: he has a Bachelor of Science degree and a Master of Engineering Science degree; he is a former Chairman of the Victorian Environment Protection Authority, former Assistant Director of the New South Wales State Pollution Control Commission, and Commissioner of the Victorian Health Commission. His degree in engineering science was in public health engineering. So far as

academia is concerned, he is a former member of the Council of the University of Melbourne; a visiting lecturer in public health engineering and environmental biology at the University of Technology, Sydney, and the University of New South Wales; he is the preceptor in environmental health in the School of Community Medicine at the University of New South Wales; he was the Chief Executive Officer of the Mornington Peninsula and District Water Board and the Regional Manager of Melbourne Water. I think he passes the Hartcher test. But wait, in the words of the ad man, "there's more".

[Interruption]

As the honourable member for East Hills pointed out, Jeff Wright passes the Hartcher test with flying colours. We could have appointed one of the drover's dogs opposite and still met the Hartcher test. But wait, there's more. Honourable members will remember Peter Baume, a former Liberal Minister for Health in Malcolm Fraser's Government. That was not his only qualification.

Mr Whelan: He is a money man.

Mr KNOWLES: Yes, he is a money man, known more for making millions than his ability in academia, science and health. His curriculum vitae states that he is the former President of the Public Health Association of New South Wales. So far as his academic qualifications are concerned, he is the Chancellor of the Australian National University, the Professor of Community Medicine and Head of School of Community Medicine at the University of New South Wales. These are just edited highlights, Chris.

Mr Hartcher: You won't even answer a question about water.

Mr KNOWLES: You are a sook, sit down Chris. He is delirious and groggy from the party room meeting last night. Savaged by the people who brought him back to this place, he staggered down to the high-tech studio of 2BL on level six of this building and put his views on the record. He did not know what he was talking about; he must have been delirious. Mr Baume is also the Chairman of the Sports Drug Agency, a former Director of the Australian National AIDS Council and a former chair of the Drug Offensive Council of New South Wales. I think he meets the Hartcher test on academia, science and medicine. John Priest is a financial person and is highly regarded as a former finance and corporate development director of Coca-Cola Amatil. Although he has a busy life he is the

Chairman of the Children's Hospital Fund—he is obviously interested in children's health. The honourable member for Gosford has lost the plot and he is supporting crestfallen Kerry in her failed bid.

[Interruption]

Peter, they may have made you some promises last night but as they say, "Never trust the promises of fools, they will only collapse around you."

PACIFIC POWER FINANCIAL RISK MANAGEMENT

Mr PHILLIPS: My question without notice is addressed to the Minister for Energy. Does Pacific Power claim that a disputed contract with Powercor, with a potential loss of \$625 million, was entered into by an unauthorised trader? As Minister responsible, what action has he taken to monitor the risk management procedures and risk exposure of State-owned power utilities? You are the Minister responsible and should not play it off. You have unlimited liability.

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

Mr DEBUS: The Deputy Leader of the Opposition has raised a question about what is a relatively run-of-the-mill commercial dispute between two participants in the national energy market. Given that circumstance, particularly because legal proceedings have commenced, I do not propose to comment any further.

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

ELECTRICITY COMPANY FINANCIAL RISK MANAGEMENT

Mr SOURIS: My question is to the Minister for Energy. Does the State Owned Corporations Act allow him to intervene in the activities of the State's electricity utilities if that is in the public interest? Given that New South Wales taxpayers are exposed to losses of up to \$1.4 billion as a result of three disputed power deals, why has the Minister not used those powers to protect taxpayers from such losses?

Mr DEBUS: It seems that the Opposition has to be told something three times before it understands.

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

Mr DEBUS: The Government will not interfere in court processes and commercial negotiations that are now under way between the participants in the national energy market.

PATIENT SUICIDE RISK

Ms MEAGHER: My question without notice is to the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs. What steps is the Government taking to protect patients at risk of suicide?

Dr REFSHAUGE: Every year in New South Wales 700 people take their lives. But deaths from suicide paint only part of a grim picture. It is estimated that each year between 60,000 and 90,000 people exhibit suicidal behaviour and as many as 30,000 people attempt suicide. It is further estimated that between 7,000 and 15,000 people will present to care following a suicide attempt, most of those to an emergency department. Every suicide and every attempted suicide impacts on the community, affecting the families, friends, colleagues and carers of patients and those at risk.

Suicides and attempted suicides take a devastating toll on our community—a toll that we as the Government are working to reduce. Today we are launching new health guidelines to enhance the safety of patients at risk of suicide. The document entitled "Policy Guidelines for the Management of Patients with Possible Suicidal Behaviour" will assist health staff to recognise and manage suicidal behaviour in their patients. The guidelines have been designed for New South Wales Health staff, and staff in private hospital facilities, as important resources in helping them to identify patients at risk of suicide, and in working to protect those patients.

These important resources have been developed with extensive consultation to provide staff with explicit guidelines and simple, practical advice on dealing with these very difficult and sensitive issues. The guidelines acknowledge that health staff are in a vital position to identify people at risk of suicide and to prevent suicide. They set out steps to recognise and manage suicidal behaviour with specific guidelines for staff in six key settings. The appropriate guidelines are detailed for each of those six settings: general community health services, emergency departments, general hospital wards, mental health in-patient facilities, community mental health services, and corrections health services. The Government is determined to give health staff every support to help patients in danger of harming themselves or attempting suicide. This important initiative is part of the Carr Government's \$15 million suicide prevention strategy, launched by the Premier in October last year.

This landmark strategy works on the basis that we can all make a difference in preventing suicide. It takes a comprehensive multifaceted approach to making a real difference—with early intervention programs, community training programs, schools programs, and specialist mental health programs for young people, Aboriginal communities, and children with severe conduct and emotional disorders. The Carr Government has identified mental health as a clear priority—a clear priority of putting families first with better health services, and better strategies to prevent illness. The Government has increased mental health spending to more than \$450 million per annum, appointed 150 new mental health workers, and ensured increased child and adolescent mental health services in every rural area health service.

Mrs Skinner: What a joke!

Dr REFSHAUGE: The honourable member for North Shore thinks it is a joke that the Government would provide increased child and adolescent mental health services in country areas. I do not think it is a joke. It is about time she put patients before politics.

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

Dr REFSHAUGE: The Government is committed to reducing the damage that suicide wreaks on our families and our communities. The launch of these guidelines represents another important milestone in our drive to prevent suicide. Together we can work to prevent needless and senseless tragedies, to help patients and their families towards a positive and fulfilling future.

RUGBY LEAGUE GRAND FINAL TRANSPORT

Mr MOSS: I ask a question without notice of the Minister for Transport, and Minister for Roads. As a proud Canterbury supporter, I would like to know what public transport arrangements the Government has put in place for this weekend's rugby league grand final.

Mr SCULLY: I thank the honourable member for Canterbury for asking this important and appropriate question. I am pleased to inform the House that the State Government and the National Rugby League have combined to develop a LeagueLink ticket so that fans will be able to use public transport to travel to the grand final, and leave their cars at home—no parking, no fuss, and at

no cost. Supporters going to see the Canterbury-Bankstown Bulldogs take on the Brisbane Broncos for the 1998 National Rugby League premiership on Sunday can get a free ride from anywhere in the CityRail network to central station. From there, special LeagueLink Sydney Buses shuttle services will take them to the big game at Sydney Football Stadium. An important question is: what will be the colour of those buses? Blue and white! To use LeagueLink—the honourable member for Canterbury has been calling it BulldogLink—supporters simply have to show their match tickets on CityRail services and on Sydney Buses from central.

Mr Hazzard: What about the ferries from the north side? Have you forgotten again?

Mr SCULLY: Where were you when we launched the *Anne Sergeant*, you miserable sod? Anne Sergeant, that great netball player and leader in that team sport, was recognised by the launch of a new HarbourCat. Here was the Government doing the right thing and providing additional ferry services, but where was the honourable member for Wakehurst? The honourable member for Myall Lakes got \$6 million for a link line to Gloucester yet has the gall to whinge to the media that I did not invite him to the opening. Why would I? I would like some appreciation from him for the \$6 million that he got. He should ask some of his colleagues how well they have done. LeagueLink will get the fans home again, too. Buses will travel to the game in priority bus lanes to ensure that the trip is fast and convenient. With more than 40,000 footy fanatics expected to attend this sellout match, public transport is definitely the way to go. And not a Liberal voter amongst them!

Mr Hazzard: I will be there.

Mr SCULLY: You would vote Labor? Are you sure you are not confused? For those unable to catch the train, there is a convenient "park 'n' ride" scheme allowing fans to park their cars in a parking station at a special \$2.50 all-day rate. "Park 'n' ride" will operate from the Wilson car parking station at the corner of Goulburn and Elizabeth streets, avoiding the crowds at the ground. Fans will be able to catch the frequent fast shuttle bus to the game, again for free. If they present their match ticket upon entry to or exit from the parking station, all they will have to pay is \$2.50. Travel on State Transit Authority shuttle buses from the car park is free on presentation of the Wilson parking ticket. I think my colleagues would have to agree that this is an excellent package, developed by the Government in co-operation with the National Rugby League.

I congratulate the National Rugby League and especially its chief executive, Neil Whittaker, on its efforts to promote the use of public transport for this very special event. The Minister for Sport and Recreation would join with me in extending congratulations, because she knows the great work that the National Rugby League has done to develop this concept. I want to encourage everyone who goes to the game to hop on a train or a bus. I think we would all agree it was a phenomenal game of rugby league last weekend. I share the disappointment of the honourable member for Parramatta. I don't know what Mossy did to get Canterbury up, but we in Parramatta were not impressed. As a supporter of the Eels for many years, I was a bit disappointed. Up 18-2 with 10 minutes to go, Parramatta were down 32-20 after extra time!

Mr Phillips: On a point of order. The *Footy Show* is on Thursday night, not today.

Mr SCULLY: The score was 32-20 after extra time. That goes to show that you cannot guarantee the numbers, can you Kerry? The lesson for the Bulldogs—

[Interruption]

There we go—the full-time siren is about to blow. The message for the Leader of the Opposition is "Never say die!" Like every red-blooded New South Welshman I will be backing the Sydney side to beat the blokes from Brisbane. My money is on Kerry and the Bulldogs. That is where my money is going. I think we want to hear about the other five seconds of the grand final. I wish you all well; enjoy the final game of the season.

Questions without notice concluded.

PARLIAMENTARY ETHICS ADVISER

Suspension of standing orders agreed to.

Mr CARR (Maroubra—Premier, Minister for the Arts, and Minister for Ethnic Affairs) [3.31 p.m.], by leave: I move:

That:

- (1) this House directs the Speaker to join with the President in appointing Mr Ken Robson to the position of Parliamentary Ethics Adviser;
- (2) this position shall be established by way of a contract of employment for a term of 12 months, which may be renewed upon a further resolution being passed by both Houses;
- (3) this position shall be held part time;

- (4) the function of the Parliamentary Ethics Adviser shall be to advise any member of Parliament, when asked to do so by that member, on ethical issues concerning the exercise of his or her role as a member of Parliament, including the use of entitlements and potential conflicts of interest;
- (5) the Parliamentary Ethics Adviser is to be guided in giving this advice by any code of conduct or other guidelines adopted by the House, whether pursuant to the Independent Commission Against Corruption Act or otherwise;
- (6) the Parliamentary Ethics Adviser's role does not include the giving of legal advice;
- (7) the Parliamentary Ethics Adviser shall be required to keep records of advice given and the factual information upon which it is based;
- (8) the Parliamentary Ethics Adviser shall be under a duty to maintain the confidentiality of information provided to him in that role and the advice given, but that the Parliamentary Ethics Adviser may make advice public if the member who requested the advice gives permission for it to be made public;
- (9) this House shall only call for the production of records of the Parliamentary Ethics Adviser if the member to which the records relate has sought to rely on the advice of the Parliamentary Ethics Adviser or has given permission for the records to be produced to the House;
- (10) the Parliamentary Ethics Adviser is to meet with the standing ethics committee of each House annually;
- (11) the Parliamentary Ethics Adviser shall be required to report to the Parliament prior to the end of his annual term on the number of ethical matters raised with him, the number of members who sought his advice, the amount of time spent in the course of his duties and the number of times advice was given;
- (12) the Parliamentary Ethics Adviser may report to the Parliament from time to time on any problems arising from the determinations of the Parliamentary Remuneration Tribunal that have given rise to requests for ethics advice and proposals to address these problems; and
- (13) a message be sent requesting that the Legislative Council adopt a similar resolution.

The actions of members of Parliament are under scrutiny by the media, the public, the Auditor-General and the Independent Commission Against Corruption. Sometimes, however, the ethical obligations of members of Parliament are not clear-cut. It might be as basic an issue as to when to use official letterhead or a stamp allowance, or more difficult questions as to whether a conflict of interest arises in particular circumstances. This year the Government has taken a number of steps to resolve problems of this type. Both Houses of this Parliament have adopted a code of conduct which will guide members on ethical matters, and

amendments have been made to the Parliamentary Remuneration Act to ensure that a new clear, simple set of rules is established to govern parliamentary entitlements.

In addition, the Government proposed to appoint a Parliamentary Ethics Adviser to assist and advise members of Parliament in resolving ethical issues and problems. Currently, members have no independent source to which they can turn to obtain advice and the adviser will fill that gap. The need for ethical advice is not confined to members of Parliament. Other professional or business groups have already taken action to ensure that independent ethical advice is available, and the St James Centre for Business Ethics is one example. The Law Society also provides a professional ethics advice service that deals with such issues as conflict of interest and confidentiality.

Members of Parliament will benefit from the appointment of a Parliamentary Ethics Adviser. The position is part time, with payment based on the number of hours worked. It is proposed that the appointment will be for a period of 12 months, at the end of which it will be reassessed. The function of the Parliamentary Ethics Adviser will be to give advice on request. That may include advice on the use of entitlements and interpretation of the rules for those entitlements, and may cover issues relating to conflict of interest. The Parliamentary Ethics Adviser will be guided by the code of conduct adopted by the House and by any other guidelines which this House may choose to adopt. The function of the adviser will not include the giving of legal advice, and the motion covers the issue of confidentiality and the circumstances in which matters put to the ethics adviser can be reproduced in this House.

The Government is pleased that Mr Ken Robson has agreed to fulfil the position of Parliamentary Ethics Adviser if appointed by the Parliament. He meets all the appropriate requirements. He was the New South Wales Auditor-General from 1985 until his retirement in 1992. He is highly respected for his independence and ethics. Since his retirement he has acted as probity auditor for bodies such as South Australian Water and Energy Australia. His work as Auditor-General has given him a close and practical knowledge of the workings of Parliament and government. He is well experienced in examining issues relating to probity. His experience and understanding of the ethical issues of government will be a useful resource. I commend the motion to the House.

Mr COLLINS (Willoughby—Leader of the Opposition) [3.36 p.m.]: I congratulate the Premier on his selection of Mr Robson as the Government's choice for the position of Parliamentary Ethics Adviser. When the Premier raised this matter with me yesterday he indicated the nature and duration of the job. We discussed the fact that the next 12 months or so will be a pioneering period for the person appointed to undertake this important task. On behalf of the Leader of the National Party and my colleagues I indicate that Ken Robson is a distinguished New South Wales public servant whose reputation is impeccable and whose service to this State is well known to many members of the House, especially those who worked with him during his time as Auditor-General of New South Wales from 1985 to 1992.

I was not canvassed on the detail of the motion moved by the Premier, but the most important part is the selection of Mr Robson as Parliamentary Ethics Adviser. During the next 12 months he will be charting new territory. Few people would have the qualifications and reputation that Mr Robson has to undertake that task. I hope that he is able to allay many of the concerns voiced in the community over recent years about the conduct of members of Parliament. This exercise is about building the reputation of the Parliament and, in many instances, restoring the reputation of the Parliament.

The task of the Parliamentary Ethics Adviser will take considerable work. It will take painstaking application not only by Mr Robson but by all members of Parliament. If the opportunity is well used it may be an important turning point in the perception of this Parliament by the people of New South Wales, given the very public attacks on this institution and its members in recent years. On behalf of the Opposition I wish Mr Robson well. I hope that he is able to bring to his new role the distinction he brought to the tasks he undertook previously on behalf of the people of New South Wales.

Mr NAGLE (Auburn) [3.39 p.m.]: As Chairman of the Standing Ethics Committee I join with the Leader of the Opposition in congratulating the Premier on the appointment of Ken Robson to the new position of Parliamentary Ethics Adviser. His appointment is part of the code of conduct of this House which was established as a result of the recommendations of two reports of the ethics committee. The code of conduct was a first for Australia and the appointment of the Parliamentary Ethics Adviser is also a first for Australia. The first

Parliament in Australia is leading the way. During the 12-month appointment the Parliamentary Ethics Adviser will meet with the Legislative Assembly Standing Ethics Committee, which I remind honourable members has three community members. The appointment of community members to the committee and the appointment of Mr Robson as Parliamentary Ethics Adviser is a step forward.

Mr Robson will be required to report to Parliament prior to the end of his term on any ethical matters raised with him, the number of members who have sought advice, the amount of time spent on his duties and the number of times advice has been given. That information will be appreciated, bearing in mind the work of ethics advisers in parliaments in Canada and the United States of America. The Parliamentary Ethics Adviser may report to the Parliament on matters he considers serious so that the Parliament may rectify and/or amend the code of conduct and deal with the issue he has raised. This appointment is a first for New South Wales and for Australia. I welcome Mr Ken Robson. The Standing Ethics Committee will enjoy working with him.

Mr HARTCHER (Gosford) [3.41 p.m.]: I draw the attention of the House and the Premier to paragraph (9) of the motion, which states:

- (9) This House shall only call for the production of records of the Parliamentary Ethics Adviser if the member to which the records relate has sought to rely on the advice of the Parliamentary Ethics Adviser or has given permission for the records to be produced to the House.

In other words, the motion says that the Government, because it has the majority in this House, reserves to itself the right to apply to the Parliamentary Ethics Adviser for the record of any advice a member sought from him. The right to ask the ethics adviser to produce all records that relate to a member who has sought advice is not vested in the House, but in the Premier and the government of the day. The only protection a member has is the promise—

Mr Carr: You have misread it.

Mr HARTCHER: That is what paragraph (9) says. Do you deny it?

Mr Carr: The member triggers it by his own behaviour.

Mr HARTCHER: But the Premier will have the power to amend the motion at any time.

Mr Carr: So it doesn't say what you claimed it said!

Mr HARTCHER: And you are so ethical and so principled you would never take advantage of that! You are the most unprincipled Premier this State has ever had. You are the most cynical person ever to occupy any position in this Chamber.

Mr SPEAKER: Order! The honourable member for Gosford will direct his remarks through the Chair. The Premier will have an opportunity to reply to the remarks of the honourable member for Gosford at the appropriate time.

Mr HARTCHER: The point is that the Premier cannot be trusted in relation to anything.

Mr SPEAKER: Order! The honourable member for Gosford will direct his remarks through the Chair.

Mr HARTCHER: The Premier cannot be trusted with anything. One hopes that the Parliamentary Ethics Adviser will be above partisan political considerations and that members of this House will be able to go to him with an assurance that advice sought from him and matters put to him will be sealed in secrecy. To get anyone to believe in the integrity of the Premier and the Government is a big ask. I place on record my personal concern about the Premier requiring the production of documents. The Premier reserves to himself, as he always does, the power to amend this motion at any time and vests in himself the power to ask for the record of any advice a member sought from or was given by the ethics adviser. The Opposition will expect a seal of secrecy to be placed over advice sought from and given by the Parliamentary Ethics Adviser, unless the member agrees to the release of that material. The coalition will wait to see whether the Premier abuses this power.

Dr MACDONALD (Manly) [3.45 p.m.]: As a member of the Standing Ethics Committee I support the motion. I shall examine the motion in detail, particularly the mechanism for reporting to the committee and to the House. I hope that will be an ongoing process. The appointment of an ethics adviser or commissioner was canvassed during the deliberations of the ethics committees of both Houses. It is important that there be external scrutiny of the codes of conduct and an external body or person from whom members of Parliament can seek advice. That is preferable to having one

ethics committee, which was one proposed model. I place on record my concern that the process involved in arriving at this point was extremely tortuous; the process was delayed and it was difficult. Unfortunately, the process also involved some interference. I remind honourable members that the ethics committee was established and the need for a code of conduct was negotiated by the Independents in 1994—

Mr O'Farrell: With the Liberal Government.

Dr MACDONALD: —with the Liberal Government, at the time the current Independent Commission Against Corruption commissioner was appointed. The code of conduct took three years to develop and honourable members will remember the farcical likelihood of having two codes of conduct because of differences between the upper and lower Houses. The code of conduct arrived at by the lower House was subject to some criticism, but at least it was a document with which we could work. However, it had significant omissions and my comments in that regard are already on the record. The code of conduct went through the process of public consultation and input.

That is in total contrast to the code finally adopted by the lower House, which was the result of the Premier usurping proceedings when he sought to foist his code of conduct onto this House. I shall be forever angry and regretful that that occurred, because I do not believe the process was proper. One feature of the code we now have is that it gives paramountcy to political parties. As a member of the ethics committee I look forward to working with the ethics adviser. I trust that other than the formality of reporting or meeting once a year with the committee he will take the opportunity to respond to the invitation from the chairman to meet early so that we can run through many issues that were raised during the development of the code of conduct and the concerns some of us have about difficulties with implementing the code. I welcome the motion.

Motion agreed to.

CONSIDERATION OF URGENT MOTIONS

Information Technology and Telecommunication Industry Goods and Services Tax

Mr YEADON (Granville—Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney) [3.48 p.m.]: This

motion of which I have given notice is urgent because the State's economic future is being put at risk by the failure of the Commonwealth Government, our national Government, to support one of the most important sectors of the economy, the information technology and telecommunication sector. It is urgent that this House debate the shortsightedness of stamping a goods and services tax on the IT industry, thereby jeopardising thousands of New South Wales jobs. It is urgent that this House let the Commonwealth Government know that New South Wales will not quietly stand by and allow it to tax the New South Wales information technology and telecommunication industry out of existence with a GST.

Rural Health Services

Mr ARMSTRONG (Lachlan—Leader of the National Party) [3.49 p.m.]: The motion of which I have given notice is urgent. At the beginning of question time I received advice from the Inverell Hospital that its anaesthetic equipment has broken down once again. The hospital has complained but no action has been taken. That advice came through an hour and a half ago. For the past several weeks the people of Sydney have been subjected to an irritating crisis affecting the quality of their water. The health-threatening viruses giardia and cryptosporidium heavily contaminated Sydney's water supply. The people of Sydney were forced to boil their water as the Government focused on controlling a crisis that promises to punish it at the next election.

This matter is urgent because rural New South Wales is facing a crisis of much greater proportions. That crisis is guaranteed to bring down the Government because the Government cannot stay in office unless it wins country seats. The crisis I refer to is the crisis in rural health services: a crisis of standards, of confidence and of service. The matter is of the utmost urgency because the Minister and the Government have lost control of the situation. The people of rural New South Wales have been denied even basic health services. The system has collapsed and the country people are the victims. Hospitals cannot pay their debts. Local suppliers carrying those debts are running into trouble. Hospitals are understaffed and lack essential medical equipment, and beds are being closed. It is estimated that nine area health services across New South Wales have been forced to borrow more than \$60 million because the urgent problem they face is that they cannot pay their debts.

Mr Yeadon: On a point of order. In this debate it is the function of the Leader of the Opposition to indicate to the House why the motion of which he has given notice is urgent. He should not go to the detail and substance of the motion that will be debated if he is successful in persuading the House that his motion should have precedence over the motion of which I have given notice. He is dealing with the substance of the motion, and I ask you to bring him back to the ambit of the present debate.

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

Mr ARMSTRONG: This matter is urgent because hospitals are being forced to effect savings this financial year that will place them further in debt and threaten even more cutbacks in services. The matter is urgent because the Minister is clearly not up to the task. During the recent inquiry into rural and regional health services, the report on which was only recently released, a long-serving New South Wales health official told a member of the inquiry panel:

I just can't believe how one man, Refshauge, can do so much damage in such a short time.

The matter is urgent because this is the first chance the House has had to debate that report.

Mr Nagle: On a point of order. Until the Leader of the National Party quoted from the report he was in order. The quote went to the substantive issue in the debate, not to whether his motion should have precedence over the other matter. I ask you to bring the Leader of the National Party back to the scope of the debate.

Mr ARMSTRONG: The matter is urgent because people living in Walgett who require surgery are forced to travel 270 kilometres to Dubbo. Walgett District Hospital, which recently had an \$8 million upgrade, cannot cope with emergencies because it is without adequate equipment or staff. The matter is urgent because doctors in the far west health system have expressed grave concern about the deterioration of standards and threaten a no confidence motion in the Minister. It is urgent because this afternoon nine of the acute care beds at Junee District Hospital are closed, despite the fact that the hospital runs at 92 per cent occupancy.

The matter is urgent because Tamworth Base Hospital, among others, became so cash-strapped it

could afford only several days' supply of toilet paper. It is urgent because the Greater Murray Area Health Service is to remove visiting medical officers' rights from the Jerilderie District Hospital, forcing the town's newly acquired and highly credentialed doctor to travel 38 kilometres to Finley Hospital to visit his patients by 7.00 a.m. each day. The Minister must be asked why he reneged on the Government's promise to provide Coffs Harbour with a new hospital in its first term of office.

Why is he only now prepared to talk about building a hospital in stages, beginning in the year 2000, when Coffs Harbour needed a new hospital four years ago? The matter is urgent because staff levels at the Richmond Clinic, which is attached to the Lismore Base Hospital, have been allowed to fall to an extremely low level at a time when the psychiatric unit has become one of the busiest in the State and the overworked staff are unable to cope with aggressive patients. As a result staff are being injured. This matter is of the utmost urgency. [*Time expired.*]

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

The House divided.

Ayes, 47

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

Noes, 43

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

Pairs

Mr Carr	Mr Kinross
Mr Rumble	Ms Seaton

Question so resolved in the affirmative.

**INFORMATION TECHNOLOGY AND
TELECOMMUNICATIONS INDUSTRY
GOODS AND SERVICES TAX**

Urgent Motion

Mr YEADON (Granville—Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney) [4.01 p.m.]: I move:

That this House:

- (1) condemns the Commonwealth Government for its failure to properly support the information technology and telecommunications industry in New South Wales;
- (2) rejects the short-sighted plan by the Commonwealth Government to tax for the first time software and information technology and telecommunications services, jeopardising quality jobs and investment in metropolitan, regional and rural New South Wales; and
- (3) congratulates the New South Wales Government's effort to foster and support information technology, making New South Wales the powerhouse of the region.

This matter is urgent because our State's economic future is being put in jeopardy by the

Commonwealth Government. The national Government has failed to support one of the most important sectors of the economy, the information technology sector. The Prime Minister and his forever changing Cabinet have failed the Australian people because their 1950s minds, which still believe that a television set is complicated to operate, cannot comprehend the importance of information technology to our society, our education system, our export trade and job creation.

The Commonwealth Liberal-National Government has the infamous distinction of presiding over policies and actions that have amounted to a decline in research and development and have failed to recognise the importance of the industry to the economy. The Prime Minister's response to this pitiful collection of failed and absent policies is to tax the industry and its customers. The coalition is so bankrupt of ideas that its only answer to any question is a goods and services tax. There is no grand vision or grand plan for this country in the election policies being put forward by the Prime Minister; the coalition simply promotes a goods and services tax. [*Quorum formed.*]

The coalition would have us believe that a goods and services tax would save industry and save jobs. It will even save the whale, if one were to listen to the Prime Minister.

Mr Brogden: Do you believe this?

Mr YEADON: No, I do not believe the Prime Minister, and he does not believe what he is saying either. The coalition's solution to every problem is a goods and services tax. A goods and services tax is not the new wonder drug for an ailing national economy with increasing long-term unemployment. It is no panacea. The Commonwealth Government has failed to properly support the vital information technology and telecommunications industry and now it wants to screw the industry into the ground by taxing its products and services for the first time. The information technology and telecommunications industry is vital to the future economic growth and prosperity of New South Wales and this nation. Importantly, that industry does not need the spectre of a goods and services tax burden that would have taxes on software and related services increase from zero to 10 per cent.

Mr Brogden: Come on!

Mr YEADON: There is no sales tax on software and related services. There is on hardware, but not on software. There is nothing in such a tax

that would directly benefit the industry. The Commonwealth Government stands condemned for its failure to properly support the information technology and telecommunications industry in New South Wales. Only yesterday the Australian Research Council released a report entitled "Information Technology: Sink or Swim". According to the *Australian* newspaper, the report demonstrates that information technology research currently being conducted in Australia is well below levels of comparable countries.

The Commonwealth Government's policies of slashing tax concessions for research and development have taken their sad toll. The Howard-Costello slashing machine has damaged Australia's research and development capabilities, which are essential to a vibrant and growing information technology industry. The Howard Government has been labelled a disaster for the telecommunications industry by the chief executive of JNA Telecommunications, Peter Davies. The *Australian* of 23 July 1998 reports Mr Davies as saying that "the Government had pulled out every form of assistance but had failed to form the partnership with industry that was crucial for success. The quotation from Mr Davies continues with the most damning line, "The present Government has zero understanding of this industry." The matter does not stop there. On Friday, 18 September, the *Australian* quoted damning statements on the Howard Government made by the President of the Australian Electrical and Electronic Manufacturers Association, Mr David Peaston. Mr Peaston is quoted as saying:

My concern is that at the federal level there seems to be little recognition of the changes taking place . . . At a time when the Government has acknowledged the need for increased investment, we actually appear to be experiencing disinvestment.

Mr Peaston criticised in particular the coalition's decision to cut research and development concessions. He went on to praise Labor proposals for supporting innovation, the creation of a national development authority and increased venture capital incentives. The imposition of a goods and services tax is the last thing this State's business sector needs. The period leading up to 1 January 2000 is no time to inflict an unnecessary and unfair tax change, given the huge challenges already facing the business community. [*Time expired.*]

Mr BROGDEN (Pittwater) [4.11 p.m.]: I am pleased to lead for the coalition on this motion. My colleague the honourable member for Port Macquarie will also contribute to the debate. The motion comprises three parts, one of which provides

the Minister for Information Technology with 10 minutes in which to tell honourable members about his great efforts. Paragraph (3) of the motion states:

congratulates the New South Wales Government's effort to foster and support information technology, making New South Wales the powerhouse of the region.

Honourable members did not hear a word from the Minister about what he has achieved, not because he ran out of time but because he has not achieved anything. The Minister has an outstanding track record of disaster and failure with this industry and this State. Premier Carr was the last leader in this country to appoint a Minister responsible for this specific growing and emerging industry. The Premier chose this Minister—this failure—to be responsible for the industry

Honourable members will recall one of the Minister's greatest marks during the administration of his portfolio: his inability to answer his email. How long did it take the Minister to answer his email? The Minister is silent on this issue. It took the Minister weeks to answer his email because he did not know what it was. He knows nothing about the industry. The industry regards the Minister as a failure and as a sad joke. New South Wales is losing opportunities because of the much better government and Minister in Victoria, the former progressive Borbidge Government in Queensland, the South Australian Government and even the Tasmanian Government. The Minister has failed to bring information technology industries to this State. The Government has relied on the fact that Sydney is the first stop for people when they get off the plane from silicon valley. The Government has assumed that people will therefore do business in Sydney.

Ms Nori: We are; they do come here.

Mr BROGDEN: Yes, but too many people go from the international terminal to the domestic terminal and travel to Brisbane or Melbourne. They get a better deal from the governments of those States than they do from our Government and its hopeless Minister.

Ms Nori: That is right, talk the State down. You do not know what you are talking about.

Mr BROGDEN: The honourable member for Port Jackson suggests that I am talking the State down—her Government is running the State down. The Government sits back and relies on the pathetic attempts of this hopeless Minister to draw industry

to this State. This Government's great step forward in relation to using resources to try to bring industry to the State is to establish an office of information technology within the Premier's Department. This shows the Minister's weakness: he does not have his own department or an office that reports to him; it reports to the Premier. This is a hopeless attempt by the Government to co-ordinate information technology services.

The Government is struggling to find someone to fill the job because no-one wants to do it. People know it is a weak position with no authority and no capacity. Members of the Opposition know that headhunters are looking for a person to fill the position. When the position was advertised there were a huge number of replies but none of the applicants were acceptable. The Government sent out headhunters to find somebody but nobody suitable wants the job. The office is a small government agency within the Premier's Department which has absolutely no teeth to implement and co-ordinate government strategies across the government sector and into the private sector to attract business in this State. I foreshadow that the Opposition will move the following amendment:

That the motion be amended by leaving out all words after the word "House" with a view to inserting instead, "condemns the failure of the State Government to develop an information technology industry in New South Wales."

The Minister has attempted to suggest that the introduction of a comprehensive tax reform plan for Australia by the progressive Howard Government will destroy this emerging industry. That was a pathetic attempt by the Australian Labor Party to enunciate the lie that all goods and services will simply receive a flat 10 per cent goods and services tax. The Minister and the Australian Labor Party failed to mention in their attempts to beat the Federal Government around with a wet lettuce leaf that taxes will be abolished under the Howard Government's tax reform plan.

The taxes to be abolished include: wholesale sales tax; financial institutions duty; debits tax; stamp duty on conveyancing and business properties; stamp duty on credit arrangements, and instalment purchase arrangements and retail hiring arrangements; stamp duty on leases; stamp duty on mortgages, bonds, debentures and other loan securities; stamp duty on cheques, bills of exchange and promissory notes; stamp duty on marketable securities, such as shares; and bed taxes. The Howard Government will abolish those taxes and put into place a fairer tax system that provides lower

costs for all industries, including the information technology industry, across New South Wales and Australia.

The Minister failed to tell the House and the people of New South Wales that included in the Federal Government's tax package is a new tax system that will significantly benefit Australia's communication sector. Under the new tax system industry costs in the communications sector will fall by 4.9 per cent or \$1.3 billion in 2000-2001 values. Businesses will be able to claim the goods and services tax paid on their communication services as input tax credits. Internet service providers will benefit from reductions in indirect tax costs and will be able to claim input tax credits on their inputs. Business users of Internet services will also be able to claim input tax credits.

Mr Oakeshott: That has quietened the whole argument.

Mr BROGDEN: It is a bit quiet now. My colleague the honourable member for Port Macquarie has recognised the silence in the Chamber. The Government is unwilling to come to terms with the abolition of a series of taxes for all industries in Australia, including the IT industry. Zero rated exports will increase opportunities for the industry to export out of this State. The New South Wales Government and the Minister are hopeless—they are unable to take the opportunities provided by the Federal Government with tax reform to progress industries and increase exports. Opposition members invite the Government to come to the party on tax reform.

The Opposition invites the Minister to understand that the GST, a growth tax, will be of benefit to the State Government. If the State Government benefits with a growth tax for the next six months before it loses the election in March 1999, the Minister should do something brave and constructive to look at payroll tax for IT industries.

The Government should use its powers to recommend to Cabinet that there be significant and genuine tax reform within the sector that the Minister purports to represent. That sort of tax reform will allow this emerging growth industry to move ahead. The Minister would admit that this is the sort of growth industry in which a company could employ a couple of people one year, and 20 or 30 people within the next year or two. Small business people are crying out for genuine payroll tax reform because they are reaching the payroll tax threshold very quickly.

The Government is doing nothing to provide small business people with an opportunity to grow. It is applying its harsh employment tax on them and destroying this industry before it gets a chance to start moving. This is a pathetic attempt by the State Government, a few weeks before the Federal election, to beat the Federal Government with the classic wet lettuce we have come to know and hate. I move:

That the motion be amended by leaving out all words after the word "House" with a view to inserting instead, "condemns the failure of the State Government to develop an information technology industry in New South Wales."

Ms NORI (Port Jackson) [4.21 p.m.]: I am proud to present a case for congratulating the Government on its achievements to position the State as an information technology and telecommunications powerhouse within our region. Importantly the achievements of the Government are in stark contrast to the non-achievements of the Howard Federal Government. I will digress momentarily from the speech I have prepared to respond—

Mr Brogden: You prepared it? Did you write it? Are you sure you did not rip it off the Internet?

Ms NORI: I have made this speech on many occasions. Unlike the honourable member for Pittwater, I actually understand my speech and the issues involved. It is a pity that I have to digress just to answer some of his idiocies. If the Federal Government is interested in supporting innovative IT and T and technology generally, why did it rip off this State so badly in the provision of funds from the partial sale of Telstra, known as the regional telecommunications infrastructure fund?

Mr Oakeshott: \$250 million.

Ms NORI: You do not even know what it is. You of all people ought to know because your electorate, your people, your constituency got ripped off. New South Wales received less than half the funding it was supposed to receive. It was supposed to receive \$80 million but received only \$40 million for IT and T—a Federal Government rip-off. Therefore, in Tasmania \$207 per head of population will be spent on regional telecommunications infrastructure; in Queensland, approximately \$53; and in New South Wales, a lousy \$17 per head for people living outside Sydney, Newcastle or Wollongong. That is the great support of the Federal Government for IT and T! How will small businesses in the bush stay in business if they are not on line, if they do not have the telecommunications infrastructure and the cables? They will be out of business.

Unlike the honourable member for Port Macquarie, members on this side of the House care about small businesses in the bush. We know that if they are able to export and grow they will be able to employ people. That is the bottom line: giving a person a job. Why does the honourable member for Port Macquarie not get stuck into his Federal colleagues? He should ask them to give New South Wales a fair go where it counts, in the bush, instead of sitting there, smiling and talking about a matter that he does not understand. Sydney is home to an extraordinary concentration of companies working in a diverse range of IT, communications and multimedia fields.

Mr Brogden: Is she still going?

Ms NORI: You should have stayed in the Chamber and listened to my speech—you might have learnt something. Within a radius of 300 metres there are more than 100 of Australia's top small- to medium-size computer, technology and multimedia firms. Australia now boasts in excess of 500 Internet service providers, and the highest level of activity is in New South Wales.

[*Interruption*]

The honourable member for Pittwater should understand that, although he does not like it. The Government is entitled to credit for its achievements in this field, which highlights the importance of this urgency motion and the potential damage of the Federal Government's taxation policies on this vital and dynamic sector. Across the State there are in excess of 3,000 IT firms and 75 of the country's top 100 companies in Australia are based in New South Wales. In addition, New South Wales employs 43 per cent of the total Australian information technology labour force.

The State hosts major research and development centres operated by Canon, Lucent, Fuji Xerox and Nortel, with most centres linked to their global networks. Since April 1995 the Government has welcomed more than 120 new regional headquarters and regional operations centres to Sydney. Nearly half of those companies are information technology or telecommunications companies. The list of companies established here is long and impressive and includes American Express, State Street, Data General, Capital Finance and Bankers Trust, Digital Nokia, Bell Laboratories, et cetera. Successive international surveys have acknowledged the quality of this State's multilingual and business skills, our robust telecommunications infrastructure and our competitive wages and office accommodation costs. These attractions have enabled New South Wales to forge ahead in the arena of call centre development, which is growing by 25 per cent a year. [*Time expired.*]

Mr OAKESHOTT (Port Macquarie) [4.26 p.m.]: I am pleased to speak to the urgency motion. With 11 days to go to the Federal election, the scare campaign has started in earnest. Today the Federal Opposition showed that it has nothing to run with. The New South Wales Government has nothing to support it, and is running a desperate scare campaign. The Government is clearly wrong in some of its statements. There is no tax on business inputs in regard to software and IT and T services. The Government's motion is completely wrong.

The first part of the urgency motion condemns the Commonwealth Government for its failure to properly support the information technology and telecommunications industry in New South Wales. The Commonwealth Government has spent \$250 million of its \$400 million regional telecommunication infrastructure fund. Has the State Labor Party told us how much it has spent in relation to regional infrastructure funds? Did we hear anything from the Minister? The big figure is a big doughnut.

I refer to call centres. In my home town of Port Macquarie the Commonwealth Government was kind enough to put in a Centrelink call centre employing 110 people, 75 of whom are locals. Local jobs in a regional centre are a great example of regional development using IT. Where did the New South Wales Government place its latest call centre? By crikey, I think it was in Sydney!

Mr Gaudry: Newcastle.

Mr OAKESHOTT: No, it was Sydney. The Government's motion has tried to put the onus on the Federal Government for not doing anything for regional New South Wales, yet it has done nothing. It is pious in the extreme. The second point of the urgency motion rejects the short-sighted plan of the Commonwealth Government to tax software and IT and T services for the first time. We really need to send information to the Minister in relation to the tax reform package. The Premier supported changes to the package only a year ago. No tax on business is the clear point. This will be a huge winner for regional New South Wales.

Hardware has been left out of this urgency motion. The biggest cost in IT would be the hardware, but that has been left off. Wholesale sales tax will apply to hardware and it will be cheaper for people to be involved in IT and T. The third point of the urgency motion congratulates the New South Wales Government on its efforts to foster and support an information technology industry. This is the point in which I am most interested, because for four months I have had on the notice paper a notice of motion relating to this issue. I have a number of comments from the industry itself on how well New

South Wales is doing in regard to information technology. I thought it would be appropriate during this debate to read some of those comments onto the record. I repeat that the Minister has had four months in which to bring on Notice of Motion No. 111 but instead, only 11 days from the Federal election, he has decided to bring on a scare motion. The notice of motion states:

That this House—

1. Notes the origins of SemiConductor Technologies Australia as a small silicon chip design facility in Sydney, designing several local chips including a laser printer chip for Pacific SemiConductor.
2. Notes SemiConductor Technologies Australia this week [May 1998] moved to Victoria with a \$60 million venture that will ultimately employ 40 designers to plan the applications-specific silicon chips needed by their local industry.
3. Notes the comments of Managing Director, Mr Stephen Kim, that, "Comparatively speaking, the Victorian Government is more progressive than New South Wales—they wanted to work with us".

What an indictment on New South Wales! The notice of motion continues:

4. Notes the words of industry best practice commentator, Mr Peter Roberts, that "New South Wales has neither the political leadership nor the bureaucratic depth to underpin the development of a complex industry such as silicon chips".

That is an indictment of the New South Wales information technology industry. It is a clear example that the industry has nowhere to go in this State and is being bled from this State to Victoria. We have exactly the same parameters in which to work as the Victorians, yet the Victorians are kicking our backsides on this issue. We could do an enormous amount more. The Federal Government is doing a lot in relation to tax reform, which will have huge benefits for information technology in New South Wales.

Mr GAUDRY (Newcastle) [4.31 p.m.]: The Minister for Information Technology, and the Parliamentary Secretary on State Development have shown the impact of the dead hand of the Howard Government and its goods and services tax on business initiative, particularly in relation to technology. At a time when emerging telecommunications technology is transforming business in Australia, the Howard Government wants to place a tax on users and subscribers. The imposition of a goods and services tax will mean that all telephone services, including standard telephone lines, facsimile lines, data lines, mobile telephones, Internet lines and on-line services will

cost more. Connection fees, maintenance, repairs, and service calls will rise. No doubt that will impact heavily on regional and rural New South Wales.

The information technology industry—an industry that is vital for the future of this country—already is suffering at the hands of the Federal Government and its policies. Investment in research and development has been slashed, there is little incentive to attract venture capital, and there has been inadequate training in skills development. For the Hunter region, the advent of the Federal Liberal-National Government brought a cut to regional development funding and the dramatic impact that that has had on potential projects in the Hunter. Mr David Peaston, President of the Australian Electrical and Electronic Manufacturers Association, was quoted on page 55 of the *Australian Financial Review* of 18 September as saying that at the Federal level there is little recognition of the changes taking place through globalisation and deregulation. In that same article Mr Peaston further criticised the Howard Government's lack of focus on information technology and telecommunications, saying:

This Government's priorities very much relate to wool, wheat and minerals. It concerns me that we are sticking to the 1950s paradigms about what wealth is and how you generate wealth.

Information technology is a services-dependent sector. It is heavily dependent on a range of services that would attract a goods and services tax. Not only would services be more expensive, but the job-creation potential of this emerging industry would be seriously limited. People will find themselves paying a new tax on all follow-up services, including installations, upgrades and consultants' fees. When it comes to industry development support and procurement policies, the Howard Government has favoured large United States-based multinationals at the expense of local companies. Not Australian companies, not New South Wales companies, not Newcastle companies, but American companies are making the big money out of the Liberal-National Commonwealth Government.

The local industry faces the potential burden of a new tax and the complexities and expense associated with compliance. There is no doubt that that would be a considerable impost on current business practice, but particularly on businesses that are looking to expand. Small- and medium-size retailing businesses again will be targeted as they struggle to compete with large multinationals for the computer consumer's dollar. That matter was brought to my attention in Newcastle by thriving computer companies. With their inputs also subject to a goods and services tax, retailers' costs must

increase. With profit margins already tight, most retailers will be passing on these costs to consumers.

The Howard Government has done no favours for the information technology and telecommunications industry. In the Hunter region a great deal of work has been undertaken to develop the information technology and telecommunications industry. Hunter Advantage, a growth strategy prepared by the Hunter Regional Development Organisation, is a pro-active strategy to develop world-class information technology services in the region. That work was done in collaboration with government, business, universities and the community to form a viable cluster, to share information and expertise. The Hunter region should be congratulated on taking that initiative. The last thing that the region needs is a Federal coalition Government with an industry policy that is buried in the past and a tax package that will hinder rather than assist the success of information technology initiatives like that taken under Hunter Advantage. The dead hand of the goods and services tax, if it is introduced, will impact on business initiatives, on services, on maintenance and upgrading, and on software. It is the absolute dead hand of tax.

Mr YEADON (Granville—Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney) [4.36 p.m.], in reply: New South Wales is clearly the information technology powerhouse of Australia. That is recognised by those within the industry and within government. The Government is proud of that position and is working assiduously to maintain and develop it. The usual arguments came from the other side of the House, from the tax-mad Liberal and National parties. They again put forward the lame argument that their planned goods and services tax will reduce the costs of business. That assertion is unfounded and misleading. It is nothing but a lie. It is as baseless as Mr Howard's statement that under his Government there would never ever be a goods and services tax. We all know there will be no savings to business and the customers of business from a goods and services tax. Yesterday the point was taken up by *Australian Financial Review* leading analyst Brian Toohey, who said, in an article headed "Beware the Sales Pitch on the GST":

Business is having the wool pulled over its eyes if it thinks a GST will reduce its costs.

Mr Toohey went on to say:

The overall tax burden to be passed on to consumers will increase—not decrease—as a result of the Coalition's tax package.

Services industries—such as information technology consultants, software programmers, designers, Internet providers, telephone services, mobile telephone services and pay TV—will be hit by new taxes. The list demonstrates that a broad array of businesses fall under the information technology banner. All that was offered from the other side of this House was a narrow dimension that the information technology and telecommunications industry consisted solely of hardware manufacturers. Certainly, hardware manufacturers are an important part of the industry, but they are only one of many players in that industry. There are huge benefits to be gained by New South Wales and Australia in some other areas, such as web design, software development and innovation core centres.

If we can get our act together in relation to information technology and telecommunications there will be huge benefits for New South Wales and, indeed, Australia. The Federal Government simply cannot do it. All State coalition governments have criticised their Federal colleagues because they are dragging the chain too much. Indeed, the Victorian Minister for information technology, the Hon. Alan Stockdale, brought forward legislation relating to privacy issues and the like because of the Federal Government's dillydallying. The situation is woeful.

Mr Oakeshott: Where is your legislation?

Mr YEADON: The New South Wales Government is waiting for the Federal Government to take the lead on this issue. We will be joining with Victoria to push the Federal Government in the right direction. This Government has not hastened to introduce legislation and regulations because the matter must be dealt with nationally if we are to engage the global community. Ideally, the approach to information technology must be consistent. The old separate rail-gauge approach must be avoided. The level of frustration felt by other State governments is evident when a State coalition Government—the Victorian Government—considers it necessary to introduce legislation to spur on the Federal Government. In the online council the New South Wales Government, together with the Victorian Government, will continue to kick the Federal Government to ensure that these issues are dealt with quickly. The information technology industry has the ability to create extraordinary wealth for New South Wales and Australia, and we must ensure that we grab that potential.

Question—That the words stand—put.

The House divided.

Ayes, 49

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

Noes, 41

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

Pairs

Mr Carr	Mr Kinross
Mr Rumble	Ms Seaton

Question so resolved in the affirmative.

Pairs

Amendment negatived.

Mr Carr Mr Kinross
Mr Rumble Ms Seaton

Question—That the motion be agreed to—put.

Question so resolved in the affirmative.

Motion agreed to.

The House divided.

Ayes, 49

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

Noes, 41

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

JOINT SELECT COMMITTEE ON VICTIMS COMPENSATION

Reporting Date

Mr WHELAN (Ashfield—Minister for Police)
[4.53 p.m.], by leave: I move:

- (1) That the reporting date of the Joint Select Committee on Victims Compensation's inquiry into shock and other aspects of the victims compensation scheme be extended until 5 March 1999;
- (2) That the following message be sent to the Legislative Council:

MADAM PRESIDENT

The Legislative Assembly desires to acquaint the Legislative Council that it has this day agreed to the following resolution—

That the reporting date for the Joint Select Committee on Victims Compensation's inquiry into shock and other aspects of the victims compensation scheme be extended until 5 March 1999.

And the Legislative Assembly requests that the Legislative Council pass a similar resolution.

Legislative Assembly
23 September 1998

JOHN MURRAY
Speaker

Mr HARTCHER (Gosford) [4.55 p.m.]: The Opposition supports the motion to extend the reporting date. The ongoing work of the victims compensation committee is commended.

Motion agreed to.

HOUSE COMMITTEE

Membership

Motion, by leave, by Mr Whelan agreed to:

That Patrick Allan Rogan be appointed to serve on the House Committee in place of Jill Griffiths Hall, resigned.

REGULATION REVIEW COMMITTEE

Membership

Motion, by leave, by Mr Whelan agreed to:

- (1) That Paul Gerard Lynch be appointed to serve on the Regulation Review Committee in place of Jill Griffiths Hall, resigned.

- (2) That a message be sent acquainting the Legislative Council of the resolution.

JOINT COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Membership

Motion, by leave, by Mr Whelan agreed to:

- (1) That Jeffery Hunter be appointed to serve on the Committee on the Health Care Complaints Commission in place of Jill Griffiths Hall, resigned.
- (2) That a message be sent acquainting the Legislative Council of the resolution.

ELECTORAL DISTRICT OF BURRINJUCK

Vacant Seat

Motion by Mr Whelan agreed to:

That the seat of Albert John Schultz, member for the electoral district of Burrinjuck, has become, and is now, vacant by reason of the resignation of Albert John Schultz on 31 August.

ELECTORAL DISTRICT OF SWANSEA

Vacant Seat

Motion by Mr Whelan agreed to:

That the seat of Jill Griffiths Hall, member for the electoral district of Swansea, has become, and is now, vacant by reason of the resignation of Jill Griffiths Hall on 1 September.

MINISTER FOR POLICE

Motion of Censure

Mr HARTCHER (Gosford) [4.57 p.m.]: I move:

That this House censures the Minister for Police and Leader of the House for his blatant violation of the traditions of the Westminster parliamentary system on Thursday, 4 June 1998.

Notice of this motion was given by me on 17 June, which was the first available date after the sitting of the House on Thursday, 4 June. So far the Government has used every technical device to preclude this motion being brought on for debate. In the middle of June, in the final two weeks of the parliamentary session, the Government suspended standing orders to prevent the motion being brought on because it required that precedence be given to Government business. Yesterday standing orders were suspended so that a trivial and pointless motion about the Federal coalition's proposal for tax reform could be debated. Today the Government has no

alternative but to face debate on this motion to censure the Leader of the House and Minister for Police for his violation of the traditions of the Westminster system.

The Westminster system is one of representative democracy. That means that members of Parliament elected to fill specific seats represent those seats in this House. It follows the traditions of the Houses of Parliament, especially the House of Commons, at Westminster. Decisions by the House are made in accordance with the procedures laid down by its standing orders or by parliamentary usage and practice as set forth in that generally recognised embodiment of parliamentary usage and practice, Erskine May's *Parliamentary Practice*. The Westminster system has a distinct and clear tradition of how decisions of the House are determined.

Such decisions are determined first by the Speaker trying to obtain consensus of the House. If there is no consensus, the Speaker calls for members of the House to express their opinions and listens to the ayes and the noes. The Speaker then makes a determination of what he regards as appropriate having regard to the voices of the members. If his decision is challenged by one of the members, the House divides. The House divides differently in different systems. In the United Kingdom the members go through a process in the lobbies, where they are counted by the tellers. In this House members remain in their places and are counted by the tellers, as they are in the Federal Parliament in Canberra. But each member makes the decision about how he or she will vote.

That is the fundamental prerogative of the member and it is the fundamental responsibility of the member: the member decides how he or she will vote on any issue. It is that process that makes the member accountable to his or her electorate. The list of members is published in the parliamentary record, *Hansard*, so that the public can see how their members have determined to vote on a particular issue. The process is laid down in May's *Parliamentary Practice* and also in the standing orders of this House, commencing with Standing Order 183. Because of their importance the standing orders on divisions form a separate chapter. They determine how a member shall vote. Standing Order 188 states:

A Member shall only be entitled to vote in a division if present in the House after the doors are locked.

Members vote only if they are in the House. That is not just fundamental to our standing orders as expressed in Standing Order 188, it is also

fundamental to the system at Westminster as expressed in May's *Parliamentary Practice*. May states:

When debate on a question is concluded, the question must be put. This is done by the Speaker rising from the Chair, and putting [it] to the House . . .

He further states:

When each party has responded, the Speaker endeavours to judge from the loudness and general character of the opposing exclamations, or from a consideration of the probabilities of the case, which party has the majority.

In other words, he decides after observing what the members do. The Speaker is not given the prerogative of acting on behalf of members. He is their servant and he determines the wishes of the members. It is the members who are accountable, it is the members who make the decision. May continues:

The opinions of Members are collected from their voices in the House and not merely by a division. If their voices and their votes should be at variance, the voice will bind the vote. A Member therefore who gives his voice with the "ayes" or "noes" when the Speaker takes the voices, is bound if he votes to vote with them . . .

The method of taking divisions is the same in Committees of the whole House as in the House itself. On a division being called the Speaker or the Chairman, as the case may be, gives the order "clear the lobby," the tellers' doors in both lobbies are locked, and the division bells are rung. After not more than two minutes from this direction the Speaker or Chairman again puts the question and the ayes and noes must again declare themselves.

At each stage, the important aspect of the vote is for the determination of each member declaring himself or herself. Each member must declare himself or herself on the voices. When the decision is challenged, each member must declare himself or herself by their physical presence in the Chamber or in the lobby for the vote. The fundamental principle of divisions is accountability of members of Parliament, and that requires each member's personal attendance or the member is deemed to be not participating in the vote. That is why the doors are closed after the bells have been rung, so the House can be assembled and a decision made. This has been the practice in this House and is expressed in its standing orders.

On 4 June the Government was desperate to try to play a political trick in relation to Pauline Hanson's One Nation Party, especially in relation to One Nation preferences. That well-known Minister, the Minister for Education and Training, the Minister who gave a reference to the Phoenician Club of Australia Ltd, the Minister whose

competence is generally regarded as approaching zero level, was chosen to be the spokesman for the day. Members of the coalition declined to participate in the Government's farce.

The matter related to alleged actions by members of the coalition parties. The Government attempted to play politics with the internal workings of the coalition parties, and members of the Liberal and National parties determined they would not participate in that farcical debate. The Government was embarrassed. It hoped to sow the seeds of confusion in the ranks of the coalition parties. It hoped to cause embarrassment to the coalition parties, and its tactic misfired. The Minister for Police, the Leader of the House, moved probably the most extraordinary motion that has been moved in this place for many years. His motion stated:

That standing and sessional orders be suspended to provide for the names of members voting for the ayes in each of the paragraphs in the resolution to be recorded and the names of those members not voting to also be recorded.

In other words, no longer was it to be the ayes versus the noes; it was to be the ayes versus those who were not present. The Government had been caught out. It had not been able to trick the Opposition into some compromise, so it desperately sought to have a record of all members of the Parliament not in attendance. Members who were not present were deemed to have voted in a certain way or were recorded as not voting. They included not only members of the Liberal and National parties but also the honourable member for Manly, an Independent member. He was denied the right to make a decision. He simply had his decision determined for him by resolution of the House.

The Government was itself caught out. It outsmarted itself, because the Premier was not present. Not only was the Premier not present, but the Minister for the Olympics was not present. The Government suddenly found itself embarrassed because those were caught by the farcical suspension. A further suspension motion was necessary to correct the Government's foolishness. Accordingly, the Minister for Police moved that standing and sessional orders be suspended to provide that Mr Carr, Mr Knight, Mr Nagle and Mr Tripodi be deemed to be recorded as having voted with the ayes on each question in the motion of the Minister for Education and Training.

Not only were people not present to be recorded as voting in a certain way, but people who were not here were to be recorded as voting with the ayes. That is foolish. That makes a mockery of the Westminster system and it sets the most

extraordinary precedent. If a government has a narrow majority it can suspend standing orders to say that members who are not present are voting with it on a particular motion. That is a denial of the forms and traditions of the House, it is a denial of the standing orders, it is a denial of the Westminster system and, most significantly, it is a denial of the principle of representative democracy that individual members are accountable for their own decisions in this House on the voices and in the divisions.

This incredible motion, the most farcical ever moved, and one that the Minister for Police even at his most cynical would be embarrassed to record today, provided that four members not present were deemed to be voting with the ayes. Let that be the Minister's record of his administration of this House and that charter of reform he so laughingly signed with the Independent members prior to the 1995 State election that he would respect representative democracy and the Westminster system. The Minister must have crossed his fingers behind his back as he did so. He probably did not even bother to do that because, in the great tradition of the ALP Right, he was prepared to do whatever it took. The honourable member for Wakehurst spoke eloquently on that occasion. He said:

For the first time in the history of the Westminster system the names of non-voters are being recorded. What is worse, the Leader of the House is playing stupid games. He has not recorded and you, Mr Speaker, have not recorded the names of all the non-voters. The Premier has not been involved in one single division. His name does not appear anywhere on the *Hansard* record.

The standing orders had to be suspended so that the Premier was let off the hook. Otherwise the Premier would have been caught by the Minister's own little trick. What a delicious irony that the Minister caught out his own Premier with his little trick!

Mr Whelan: You reneged on an agreement for pairs.

Mr HARTCHER: You caught out your Premier with your little trick. You caught out your own boss.

Mr ACTING-SPEAKER (Mr Mills): Order! The honourable member for Gosford will direct his remarks through the Chair.

Mr HARTCHER: If anybody ever stabbed his leader in the back, it was the Minister for Police on that occasion. He played a trick on his own leader, which led to the farcical situation that his leader was not recorded as voting for the motion. The Minister now bleats about the pairing system,

yet he had torn up every rule in the book. The Minister threw the standing orders into disarray. He suspends the standing orders again and again until he gets the results he wants. The Minister tells Opposition members that we must abide by the rules, even though the Government does not believe in the rule book at all.

The situation would be farcical were it not so tragic. It will come back to haunt the Government. For 3½ years the Government has disregarded every principle of the Westminster system. Coalition members are used to that now. On the occasion at issue, however, the Leader of the House denied the underlying basis of the representative system. He made his leader look like a fool. We all know that is easily done, but on that occasion the Minister achieved a standard of excellence not previously witnessed. The Premier was not in the building, and special motions had to be passed to record that he was here. If anybody deserves censure for misleading the House and for denying the system on which the House is built it is the Minister for Police, who goes by the title of Leader of the House.

Mr WHELAN (Ashfield—Minister for Police) [5.12 p.m.]: I am minded to seek a ruling as to whether the motion is in order under Standing Order 79, which provides:

A Member shall not reflect on a previous decision of the House unless debating the rescission of such vote.

If I decide to seek such a ruling I shall do so after private members' statements, the next item of business.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

TAREE AND WAUCHOPE RAIL SERVICES

Mr OAKESHOTT (Port Macquarie) [5.15 p.m.]: This afternoon I speak with concern about recent cutbacks by the Minister for Transport to staffing numbers at Taree and Wauchope railway stations. Taree and Wauchope stations service two major catchment areas, the Manning and Hastings valleys. The combined area has a population of 70,000 to 100,000, which swells significantly during holiday periods. Public transport, particularly rail transport, is therefore vital. A demographic breakdown of the area shows a high percentage of retired and elderly people, so the importance of rail

transport should not be underestimated.

The inequities of petrol pricing on the mid-north coast add to the difficulties. On any given day our region is faced with the atrocious situation of paying between 5¢ and 15¢ a litre more than our city counterparts. When that is taken into account public transport, particularly rail transport, takes on added significance. My concerns are raised following receipt of a facsimile from Countrylink outlining the new master rosters to commence on Sunday, 11 October 1998. The facsimile stated:

INTRODUCTION OF NEW MASTER ROSTERS
COMMENCING SUNDAY 11 OCTOBER, 1998

Further to the meeting with the Australian Services Union and Public Transport Union on 6 August, 1998 and resultant circular releases from these unions, attached are rosters submitted for introduction at locations as from Sunday 11 October, 1998.

Any suggestions or adjustments to these rosters can be discussed with this office prior to the date of implementation.

Members of Parliament and prospective members of Parliament from Taree to Coffs Harbour are very concerned about this issue. I particularly mention the present member for Oxley and the National Party candidate for Oxley, Andrew Stoner, who have both been particularly vocal about their concerns for the Wauchope station. On behalf of concerned residents in the Manning and Hastings valleys I raise my concerns with the Minister. I urge the Minister to reinstate the night roster to allow the Wauchope station to be manned for the 10.40 p.m. XPT service to Brisbane and the 4.10 a.m. XPT service to Sydney.

The reduction in the night service will force people to wait on the unattended station without any knowledge of whether the train is on time and without any assistance for elderly people as they struggle with their luggage. That means that at night no stations from Taree to Coffs Harbour will be attended, which places the safety of the public at risk. Regional train travellers will suffer further cutbacks, as the Government plans to close the travel centre office at Taree on Saturdays. The travel centre provides an invaluable service that a travel agent cannot provide. It allows people to travel on trains without pre-purchased tickets and it provides advice on train times and bookings, ticket sales, advice on locations and general public advice.

The loss of the weekend service of the travel centre would be noticeable for the Manning community. I strongly urge the Minister and his relevant unions to consider the general adequacy of the north coast rail service. Whilst current staff do a

tremendous job and deserve the support of this House, unfortunately the Minister seems to be intent on squeezing out local assets such as the travel centre and baggage-handling facilities, as well as stretching local human capital so that a proper and deserved service to residents becomes increasingly difficult. Connections to the rail service need to be reviewed. Every effort is needed to develop tailor-made customer links to meet the relevant XPT services as they pass through the mid-north coast.

Because rail services pass through our area at night, there is justification for Countrylink to provide more than adequate and more than comparable services. This is very much a public safety issue. I therefore ask the Minister to review his roster reforms before 11 October and not only to provide adequate staffing at both Taree and Wauchope stations for the travel centre and night-time XPT services but also to investigate massive improvements in coach connections and networks so that public travel on rail services can finally be encouraged and public safety can be protected from the real and perceived night-time travel safety issues.

DEATH OF Mr CYRIL HERBORN

Mr WOODS (Clarence—Minister for Regional Development, and Minister for Rural Affairs) [5.19 p.m.]: A chapter of history was closed yesterday with the passing away of Mr Cyril Herborn, the last surviving member of the 33rd Battalion and the last World War I veteran in the Clarence Valley. Mr Herborn passed away, aged 102, at the Grafton Base Hospital. He is remembered by the people of the Clarence Valley and his home town of Kangaroo Creek as a gentleman and a community-minded citizen. Mr Herborn was born in December 1895 and worked as a teller for the Commercial Bank of Sydney at Alstonville. He enlisted in the 33rd Battalion at Armidale and left for further training at Salisbury Plains, England, and then crossed for France in 1916.

Lance-Corporal Herborn was twice gassed and wounded in action while serving on some of the most infamous battlefields in France, including Villers-Bretonneux, Messines, Passchendaele and the Somme. Mr Herborn was a great sportsman as well as a great soldier. News of the end of the war came to Lance Corporal Herborn as he celebrated winning two medals at the sports day at the 9th Infantry Brigade in November 1918, when he won the half-mile foot race and came second in the mile foot race. After returning to Australia, Mr Herborn travelled to many parts of the country before

deciding to settle on his property, "Jaloom", at Kangaroo Creek in 1920. Like many people in the Clarence area, Mr Herborn worked the property as a dairy farm and later used it for beef cattle.

Cyril and his wife, Norma, were married in 1933. He was regarded as an innovator and leader in agriculture because of his involvement in a number of associations, including Junior Farmers and the Grafton Agricultural Society. Cyril Herborn contributed to his chosen profession, but he is also remembered for his involvement in the Coutts Crossing Heritage Cottage and Historical Society, as a patron of the Coutts Crossing Red Cross, as a leader in the establishment of the Kangaroo Creek and Coutts Crossing Sports Association and for his involvement in many more local organisations.

Cyril Herborn lived a rich and full life. He was devoted to his family, committed to his community and willing to die in the defence of the Empire. But his life ended with one regret. Mr Herborn had been nominated for the French Legion of Honour, along with other surviving diggers who had served valiantly in France during World War I. Unfortunately, he passed away before the honour was bestowed upon him. Cyril Herborn will be fondly remembered by all the people of the Clarence Valley. He is survived by his wife, Norma, his daughters, Robin Fallon and Ruth Herborn, his son-in-law, John Fallon, and his grandchildren, David and Kristina.

WOOLGOOLGA BOWLING CLUB TAB AGENCY

Mr FRASER (Coffs Harbour) [5.21 p.m.]: Some time ago the TAB agency in Woolgoolga closed. That was probably because of lack of trade and as a result of pressure from the clubs in the area that were anxious to have the facility on their premises. Licences were advertised and at the time the Woolgoolga Returned Services Leagues Club, the Seaview Tavern and the Woolgoolga Bowling Club applied for licences. Unfortunately, the bowling club was not successful in obtaining a licence, although the other two applicants were. On 4 March the Woolgoolga Bowling Club received a letter which stated:

When assessing an area the TAB must be relatively certain that the following criteria are met:

- The new service must be capable of generating "new money" and not merely splitting available turnover already being obtained in the area.
- The amount of new money generated must be sufficient to cover additional TAB operational costs.

- There must be sufficient profit from the service to allow the TAB to meet its commitments, both with Government and the racing industry.

Late last year the Woolgoolga Bowling Club was upgraded at a cost of more than \$2 million. It is now an absolutely modern and magnificent club that is well patronised by bowlers and by other locals. The Woolgoolga community is proud of the facility. Club representatives have noticed that since the RSL club and the tavern received their TAB licences the bowlers who like to punt use the bowling club's facilities and then disappear to the RSL club or to the tavern. Consequently the takings of the bowling club for part of September are down 15 per cent and the overall bar sales since March are down \$43,890 or 8.72 per cent.

The club has always been a great supporter of the community. So far this year the bowling club has conducted many charity bowling days and at this time has raised about \$4,000 for local charities. The latest fundraising event was for the Cancer Research Foundation. I am a member of the bowling club. The community needs the club because it provides a service to its members as well as providing facilities free of charge to many local charities. I thank the Minister for Gaming and Racing for coming to the Chamber; I notified his office earlier that I intended to raise this matter.

The club has requested me to raise the matter with the Minister for Gaming and Racing and I have written to him asking him to investigate the matter. The Minister knows Bruce Wilson, the unofficial mayor of Woolgoolga, who runs the Seaview Tavern. Mr Wilson supports the granting of a TAB licence to the bowling club. I have spoken to members of the RSL club who also support the bowling club receiving a TAB licence.

Last night the Minister for Mineral Resources, and Minister for Fisheries attended the centenary celebrations of the Newcastle Bowling Association. Bowling clubs are great clubs for fellowship. Woolgoolga Bowling Club Ltd is a great little club. I know the club would be most grateful if the Minister requested the TAB to reassess the application and give the bowling club a licence so that it can continue to provide a service to its members and to raise money for numerous charities within the community.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.26 p.m.]: I will bring this matter to the attention of the TAB. For the information of honourable members, when the TAB was privatised, with the concurrence of both

sides of the House, ministerial oversight of agencies disappeared. Now the TAB only makes the decisions relating to agencies. Before the TAB was privatised most people misunderstood the role of the Minister and thought he was able to direct that an agency would be located here or it would be located there.

The application of the bowling club should show clearly the amount of business done by the club so that separate and distinct access is justified. The honourable member for Wallsend, who is in the chair, would know from the awarding of a TAB licence in his electorate that one of the reasons club agencies have not been successful in times gone by is that people have to be members of the club to use the agency. If those living within five kilometres of a club want to use the agency, they are forced to become members of the club. That is unfair.

Conversely, as the Minister responsible for liquor licensing I can say that they would place their licences in jeopardy if those who were not members of the club were permitted to use the agency. The problem of locating TAB agencies in clubs and hotels has always been vexed. Sometimes the agency is forced to close, as has happened in Woolgoolga. I will refer this matter to the TAB. As always, the decision will be entirely commercial—even more so now that the TAB has been privatised. Woolgoolga Bowling Club provides sporting facilities for the community. If the club addresses its application in the way I have suggested it may be successful.

COALMINING HISTORY

Mr MARKHAM (Keira) [5.28 p.m.]: Last night in Wollongong I launched the book entitled *At the Coal Face. The human face of coal miners and their communities: An Oral History of the early days* by Fred Moore, Paddy Gorman and Ray Harrison. Basically the book is a recorded history of 12 people who have been involved in the mining industry throughout New South Wales for a long time. The book covers 100 years of coalmining history. The 12 individuals who gave accounts of their lives as coalminers and who supported coalminers are Roy Coltman, Fred Kirkwood, Grace Scanlon, Jim Comerford, Roy Hegerty, Walter "Pincher" Smart, Evan Phillips, Evelyn Wood, Joy Wood, Jack Savage, Bob Cram, Tom McMillan and Jim Saywell. Some of them have since passed away.

On various occasions during the past 10 years they sat down with Fred Moore and Ray Harrison and related their experiences, history and involvement in the southern and northern coalfields. Last night Fred Kirkwood, who is 89 years old and who had worked all his life at Mount Kembla colliery, and Roy Hegerty, who is 93 years old and worked all his life at Wongawilli, were in attendance

at the book launch. I assure honourable members that they will never see two prouder men than Fred Kirkwood and Roy Hegerty when they heard that their life story was to be recorded and put into print. Fred Moore and Ray Harrison are highly regarded mineworkers who were able to get others involved in the coal industry to open their hearts about the hardships of the coal industry, the hard times, the heartaches, the strikes, and the bashings by police, who for many years supported scabs in different parts of the coal industry.

Jim Comerford related the dramatic events that took place at Rothbury in December 1929. Jim said that they were some of the darkest days in the industrial history of Australia. One should read what Jim said and compare that with the actions of John Howard and Peter Reith, who, in collusion with Chris Corrigan, brought savage dogs and thugs in balaclavas onto the Australian waterfront. It makes one wonder whether we have learnt anything in the past 100 years. I assure honourable members that some of the accounts given to Fred and Ray are quite vivid. I record in *Hansard* what Grace Scanlan said:

I might perhaps, actually, would have been a nobody, if I hadn't had these wonderful coalfields women who stood shoulder to shoulder with me, in our fight to help our men to a better way of life and a future for the children.

After reading that passage one realises that in the coal industry women have stood by their men for many years, and through some of the most bitter industrial disputes this country has ever experienced. The passage speaks volumes for the women who support their sons and their husbands in the coalmines. Anyone who goes underground might not return to the surface alive because of the horrific environment in which coalminers work today. Bob Cram, commenting about the working situation of coalminers, wrote:

And you worked like hell until the end of the shift. The heat situation was so bad in those pits that I used to work in a pair of my wife's panties. It was so hot, that's all I worked in all the time I was at my place, nothing else but pit boots and a pair of panties. A little better than Coalcliff where the heat was so bad they wore no clothes on them at all.

I can testify to that, because I worked at that mine for 24 years, although not in the days when the miners hewed the coal with a pick and shovel. While working at that mine I heard from many old coalminers who related stories of the days of wheeling, clipping and timbering. [*Time expired.*]

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [5.33 p.m.]: The honourable member for Keira has made a marvellous contribution to the coal industry and has

never stopped fighting in support of it. He supported the coal summit that was held to try to secure better conditions for coalminers. Last night when he launched the book to which he has referred he told many stories. One can never appreciate how hard it was to work in a coalmine in the days of using boys and pit ponies and picks and shovels. In those days coalminers worked in hellholes. That is where today's mining industry started.

People make jokes about the mining industry, but they should not make jokes about a group of people who have lost more than 2,000 comrades from their ranks in mining accidents and have learned to stick together. The industry is unsafe but it should not be. It has provided great wealth and good living conditions to the people of this nation. The honourable member for Keira has raised the matters to which he referred in a sincere and genuine way. Members of Parliament respect that, and they respect the contributions of miners in the northern, southern and western coalfields. Honourable members should note that book to which the honourable member for Keira has referred; they should also note the contribution that miners have made to this great nation over the years.

WINSTON HILLS SHOPPING CENTRE

Mr MERTON (Baulkham Hills) [5.35 p.m.]: On behalf of a number of residents of the Winston Hills community I raise an ongoing problem concerning the construction of the Winston Hills mall. It relates to the hours of work during the construction of the shopping centre. Mr Jim Evans, of 13 Olympus Street, Winston Hills, wrote to me expressing his concern that the shopping centre construction continues outside the stipulated working hours of 7.00 a.m. to 5.00 p.m., Monday to Saturdays inclusive. Mr Evans said that last Sunday he was deeply concerned that construction was taking place when it should not have been. He said that the constant noise generated by the construction, the beeping of the equipment, is such that his amenity of life and that of other residents has been greatly affected.

Mr Evans is concerned about that, as indeed is Michael Thomas, another resident of Olympus Street. Mr Thomas spotted the work taking place last Sunday at 11.00 a.m., 2.00 p.m. and 4.00 p.m. Mr Evans lives with his wife and mother-in-law. His wife suffers from migraine and is deeply concerned because she cannot sleep when construction continues outside approved hours. She has to move to the back of the house, further away from the noise. His mother-in-law is elderly and has difficulty crossing the road to go shopping.

In essence, the problems generated by the construction include cars being illegally parked on the footpath in Olympus Drive and Caroline Chisholm Drive, and cars speeding at 100 kilometres an hour in a street which is designated as a 50 kilometre an hour area. On Saturdays and Sundays the traffic on Caroline Chisholm Drive is chaotic. Mr Evans said that traffic becomes gridlocked and that cars illegally park in Caroline Chisholm Drive near a crossing, which makes it dangerous for residents to cross the road. Mr Evans has written to his local Federal member, Ross Cameron, who will take up this matter on behalf of the residents. In a letter to Baulkham Hills council Mr Evans stated:

Try living in the surrounding area and have the constant noise that all residents have for many months. Surely Sundays can be returned to the residents as our quality of life has been eroded enough since this redevelopment commenced.

Mr Evans said that the suburb, which was once lovely, has been destroyed. He is particularly concerned about the opening of the shopping centre and the Coles 24-hour supermarket and food court, and expects traffic to increase in Olympus Street and surrounding areas by at least 30 per cent. His solution is to close Olympus Street to all traffic at Yargo Road and provide an easterly right-hand turn at the traffic lights. This is a problem for this small community, which for many years had enjoyed a peaceful existence. Redevelopment of the shopping centre has been allowed by council.

The point that residents have asked me to emphasise in the House tonight is that construction work has been taking place outside the stipulated hours. I have had occasion to mention this in Parliament on a prior occasion. Indeed, I wrote to the council on behalf of residents, who have complained before about construction taking place outside the normal and allowable construction hours. On that occasion council determined that the circumstances did not warrant the taking of action. The residents are becoming concerned that this will be an ongoing problem. They believe that the construction company and the contractors should be compelled to comply with the hours of construction stipulated by the council. The residents have enough traffic problems of a Saturday and Sunday without having to put up with illegal construction activities on a Sunday. I ask the relevant Ministers to look into this important matter affecting residents.

COWPASTURE ROAD TRAFFIC

Mr LYNCH (Liverpool) [5.40 p.m.]: I draw to the attention of the House, and in particular to the attention of the Minister for Transport, and Minister for Roads, problems involving Cowpasture Road.

Cowpasture Road is currently the western boundary of the Liverpool electorate, and is a very significant road as it is used by and affects many of my constituents. It is a State road, coming fully under the care and control of the Roads and Traffic Authority. First, I wish to draw attention to the difficulties faced by motorists travelling north from the intersection of Cowpasture Road and Hoxton Park Road who wish then to turn right from Cowpasture Road into the Central Park village. That, more specifically, requires a right-hand turn from Cowpasture Road into Collarenebri Avenue, Hinchinbrook.

Residents have told me that there is a problem with the intersection. One resident in particular, Mr Joey Moreno, who lives in the Hinchinbrook estate, has raised these concerns with me. The problem is that Cowpasture Road is a two-lane road—one lane in each direction. Accordingly, vehicles that are turning right from Cowpasture Road into Collarenebri Avenue cause a bank up of cars behind them. There are occasions when motorists travelling behind these turning vehicles regrettably do not pay attention, creating a significant safety issue. The problem is made worse by the volume of traffic that travels along that road. It is not only difficult to make the turn; vehicles travelling in a southerly direction make it quite dangerous. Drivers of cars behind the turning vehicles often undertake the dangerous manoeuvre of moving onto the gravel shoulder.

The appropriate way to resolve the matter is to put in a turning lane: that is, the roadway needs to be widened so that an extra lane can be built. That certainly is the request of residents. I assume that Cowpasture Road at that location is to be widened eventually. If that were to happen, of course the problem I raise may be significantly alleviated. If the widening is not to occur in the near future, I would certainly request that the fairly modest amount of work required to construct an extra turning lane at the location be undertaken to resolve the problems that have been identified by the residents.

The next problem occurs to the north of the location that I have just mentioned. It is at the intersection of Cowpasture Road, North Liverpool Road and Fredericks Road. North Liverpool Road leads into Cowpasture Road from the east, and on the western side of that intersection is called Fredericks Road. There is at present a roundabout at the intersection. Fredericks Road is one of the two major entry points into the new suburb of Cecil Hills. A significant number of people have raised with me the difficulties encountered at that

intersection. Those who have raised problems with me are residents of Cecil Hills such as Dolly and Tony Haber, representatives of the teachers at Cecil Hills school, and a plethora of concerned residents who live on the eastern side of Cowpasture Road, such as Tom Murphy and Brian Van der Meer.

There are several aspects to the problem. The first one that was raised with me was the difficulty for pedestrians crossing Cowpasture Road. A significant number of pedestrians wish to cross Cowpasture Road at this point. A large proportion of them are schoolchildren who must travel from the eastern side of Cowpasture Road to the schools on the western side. Also, a significant number of residents and children of Cecil Hills wish to cross from the west to access the fast food outlets on the eastern side of Cowpasture Road. I have had many complaints about how dangerous that intersection is for pedestrians. I have observed for myself how serious the problem is. Residents who have requested that traffic lights be installed there regard that as the most obvious solution to the problem.

The second major issue is that although for the most part Fredericks Road is a two-lane road, when it joins Cowpasture Road it becomes one lane. In peak times, this leads to considerable delays in traffic. In fact, some residents to whom I have spoken say it takes them half an hour to get out of Cecil Hills onto Cowpasture Road. That, of course, adds half an hour in travelling time to their daily journeys to and from work. This strikes me as a totally intolerable delay. The logical solution is to widen Fredericks Road and make it a two-lane roadway. Obviously, that will necessitate widening Cowpasture Road, and consequently will probably require the installation of traffic lights at the intersection.

The issues that I have raised point to specific problems with Cowpasture Road. However, they highlight the broader issue: that the road really needs to be widened along its entire length. The city of Liverpool was the fastest growing city in Australia between 1991 and 1996, and was the fastest growing city in New South Wales between 1996 and 1997, with 5 per cent annual growth. The area will keep growing until about the year 2020, when the population is expected to be 190,000. A large number of residents in the growth areas of Liverpool are using Cowpasture Road: from those suburbs such as Greenway Park, Prestons, Horningsea, West Hoxton, Hoxton Park and Hinchinbrook. All residents from those areas access Cowpasture Road. The volume of traffic has been increasing dramatically. It shows no sign of decreasing in the future. Indeed, it is expected to increase.

NATIONAL TEXTILES LTD

Mr BLACKMORE (Maitland) [5.45 p.m.]: I bring to the attention of the House, and particularly to the attention of the Minister for State and Regional Development, media reports of crisis talks being held regarding the textile industry being conducted by a firm known as National Textiles Ltd, Maitland, the largest private employer in Maitland. The company, which currently employs 420 people, has a long history in the area: the site in question is more than 50 years old. National Textiles started as a munitions factory with a series of large sheds spread out over about 21 hectares. The textile plant, which was established on the site after the Second World War, has continued its textile activity since that time.

In its prime, National Textiles had about 1,600 employees working at the Bradmill and Burlington mills. As I have said, it now has about 420 staff. In recent years there has been concern about that industry. That has been nothing unusual in the textile industry. If my memory serves me correctly, my predecessor was successful in obtaining a \$1 million loan to assist one owner, who then moved on to provide shares to the employees, creating more turmoil and successive ownership. The threat to the industry is now very real. National Textiles approached the Director-General of the Department of State and Regional Development for assistance. I should inform the House that National Textiles injects \$25 million into the economy by way of wages and outgoings in the Hunter region.

The company felt that, because of a number of problems associated with the physical nature of the site and services infrastructure, it was necessary to approach the Department of State and Regional Development for assistance. The request was for in the vicinity of \$3.8 million. To the Government's credit, two months ago it announced that assistance of \$600,000 would be forthcoming from the Hunter Advantage Fund. This was a contribution towards a total project cost of \$19 million for upgrading at the National Textiles plant. At the time management had said that the money would go a long way towards securing the future of employees at the site.

Only last month we were rocked to learn that employees of King Gee, which occupied a shed on site at National Textiles, suddenly received redundancy notices and payments: 87 people lost their jobs. National Textiles was supplying cloth to King Gee. At the time National Textiles had cut its work to four days a week in order to try to gain orders and retain the positions of its 420 employees. I refer to a report in the 21 September edition of the

Maitland Mercury which indicates that talks already have been taking place with the Textile Clothing and Footwear Union and that there had been hints of job losses. That is a blow to the community.

Regardless of what has happened, I am sure honourable members, especially those from the Hunter, do not like staff of the largest employer in the area to read in the newspaper that their job security is not good, that they may be out of work. I am not criticising the Government, because successive governments have contributed to this industry. I do not expect the Government to provide a large amount of money to keep this industry buoyant. I ask the Minister for Mineral Resources, and Minister for Fisheries to pass to both the Minister for State Development and the Minister for Regional Development an invitation at least to hold talks with National Textiles to see whether we can assist the industry and the employees. Given the articles that have appeared in the *Maitland Mercury* and, subsequently, the *Newcastle Herald*, the future for the employees looks bleak.

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [5.50 p.m.]: This Labor Government is acutely aware of the lack of job security in the Hunter and is following the matter closely. I thank the honourable member for Maitland for raising this matter in the Parliament. National Textiles has been a political football in the Federal election campaign, with one person playing politics instead of getting on with the job and getting the Federal Government to come to the party. We cannot afford to play crass politics with this matter, and the Government will not do that.

The honourable member for Maitland rightly said that the Government has begun to do the right thing and will continue to do the right thing. We must ensure that crass politics do not rule the roost, that we genuinely get on with the job. The people of the Hunter have had enough of publicity stunts and activities such as those in the Federal election campaign to which I referred. I look forward to sitting down with my colleagues and working through this matter. I shall pass the information to my colleague the Minister for Regional Development, and Minister for Rural Affairs. This Government cares about jobs and the people of the Hunter, as do people throughout New South Wales.

**NEWCASTLE INDUSTRY DEVELOPMENT
AND EMPLOYMENT**

Mr GAUDRY (Newcastle) [5.52 p.m.]: I draw the attention of honourable members to industry

development and employment. In doing so I shall give two positive examples of the Government's commitment to industry development in the Hunter, examples of industry, business and government working together to ensure that there is growth in employment in the Hunter. The first example is the opening last Friday of the Hunter Valley Equine Research Centre in Scone. I travelled through the green Hunter Valley to attend the official opening of the centre by the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development.

The equine industry is a keynote industry in the Hunter Valley, and the opening of the equine research centre is recognition of that. It is an important industry both nationally and internationally. With support from government and industry, the research centre in Scone will result in a burgeoning equine industry in that part of the valley. That is good news for the Hunter. That research centre project has benefitted from funding from the Brian Howe regional development fund established by the former Federal Labor Government. It was the first project considered by the Hunter Regional Development Organisation, an organisation involving Federal and State governments, business and industry groups, and local Government. Everyone recognised the importance of the equine industry in the Hunter Valley and targeted that project for the first funding allocation.

The project at Scone, which received Federal funding of about \$4 million, included the construction of a racetrack, a research centre and stables, which will provide training and horses for research. The State Government has made a large investment in the development of TAFE facilities on site. The project brings together all levels of government, the racing industry and TAFE. The University of Sydney and the University of Newcastle are involved in the project, creating a flow of academic involvement in research institutions. That is the first positive example.

The second example is the signing by Honeysuckle Development Corporation and the Hunter Valley Wine Society of the first lease arrangement on the civic workshop site in Honeysuckle in the heart of Newcastle. That is positive news. That project is a combination of the public and private sectors. I pay tribute to the Department of State and Regional Development and the Treasurer, who ensured that moneys flowed from the Premier's Hunter Advantage Fund to the Hunter Valley Wine Society to develop a call centre on site. Produce will be displayed on site and, hopefully,

people will be attracted to the site. The call centre will create an extra 25 jobs, which will be funded by the Hunter Advantage Fund.

These two projects are positive examples of the public sector, government corporations, the business community and all levels of education working together in Scone in the upper valley and in the heart of the Newcastle central business district to ensure that innovative industries with an export focus and with the capacity to provide employment for the people in the Hunter Valley are developed. I thank the Minister for Gaming and Racing for opening the equine research centre, because he played an important role in its development. I commend the Minister and all those involved for bringing these projects to fruition. [*Time expired.*]

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.57 p.m.]: I thank the honourable member for Newcastle for raising these important matters in the House. The Hunter Valley Wine Society and Honeysuckle Development Corporation have established a call centre and various other services related to those organisations. That will ensure that Honeysuckle is part of the important reinvigoration and redevelopment of inner-city Newcastle. As Minister Assisting the Premier on Hunter Development and as one of the architects of the Hunter Advantage Fund I can indicate that the money has been well spent. It has taken eight years to establish the Hunter Valley Equine Research Centre. The project involved a multimillion dollar investment by the Government, with those involved raising about \$2 million. The race course, TAFE and research centre on site will be of national importance. The New South Wales Government will continue to support research.

No-one has done more than this Government to bring these projects to fruition. The Federal Government must recognise the equine research centre as a national centre of excellence. Although the other States will go their separate ways, as they should, New South Wales cannot afford a situation similar to that with Vic Rail, which threatened the livestock industry, especially thoroughbreds, in Australia. Such a threat would have implications for the export industry; the important shuttle of livestock between Ireland and Australia which takes place now would stop. The Hunter Valley Equine Research Centre has the potential to become an international centre of excellence. I thank the honourable member for Newcastle for drawing the attention of honourable members to these matters.

**CARLINGFORD RESIDENTIAL
DEVELOPMENT ACCESS**

Mr TINK (Eastwood) [5.59 p.m.]: I raise some traffic issues relating to a development application for a proposed residential development at 1 Dalmar Crescent, Carlingford, that involves more than 75 residences on the site. I raised this matter on an earlier occasion in relation to flood problems and the Minister for Urban Affairs and Planning made some constructive suggestions. The Roads and Traffic Authority proposes to prohibit access from this development onto Marsden Road, which is the main road under the care and control of the Roads and Traffic Authority. The RTA basically states that because the development will have side access from Mulyan Avenue and nearby Mobbs Lane there should be no access for the development onto Marsden Road. That decision concerns a number of local residents and me.

Recently I inspected Marsden Road and noted a number of developments further up the road from this development. For example, in a 100-metre stretch of road incorporating Nos 324, 340 and 342 Marsden Road there are respectively 29, 11 and 15 residences adjacent to the intersection of Rickard Street near Carlingford Public School. I spoke to Mrs Margaret Kebsch, senior school assistant of the public school, which is in the vicinity of a 40 kilometres an hour zone during school hours. She said there was no problem with access on and off Marsden Road for those developments. The RTA should reconsider its decision not to allow access from this development onto Marsden Road. I have made representations to the Minister, which were responded to by the parliamentary secretary in a letter dated 14 September, which states in part:

It is the Roads and Traffic Authority's . . . practice that access should not be permitted from a State Road where access can be gained from a road other than a State Road. An alternative access . . . can be gained from Mobbs Lane.

. . . As Mulyan Avenue and Mobbs Lane are local roads under the care and control of Parramatta Council, the issue of access to the development from the local roads system and the issues relating to traffic conditions on these roads are matters for consideration by Council. It is Council's responsibility to ensure that their roads are adequate to accommodate the predicted flow of traffic that would be generated by the development.

I do not accept the RTA view. I spoke to the Minister earlier in the day and indicated I would raise this matter. I ask him to take the matter on board and have the RTA decision reviewed. The traffic on Marsden Road could be dealt with in ways that would not raise any safety issues. The current open space that fronts Marsden Road from the

development could be utilised to create a deceleration lane, in fact, to create a fifth lane, on Marsden Road for traffic going into and coming out of the new development. The development would have an entry to and exit from Marsden Road set back into the current footpath resulting in the footpath being realigned into the open space. Additionally, a concrete island could be put in place on Marsden Road to ensure a left turn in and out for entry and exit from the development.

The decision should be reviewed because the development has the capacity and there is open space to provide a fifth slip lane. I request the Minister to ensure that the standard RTA response be reviewed with a view to seriously considering that proposal. The RTA response seems to put responsibility for local road safety matters back on to the council. In the last couple of days I have driven up Mulyan Avenue and if cars are parked on either side there is enough space for only one vehicle to pass through. That situation is totally inadequate and fixing it would involve much expenditure from council as well as a gross invasion of the local residential amenity. Marsden Road is more than able to handle this traffic and is easily capable of being widened as part of the development, with the developer carrying the cost. It is not unreasonable to ask for a full reconsideration of what I call the standard RTA response. Having spoken to the Minister, I am confident that he will examine it, which is what I ask him to do.

THIRD PARTY INSURANCE

Mr HARRISON (Kiama) [6.04 p.m.]: I bring to the notice of this House the frustration and serious inconvenience suffered by one of my constituents, Ms Anna Harves, a resident of Berry in the Kiama electorate. Ms Harves' father brought to my attention the obstruction his daughter encountered after being injured in a motor accident on 19 July. Anna was about to enter the rear right-hand side of a vehicle when she was struck by another vehicle whose driver lost control and knocked her 10 metres along the road. The driver of the offending vehicle was a 19-year-old who was subsequently charged with drink-driving and with injuring two people after recording an alcohol reading three times higher than the prescribed limit.

Anna received a broken femur, fractured humus, punctured heel, knee injuries and loss of feeling to the entire left side of her body. Since then her parents have paid for her medication, X-rays, physiotherapy, wheelchair hire, portable toilet and shower chair. They have filled in forms with the NRMA after receiving assistance from an insurance

broker. As it was urgent to have the compulsory third party insurance number to claim payment for the bills, Anna's mother drove to Sydney to lodge the appropriate forms and was assured that the number would be received within a week of lodgment.

However, the lodgment form was returned by the NRMA claiming that not enough information was provided. The young lady's physiotherapist has refused to give her treatment as the NRMA has not admitted liability, noted that the CTP number could take as much as nine weeks to be cross-referenced with the police report and indicated it would then make a decision in accordance with normal policy. Anna's parents have since been in touch with the Insurance Council of Australia and spoken with Mr Ian Hamilton, who also reportedly defended the NRMA's actions stating that what occurred was, once again, normal practice.

Anna was to start in new employment in Spain two days after the accident in a highly paid position but is now left without income, although she has applied for social security assistance. On phoning the Hunter crash investigation unit last week I learned that the matter was listed for mention before Belmont Court on 8 October, at which time the balance of the police brief would be served and another court date set. I was advised further that the NRMA insurance company had made application for the CTP police report under claim number 1018191000.

Since Ms Harves' accident 10 weeks have elapsed and whilst things such as presumption of innocence play a part in matters like this, I cannot ignore the suspicion that insurance companies such as the NRMA deliberately drag their heels in cases involving third party insurance claims. Whilst Anna Harves has been left totally reliant on assistance from her parents for the past 10 weeks, not everybody has that type of assistance available. For example, a family provider crippled in an accident could be left with no source of income for a period of months while insurance companies dither or hide behind clichés such as acting in accordance with normal policy.

I call on the Attorney General to investigate Ms Harves' situation with a view to requiring the NRMA to assist her immediately and, more particularly, to bring forcefully to the attention of the NRMA and other insurance companies offering third party insurance that they deal sympathetically and co-operatively with genuine cases when assistance is clearly needed. Insurance companies should be required to discontinue their obstructive

and callous treatment of motor accident victims. It is one thing to talk about the presumption of innocence, that the young person involved might plead not guilty and challenge the alcohol reading, but it is clear, regardless of whether the driver is eventually deemed to be under the influence, that he crashed into the side of a vehicle the young lady was attempting to enter. It is clear that third party insurance must offer protection and that people should not be fobbed off with what is regarded as normal procedure. [*Time expired.*]

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [6.09 p.m.]: The honourable member for Kiama should be congratulated on being such a fine member of Parliament and representing his constituents so well. This is a timely warning to the insurance industry. The Insurance Council receives numerous complaints. Members on both sides of the House get very angry when they see their constituents treated poorly. Fair warning is being given to the insurance industry to put its house in order or cop the consumer protection that Parliament may introduce to provide a better deal for those who are blatantly victimised by bad management practices. There can be no excuses for the way that so many are treated. The Government is sending a clear message to the industry: put your house in order or cop what is coming, and you will not like what is coming. It will provide a high degree of consumer protection. I thank the honourable member for his tireless efforts to ensure his constituents receive justice.

Private members' statements noted.

[*Mr Acting Speaker (Mr Mills) left the chair at 6.11 p.m. The House resumed at 7.30 p.m.*]

MINISTER FOR POLICE

Motion of Censure

Debate resumed from an earlier hour.

Mr WHELAN (Ashfield—Minister for Police) [7.30 p.m.]: This is a classic example of time wasting in this House. This supposed censure arises out of events that occurred some time in June and it has taken until today for the matter to get onto the parliamentary record simply because the Opposition—even though the House has been sitting for two weeks—decided not to proceed with it. That being the case, there are very simple arguments to resist the motion. There are very simple arguments to suggest this is nothing more than I have suggested—a waste of time. Honourable members—that is a phrase we take for granted in this House—

are elected to Parliament and they have duties and obligations. One of many obligations is contained in Standing Order 30—it has been in the standing orders since time immemorial—which states:

Every Member is bound to attend the service of the House unless granted leave of absence by the House or any committee to which they are appointed.

That standing order imposes an obligation on members of Parliament to attend the service of the House.

Mr Hartcher: Where are your members now?

Mr WHELAN: Three members of the Government and three Opposition members are present. It is 7.35 p.m. and honourable members are going about their business, telephoning home or their constituents, doing what they do at this time of the evening. It is not essential that every member be in the Chamber. What is essential and what is implicit in that standing order is that every member should vote when a division is called. That is what the division bells are for.

Mr Hartcher: Why did the Premier not vote?

Mr WHELAN: I will come back to that. The division bells summon all members to the Chamber to make a decision. On the afternoon in question all members of the Opposition left this Chamber. They scampered out like mongrel dogs, because they were afraid to vote on a number of important issues. There were four divisions. The standing orders provide that motions may be divided into four. That is what happened and that was in accordance with the standing orders. I am pleased that the honourable member for Strathfield is present. He proposes to stand as a candidate for the new seat of Strathfield. He will have to explain to his constituents why he, like everyone else on the other side, ran out of this Chamber like a mongrel dog.

There is no point in asking where the Premier was or where the other members were because those honourable members who were referred to earlier—the Minister for the Olympics, the Premier, the honourable member for Fairfield and the honourable member for Auburn—were all paired. Members opposite cannot accuse me of throwing out Westminster principles. The Opposition Whip granted permission, in writing, for all those members to be absent, and because it suited members opposite they decided to abandon the pairing arrangement. Members opposite threw the pairing arrangements out the window.

[Interruption]

Of course there are pairing arrangements, I have them in writing from the Government Whip, for example, the one in relation to the Premier, signed by the former Opposition Whip and agreed to. The Premier was given permission to be absent from Parliament and was paired. Such was the desperation of members opposite that they ripped up the Westminster principles and left the Chamber. Some people call this the cowards' castle, but the lobby must be the cowards' anteroom. Members opposite stood outside and did not have the guts or gumption—

Mr Rozzoli: We are not cowards.

Mr WHELAN: Of course you are. How many times has the honourable member, in his long and distinguished career, absented himself from Parliament, ducked his obligations and omitted to vote? He did not have the decency to stay here and vote because the issue affected each and every member opposite. Tonight I predict the demise of the honourable member for Strathfield. Not only will he be recognised as a weakling in his electorate but he will be seen, like everyone else in the Opposition, as having failed to vote by deliberately absenting himself from the Chamber. Members opposite walked out and took their principles with them. The issue being debated in this Chamber was whether Pauline Hanson's One Nation Party should receive support.

Members opposite knew that the honourable member for Murwillumbah and others had made advances to One Nation for the purpose of getting that party's preferences. Those cowards ducked out of this Chamber. That is contrary to Standing Order 30; it is contrary to their obligation as members of Parliament. I was accused tonight of rorting the voting principles of Westminster. I ask members opposite to read Standing Order 191. When members of the Liberal and National parties and the Labor Party agree, we stand on one side of the Chamber together. The opponents—in this Chamber usually the Independents—stand on the other side. Standing Order 191 states:

If there are five or fewer Members on a side on a division, without completing the division, the Speaker shall declare the question resolved and the number in the minority and their names shall be recorded.

We have been recording the names for and against and the minorities in this Chamber for ages. Members opposite resent the fact that the Government recorded their cowardice, the fact that they do not have the courage of their convictions and the fact that they were not prepared to stand up and be counted. Despite what the honourable

member for Gosford said, the motion was not anything other than what was moved in the Chamber. The motion stated:

That standing and sessional orders be suspended to provide for the names of members voting for the ayes in each of the paragraphs in the resolution to be recorded and the names of those members not voting to also be recorded.

The motion did not state that the names of those who were not voting should not be recorded. The Premier, the Minister for the Olympics, the honourable member for Auburn and honourable member for Fairfield were all paired, as indicated on the documents signed by the Opposition Whip. Those members could not be present, and that is why the motion was moved.

Mr Fraser: Hoist on your own petard!

Mr WHELAN: I want to illustrate that the honourable member for Coffs Harbour is, besides everything else, a coward. When Opposition members were caught in a difficult situation they ran out of the Chamber, taking their consciences with them. They ran off like mongrel dogs. They all hid in the anteroom. They lined up with military precision because they had decided not to vote. One would have thought that the Parliament was going to collapse, the motion was so important to Opposition members.

Mr MacCarthy: Put your seat where your mouth is.

Mr WHELAN: The honourable member for Strathfield chose not to confront the issue. Why did he not stay in the Chamber?

Mr MacCarthy: You are gutless.

Mr WHELAN: The honourable member for Strathfield should not make references to people being gutless. I do not know what he intends to do after the next election, but he will find it very difficult to get a job. No-one will employ him. He is unemployable because he is a coward. The four Government members to whom I have referred could have been paired—as they were—or they might have been sick, which would have been established. The Opposition, on the ground of simple cowardice, chose not to vote. This motion is a waste of parliamentary time.

Mr Hartcher: What about the three hours that were wasted yesterday?

Mr WHELAN: Opposition members represent 46 per cent of the seats in this Parliament. I imagine

that when their constituents come to them with a real problem and request that they fight for them they say, "Yes, except when it comes to the vote." Opposition members are not able to give their constituents a guarantee that they will invoke the standing orders of this House. They are not able to tell their constituents that they will fight for them all the way. That is as clear as crystal. Opposition members sneaked out of the Chamber. They sent their emissary, the honourable member for Cronulla, to find out what was happening.

Opposition members did not want their names to be recorded as having voted against the motion condemning the contemptuous practices of the One Nation Party. Opposition members—including the honourable member for Coffs Harbour and the honourable member for Hawkesbury—will be found to have done a deal with the devil. They hoped that they would be able to hide in the corridors. They wanted to hide at the back of these buildings, down in the cold dungeon away from the public spotlight. They hoped that they might get away with that and might, as a last resort, do a deal with the One Nation Party to try to ensure their survival. This nation must be united.

Mr Hartcher: Be one nation.

Mr WHELAN: The honourable member for Gosford might be a One Nation supporter. Perhaps that is why he left the Chamber at the time.

Mr Hartcher: You are the only One Nation supporter I know.

Mr WHELAN: The honourable member for Gosford mentioned One Nation. The Opposition was presented with an opportunity to vote for a motion that would have demonstrated that it does not approve of One Nation and does not support Pauline Hanson's practices. Instead of confronting the issue, Opposition members did what every coward does—they ran from the problem. That is the issue. The honourable member for Gosford had the hide to move this motion. I have been reading newspaper reports about cowardice. According to those reports, the honourable member for Gosford chose not to speak in defence of the person he hoped would be his future leader, the honourable member for Lane Cove.

Maybe that is something I did not know about the honourable member for Gosford. In two separate instances the honourable member has chosen not to vote. I am not concerned about the coalition's internal party battles, although reports of them may be worth repeating occasionally. I am concerned that

those opposite whose primary obligation is to provide opposition to the Government, were prepared to leave the Chamber. What kind of Opposition is that? Opposition members can hardly complain that I adopted practices alien to the Westminster system when they abrogated their responsibilities and were not even in the Chamber to vote.

Mr MacCarthy: At least you acknowledge your practices now.

Mr WHELAN: No, that is your claim. I am not going to talk to the honourable member because he will not be here after the election. I predict that he will lose his seat by 6,000 votes, and I am prepared to take bets on that now. The honourable member does not have any credit. Opposition members should not refer to the Premier's absence, because the parliamentary records show that the Premier was absent but was paired. Opposition members threw out the book in relation to the Premier, the honourable member for Fairfield, the honourable member for Auburn and the Minister for the Olympics.

The Opposition had the pairs list, which was signed by the former Opposition Whip, the honourable member for Cronulla—who lost his position in a coup. The signature of Malcolm Kerr is shown on all those papers. The honourable member for Cronulla, an honourable person, was dumped. When the cowardly Opposition members scampered out of the Chamber they left the honourable member for Cronulla here. He did not know what had happened. He was saying, "What has happened? I gave these pairs out. What is going to happen now?" [*Time expired.*]

Mr ROZZOLI (Hawkesbury) [7.42 p.m.]: One thing I will say for the Minister for Police is that he may not believe a word he says, but he does it well and with great conviction. The Minister for Police looks one straight in the eye and he has a lovely smile on his face—a smile that would melt the stoniest heart. The trouble is, the Minister does not believe anything he says. The basis of this censure motion is the total contempt for the standing orders shown by the Minister for Police on the evening of 4 June—the kind of contempt usually associated with, for example, generals in Burma who ignore the rules. That is what the Minister for Police did on that occasion.

The Minister for Police tried to create a stunt in his moment of panic when the Opposition decided to do what it did. The Opposition's action was perfectly within the bounds of the standing orders—

contrary to what the Minister has said. There is nothing in the standing orders that stipulates that a member is obliged to vote on an issue. From time to time honourable members have abstained from voting—although perhaps not in the numbers involved on this occasion—and their names did not appear in the *Votes and Proceedings*.

Any member who wishes to criticise another member for abstaining may do so. The parliamentary records will show that a member or members did not vote. There was no need for the Minister for Police to contrive. The record was clear. The pairs could have and should have been recorded in any event, because they were granted by prior arrangement. The fact that certain members did not vote would have been evident from the record. The Government could have accused Opposition members of cowardice if it wished to do so.

The Opposition has the right to have a different version. The Leader of the House broke a convention which probably dates back 850 years. Two basic conventions are observed by people in a parliamentary gathering. The first relates to the origin of the word "Parliament"—a place of talking. The second is that at the end of the day those who choose to do so can cast their vote for or against whatever matter is to be determined. Over the years the tradition evolved that, because of the configuration of the House of Commons, the ayes passed to the right of the chair and the noes passed to the left of the chair.

The standing orders do not state that a member must vote. The object is for the House to record what happened. On this occasion none of the members on one side of the House voted, some members on the other side of the House voted, and a number of members were paired. Whatever occurred in the House at the time was shown on the record. The Leader of the House contrived to create a list of people who were not present. The case against the Leader of the House is absolutely indisputable and if honourable members were to exercise a conscience vote, they would vote for the motion.

The Leader of the House misused the provision to suspend standing orders which has become a classic form of management of this House. The Minister for Police believes that the suspension of standing orders can create a situation in which anything can be done. I admit that there is nothing that states standing orders cannot be used that way, but certainly the convention is that standing orders are suspended to remove minor constraints on some business which has suddenly

arisen and needs to be dealt with in order to allow the business of the House to progress logically.

Suspension of standing orders is not designed to totally distort the practice and custom of the House or the outcome of situations or, as occurred in this case, to put on the record things that should not be on the record. It was a sorry day for this House when the Minister for Police misused the practice of suspending standing orders so as to bring the standing orders into disrepute.

Mr Stewart: What are you going to say, Bruce?

Mr MacCARTHY (Strathfield) [7.47 p.m.]: The first thing I will say, having listened to the Minister for Police talk about cowardice and about records on multicultural issues and so on, is that this farce came about on 4 June despite the fact that the issue had been debated the day before. The House dealt with the matter and my opinions were placed on the record. No-one in the community could doubt my attitude to One Nation. If the Minister thinks that I am a coward about multiculturalism and that it will cause me damage in the expanded electorate of Strathfield, he should run against me. If he says I will lose he should have the courage to run against me.

Mr Whelan: You are going to get flogged.

Mr MacCARTHY: Have a go.

Mr Whelan: I can't run for everybody.

Mr MacCARTHY: The Minister has not got the guts to have a go. The Minister will stand condemned. My position in regard to multiculturalism is on the record. The ethnic communities know where I stand and they know where the Liberal Party stands. When the Government is in trouble it uses brute force and the numbers to try to change the system. No vote can ever mean what it says, because it can always be changed and be deemed to mean something else. The Premier and three other members of the Government did not vote, which should have been recorded. If there had been a pair one could look at the *Hansard* record and see the pair recorded in the division list, but no pair was recorded.

It is abundantly clear that if the Government wanted to pull such a stunt it needed to get its act together. The Government should not have pulled this stunt of recording non-voters as if they had voted against the motion. As the honourable member for Hawkesbury said it would have sufficed simply to have on the record the names of members who voted yes. Nobody was seeking to hide on that day.

The Opposition merely chose to ignore the motion and not give credence to another time-wasting stunt by the Government. It was a cheap and shoddy attempt to misrepresent the position.

The record shows where the Liberal Party stands in relation to One Nation. The Leader of the Opposition made clear his position, that of the Liberal Party and individual members, including me. What is happening in the Federal election at the moment demonstrates that very point. The rort in this House was to record non-voters as if they voted against the motion, but the Government got it wrong because some Labor members did not vote. The greatest rort of all was that after the event people were deemed to have voted in a ballot when they did not vote. That precedent will permit any future government to retrospectively alter the record and put a different complexion on what really happened.

Mr Scully: Good for democracy.

Mr MacCARTHY: Good for democracy! The Minister says that the Government can change a record after the event. That is what one would expect from a Minister in an anti-democratic government who belongs to a party that believes whatever it takes is the rule; where vote early and vote often is the creed.

Mr Scully: You are getting wound up.

Mr MacCARTHY: I am not getting wound up. As I said my views and my party's views on multiculturalism are abundantly clear and the Opposition's record leaves the Australian Labor Party's record for dead. The record shows that the coalition abolished the white Australia policy introduced by the Australian Labor Party.

Mr Scully: We are going back a bit.

Mr MacCARTHY: Thanks to this Government I can go back at any time and change the course of history because the Minister believes it is a good idea. The Minister deserves to be condemned for his blatant rorting of the rules. [*Time expired.*]

Mr HARTCHER (Gosford) [7.52 p.m.], in reply: The office of Leader of the House is a dignified one, hallowed by history. That important role relates to the governance of this House. The Leader of the House is the one person, after the Speaker, who has responsibility for maintaining the dignity of the House. He or she has to have an understanding of the standing orders to ensure that the principles and practices which underlie the administration of the Westminster system are upheld and honoured.

On 4 June honourable members saw a travesty of democracy. The Leader of the House and Minister for Police, the person in charge of the administration of justice in this State, tore up the rule book and acted in an unprincipled and compromising manner, frustrated because his stunt had misfired. The Minister for Police pulled a stunt in this Chamber to try to trap members of the Liberal Party and the National Party into declaring their position on preferences for Pauline Hanson's One Nation Party. When that stunt failed he sought to change the rules in an attempt to embarrass the Liberal and National parties. However, he discovered that the Premier, the leader of his own party, had been caught out.

It was extraordinary that the Premier of New South Wales was caught out as being a supporter of One Nation because the Minister for Police and Leader of this House changed the rules in a way that failed to take into account the consequences of his own action. The Leader of the House has been caught out. He has torn up the rule book and acted in an unprincipled and unparliamentary manner. The standing orders of the House are quite clear and include of the order of eight separate sections on divisions and the responsibilities that relate to divisions.

In his defence the Minister sought to plead Standing Order 191 which relates to fewer than five members being present and having their names recorded. As the Minister well knew at the time, that does not relate to what he was trying to achieve on this occasion in question, which was to catch the Liberal and National parties out. He pulled a stunt, it failed, and when he was caught out he tore up the rule book. What does that say about a person who is charged with the responsibility of being Leader of the House? It shows him to be what he is well known to be: a person who will take any advantage, pull any trick or take any action that serves him and the right wing of the Australian Labor Party, which he represents. To attack the well-respected member for Cronulla in the way he did was a disgrace.

The honourable member for Cronulla had signed the pairs list and the Opposition would have acknowledged the pairs if there had been a division between the parties. However, if there were no members on the Opposition side, how could Opposition members be paired with absent Government members? There was no change in the understanding, traditions or practice of the House by the Opposition; the only change was on the Government side. The Minister deserves the censure of the House and that is the reason the motion has been moved. If it is defeated on party lines it is of no consequence, because that is simply an application of numbers over intelligence and principle.

It is important that the House record its abhorrence of the conduct of the Minister. If he cannot run the Police Service and this House in an honourable manner, he deserves and must receive the censure of the House. The result of a free vote on this motion would be interesting. As the honourable member for Hawkesbury has said, the standards applied by the Minister when his stunt misfired are the standards of the Burmese generals: if the rules do not suit you, change the rules. Yet the underlying principle of the Westminster system, which I outlined earlier, is embodied in an acceptance by members of Parliament that certain fundamental constitutional rules underlie their conduct. If we abandon those rules we abandon all principle, and resort to the law of the jungle.

The Minister showed that when he had lost the plot, when his stunt had misfired, when the Premier was caught out, when his party was embarrassed and when he was cornered he would simply resort to trickery to justify his conduct. He cannot justify his conduct, and has not done so. He had 15 minutes in which to explain his conduct and apart from attacking the honourable member for Cronulla, making remarks about me, making allegations about the pairing system and dealing with the gross incompetence of the Minister for Transport, he had nothing to say in his defence. The Minister has committed an offence and must be censured. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 37

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

Noes, 47

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

Pairs

Ms Allan	Mr Collins
Mr Carr	Mr Hazzard
Mr E. T. Page	Mr Kinross
Mr Rumble	Ms Seaton

Question so resolved in the negative.

Motion negatived.

BUSINESS OF THE HOUSE**Precedence of Business**

Mr WHELAN (Ashfield—Minister for Police) [8.14 p.m.]: I move:

That standing and sessional orders be suspended to provide that on Thursday, 24 September 1998 the routine of business shall commence with consideration of the General Business Notice of Motion given this day by the member for Canterbury with the following speaking times to apply:

Member for Canterbury	10 minutes
Member next speaking	10 minutes
Six other members	5 minutes
Member for Tamworth	5 minutes

following which Government business shall take precedence of general business.

Mr HARTCHER (Gosford) [8.15 p.m.]: Is it any wonder that a short while ago the Opposition

moved to censure the Leader of the House for tearing up the rules of this House. There are on the business paper 140 notices of motions, some of which have been listed for three years, and 24 bills, some of which have listed since 1995. The Leader of the House has no idea how to organise the Government's business. Yesterday honourable members had a three-hour debate on the goods and services tax and today debated for an hour and a half a motion on information technology.

[Interruption]

As the honourable member for Pittwater says by way of interjection, the Leader of the House runs this place like he would run one of his pubs. The suspension motion moved by the Minister will deny honourable members their right to debate matters that have been placed on the notice paper. The procedure proposed by the Minister is simply to satisfy the honourable member for Canterbury, at the very time that the Minister is organising the departure of the honourable member for Canterbury from this Parliament.

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

Mr HARTCHER: It is not the Liberal Party but the Minister himself who will remove the honourable member for Canterbury, because the Minister is after that seat. The honourable member for St Marys is after the seat of the honourable member for Londonderry. It is the height of hypocrisy for the Leader of the House to pretend to be the friend of the honourable member for Canterbury by allowing that honourable member to move his motion tomorrow on whether the Brisbane Broncos should beat the Canterbury Bulldogs on Sunday, while all other notices of motions and all the bills on the notice paper will be set aside as a sop to the honourable member for Canterbury while the Minister crunches the numbers. Honourable members know that if any member of the House is doomed it is the honourable member for Canterbury. He should wake up to the fact that he is a dead man walking.

The honourable member for St Marys will have the fight of his life on his hands, regardless of what the Independent Commission Against Corruption says in November. It is well known around this place that the honourable member of St Marys has put the knife in the honourable member of Londonderry. The honourable member for St Marys may laugh, but his face is as red as Bill Clinton's face—and the honourable member does not have Monica Lewinsky. He simply has the

honourable member for Londonderry. The Leader of the House has perverted the forms of this place for his own gratification, and all the honourable member for Canterbury will get out of it is a motion about the Bulldogs game on Sunday. Well done, Kevin!

The honourable member for Canterbury has been a member of this House for 12 years. He will finally walk out after being knifed by the administration committee and his right-wing mates. He may laugh but he knows what is in store. Just as the honourable member for Kogarah got shafted, the honourable member for Canterbury will get shafted by his right-wing mates. Honourable members will vote for this motion to enable the honourable member for Canterbury to move a motion about the Bulldogs. When he walks out of here all he will be able to say is that his only contribution was a motion about the Bulldogs. As I said, the Leader of the House has perverted the forms of the House for his own gratification.

Dr MACDONALD: I seek leave to address the House on this important issue.

Leave not granted.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 45

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

Noes, 39

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

Pairs

Ms Allan	Mr Collins
Mr Anderson	Mr Hazzard
Mr Carr	Mr Kinross
Mr Rumble	Ms Seaton

Question so resolved in the affirmative.

Motion agreed to.

PAWNBROKERS AND SECOND-HAND DEALERS ACT: DISALLOWANCE OF CLAUSE 16A(1) OF THE PAWNBROKERS AND SECOND-HAND DEALERS AMENDMENT (RECORDS AND GOODS) REGULATION 1998

Debate resumed from 16 September.

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [8.33 p.m.]: Clause 16A(1) of the Pawnbrokers and Second-hand Dealers Amendment (Records and Goods) Regulation requires pawnbrokers and second-hand dealers to provide information concerning goods that have been pawned or sold to them to the police in order for the police to be in a position to cross-match the data with their existing records on property theft in the COPS computer system. The requirement means that property theft in New South Wales will be more closely monitored to reduce the extent of such crime in this State.

The honourable member for Myall Lakes raised two substantive issues in his motion to disallow clause 16A(1) of the regulation, both of which I am only too happy to address tonight. The main issue is the requirement to transmit reports of goods pawned to the broker or purchased by the dealer within a 24-hour time frame to the police. The second requirement is to properly describe those goods for police to be in a position to identify and cross-match the details with their existing crime data. The 24-hour requirement for pawnbrokers or second-hand dealers to submit data to the police has been the subject of considerable consultation and discussion between all parties involved in the legislation's implementation. The police have emphasised the requirement for data to be provided in a timely manner and 24 hours has been determined as an adequate turnaround for those in the industry to provide their data to the police.

My colleague the Minister for Fair Trading advises me that he has considered the substance of the honourable member's comments to disallow this clause and has directed his department to undertake further discussions with the police in order to consider the issue of timely transmission of data. The Government is committed to consultation and has no problem revisiting the issues of compliance with this regulation to ensure there is compliance and every possibility of compliance. On advice to hand, such compliance is considered achievable and I am advised that in Western Australia dealers and brokers live with a 24-hour requirement in their similar regulatory regime. It is in everyone's interest to make sure the regulation is complied with at every turn. There is nothing to indicate at this stage that compliance with the time frame will cause undue pressure on the industry or lead to legal problems for the brokers and dealers involved.

As the honourable member pointed out, the Commissioner of Police has the capacity to exercise a discretion in the clause the member seeks to disallow. He seems to want to throw out the baby with the bathwater in this instance. The Commissioner of Police has the capacity to make other arrangements under clause 16A(1) apart from the principal arrangement for the particulars of a record to be created and stored in electronic form and transmitted in electronic form within 24 hours of being made. This allows the commissioner some flexibility should there be a specific instance of inability to comply with the requirement to furnish data within 24 hours. However, there is no reason at this stage for the other arrangements to apply in a blanket fashion.

The requirement of transmission within 24 hours is considered the most appropriate by the police as a matter of uniformity. The police advised the Department of Fair Trading that if a licensee is physically unable to send computer records to the police service within 24 hours of a record being created, the licensee must contact the officer in charge of the police station nearest to the licensee's place of business to discuss the matter. Once the matter has been so discussed, the police may form the view that it is appropriate for the commissioner to permit other arrangements to be made for the purpose of furnishing information to the police.

The second issue raised by the honourable member for Myall Lakes was the requirements of description in the transmission of data to the police. After exhaustive consultation on that issue, the Government is confident the describing of goods will be undertaken with due diligence by industry members who support this Government's important law and order initiative, an initiative that will go a long way towards contributing to a decline in property theft in New South Wales. The regulation has no intention of incriminating pawnbrokers and second-hand dealers as the honourable member so colourfully put in his disallowance motion in this House on 16 September.

The regulation does indeed place an onus on the industry to comply and to report as the member pointed out, but there is no evidence to hand that compliance is out of the question. There is no denying that pawnbrokers and second-hand dealers are hard-working members of the business community and the community at large. There is also no denying they have come to recognise that they have a role to play in crime prevention. While some part of the regulation may be unpopular with a small minority, it is an essential ingredient in the overall scheme of things and has received widespread support in the industry and community. The Government opposes the disallowance.

Mr CHAPPELL (Northern Tablelands) [8.40 p.m.]: I support my colleague the honourable member for Myall Lakes in seeking to have clause 16A(1) of the Pawnbrokers and Second-Hand Dealers Amendment (Records and Goods) Regulation withdrawn, particularly the 24-hour reporting requirement. Theoretically, it is possible for pawnbrokers and second-hand dealers to comply with it, but is it practical? The Government has missed the complex nature of the businesses involved. These businesses very often operate in two or three different modes at the one time. They are not simply straight-out pawnbrokers. That may be the case with some of the bigger operators in the

metropolitan area. It is certainly not the case in the country towns.

I am indebted to Mr Noel Kenny of Inverell Bric-a-Brac, who has been very vigilant in corresponding with me about this matter since about May of last year. He has sent me some excellent material which I have passed on to the department to keep it informed of a well thought through set of objections to the proposed legislation. Although members on this side of the House agree it is important for the industry to be policed, for genuine outcomes to be achieved, for stolen property to be identified and therefore recovered by the police, and so on, at the end of the day the regime must work. The proposal in relation to 24-hour reporting and the question of accurate description and identification within that period of time for a vast range of goods and chattels that may be traded to pawnbrokers and second-hand dealers is simply not feasible.

The very nature of these businesses means many of these people work long hours. In the country they travel a lot. They are often away from their bases. To go back and download data and have it available within 24 hours is simply not practically achievable. We accept it is theoretically possible, but it is not practical. Members on this side of the House are simply asking that that issue be revisited. The Minister indicated that the police are prepared to have another look at that regulation. We hope they will.

It is important to acknowledge in this place tonight that the Regulation Review Committee emphatically rejected this clause of the regulation as being very difficult to implement. Members of the Opposition will continue to pressure the Government to withdraw this clause and, after genuine consultation with all sectors of the industry, large and small, metropolitan and country, to make something that is practically achievable and enforceable.

I have kept the dealers in my electorate regularly supplied with the unfolding nature of this proposal. I have received good feedback from them, and I am sure other honourable members have received similar feedback. I have kept the shadow minister regularly informed on this issue. These dealers genuinely have complained about the difficulties in implementing this requirement as they go about running their businesses. These are not fly-by-nighters, they are people running genuine businesses. Many of them have been in situ for decades. When one of them has written page after page of detailed commentary on the proposal, saying for this reason and for that reason this is an

anomalous burden on his business, honourable members have to take that into account.

The suggestion that if dealers cannot comply with the 24-hour reporting they should contact the police and the police will understand their predicament is ludicrous. Would it not be more sensible to extend the reporting period? I am sure that many businesses that are properly structured and in permanent locations, and with adequate staff and resources, may well be able to comply with the 24-hour reporting provision. Many others, especially the small, distant ones, with operators who travel continuously in support of their businesses, trying to scratch a genuine living out of this type of work, cannot. Many of these people are not necessarily technically proficient in computerisation and will now have to develop an entirely new business practice and skill. These people simply will not be able to oblige and we will be putting them in a position of not being able to comply with the law.

It is commonsense for the Government to conduct a genuine review of this provision. This is not something the Opposition has sought lightly. We ask in a genuine spirit that the clause be reviewed, and we believe a good outcome is achievable. To ask people to supply full and proper identification within 24 hours is doomed to failure. Any law that cannot be complied with within the time frame is bad law and ought to be repealed.

This provision should be reviewed and a suitable, workable alternative should be implemented in co-operation with the industry. It is proper for the Opposition to ask on behalf of the industry that the Government have another look at this regulation. If it does, its bona fides in the industry will be respected and it will receive co-operation. If it seeks to continue to enforce an unworkable requirement, many people will continue to operate outside the law. I support the motion of the honourable member for Myall Lakes and suggest that the Government seriously consider the matter, review the requirement and make it workable.

Mr SHEDDEN (Bankstown) [8.46 p.m.]: The motion requires that the records are stored in electronic form by licensees be transmitted to the Commissioner of Police within 24 hours of being made, or in accordance with other arrangements made by the Commissioner of Police with the licensee. The Pawnbrokers and Second-Hand Dealers Amendment (Records and Goods) Regulation 1998 was made available in draft form to this House and to the Regulation Review Committee when the Minister introduced the Pawnbrokers and Second-Hand Dealers Amendment Bill. The

Regulation Review Committee resolved to seek a briefing on this draft and the regulation published on 20 March, which delayed the implementation of the computerisation scheme until 1 January next year.

The committee sought a briefing from the same parties who attended the committee's briefing on the principal regulation in September 1997. That earlier briefing was reported to Parliament in the committee's twelfth report. The briefing was held on Thursday 21 May at Parliament House and was attended by the honourable member for Myall Lakes and representatives from the Department of Fair Trading, the police department, the privacy committee, Worboys and Associates, the Chester Hill loan office, the Pawnbrokers Association of New South Wales and the Antique Dealers Association. The outcome of that briefing is the subject of a report to Parliament, which I tabled two weeks ago.

In the briefing the industry was generally concerned that the current deadline of 1 November for testing of the computer system and its implementation on 1 January 1999 may be too tight and that further assistance from the Police Service will be required to implement the system. The industry expressed concern about this particular clause, because from a management point of view it argued it would be difficult to comply with the requirement to transmit data within 24 hours, particularly on weekends when casual staff often run the businesses. The industry also believed that there would be problems with the software design and at the police end of the system because of potentially dubious data. Representatives of the industry expressed the view that it would be just as effective for the police if the data were to be transmitted within a time to be negotiated with the police.

Committee members pointed out that such negotiation is permitted as the draft regulation stated that the data was to be transmitted within 24 hours or in accordance with other arrangements made by the Commissioner of Police. As I have indicated, that provision has been carried over from the draft into the clause now under consideration. At the conclusion of the briefing the representatives of the Police Service gave an assurance that the pawnbroking and second-hand dealing industry would be further consulted on the computerisation and that a consultative meeting would be held within a few weeks of the briefing. The Minister confirmed that undertaking in subsequent debate on the bill.

The Department of Fair Trading advised that there was insufficient time for consultation before the regulation was published on 24 July 1998.

However, a number of minor changes were made to the draft before it was finalised. I understand that industry is still keen to have a round-table discussion with the department and the Police Service to resolve the outstanding issues. I oppose the motion on three grounds. I oppose it first on the ground that negotiation of a longer transmission time than 24 hours is permitted by the clause.

Second, I oppose it because the clause only starts to be phased in next year when a condition will be included in every licence issued or renewed on or after 1 January 1999 that requires the licensee to use electronic means of creation and storage of records using software specified in the condition. Third, I oppose the motion because the issue of computerisation can be properly resolved only after full consultation and negotiation with industry. If need be, the commencement of computerisation should be further postponed to permit that to take place.

Debate adjourned on motion by Mr MacCarthy.

LIQUOR AMENDMENT (RESTAURANTS AND NIGHTCLUBS) BILL

Bill introduced and read a first time.

Second Reading

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [8.53 p.m.]: I move:

That this bill be now read a second time.

The Liquor Amendment (Restaurants and Nightclubs) Bill has three main objectives. First, the bill will amend the Liquor Act 1982 to enable up to 30 per cent of dining seats in licensed restaurants to be used for the consumption of liquor without the need to consume a meal. Second, the bill will amend the Liquor Act to provide that liquor served to a person at a restaurant does not have to be consumed by the patron while seated at a table, so long as a seat at a table is available for the person. Third, the bill will amend the Liquor Act to enable a small number of existing nightclubs to be granted an extension of trading hours beyond 3.00 a.m. when an extension of hours had been previously granted to the venue under a former restaurant cabaret licence.

The amendments brought forward in this bill are significant ones for the New South Wales restaurant and hospitality industries. They represent

reforms that have been sought for many years by our restaurant industry, and they are reforms that respond to the community's demands for a greater choice in drinking environments and demands for better wining and dining facilities. In bringing forward this bill, New South Wales will join all of the other Australian liquor jurisdictions in allowing licensed restaurants to sell liquor to patrons under controlled circumstances, without the absolute requirement for all patrons to eat what is known as a substantial meal at the restaurant.

Under this legislation, restaurants will have to ensure that they operate at all times with the primary purpose of being a restaurant. I emphasise that this is part of the bill that mirrors what happens now in Victoria. At least 70 per cent of a restaurant's seating must be allocated to dining patrons. An important result will be that the many thousands of people who enjoy going to licensed restaurants will have the opportunity to dine or drink at their favourite restaurants. This legislation is therefore landmark legislation for New South Wales. It is a result of many of the major changes that have been made to the restructuring of liquor laws in this State in the past three years.

I stress that the amendments contained in the bill are not about deregulation of the liquor industry, unlike what has been done in other States. The position is quite to the contrary. These are sensible measures which will ensure that we will not have a proliferation of public bars in New South Wales—contrary to what some of this bill's critics might say. The bill also contains proper measures to promote responsible service and responsible drinking. Most honourable members would recall what the Government in its early days in office achieved in regard to harm minimisation. For the benefit of honourable members I shall briefly describe some of the more important control measures of the restaurant proposals. The amendments proposed in the bill will impose the following controls and limits on restaurant licensees wishing to operate a dine-or-drink restaurant venue. I will mention just some of the main operational features of the proposed scheme.

An application to the Licensing Court will be necessary for a dine-or-drink endorsement on the restaurant licence, and a fee will be payable on the grant of the application. The fee structure has four tiers, to take into account the size and location of restaurants, as follows: \$5,000 for a small restaurant—that is, 100 seats or less—in the non-metropolitan parts of the State; \$10,000 for large restaurants—that is over 100 seats—in those same areas of the State; \$10,000 for small restaurants in

the Sydney metropolitan area, Newcastle and Wollongong, which I shall define in various stages of the bill; and \$15,000 for large restaurants in those metropolitan areas.

Applications for a dine-or-drink authority will be subject to the normal range of requirements that apply to other liquor licence applications in New South Wales, such as the responsible service of liquor, and the quiet and good order requirements, along with the objections and complaints provisions of the law. I believe that a major critic of the legislation has forgotten these requirements. Everybody will be subject to the same set of rules. Applications will be subject to the court being satisfied that the premises will function at all times with the primary purpose of a restaurant and that the premises has proper facilities—including a kitchen—and amenities to support the primary purpose, and for the sale and consumption of liquor.

In accordance with the primary purpose of a restaurant, the grant of an application—and operation of the premises—will be subject to a requirement that at least 70 per cent of seating be allocated to diners at all times. Hence, the primary purpose of being a restaurant remains. The premises must be operated and configured so that adequate seating is provided at tables or bar tables for all patrons admitted, whether they be drinkers or diners, so that restaurants will not become overcrowded bars for drinking. It is also proposed—through regulations to be formulated under the Act—to prohibit inappropriate promotion or advertising by dine-or-drink venues, as well as inappropriate entertainment on these premises that is inconsistent with the venue's primary purpose of being a restaurant.

In other words, a restaurant will not be able to go into various areas in which it could be construed that it is a night club or a bar without the service of its primary purpose. In relation to minors, the bill specifically provides that responsible adult requirements will apply to these venues after 10.00 p.m. each night. This is a sensible precaution. Minors will not be prohibited after 10.00 p.m., but they must be with a responsible adult if they are to be on the premises after 10.00 p.m. I believe this provision to be very important. Knowing young people, they will always try to find a way round the law. Without this provision we would only aggravate what has gone on for a long time.

When I was a young fellow if one worked in the local mine and was 15 or 16 one drank with the men, but that is not an acceptable community standard these days. Finally, the licences will be

subject to the controls that apply to other liquor licences, including the supply of liquor to minors, intoxication and so on, together with appropriate penalties and disciplinary measures to address non-compliance with the law. In other words the enforcement package that has been part and parcel of the tapestry of these reforms of the industry will apply to restaurants. It is also important to note that the bill provides that restaurants which are granted the new dine-or-drink authorities will not be permitted to have gaming machines or to provide takeaway sales of liquor.

Also, the opportunity is being taken to clarify the law in regard to the provisions that are generally known as the "stand and consume" requirements for restaurants which have been the subject of some criticism. The Restaurant and Catering Industry Association has sought clarification of the provisions to ensure that no breach or offence will be committed if patrons—in circumstances that are normal and reasonable in a restaurant—move between tables with their drinks, drink a toast while standing, or stand with drinks in their hands at a function on the premises. For example, one could not drink a toast at a twenty-first birthday party or a wedding function. Beyond any doubt this legislation will put that anomaly to rest.

That clarification should be welcomed as a reasonable and practical amendment, in recognition of normal and acceptable behaviour of patrons at restaurants. I am pleased that the measures in the bill have the strong support of the Restaurant and Catering Industry Association with whom the Government has worked and negotiated over a considerable period of time. I acknowledge the effort and input of the association in contributing to the regulatory scheme contained in the legislative package now before the Parliament. The input of Mr Michael Fischer, until recently the President of the association, and Ms Jenny Lambert, the association's chief executive, are especially acknowledged. I also acknowledge the incoming President, Mr Peter Doyle junior.

I note that the Australian Hotels Association has indicated its opposition to these restaurant reforms. The Government recognises those concerns. However, the Government's view is that it is time for the issue of liquor without meals in restaurants to be genuinely and appropriately addressed in New South Wales. As a result of this Government's recent initiatives for hotels, the hotel sector has been given a strong boost and a secure future. The press release issued by the AHA yesterday was very light on fact. It is amazing that an organisation that I respect so much would issue such a silly press release. The

AHA is concerned that, as a result of this legislation, restaurants will set themselves up as public bars and will not be required to pay a fee for the necessary authority.

I can say confidently that those views are not justified. I have referred previously to some of the measures in the bill that will ensure that restaurants continue to operate as restaurants and not as public bars. One press release contained the ludicrous statement that the legislation would mean that there would suddenly be another 3,000 bars in New South Wales. Statistical information available from other States indicates that that is very wide of the mark. I also make the point that it is timely for the legislation to go forward now for a number of reasons. New South Wales does not have a suitable or reasonable option in its licensing laws to enable restaurants to serve patrons with a drink when they do not wish to have a meal. The "hotel" licence is not a suitable licence for such venues.

It is clear that the community demands small cafes and venues, particularly in tourist areas, where men, women, mixed groups, single-sex groups, couples, and families, in fact everybody, can eat, drink and socialise in pleasant surroundings. Honourable members also know that patterns of liquor consumption are changing with per capita consumption of beer decreasing in Australia, along with other trends such as a greater emphasis on fine food and wine, eating out, and casual dining. Another relevant point is that much progress has been made through the Government's responsible serving of alcohol and responsible drinking programs, and standards are improving across the industry.

I acknowledge the efforts of all the industry sectors in getting behind those programs. One of the first issues that this Government dealt with was harm minimisation. Three years ago no-one could have foreseen such a change in attitude in licensed premises—not the AHA, the Restaurant and Catering Industry Association, the Registered Clubs Association, the liquor stores or any of the other players. I place on record my appreciation of the fact that the industry and my colleagues on both sides of the House have embraced this legislation.

The Olympics Games in Sydney will be an ideal opportunity to showcase our lifestyle to the world. I wanted to introduce harm minimisation to change the swill mentality in the State. New South Wales also has an opportunity to support the hospitality and tourism industries in respect of the challenges that will flow from the Olympics. The amendments to the legislation will be significant for

a small number of licensees around the State who obtained a new nightclub licence following the commencement of the special nightclub legislation in March last year. As I indicated, I have always included in legislation a period to allow for monitoring the effect of changes on various people and organisations. That is something my predecessors did not do. They moved through legislation and rarely revisited it.

Because of changing attitudes and because things do not necessarily work in practice I began that process. The licensees, estimated to be 15 in total, are disadvantaged by the nightclub legislation in that they are required to close at 3.00 a.m. from Monday to Saturday under the terms of their nightclub licences when their former restaurant licence enabled them to trade beyond 3.00 a.m. In other words the Government took something away from them that they already had. To address that problem the bill will allow those licensees to apply to the Licensing Court for approval, which is not automatic, to reinstate their former trading hours up to a maximum closing time of 6.00 a.m. Such applications will of course be subject to the requirements of the law, and the usual procedures for objections by police, residents and the local council. I commend the bill to the House.

Debate adjourned on motion by Mr Chappell.

LOTTERIES AND ART UNIONS AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [9.30 p.m.]: I move:

That this bill be now read a second time.

This bill will make lawful the conduct of social games of housie. Few amongst us would be unaware that this activity is unlawful under an archaic law. Each day hundreds and thousands of people across New South Wales who participate in social games of housie break the law and risk substantial fines. That is clearly absurd. Officers of the Department of Gaming and Racing and the police have been placed in an invidious position of either having to enforce a ridiculous law or turning a blind eye to this activity. The bill is intended to remove that conflict.

Social games of housie should not continue to be unlawful under a law which has no relevance today. The bill will amend the Lotteries and Art Unions Act 1901, which presently contains a prohibition on the conduct of social games of housie. Under the Act two types of housie or bingo may be lawfully conducted. First and foremost is charity housie, which is conducted to raise funds for a charitable purpose. Social housie raises a large amount of cash for the rescue helicopter, or the life education program, which is conducted in my electorate, or a variety of other activities including police-citizens youth clubs. Usually they are held in licensed clubs or halls.

However, over the years charity housie has been conducted to raise funds for charitable purposes. Some time ago I amended the legislation to bring it into line with Queensland and Victorian legislation, because it was ludicrous to have a town on a border subjected to inconsistent legislation. The second is club bingo, which is conducted to provide a form of social entertainment for members and guests of a registered club. This type of bingo came into being during the term of the previous Labor Government and is an opportunity for people to socialise in clubs. Recently I made amendments to that regulation to allow for an increase in prize limits. Earlier I said that these activities were mostly unmonitored and that the upper prize limits of bingo had been stationary for 13 years. Club bingo will continue throughout New South Wales. In recent times a campaign of mischief has been mounted, which indicated that the Government intended to cut out this type of bingo. I repeat that social housie and club bingo will continue in registered clubs.

In the Federal seat of Paterson, Bob Baldwin has been making mischief by saying that I intended to cut out housie and bingo. Last Friday I attended Maitland District Leagues Club and told the 400 people present that that is not the intention of the Government. Bob Baldwin's mischief has blown up in his face; he has been running around with petitions trying to scare people. I am thankful to him, because he has given me an opportunity to clarify the situation. The people at Maitland District Leagues Club were not impressed by being put through trauma for political mischief. Social games of housie are similar to those types of housie games, but are organised for different purposes. This bill will clearly overcome an anomaly.

Social housie games are generally organised by pensioner groups and elderly persons in housing estates, residential care or senior citizens facilities. They are also conducted by Aboriginal groups, self-

interest groups and communities. In most cases the game is organised as a social pastime and in many cases is treated as therapeutic. In some cases a small amount of money may be raised to finance the activities of a non-profit organisation. For example, the honourable member for Wyong told me that in Toukley an organisation runs housie games to raise funds for its Christmas party or to put fuel in its bus. The Government does not intend to take away that pastime.

Social games of housie have been held for many years; people did not realise that they were against the law. The honourable member for Waratah, who is in the chair, is familiar with the East Lambton community hall, and over the years he played a role in assisting those who use that hall. About six years ago police received a complaint that elderly ladies and gentlemen were playing the terrible game of housie on Good Friday. I later learned that the complainant had strong religious views and believed that housie should not be played on Good Friday. However, the complainant did not know that housie was unlawful at any time. A keystone cops scene followed when a car load of police descended on 30 or 40 ladies and gentleman and told them to stop playing housie or they would be fined.

Following that incident the previous Government did nothing about amending the Act. Housie was viewed as a harmless pastime. It is apparent from the absence of complaints to the Department of Gaming and Racing and from media coverage that members of the public are not affronted by the conduct of these games. As I have stated, a form of social housie already exists, but it is restricted to the premises of licensed clubs and for the benefit of members and guests of those registered clubs.

What is commonly called club bingo is not a viable proposition for all those who would like to participate in social games of housie. Although I know of no-one having been charged with conducting unlawful social games of housie, it is time the law was changed. The ladies and gentlemen of East Lambton were not prosecuted because the police had enough commonsense to tell them to desist. People playing social games of housie should not be branded as law breakers. Under the current law those who organise illegal social games of housie are liable to a fine of up to \$5,100. Would the authorities round up a little old lady for playing housie and fine her \$5,100? I think not! I turn now to the specific details of the legislation.

The principles of the proposed regulatory framework for social housie activities are to make

lawful what already happens, with minimal bureaucracy or paperwork, therefore avoiding or minimising any associated costs; to minimise opportunities for improper conduct; and to minimise the potential for social housie games to impact on charity fundraising housie games. Recently a media commentator asked, "Why have the legislation anyway?" Unless minimum standards are set, someone will try to make a game of fun illegal. Over the years people have seen opportunities to defraud, so it is necessary to set down minimal conditions. The proposals follow a program of consultation undertaken by the department with the community through a discussion paper. I stress that it is not the intention of the legislation to establish a new means of gaming. It merely legalises a relatively harmless gambling activity that already takes place.

Social housie games have been conducted unlawfully for many years without the need for a permit and with minimal complaints from organisers and players. Any complaints have related to persons concerned about the apparent lack of accountability by the organiser, the awarding of prizes or the fact that the game cannot lawfully be conducted. The effect of the legislation is to authorise the conduct of social games of housie without the need for an authorising permit. Income from the sale of tickets may be applied to costs and expenses properly incurred in connection with the conduct of the game, such as the cost of buying tickets or stationery. In addition, a fundraising amount may be retained when a game is conducted for the purpose of raising funds for a not-for-profit organisation.

After deducting proper expenses and any fundraising amounts, the amount remaining must be paid out as prizes or otherwise returned to players according to the general rules of the game. As I have mentioned, the legislation does not disallow the making of a profit. Some play merely for fun, others aim for a small profit. However, any profit must be applied to a not-for-profit organisation that has conducted or authorised the conduct of the game. This allows social housie games to be conducted for their entertainment value and to perhaps achieve a profit. Such funds may help not-for-profit bodies put money aside for social outings, seasonal events, anniversary dinners, to help out a local parish or community with extra funds.

Under the legislation organisers of social housie could conduct the game with a view to making a loss, breaking even, or making a profit. The key issues in achieving reform in this area must ensure that the community has confidence in the conduct of social games of housie, that the community and not-for-profit sector have appropriate

access to lotteries and games of chance, and that social games of housie are conducted with integrity and fairness. Integrity is always a serious matter to be taken into account. Integrity and fairness must not only exist but must be seen to exist.

This legislation is consistent with the Government's recognition of the impact of housie on the community and its determination to ensure that the public is able to participate in community-based lotteries and games of chance knowing that those games are being operated with the highest levels of integrity. Accordingly, the legislation implements a series of controls to protect the public from inappropriate practices. As I have already said, there is always someone who would seek to do the wrong thing.

The first of those controls is that no charge or other consideration is made or given for the right to enter any place where the game is to be played. Other than the payment of the purchase price of the ticket or card, the legislation disallows any other payment having to be made by a player for the right to participate in the game, or to enter any place where the game is to be played. The second is that, except as prescribed in the regulations, no charge or other consideration is to be made or given for the right to participate in the game. It is proposed to limit the cost of a ticket, card or the amount paid for the right to participate in a game to no more than 40¢. The third control is that no salary, wage, fee, commission, percentage or other benefit—other than the payment of prize—is to be paid or given to, or taken by, any person in connection with the conduct of the game. The final control is that tickets, cards or other game material can be distributed only at the place where the game is conducted.

The legislation does not impose a standard ticket format. This will allow organisers of social housie games to use re-usable tickets or cards to save costs, or to use tickets or cards with large type so that persons with poor eyesight can read the numbers. I witnessed the need for such large tickets or cards on a visit to Lalor Park. Other game devices may be used, such as playing cards. In the absence of any concerns, the legislation does not implement any controls over the hours, times or days, or the duration that a game may be conducted—taking into account, for instance, persons who wish to play housie on Good Friday. Nor does the legislation limit advertising or prevent any person involved in organising social housie from playing or winning prizes.

In addition to the above matters, the legislation will allow the prescription of the maximum value of

prizes that may be awarded to ensure that they do not impact on charity fund-raising games of housie. At this stage it is intended that the regulations will limit the value of prizes in a game to \$30—similar to the prize value in club bingo—unless the prize is a jackpot prize. It is also intended to limit the value of jackpot prizes in a session of games to no more than \$150. The legislation will allow the prescription of a ceiling on the maximum amount of gross proceeds through the sale of tickets. It is not proposed at this stage to prescribe an amount. However, this matter would be considered if inappropriate practices develop. In other words, this legislation, like all others in my portfolio, will be monitored.

This legislation will disallow social games of housie being conducted on the premises of a registered club or on licensed premises under the Liquor Act. This is simply because the registered clubs and licensed premises now have the ability to do so, and they will continue to have that ability. As I have said, the intent of the legislation is to legalise what is happening, not to expand gaming. Social housie is largely conducted on the premises of retirement villages, residential care centres, and community and senior citizens halls or centres. In addition, it is being conducted in other public and communal areas. Few games would be conducted on the premises of registered clubs or hotels.

To allow social games of housie to be conducted on the premises of registered clubs, the premises of a hotel or on any other licensed premises would commercialise what is essentially a non-commercial community activity. In addition, these types of premises already have privileges to conduct gaming activities—gaming machines, club keno, et cetera. The legislation will maintain the prohibition on prizes that consist of or include tobacco in any form. In addition, the current restrictions concerning liquor prizes will apply equally to social games of housie. Cash prizes will be permitted.

The legislation provides for regulation-making powers. In addition, regulations to govern the day-to-day conduct of social games of housie will be required. The proposed regulations would include similar requirements relating to the fair and proper conduct of community gaming activities, including: where the social game of housie is conducted with the purpose of retaining part of the proceeds for the benefit of a non-profit organisation, the maintenance and retention of certain records, for example, the amount of money received and its distribution; and the development and publication of house rules, which must contain certain information. The people

of New South Wales want to be able to participate in social games of housie for the benefit of others and for their own pleasure without breaking the law. The bill complies with those wishes. I commend the bill to the House.

Debate adjourned on motion by Mr Kerr.

**PUBLIC SECTOR MANAGEMENT
AMENDMENT (COUNCIL ON THE COST OF
GOVERNMENT) BILL**

Bill introduced and read a first time.

Second Reading

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development), on behalf of Mr Carr [9.27 p.m.]: I move:

That this bill be now read a second time.

The Council on the Cost of Government was established to oversee reform of major government operations. Whereas other Australian governments have established short-term commissions of audit, the council has a constructive role of initiating reforms and overseeing their implementation. The council's continued operations for the next two years is necessary to ensure the implementation of a range of initiatives. The council has highlighted the poor quality of the management information systems, and has advanced a vision to enable the New South Wales public sector to introduce financial management systems comparable to the best within the Australian commercial sector.

The council is pursuing a range of projects, including simplification and standardisation of financial management policies and the review of financial reporting systems to ensure that the Government is better informed about agency expenditures. Another project of the council has been the development of performance measures, known as SEAS—service efforts and accomplishments—indicators, to enable assessments to be made of the outputs and outcomes of government activities within broad policy areas.

The council has outlined reforms in the delivery of corporate services. If appropriately implemented, those initiatives are expected to secure substantial ongoing savings that can be diverted from administrative overheads to direct service delivery. The council has set up a system of program reviews that will cover all major government programs. Over the past 12 months, 13

programs have been reviewed and another 10 reviews will commence shortly. To date, reviews have included the public sector management office of the Premier's Department, WorkCover New South Wales, the Police Service, and the Department of Community Services.

There is a need to have a body to advise the Government on the changes required to ensure that the public sector provides value for money and quality services. To be effective, this body must: have a measure of independence from the public sector; have strong legislated powers to require agencies to surrender information; have strong contacts within, and report inside, the public sector; involve agencies in reform; and serve as a conduit for private sector expertise. The council meets those criteria.

Debate adjourned on motion by Mr Kerr.

**ROAD TRANSPORT (DRIVER LICENSING)
BILL**

Bill introduced and read a first time.

Second Reading

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [9.30 p.m.]: I move:

That this bill be now read a second time.

The purpose of this bill is to enable adoption of a nationally uniform driver licensing scheme developed by the National Road Transport Commission. The basis for this bill is the policy proposal for a national driver licensing scheme which was approved by the Ministerial Council for Road Transport on 15 December 1997. As honourable members would be aware, adoption of the legislation will give effect to commitments given under the 1991 and 1992 Heads of Government Vehicles Agreements for Road Transport which established the National Road Transport Commission as an independent national body to develop a package of national road transport law covering registration, licensing, road rules, uniform technical and operating rules, and nationally consistent charges.

Passage of this legislation will contribute to the Government's commitment under the 1995 national competition policy and related reform agreements which require observance of the national road transport reforms. In the interests of maintaining consistency for all drivers, the national

scheme is proposed for adoption also for novice drivers—learners and provisional drivers—when possible. This will avoid a complex licensing system and be more cost-effective for government. The national scheme covers a wide range of licensing issues. Notwithstanding this, significant changes will be made to only a few of the current arrangements. Further, some changes flowing from the national agreements have already been implemented. For example, the national licence classification system and licence tenure requirements were introduced in New South Wales in July 1997.

I draw the attention of honourable members to some of the more significant issues addressed in the bill. Under the current demerit points scheme, drivers holding unrestricted licences who accrue 12 or more demerit points in any three-year period have their licences cancelled for three months. As an alternative to the three-month, non-driving period they may elect to take a probationary licence for 12 months, which is subject to cancellation for six months if the licensee accrues two or more demerit points. Probationary licence holders must reapply for another probationary licence when any cancellation period expires. The three-month and six-month cancellation periods are the same for all drivers, regardless of the total number of demerit points accrued. Provisional licence holders are currently subject to licence cancellation for three months if they accrue four or more demerit points during the currency of their provisional licence. These arrangements will not change under this legislation.

Under the proposed national scheme for unrestricted licence holders, there will be a three-tiered system of licence suspension if 12 or more demerit points are accrued in any three-year period. The suspension period applied will be determined by the total number of demerit points accrued by a driver. The suspension periods will be three months for 12 to 15 points, four months for 16 to 19 points and five months for 20 or more points. Drivers will have the option of retaining their licences but serving a 12-month period of good behaviour. During this period the licences will be subject to suspension if the holders accrue two or more demerit points. In these cases the suspension period will be twice the period that would have applied had the good behaviour period option not been taken. The possible suspension periods will be six, eight and 10 months.

The national scheme requires that disqualifications imposed by a court do not affect possible demerit points action. At present, when a driver is disqualified by a court all demerit points accrued before the court action are zeroed and all

drivers returning from a disqualification are required to reapply for a probationary licence. Under the national driver licensing scheme, demerit points accrued before a court disqualification will remain active and will be considered for future demerit points action. The requirement of issuing a probationary licence after the disqualification period will be abolished and replaced with the good behaviour period, as applied under the demerit points scheme. This will allow outstanding demerit points to be considered before a licence is issued. The national scheme reflects the practice in most other jurisdictions.

Adoption of the national scheme will mean the replacement of the current probationary licence scheme with a good behaviour scheme. The harsher suspension periods imposed by the good behaviour scheme will provide more incentive for drivers to obey the road rules and will contribute further to improved road safety. Under the current New South Wales licensing law, drivers transferring licences issued in other Australian jurisdictions are required to surrender their interstate licences before a New South Wales licence is issued. However, licences issued in other countries are returned to licensees when New South Wales licences are issued. Under the national scheme, all drivers will be required to surrender their interstate or overseas licences before a New South Wales licence is issued.

A provision to waive the surrender requirement for overseas licences has been included in the scheme to cover situations when surrender of the licence would not be practical, for example, when an overseas licence forms part of a general identification document issued by the person's previous country of residence. In some cases these identification items must be retained to allow the person to return to their country of origin. The bill also contains amendments to the Traffic Act 1909 relating to penalties for offences and licence disqualifications. Firstly, the maximum penalty for a second or subsequent offence of driving under the influence of alcohol or any other drug will increase from 20 penalty units to 30 penalty units and from nine months imprisonment to 12 months imprisonment.

Secondly, the maximum penalty for a second or subsequent offence of refusing a drug test or altering its results will increase from 30 penalty units to 50 penalty units and from 18 months imprisonment to two years imprisonment. Thirdly, the period of the automatic licence disqualification for a first offence of refusing a drug test or altering its result will increase from one year to three years, and from three years to five years for a second or

subsequent such offence. These changes will bring the penalties for drug-driving offences into line with the recently increased penalties for drink-driving.

I shall now deal with four issues concerning drivers who have never been licensed in the past five years. Firstly, a separate offence of driving without a licence when never having been licensed in the previous five years is to be created to make certain the occasions when an offence is committed in those circumstances. Under recent amendments to the Act, increased maximum penalties and automatic licence disqualifications apply to any such second or subsequent offence—namely, 18 months imprisonment and three years automatic licence disqualification.

Secondly, the offence of never licensed is to be restricted to those who have never been licensed in an Australian jurisdiction during the previous five years. The Act currently specifies not previously licensed "elsewhere" which could mean anywhere in the world. This places an onerous obligation on a police prosecutor to show the court that the driver had not previously been licensed in any other part of the world. Thirdly, the restriction against the application of on-the-spot fines for offences carrying a penalty of a term of imprisonment is to be removed for the offence of driving without a licence when never having been licensed. Finally, the restriction limiting police to issuing first-time offenders with only a traffic infringement notice for never licensed is to be removed. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

PROTECTED DISCLOSURES AMENDMENT (POLICE) BILL

Second Reading

Debate resumed from 16 September.

Mr TINK (Eastwood) [9.39 p.m.]: The Opposition supports the Protected Disclosures Amendment (Police) Bill, the objects of which are to make it clear that a member of the Police Service is a public official for the purposes of the Act and that disclosures of corrupt conduct, maladministration and waste made by such a member in accordance with the Act are protected by the Act; and to provide that in proceedings for an offence under section 20 of the Act the onus lies with the defence to prove that any detrimental action shown to be taken against a person who made a protected disclosure was not substantially in reprisal for the person having made the disclosure.

Though the Opposition supports the bill, I place on record that reservations have been expressed about members of the Police Service making protected disclosures in this way, in as much as they are centrally involved in the investigation of criminal matters that sooner or later must come to closure, in the same way, for example, that there must be finality of court proceedings at some point after appeals have been exhausted, even though it is inevitable that some parties to that litigation may take the view that they have been hard done by and will keep alive the issues that were supposedly dealt with to finality by the court.

Similar situations might arise with police from time to time when some matter or incident is brought to finality in the criminal courts but, for whatever reason, there is not a sense of closure. Perhaps in that respect the police, because of the nature of their work rather than anything else, more often than other people would pursue matters under the Protected Disclosures Act. It is difficult to argue that police should be treated differently with regard to protected disclosures. Many other people in the public service, apart from police, undertake investigative work of a similar type and they are already covered by the legislation.

The legislation does not present any problem for other people and to my mind there is no distinction between those people and police. Other people charged with investigating matters do not face any problems and I anticipate police will not encounter problems. Many members of this House who specialise in the affairs of parliamentary committees relating to the Ombudsman, the Independent Commission Against Corruption and the Police Integrity Commission—members such as the honourable member for Gladesville, the honourable member for Cronulla and the honourable member for Newcastle—acknowledge that in matters involving ICAC or the Ombudsman, for example, a fundamental problem remains that must be ventilated in some way.

This legislation is an appropriate last-case fall-back position to ventilate those issues. Given the nature of some corruption allegations that have surfaced in the Police Service and elsewhere from time to time, this is a necessary last-resort safeguard that, hopefully, will not be utilised often, if at all. One thing that intrigues me about the legislation, and I am not sure whether anything turns on it, is that in the principle Act a scheme covers the bodies to which one would normally expect complaints be made. For example, section 10 relates to disclosure to the Independent Commission Against Corruption regarding corrupt conduct, section 11 relates to

disclosure to the Ombudsman regarding maladministration, section 12 relates to disclosure to the Auditor-General concerning serious and substantial waste, and section 14 relates to disclosure to public officials, which can be about any of those matters mentioned—that is, corrupt conduct, maladministration or serious and substantial waste.

Sandwiched amongst those sections is section 13, which deals with disclosures about investigating authorities, which, of course, are the ICAC, the Auditor-General and the Ombudsman. The interesting thing about the amending bill, and I stand to be corrected, is that there does not seem to be any reference to the Police Integrity Commission, bearing in mind that police are not covered by the Independent Commission Against Corruption Act, although they are covered substantially by the Police Integrity Commission Act. Police may complain to the Ombudsman, and a number do from time to time, and to the Auditor-General, which also happens from time to time.

However, I understand that as a result of the recommendations of the Wood royal commission and legislation passed by this Parliament the Independent Commission Against Corruption now has no jurisdiction over the Police Service. That is because of the establishment of the Police Integrity Commission. Perhaps there should be further reference to the Police Integrity Commission in this amending legislation, which incorporates the commission in the principal Act in the same way the Independent Commission Against Corruption is mentioned. At some point in time the principal Act should contain a provision that covers disclosure to the Police Integrity Commission about corrupt conduct.

The bill might then provide that to be protected by this Act disclosure by a public official to the Police Integrity Commission must be made in accordance with the Police Integrity Commission Act, or whatever it is called, and be a disclosure of information that shows or tends to show that a police officer has engaged or proposes to engage in corrupt conduct or police misconduct. That would be an appropriate insertion in the principal Act if it is to include police. I do not believe the amending bill contains that clear reference in the principal Act including the Police Integrity Commission. The Opposition has consulted the Police Association, which has no problems with the bill.

The second point raised, the onus being on the defence to prove that any detrimental action shown to be taken against a person that has made a protected disclosure was not substantially in reprisal

for the person having made the disclosure, relates to everybody who might make a protected disclosure, not only police. That is the appropriate place for the onus. It is regrettable that it must be included, but volumes of evidence have been given to various commissions about the way whistleblowers can be undermined by those in authority and have their professional lives and careers wrecked, sometimes in subtle ways that they might not know about but nevertheless suffer the consequences of. So, once detrimental action is raised as an issue, the onus of showing it was not substantially in reprisal will, as a result of this bill, be in the right place. They are the points I wish to raise. As I have said, the Opposition supports the bill but is a little intrigued about that Police Integrity Commission aspect to which I have referred and hopes it will be addressed.

Debate adjourned on motion by Mr Gaudry.

BUSINESS OF THE HOUSE

Order of Business

Motion by Mr Woods agreed to:

That standing and sessional orders be suspended to allow the consideration forthwith of General Business Orders of the Day (Committee Reports) Nos 2, 9 and 10.

REGULATION REVIEW COMMITTEE

Report on Regulations

Mr SHEDDEN (Bankstown) [9.51 p.m.]: This report details a number of reforms that the committee has brought about with respect to regulations. As the Fifty-first Parliament nears its end, it is appropriate to consider those reforms in the context of other major reforms that the Regulation Review Committee has introduced in the 10 years of its operations. Foremost among the reforms is the Subordinate Legislation Act 1989. The committee developed the bill for that Act in its first two years of operation. The fact that the Act has reduced the number of regulations in this State by about half since it commenced in 1990 is a sign of its success. Old regulations have been progressively repealed in stages and departments have to think twice about making new regulations as they have to provide a regulatory impact statement in relation to them.

I have spoken about the virtues of such statements many times. The two main elements are a cost-benefit analysis of the regulation and its alternatives and a comprehensive program of consultation with those likely to be affected by the

regulation. A major innovation referred to in the report is the requirement to table regulatory impact statements, or RISs, in Parliament. Honourable members will have available during debate the analysis of all the principal regulations. The committee believed that that requirement could be implemented without the need for any legislative change. The Premier issued a memorandum in June implementing the committee's proposal.

The major success of the Act is the consultation program that has to be carried out by the agency with those likely to be affected by the regulation. Time and again proposals have been refined and improved by consultation with the community. The committee has had to intervene on a number of occasions to guide departments as to their responsibilities but overall the program has been a major success. Departments have been less enthusiastic to embrace the principles of cost-benefit analysis. That is one of the issues that will be looked at in the committee's current evaluation of the best means to monitor the impact and growth of regulations.

When I tabled the committee's last report, which related to international regulatory programs and practice, I indicated that the Organisation for Economic Co-operation and Development would carry out that evaluation for the committee. As one would expect, over the years the bureaucracy has attempted to avoid the Subordinate Legislation Act by a number of means, and the committee has been vigilant in addressing those. Some attempts have been made to exclude regulations from the Subordinate Legislation Act entirely or from its RIS requirements. That has been done by amending the Act under which the regulation is made or by amending the Subordinate Legislation Act itself. When the committee raised its concerns over such amendments, which effectively bypassed the committee, the Premier agreed to introduce a requirement for informal consultation with the committee before bills which change procedures on regulations are introduced. He said he would ask officers within his administration to do this where practicable.

As a result of the committee's recommendations a number of reforms have been made to the way in which regulations are published. Early in its operations the committee recommended the introduction of explanatory notes, in plain English, for regulations. Those have been a major aid to the committee, to members of the House and to the general public in understanding the nature of each regulation. The committee has often expressed the view that those explanations should go further

and give comprehensive reasons for the regulation, in much the same way as the Federal Register does in the United States. In a report to Parliament in 1990 the committee recommended the inclusion in those explanatory notes of the source of the power in the relevant Act to make the particular regulation. The source of the power was often not clear to the committee.

After the introduction of the Subordinate Legislation Act the committee recommended the inclusion in explanatory notes of the reason for any exemption from the RIS requirements of the Act. Under section 6 and schedule 3 of the Act a number of matters in regulations can be certified to be exempt from the RIS requirements. They comprise matters such as machinery provisions, direct amendments or appeals, savings or transitional provisions, matters in legislation that is substantially uniform or complementary with that of the Commonwealth or another State or Territory, and matters not likely to impose an appreciable burden, cost or disadvantage on any sector of the public. The inclusion of the relevant ground for the exemption enables anyone to understand why an RIS was not prepared for the regulation. That issue is sometimes a matter of contention.

A similar innovation was the introduction of explanatory titles to regulations. It should be remembered how difficult it was to identify amending regulations, let alone understand what they did, before these publication reforms were put in place. An example from the current report is the District Court (Fees) Amendment (Levy on Writs of Execution) Regulation 1996. Before the reforms that regulation would have had a title such as the District Court (Amendment) Regulation 1996. It would have been impossible to distinguish it from a number of other amendments made in the same year or to gain some idea from its title of what it did. Regulations could and still can be identified by the date and the page on which they appear in the *Government Gazette* but that does not form part of their title for the purposes of their citation. Each regulation now has a unique title.

In response to the committee's tenth report of the Fiftieth Parliament on the scrutiny of codes incorporated into New South Wales regulations, the Premier advised that he preferred administrative arrangements for this scrutiny whereby copies of codes are to be kept available for public inspection, lodged with the Parliamentary Library at the time of the making of the regulation and kept up to date. Together with the reforms to the way in which rules are published, the committee recommended reforms to the procedures for the tabling of regulations in

Parliament. Chief among these were its recommendations in its eighteenth report of the Fiftieth Parliament which led to the automatic tabling scheme which operates today.

Mr CRUICKSHANK (Murrumbidgee) [10.00 p.m.]: This report is the first of several that the Regulation Review Committee plans to table before Parliament is prorogued. I intend to use the speaking time available to me when the reports are tabled to encapsulate my thoughts on regulatory affairs since I commenced as a member of the committee. I will start with a one or two comments on regulatory impact statements. They were introduced in 1989 under the Subordinate Legislation Act. Their objective is to require administrators to take into account relevant considerations in deciding whether to recommend the making of one or more regulations to add to the 8,000 pages that New South Wales now has.

The committee's reports, including this report, demonstrate that most regulatory impact statements fail to comply with substantive requirements of the Subordinate Legislation Act. This has been drawn to the attention of Ministers time after time. The committee has been assured that its views have been taken into account and will be acted upon in the future. However, that has not happened. The same administrations produce the same mistakes the next time. We have reached the point at which the committee needs to consider some stronger medicine, perhaps even a recommendation of disallowance for those regulations not adequately justified by a competent appraisal.

On various occasions the committee has recommended that the Government provide an adequate training forum. It even costed what was required. But no action was taken. It is interesting to note that one of the Federal Government responses to the recommendations of the small business task force has been to give the Office of Regulation Review the responsibility of developing and promoting training courses in regulation impact analysis and review. It is now time for New South Wales, belatedly, to take the same path. The reason is simple: a regulatory impact statement is intended to test and justify the need for a major new regulation. If the impact assessment is done poorly then a new regulation is on the books without adequate justification. I remind the House that the Subordinate Legislation Act exists because regulations do not receive the debate accorded to a bill. It is simply a matter of fairness to the people of New South Wales.

On the most recent occasion on which I spoke in the House on regulatory issues I commended the Premier for acting on the committee's recommendation to require Ministers to table regulatory impact statements. I am hopeful that this will help raise the standard of those statements. The Premier in his memorandum to Ministers on this issue asked that Ministers table a copy of the regulatory impact statement in the same sitting week as the Parliament is given notice of the regulation. That memorandum was dated 2 June 1998. Since that date approximately 20 principal statutory rules have been gazetted, at least 10 of which necessitated a regulatory impact statement, yet not a single one of those impact statements has been tabled.

The Ministers failing to table such statements include the Minister for Gaming and Racing, the Minister for Local Government, the Minister for Agriculture, the Minister for Industrial Relations, the Minister for Health, the Minister for Fair Trading, the Minister for Land and Water Conservation, the Minister for Roads and the Attorney General. I shall not list the regulations but I point out that they include the regulation relating to the Australian Museum Trust administered by the Premier. The Premier has not even complied with his own directive.

As a seasoned observer of the regulatory scene, I cannot help but conclude that it is not so much a question of political will but political lack of interest that lies at the root of many lost opportunities to move forward on regulatory reform in this State. It is apt to mention that the Federal Government now requires the tabling of regulatory impact statements along with or as part of a document explaining the content of the regulation. Also accompanying or included in the explanatory document will be a consultation statement explaining the consultation processes undertaken and the views of the main interested parties.

This initiative is seen to be an important step in increasing the transparency of government decision making and allowing Parliament and the community to be better informed. This is a matter that the Premier may also wish to consider implementing—though I cannot help but reflect that the committee gave similar advice in 1993 when it recommended that each government department publish in the *Government Gazette* in relation to each regulation that has been the subject of a regulatory impact statement an explanation in plain English of the purposes of the regulation, including its major costs and benefits and the department's response to any submissions that may be made by the public in relation to it.

That 1993 regulation was drawn from regulatory practice in the United States of America, where the Federal Register—the equivalent of our *Government Gazette*—contains an explanation in a plain fashion of the progress of each regulation or rule, including the department's response to public submissions made on the proposal. At that time it was evident to the committee that an examination should be carried out by the Premier's Department to make the New South Wales *Government Gazette* more user friendly, having particular regard to the practice followed in the Federal Register.

The committee's 1993 report stated that the New South Wales gazette comprises mainly the official text of proclamations, regulations, Acts and departmental notices. Although accurate from the point of view of information, it is not read by the general public. That position has not changed. Nothing was done in response to the committee's recommendation, even though at the time the Premier was generally supportive of some of the recommendations in the report. I conclude by mentioning those special categories of regulations that are either substantially uniform or complementary with legislation of the Commonwealth or another State or Territory or involve the adoption of international or Australian codes.

I find these regulations to be rarely uniform, because each State manages to include in them a welter of exceptions applying to its own case. However, the regulations are basically exempt from assessment under the Subordinate Legislation Act, though in my experience very few have been satisfactorily assessed at either Commonwealth or international level. I have always been reluctant to support the making of uniform laws, and I have expressed that view many times at committee meetings. The other day I found that I was in good company. Montesquieu in his commentary on the spirit of laws lists as the first vice of the legislator the tempting attraction the lawgiver may find in ideas of uniformity. He said:

When the citizens follow the laws why is it important that they all follow the same laws?

[Time expired.]

Mr OAKESHOTT (Port Macquarie) [10.05 p.m.]: The chairman of the Regulation Review Committee has outlined the major reforms introduced by the committee in the 10 years of its operations. As the second-newest member of the committee, I think it appropriate for me to speak about some of the challenges that scrutiny committees will face in the new millennium. As has been foreshadowed in the committee's fourteenth

report to the Parliament, in the new millennium more flexible and market-sensitive means of regulation will be adopted to meet rapidly changing market situations. There will be a rapid decline in black-letter law in favour of performance-based laws such as guidelines, charters, standards and codes that are already being used in greater numbers by governments.

The challenge for scrutiny committees will be to preserve their independent role in this more flexible regime. Perhaps the greatest challenge lies in the very word "scrutiny". There is a real danger of scrutiny committees getting too closely involved in the formation and implementation of the regulations they are meant to review and oversee. As an example, the role of recommending disallowance of a regulation would become meaningless if the committee were part of the team that made and implemented a regulation. Indeed, it would blur even further the separation of powers between the executive and legislative branches of government.

It may surprise some honourable members to hear that from time to time the Regulation Review Committee is asked by some departments to approve their draft regulations. The closest assistance the committee renders in this regard is to allow parties to the consultation program on a regulation to attend a committee briefing to air their concerns and to discuss possible ways of overcoming those concerns with the relevant department. The committee secretariat also provides a good deal of basic help without compromising the subsequent scrutiny by the committee of the published regulation.

The systemic changes to administration put in place under the Subordinate Legislation Act in 1989 still require the hard slog of examining individual regulatory impact statements in each meeting of the committee after appropriate regulations are made. It is this attention to detail that has marked the committee's work to date that will be all the more important in the new millennium. Whilst we move towards a more flexible regulatory regime at all levels of government, we must recognise the continued importance of scrutiny and accountability in government processes on behalf of the broader community that government represents.

Report noted.

Report: Pawnbrokers and Second-hand Dealers Regulation 1997

Mr SHEDDEN (Bankstown) [10.08 p.m.]: The Regulation Review Committee reported on the

Pawnbrokers and Second-hand Dealers Regulation 1997 in its twelfth report to the Parliament last year. Committee members outlined progress in reviewing the regulation in the debate on the Pawnbrokers and Second-hand Dealers Amendment Bill earlier this year. Honourable members will recall that a draft regulation was tabled with the bill which, among other things, amended the principal regulation to exempt existing small-scale second-hand dealers from the need to keep computer records. This report sets out in detail the results of the final briefing on the regulation held by the committee in May of this year with representatives of the Department of Fair Trading, the Police Service and the pawnbroking second-hand dealing industry.

The report also addresses the undertakings given by the Department of Fair Trading and the Police Service that the industry would be further consulted on the computerisation specifications before the draft regulations were finally published. The committee contacted the Department of Fair Trading and was advised that there was insufficient time before the regulation was published as the Pawnbrokers and Second-hand Dealers Amendment (Records and Goods) Regulation 1998 on 24 July in which to honour the undertaking with respect to consultation.

However, the department made a number of minor changes to the draft before it was finalised. The committee also contacted a number of industry representatives who had attended the briefing and provided them with a copy of the published regulation. The representatives confirmed that there had been no consultation on the published regulation or on the outstanding issues that were previously raised at the committee's briefing. One representative suggested that the Department of Fair Trading and the Police Service should convene a round table discussion of representatives of the industry to resolve these matters. The committee recommends that the Department of Fair Trading and the Police Service further consult the industry before the computerisation scheme starts to be phased in on 1 January 1999.

Mr CRUICKSHANK (Murrumbidgee) [10.10 p.m.]: I last spoke about this regulation during the debate on the Pawnbrokers and Second-hand Dealers Amendment Bill earlier this year. I told the House about the difficulties experienced by second-hand dealers in my electorate. They were not consulted on the principal regulation before it was introduced last year. Their main concern was the requirement for the mandatory computerisation of records which was due to start in May but which, after much criticism, was postponed to 1 January next year.

The Regulation Review Committee had two briefings with the industry, the department and the

Police Service, and has now made two reports to Parliament on the matter in order to remedy the abysmal failure to consult. My colleague the honourable member for Myall Lakes has also been very active in this area. We thought we were on a winner when, in response to our earlier representations, the Minister introduced a package of reforms and made lavish promises of the consultation that the Police Service and the department would undertake before the draft regulation was finally published.

Honourable members can guess what happened. The Minister reverted to his "no consultation" mode and honourable members were told there was insufficient time in which to honour these undertakings before the regulation was published. The industry is still waiting to hear from the police on the outstanding important issues that they previously raised at the committee's briefings. I said the last time I spoke—and it still holds true—that if the proper consultation process had been followed last year a trial of the scheme could have been held and then appropriate legislation could have been put in place, without the need to take up more parliamentary time or cause more concern to licensees. I remind the House that this is an issue of fairness to the people of New South Wales, which the Parliament is not honouring.

Report noted.

PUBLIC BODIES REVIEW COMMITTEE

Report: Results of the Committee's Review of Ten Annual Reports

Mr NEILLY (Cessnock) [10.12 p.m.]: In June the committee tabled its report entitled "Results of the Committee's Review of Ten Annual Reports". Part of the role of the Public Bodies Review Committee is to examine the annual reports of public bodies in New South Wales, of which there are some 600. The committee's examination focussed on what is contained in those reports relevant to reporting performance. To be quite frank, during the review of the 10 reports the committee decided to select reports of public bodies it had examined on previous occasions to see whether they had lifted their game. In addition, the committee examined reports of public bodies it had not examined in the past.

The committee found that four of the 10 reports had adequately reported on their performance. Inevitably, the reports of many public bodies tend to focus on what they have been doing, which often depends on how busy they have been rather than how they have set out to achieve and attain not only the objectives laid down for them as a public body but the major works that were

prescribed to be undertaken. The committee also established that the bodies that had it right as far as reporting performance is concerned—presumably because they had the recipe or the magic mix—have been able to continue in that vein, and organisations that have had difficulty reporting their capacity to perform have also continued in that vein.

The committee found that the large organisations are not necessarily better than small organisations. However, a large organisation has the resources, or ought to have the resources, to appropriately report on the performance of the previous 12 months. The committee recommended that organisations, particularly small organisations, should receive assistance from Treasury so they can focus on their appropriate performance indicators and how those indicators ought to be reported in the annual report.

The committee believes that the Auditor-General should audit not only performance indicators from the perspective of their accuracy but also from the perspective of their validity. As an aside, I have examined an annual report from a public body in New South Wales that gave a performance indicator on employment turnover. The performance indicator did not state that it embraced full-time, part-time or casual employment. That public body also undertook the use of consultants to review its operations.

The consultants, in the belief that the indicator was relevant to the organisation in conjunction with its turnover, made certain findings that were completely inaccurate because they thought the indicator was of permanent employment within the organisation, which was completely misleading. The Public Finance and Audit Act and the Audit Act are currently being reviewed in New South Wales. It has been suggested that the Auditor-General should only audit performance indicators on a random basis to determine their accuracy.

The committee believes that performance indicators should be reviewed to determine whether they are misleading. Some people believe that performance indicators do not accurately reveal how an organisation is working towards attaining its objectives. The greatest difficulty is to select an appropriate performance indicator or a set of appropriate performance indicators to display how an organisation is fulfilling its performance under the guidelines under which it has been established.

The committee's report contains 10 recommendations that could enhance future reporting by public bodies in New South Wales. Some of the committee's recommendations will not go down well with Treasury, and perhaps not even with the

Government. However, in one's parliamentary career it is inevitable that one will sit on the Government benches and on the Opposition benches. Good government is about having good sets of rules, conducted through the auspices of government, to determine whether the authorities established by legislation are conforming with the determination of the Parliament. It is inevitable that the Government and the Opposition, in situations such as those that I have described, desire the best sets of indicators, the best reporting available in the public sector by government departments and statutory bodies to be made available.

The committee also advocated that an alternative option should be available. That option should be relevant to certain bodies only to put in short-form annual reports similar to those put forward in the corporate sector. In my view, a short-form annual report should be a reflection of what is contained in a normal annual report put forward by a public body, should contain a report by the executive officer, the chairman of directors, and should contain key performance indicators and key financial information. That could be prescribed and set out in the legislation following a review being undertaken of the Public Finance and Audit Act. I commend the recommendations made in the report by the Public Bodies Review Committee on the 10 annual reports submitted to this Parliament in June this year.

Mr RICHARDSON (The Hills) [10.21 p.m.]: The Public Bodies Review Committee is getting into the rhythm of evaluating annual reports and interviewing officers of agencies. The committee is of the view that clear objectives provide a direct focus for management and prevent management from using poorly specified objectives as an excuse for unsatisfactory performance. Information only about activities is not a credible substitute for outcomes or performance information. The annual reporting legislation explicitly requires that quantitative and qualitative measures and indicators of performance, showing the level of efficiency and effectiveness, be reported.

Only four of the 10 reports we evaluated—the Central Coast Area Health Service, the Legal Aid Commission of New South Wales, Waste Service New South Wales and the Health Care Complaints Commission—met those requirements. Indeed, the reports of the Art Gallery of New South Wales and the Historic Houses Trust were so far outside the requirements that one would wonder whether they were indeed public bodies accountable to the people. The Art Gallery lists its objectives as: to develop and maintain a collection of works of art, and to propagate an increased knowledge and appreciation of art. The gallery sees its role as a custodian of

works of art, a presenter of such works, an education and research resource and as an inspirer and explorer of artistic attitude and aspiration.

The Art Gallery views its annual report primarily as a sales document. The General Manager, Corporate and Commercial Services, Patricia Macintosh, stated that she believed that it was sufficient for the gallery to show that it had met the budget objectives, that it worked within government funding and that it had achieved quite a deal of private funding during the year. No small business, not even a corner store, could get away with that sort of financial reporting. Businesses must have a budget not only for expenditure and acquisitions but also for donations and fundraising.

The financial statement given in the Art Gallery's annual report does not contain this information. It is astounding that an organisation with an annual income of more than \$30 million should take such a blasé view of its responsibilities to the Parliament and the community. But the Art Gallery was not alone in failing to communicate its message in line with the annual reporting legislation. The Department of State and Regional Development managed to confuse corporate performance measures with goals. It also seems to have been unable to come to grips with its new status as the department for both State and regional development. The report was illustrated entirely with photographs of the city—the regions did not get a look in.

The New South Wales Police Service, alarmingly, was another organisation which did not list objectives for either the organisation as a whole or for individual programs. Given the size and importance of the Police Service that is a matter of real concern. The Department of Education and Training equally does not seem to view performance indicators as having any role to play in its report. The newly created Sustainable Energy Development Authority—SEDA—also seemed uncertain as to its *raison d'être*. The annual report of SEDA includes goals for the organisation as a whole, but no goals for individual programs. The five goals it has listed relate to the three numbered areas of activity listed on page 9. It is unclear how those five goals relate to the five numbered program portfolio areas listed on page 13. The committee found this extremely confusing.

The committee also brought back the Historic Houses Trust of New South Wales to examine its annual report a second time. I regret to say that it had improved only marginally from the previous year. By contrast, the Legal Aid Commission's 1997 annual report was, as described by my colleague the

honourable member for Murwillumbah, "one of the most effective and low-cost, informative and frank annual reports we have seen over the last few years". This shows what can be done when those preparing the report and, by extension, the manager of the agency, understand the objectives and report clearly on them.

Waste Service New South Wales and the Central Coast Area Health Service were two organisations that correctly managed to identify objectives and report against them, although the health service failed to provide a financial summary or key financial ratios. The much larger Department of Community Services blotted its copybook in several areas. As the honourable member for Cessnock said, the committee's conclusions and recommendations may not meet with approval in certain areas of government, but if New South Wales public bodies are prepared to follow those recommendations the end result would be more accountable, clearly focused, effective and efficient organisations. I commend the chairman, Catherine Watson, Susannah Dale and Alan Bridges for the work they have done to date.

Report noted.

BILL RETURNED

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

Native Title (New South Wales) Amendment Bill

LEGAL PROFESSION AMENDMENT (PRACTICE OF FOREIGN LAW) BILL

Bill received and read a first time.

Second Reading

Mr WOODS (Clarence—Minister for Regional Development, and Minister for Rural Affairs) [10.28 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 17 September, and the second reading speech appears at pages 33 to 35 in *Hansard* proof of that day. The bill is in the same form as introduced in the other place. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

House adjourned at 10.30 p.m.