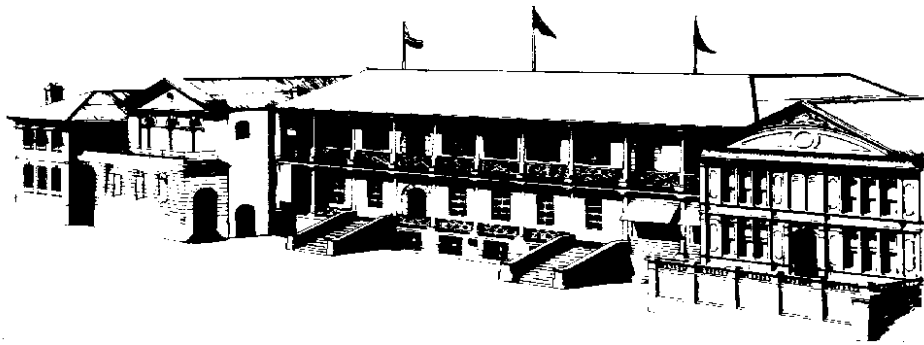




NEW SOUTH WALES



Legislative Assembly

**PARLIAMENTARY
DEBATES**

(HANSARD)

**FIFTY-FIRST PARLIAMENT
SECOND SESSION**

OFFICIAL HANSARD

Thursday, 24 September 1998

LEGISLATIVE ASSEMBLY

Thursday, 24 September 1998

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

Mr Speaker offered the Prayer.

CANTERBURY-BANKSTOWN RUGBY LEAGUE FOOTBALL CLUB

Mr MOSS (Canterbury) [10.00 a.m.]: I move:

That this House:

- (1) congratulates the Canterbury-Bankstown Bulldogs in reaching the 1998 NRL grand final and calls on all members to support them in their endeavours to win the inaugural NRL trophy.
- (2) further, congratulates the Bulldogs' players, coaching and training staff and supporters on winning eight consecutive games to carry them to the grand final.

This motion has three main aims. First, it calls for unanimous support for the Bulldogs in the forthcoming grand final. Second, it congratulates the team on its outstanding performance in the lead-up to becoming grand finalists in 1998. Finally, the motion wishes the Canterbury-Bankstown team every success in taking out the National Rugby League premiership next Sunday.

In asking for unanimous support I am really calling on all members of this House to do what the majority of New South Welshman will do this week: that is, to put their weight behind the local team, the team from New South Wales. It behoves all members of the New South Wales Parliament—and I emphasise the New South Wales Parliament—to stick up for the local team. Now that Canterbury is up against Brisbane, there is really no choice as to whom we all should support, because it is now down to one local team, and that is the mighty Bulldogs. If any members in this House want to see the Broncos win on Sunday—and I am sure there are none on my side of the Chamber—I would go so far as to say that they should jump the border and try their luck in politics in Queensland.

I am calling for loyalty for a team that hails from New South Wales, and though the grand final is not what one would call a State of Origin match, one could call this a match between teams of origin. In congratulating Canterbury on its performance to

date I would have to say that the last eight games have been remarkable achievements, when one remembers that the Bulldogs had to win all eight to make it to the grand final. Initially Canterbury had to win the last four competition games just to get into the semi-finals. Who will ever forget that final nailbiting game of the series when Craig Pollamounter put over a field goal in the last minute of play that resulted in Canterbury winning by one point?

Canterbury's two most recent games will go down in history as two of rugby league's most exciting and tenacious games ever played. After watching those games I will not be the least bit perturbed if Brisbane is ahead for much of the grand final. Canterbury now has a track record of coming from behind to win. In the semi-final against Newcastle, Canterbury was down 16-0 and went on to win in extra time. That result caused coach Steve Folkes to say that it was the most courageous victory he had been associated with in Canterbury for years.

Last week we witnessed a repeat performance for Canterbury to win convincingly in extra time. This time the win was even more phenomenal when one considers that in the last 11 minutes of ordinary time Canterbury went from two points to 18 points, to level with Parramatta. The end result is well documented, with Canterbury winning 32-20. I want to add my admiration to this gutsy team which, within 25 minutes, managed to kick four goals and two field goals and score no fewer than five tries. Following that superb win, former great Terry Lamb commented that this was the best season he has had with the Bulldogs—and he is not playing this year. But the quote of quotes has to come from club President, Barry Nelson, who noted after the game last Sunday, "Parramatta put the Bulldogs to bed, there is no doubt about that, but the problem was they forgot to kiss them goodnight." That sums up last Sunday's result.

Canterbury has a capacity for fighting back when the chips are down and for defying the odds. If ever a team deserved to be in the grand final this year, it is the Bulldogs. Canterbury-Bankstown had been written off right through this finals series. But just as they did in 1995, they keep defying the odds.

Who gives a toss what the so-called experts say about their premiership chances? The Bulldogs are on a roll, they keep on winning, and deservedly so. There is only one more game to win, and that is the big one next Sunday, and all Bulldogs' supporters know they can pull this one off.

Finally, in moving this motion I want to commend the coaching efforts of Steve Folkes, who has undoubtedly played a major role in getting the team this far. The Bulldogs can win the 1998 rugby league premiership and in this regard Darren Britt and his team can be assured of this Parliament's support. It would be remiss of me not to mention the Canterbury reserve grade in this debate because, after all, it is the reserve grade of the Bulldogs that will take this mighty club into the twenty-first century.

For the benefit of those who do not know, the reserve grade team is playing in the grand final on Sunday at the Sydney Football Stadium. It is interesting to note that since the Canterbury football club was first formed there has been only one occasion on which both the first grade side and the reserve grade side played in their respective grand finals at the same time. That occurred in 1980, and we all know what happened in 1980. Both the Canterbury reserves and the first grade team won. That was the club's first premiership win in my lifetime. We hope to see a repeat performance of the dual premierships of both the first grade and the reserve grade sides on the weekend. I am confident that the reserves will be also successful.

In the last 19 years, including this year, the Canterbury club has managed to feature in no less than nine grand finals, and has won five. After Sunday's performance that tally will be nine grand finals with six premiership wins. I am sure all members of this House are hoping for that result. I know that not every member of this House is a Bulldog fanatic. However, there are a number of us, such as the honourable member for Bankstown, the honourable member for Lakemba, the honourable member for East Hills, the honourable member for Hurstville, the honourable member for Londonderry, and, although he does not represent the Canterbury-Bankstown area, to his credit the honourable member for Tamworth has never forgotten where he came from. Those members are anxious for a team from this State to take out the honours on Sunday. Good luck to the mighty Bulldogs in 1998!

Mr HAZZARD (Wakehurst) [10.10 a.m.]: I welcome to the House students from All Saints school, Liverpool. I am sure the boys and girls from All Saints also support the only Sydney team left in

the competition this year, the mighty Bulldogs. The Canterbury club is one I would certainly support given the opportunity, provided one other club was out of the competition. Regrettably that club, Manly, is out of the competition. Only last week Bobby Fulton, the mighty coach of the Manly Sea Eagles, was in Kuala Lumpur for the Commonwealth Games. I am sure that he, as the former Australian coach, will also support the Bulldogs on Sunday in their effort against Brisbane.

I worked in Bankstown for about four or five years. During that time I came to know a number of members of the Canterbury club. John Heffernan, who is one of the greatest supporters of the Canterbury club—in fact a major patron and sponsor—has been a friend of mine for more than 20 years. I know that he and his wife, Pat, want to see Canterbury achieve greatness again on Sunday. I have realised over the years that the Canterbury club, the Bulldogs, is a family club. It is centred on a family philosophy, which comes from the patriarchy of the club, Peter Moore.

As honourable members are probably aware, Peter Moore is suffering from a severe illness. On behalf of the New South Wales Parliament and the people of New South Wales I convey my best wishes to Peter, his wife, Marie, and their nine children—seven boys and two girls—and wish him a speedy recovery. He has been the heart and soul of the Canterbury Bulldogs for many years. Peter was the proprietor of a newsagency at Belmore, and about 30 years ago he joined the Canterbury club. Many members of the club would say that he has put the club in the strong position it enjoys today. All through the late 1970s and 1980s Canterbury was a force to be reckoned with. The club competed in numerous premierships in the 1980s and was successful in four grand finals.

The club has a history of some of the most amazing players to run onto a rugby league field in New South Wales. It is interesting to note that all the players of Canterbury seem to score nicknames, which I suppose is not unusual in football clubs. The Mortimer brothers, Steve, Peter and Chris were nicknamed Turvey, Parrot and Louie respectively. Peter Moore is known as Bullfrog. Every year the club has the spirit and the determination to reach the grand final. The fact that it was not doing too well in the early part of this season, but rallied to reach the grand final shows the level of resolve of the Bulldogs. I understand that the club has on display the last Winfield Cup, which was won in 1995. On Sunday, if the Bulldogs can win the National Rugby League cup, it will have won the first NRL cup, and that would be another mighty achievement for the mighty Bulldogs.

Mr Moss: They will keep it, too.

Mr HAZZARD: They probably will keep it for a while. I do not know whether the honourable member for Canterbury will attend the club's grand final luncheon today.

Mr Gibson: That was on this morning.

Mr HAZZARD: No, the luncheon will be held today at the Belmore Leagues Club. On occasions, members of the Opposition know more than the honourable member for Londonderry. Perhaps he was not invited to the luncheon. If the honourable member wants a taxi, we will send him out there. We wish all the players and supporters the very best for their luncheon today and a great deal of luck on Sunday. The mighty Bulldogs are playing not only in the first grade competition, but its President's Cup team, previously the reserve grade, has also been successful in making the grand final. Terry Lamb, one of the great former players for the Bulldogs, is the coach of the President's Cup team.

Steve Folkes is the coach of the first grade team, and Terry Lamb is one of the all-time great players. He was playing football in the late 1970s and 1980s. He was, I believe, the only player ever to have played every game on a Kangaroo tour. It is an amazing record for any player! Lamb was actually on the turf on every Kangaroo tour that he participated in. It might have been only five or 10 minutes on some occasions, but he was on there. Another great player who springs to mind is George Peponis, a medical doctor. He played in the halcyon days of the early 1970s and 1980s. If my memory serves me correctly, George was the Australian captain and hooker of Kangaroo winning sides.

Canterbury-Bankstown has a great history and has made an enormous contribution to New South Wales rugby league. As the honourable member for Canterbury said, the team has made impressive appearances in grand final matches. The honourable member for Canterbury expressed concern as to whether there would be unanimous support in the Parliament for Canterbury-Bankstown. I am sure that when it comes to a New South Wales team beating the Brisbane Broncos there is no question but that all honourable members are 100 per cent behind Canterbury-Bankstown.

Mr Moss: Bless your heart, lad.

Mr HAZZARD: Thank you. The honourable member should extend those sentiments to every other honourable member. Although we may have individual preferences for our own teams, we will

all support Canterbury-Bankstown, the team that will play in the grand final. I will be at the game on Sunday and I will make sure that some of the loudest support for the mighty Bulldogs comes from me. The fact that Canterbury-Bankstown did not win the majority of the games played in the first part of the season indicates the team's level of spirit, commitment and dedication. The team has won its most recent eight games straight. I was in Kuala Lumpur when the team played its most recent game, but I heard about it even from that distance.

Yesterday the Minister for Sport and Recreation, who is the honourable member for Parramatta, expressed her concerns about that game. From as far away as Kuala Lumpur I heard that the team's most recent two games, first against Newcastle and then against Parramatta, were fantastic. The fact that the team was able to make a huge impact in the final 10 minutes each way and beat the living daylights out of its opposition would suggest that the odds being given the team against the Broncos, which are about 5 to 1 to Brisbane, are terribly wrong. Along with all other members of the House, I will not be backing the Brisbane Broncos. There is no question about my support or that of other honourable members of the House. We will all back the Canterbury Bulldogs. We back Peter Moore and all the other loyal supporters of the Bulldogs—including Peter Warren and John Laws. I wish the team all the very best on Sunday.

Mr GIBSON (Londonderry) [10.20 a.m.]: I wish the Canterbury Bulldogs all the very best for the game on Sunday. I am certain that many of those present in the gallery this morning are supporters of the Bulldogs. The great thing about sport is the unexpected things that happen, particularly with results. The so-called experts said that the Canterbury Bulldogs were gone. After playing in 23 rounds of the competition the Bulldogs were in the top 10. The team was struggling and everyone was saying that it would not make the semi-finals. After 252 games, after 20,200 minutes of rugby league, Canterbury-Bankstown finished at ninth place on the table with 26 points.

The so-called experts said that it would be a miracle if the Bulldogs got any further. They have been proved wrong, not only this time but many times in the past. In 1995 the Bulldogs came from sixth position to win against the odds. At that time the experts said that a team could not win a competition from sixth position. But the Bulldogs proved them wrong. During this year the team was written off. The odds given to Canterbury-Bankstown winning the final were about 140 to 1.

Mr Fraser: We might start a register.

Mr GIBSON: We will talk about that later. No-one suggested that the grand final would see the Broncos meeting Canterbury-Bankstown. Nobody, that is, except the Canterbury players and their good supporters. The honourable member for Canterbury, who moved this motion, reminded honourable members that the team has won eight consecutive games. The Bulldogs were down 12-0 against St George but came back to win 20-12. They were 2-2 at half time against North Sydney, rallied in the second half and won the game 28-16. The team was down 16-0 against Newcastle but again came back to win 28-16. The Bulldogs were down 18-2 with 11 minutes to go against Parramatta and got up to win 32-20. That is a game that will go down in history and be talked about it for a very long time.

Canterbury-Bankstown is the most successful team in rugby league over the past 10 or 15 years. This year the Broncos have won both their encounters against the Bulldogs, and the Broncos go to Sunday's final with virtually a State of origin side. On the other hand, Canterbury-Bankstown has no representative players apart from Steve Price and Jason Hetherington, who both played in the State of Origin this year for Queensland. As other honourable members have said, Sunday's game will be one for the Bullfrog, it will be one for Peter Moore. Peter Moore is Canterbury-Bankstown, and has been for many years. I first met Peter Moore when I finished my playing career with Parramatta. Back in 1969 Peter offered me a contract to go to Canterbury.

Mr Fraser: Did you take it?

Mr GIBSON: No, I did not take up that contract. I have made a few mistakes in my time. I have been a close friend of the Bullfrog ever since then. Pete, his wife and his children are a lovely family. At the moment Peter Moore is fighting cancer and the effects of a recent stroke. He will be at the game on Sunday in his wheelchair and he will sit on the sideline. His presence will lift Canterbury to no small degree. The Doggies are, and always have been, loyal to their litter. I think of many great players through the years. The Mortimers, the Hughes brothers, the Folkeses and the Hagans are all part of the Canterbury-Bankstown family.

Steve Folkes, a member of the Canterbury-Bankstown family, was given the coaching job this year. He could be the first coach to win a reserve grade premiership one year and the first grade competition in the next year. No coach has yet won two competitions in successive years. Steve had a

very difficult task this season. He dropped Hazem El Masri. People said that dropping such a good player was a wrong move. But Steve gave a young kid, Gavin Lester, a go. That is what Canterbury-Bankstown is all about. For the first couple of weeks it did not appear that Steve's experiment had worked. But, believe me, it did. Gavin Lester is playing great football.

On Sunday Daryl Halligan's boot will keep Canterbury-Bankstown in the game. He is probably the greatest goal kicker the game has ever seen. Terry Lamb has made a fantastic effort. He has played in 349 first grade games and four grand finals. His spirit will be there on Sunday, which will also lift the team. At the end of the game the other day, after the Bulldogs beat Parramatta, the Premier, standing there with a beer in one hand and a pie in the other, said, "Rugby league has been the winner here today." Canterbury-Bankstown will be the winner on Sunday.

Mr WINDSOR (Tamworth) [10.25 a.m.]: It is with great pleasure that I support this motion moved by the honourable member for Canterbury. I was intrigued to listen to the endorsement of the honourable member for Londonderry, but I am afraid that he lost me towards the end of his speech. I have been a Canterbury-Bankstown supporter since childhood. In my years at Farrer Memorial Agricultural High School all students had a team that we supported. Canterbury-Bankstown has been my team since then. I guess the reason I was attracted to Canterbury-Bankstown at that time goes back to a legendary full-back of whom the honourable member for Canterbury would be well aware—I think he is old enough to remember the giant of rugby league Les Johns. I have admired the team from that time.

Through the years the Bulldogs have had some great players, and I, too, think of the Mortimers, the Hugheses, the Hagans and Daryl Halligan. Canterbury-Bankstown has been a great team. As has been said previously in the debate, one of the team's successes has been its achievement in developing great team spirit. There have been many other good rugby league teams in New South Wales that have put great individual players together. The strength of Canterbury-Bankstown has always been that it is a good team, and that is something that encourages children in particular to support it. Recent final series games, in particular the game against Newcastle and the game last Sunday against Parramatta, have been riveting. I hope that the Bulldogs win next Sunday. I will attend that match—the first grand final that I will have attended since the South Sydney-Balmain game in 1969. Of course, at that time I was a teenager.

[Interruption]

The precedent that gives honourable members the right to lie was set by the honourable member for Londonderry. It is 29 years since I have been to a grand final and it will be a great pleasure for me to see Canterbury-Bankstown represented at the reserve grade grand final. The honourable member for Canterbury said earlier that I was a supporter of Canterbury-Bankstown and that I had not forgotten my roots, which is not strictly true. I do not come from that area. In fact, I come from a small place called Werris Creek. Many honourable members would know—I know that the Minister for Local Government is well aware of this because he would have loved to visit Werris Creek but has been unable to do so because of ministerial duties—that Werris Creek won four of the last five grand finals in group four.

This year, however, the Gunnedah Bulldogs won that game. But Werris Creek, which has a great team, won four of the last five games. There are many similarities between the Werris Creek and Canterbury-Bankstown teams. I congratulate the Werris Creek rugby league team—another great team that is playing great football. As this motion is about rugby league I congratulate my old school, Farrer Memorial Agricultural High School, on playing last Saturday in the grand final of the university shield. Unfortunately, that team lost to Westfield; nonetheless it was a great effort. I have much pleasure in supporting the motion. I will attend the match on Sunday and I believe that the Bulldogs will be the winning team.

Mr STEWART (Lakemba) [10.30 a.m.]: I proudly support the motion moved by the honourable member for Canterbury. I will tell honourable members what the Bulldogs and Canterbury-Bankstown League Club are all about by referring to last Sunday's league match between Parramatta and Canterbury. After 69 minutes the score was 18 to 2 and Canterbury had almost written off the game. After 70 minutes the score was 18 to 6; after 75 minutes it was 18 to 12; and after 77 minutes it was 18 all. At that stage, unbelievably, the game went into extra time. After 81 minutes the score was 18 to 19; after 84 minutes it was 18 to 25; after 95 minutes it was 18 to 26; and it then went to 20 to 26 and, finally, 20 to 32. A lot of Parramatta supporters left the game at around the 75-minute mark as they thought that Parramatta had won.

The score demonstrates the determination of the Bulldogs to win against all odds. I am sure that that is what will happen this Sunday when they play

against the Brisbane Broncos. I am proud to have the Canterbury-Bankstown League Club and the Belmore sportsground within my electorate. Earlier the honourable member for Canterbury referred to the fact that the Bulldogs won seven premierships—in 1938, 1942, 1980, 1984, 1985, 1988 and 1995. The honourable member for Wakehurst referred to the fact that the Bulldogs won the last Winfield Cup in 1995. I hope that on Sunday they will win the inaugural National Rugby League cup.

This year has been a proud year for the Bulldogs. They were the underdogs; they were written off by everyone except their supporters. The odds against them winning this year were 150 to one—which would have been good for anyone wanting to place a bet. People had written them off and it was said that there was no way the Bulldogs would get over the hurdles confronting them. They did, and they are now in the grand final. I pay tribute, as have the honourable member for Canterbury and the honourable member for Wakehurst, to Peter Moore—the ethos of and the man at the heart of the Bulldogs.

Reference was made earlier to the fact that Peter Moore is not well. However, I think he is getting on top of his illness and I know that the Bulldog's recent win was very uplifting for him. Recently, I was silly enough to ring Peter while he was in hospital, just after the game between St George and the Bulldogs. I did not realise that he was watching a delayed broadcast of the game on television. I rang him in hospital with the intention of congratulating him on the Bulldog's amazing win, but his daughter quickly told me not to say a word because I would not be regarded as a friend for the next few months if I disclosed to him who had won the game. Apparently, he was sitting on the edge of his bed waiting for the result—and what a proud result it was!

The Bulldogs, who have been located in the Belmore area since 1938—a period of 60 years—have been very much involved in the ethos of the local area. It has often been said that when the Canterbury Bulldogs are winning so is the local area. Morale in Belmore has been high because of the success of the Bulldogs. It should not be forgotten that the Bulldogs have contributed a lot to the local area. The club is not worried about what it needs; it is worried about the local area, which it has supported wholeheartedly during the past 60 years. Many services have been provided in my local community as a result of the Bulldogs football club. Mention should be made of Bob Hagan, the chief executive, who started in that position in difficult circumstances.

Bob Hagan took over from Peter Moore—who is a legend. Bob has successfully filled Peter's shoes and has assisted the Bulldogs to achieve their recent success. I refer also to Barry Nelson, president; Garry Hughes, football manager; Kevin Dawes, Bob Williams and Fred Ciraldo, dressing room attendants; Hugh Hazard, the club doctor who does a wonderful job; Larry Britton, the head trainer; Albert Alonso, the physiotherapist; Billy Johnstone, the strength and conditioning coach; Michelle Cox, the medical assistant; Les Bateman and Alan Schwebel, statisticians; and Dallas Tiller and Brian Proops, timekeepers. Steve Folkes has become a legend as the coach of the Bulldogs. His inaugural year was as a first-grade coach and he is responsible for the Bulldog's success—something which was not achieved in 1988 under the coaching of Phil Gould.

This is an amazing success story for Steve Folkes. Full credit to him for the way in which he has kept the Bulldogs going. I make reference to Alan Nelson, manager and Garry Carden, the trainer. The success achieved by the reserve grade team has been due to the efforts of Terry Lamb, the coach; Lloyd White, the manager; Benjamin Gillies, the trainer; and Les Rolls, the strapper. The players, under the captaincy of Darren Britt, worked hard this year. Darren also helped the Bulldogs achieve their success.

Mr JEFFERY (Oxley) [10.35 a.m.]: I have great pleasure in supporting the motion moved by the honourable member for Canterbury. However, I say to the honourable member for Canterbury who asked all honourable members to support this motion that it might be a somewhat difficult call for those members who represent northern electorates. I am sure that it is heartbreaking for some honourable members to be located in certain electorates. However, this motion is all about sport. One wonderful aspect of sport is that it unites people. Sport, is a much better leveller than politics. This weekend we will all witness another amazing game. On Sunday I was on the Comboyne plateau, near Taree in my electorate. I turned on the radio, heard that the score was Parramatta 18, Canterbury Bulldogs 2, and turned the radio off. When I got home later that night and turned the television on the game had gone into extra time. I wondered what was going on. It was an amazing turnaround. I was as surprised as many others to see the Bulldogs playing such a wonderful game.

Much mention has been made today about Peter Moore, OAM. It is an inspiration to the Bulldogs to be associated with a person of his calibre. Honourable members know that Peter has been ill but he hopes to be at the game on Sunday,

in a wheelchair, to barrack for the Bulldogs. Peter has written to all members of the Canterbury-Bankstown team and I believe his personal note will give them a lift. Peter is loved by all; he is the life and soul of the area, and will be an inspiration to the Bulldogs. Peter Moore was elected to the Canterbury-Bankstown Leagues Club committee in 1968 and became the club's secretary the following year. He was responsible for recruiting talented players to the club during the past 30 years.

Peter has also managed two Kangaroo tours and many State and city representative sides. He was a board member of the New South Wales and Australian rugby league clubs throughout the 1980s. Peter and his wife, Marie, have nine children and have had a strong involvement with rugby for a long time. Amongst his sons-in-law is the current Canterbury coach, Steve Folkes, and the Melbourne Storms coach, Chris Anderson. However, I have to confess I am an Australian rules footballer and have played in a couple of States.

Mr Iemma: Who do you support?

Mr JEFFERY: I support the Sydney Swans. I used to play for the Swans in Victoria. I will be supporting North Melbourne, the Kangaroos, because my brother-in-law, Mike Dowdell—my wife's sister's husband—played for the firsts in North Melbourne in the late 1960s and early 1970s. In those days I was always able to get tickets to the grand final! If I had been able to go to Melbourne on Saturday I would have had a ticket to the grand final between North Melbourne and the Adelaide Crows, which will also be a good game.

However, on Sunday I will barrack for the Bulldogs who will use momentum and beat the Broncos in a very close match. The Bulldogs have won eight games in a row, so it will be a tremendous game. In the 1980s the Bulldogs were firing. They made the grand final in 1995 and have made the grand final again this year. The Bulldogs' reserve grade has also done very well in the President's Cup. I will put on the record some of the Bulldogs great tries and goals. In August 1942 Edgar Newham scored five tries against Balmain—the most tries in a match—when Canterbury won 26 to 20. On 19 April 1998 Daryl Halligan kicked 10 goals against the Gold Coast at Belmore—the most goals in a match—when Canterbury won convincingly. There have been some wonderful individual achievements. The Canterbury-Bankstown team has great team spirit which has been epitomised by Peter Moore. Team effort has got Canterbury to the stage it is at now. I have great pleasure in supporting Canterbury.

Mr Fraser: How much start?

Mr JEFFERY: Not being a gambler like the honourable member for Coffs Harbour I will put on the record 18 to 14 the Bulldogs way.

Mr ROGAN (East Hills) [10.40 a.m.]: I am delighted to join with other speakers in congratulating Canterbury on being in the grand final. I wish them every success this weekend. I also congratulate the honourable member for Canterbury for having moved this motion in the House today. He represents the electorate of Canterbury and it is fitting that he should have moved the motion. As a representative of an electorate in the Canterbury-Bankstown district—indeed the borders of my electorate are within the drawing area for Canterbury-Bankstown—it gives me great pleasure, on behalf of the legion of fans within my electorate, to support Canterbury this weekend.

Who could ever forget the win last Sunday? Commentators have described it as perhaps one of the greatest finals in a rugby league match ever witnessed in New South Wales. As I wanted to live the game and did not want to watch a delayed telecast, I listened to the match report on the radio. I was so disappointed that I almost turned the radio off 15 minutes before full-time. If I had done so I would have missed one of the greatest finals ever. It is typical of the fighting spirit of Canterbury-Bankstown to come from what was considered to be an impossible position to take victory. I believe they will also take victory this weekend.

Today much has been said about Peter Moore, the "Bulldog" as he affectionately known. I wish to speak today, firstly, because of my great support for the team and, secondly, because I could not front Peter Moore if I had not been associated with the motion today. As honourable members know, and as has been well publicised, recently Peter Moore suffered a serious illness which was compounded by a stroke. A former councillor of Bankstown council, Ray Buchanan, is also an executive member of Canterbury and is a loyal follower of the game. I know Ray Buchanan would want me to mention his name today because he has been loyal to Canterbury for many years. He joined that great team including Bob Hagan, Barry Nelson and one of the great players who was captain of the 1995 premierships team, Terry Lamb.

Canterbury has never refused a request to provide players for charity functions or for other community events, even if it created difficulties for the club, and that has been greatly appreciated by the community. I recall an occasion about two years

ago when Terry Lamb attended a president's day function at Revesby bowling club, Terry was great on the field but lawn bowls was not his forte. He came there to lend his support and that is typical of his spirit and typical of the spirit in the Canterbury-Bankstown area, which has a high ethnic population of Arabic-speaking people who, one might expect, would follow soccer. The ethnic community has always supported the Bulldogs team and that is a great success story for our multicultural society. The Bulldogs have a lot of supporters from a whole range of diverse groups. I join with all other honourable members in wishing Canterbury all the very best.

Mr O'DOHERTY (Ku-ring-gai) [10.45 a.m.]: I will not talk about North Sydney Leagues Club today, but I will talk about Canterbury-Bankstown Leagues Club's assault on the National Rugby League premiership. Before I do so, I acknowledge in the gallery the presence of year 5 students from All Saints, Liverpool, who are listening to this important debate. All honourable members will join with the students in wishing Canterbury, the pride of New South Wales, all the best in Sunday's match. For the benefit of the Hansard reporters, I note that the students have their thumbs raised in the air in support of Canterbury. The teachers have not yet committed themselves by raising their thumbs. Perhaps there are a couple of Bronco supporters among them. It is appropriate that the young people of New South Wales support Canterbury-Bankstown Leagues Club because that club has always supported them.

As a broadcaster at 2GB, I remember the 1980s as a fabulous decade. It was a great decade for broadcasting, a great decade for 2GB and a great decade for Canterbury-Bankstown Leagues Club. Canterbury really hit its straps in the 1980s. I sat in the broadcast box with my friend Greg Hartley to watch the Australian Rugby League grand final in 1984 or 1985, or both. Although I was not known for my tipping prowess, I distinguished myself by tipping Canterbury against the odds. Canterbury won, and I gained legendary status amongst my 2GB colleagues. Greg Hartley, a great advocate of the Canterbury club, introduced me to the Mortimers. I remember well the family feeling of the club, with the Mortimers bringing their children to the matches. The Mortimer wives played an important role in promoting rugby league as a family event and Canterbury as a family team.

I acknowledge the contribution that was and continues to be made by Stevie Mortimer—Turvey, Peter Mortimer—Parrot, Chris Mortimer—Louie, and their families. I also acknowledge the

contribution that Peter Moore has made to the game of rugby league and to the development of young people in the Canterbury area over many years. Bullfrog, as he is known, is unwell, but the rumour is that he will leave his hospital bed and make it to the match on Sunday. That will be an excellent fillip and motivation for the team to win the first ever National Rugby League Cup. Canterbury won the last Winfield Cup, and it is securely locked in the club's premises, never to leave. It would be a significant achievement if the club also captured the first NRL Cup in this interesting rugby league season.

Mr Hazzard: Peter Moore will be there on Sunday.

Mr O'DOHERTY: The honourable member for Wakehurst assures me that Peter Moore will be at the match. The honourable member told me that Peter Moore is called Bullfrog because he looks like a bullfrog and mumbles and grumbles like a bullfrog, but everyone loves him. He has made a great contribution to Canterbury-Bankstown Leagues Club and to rugby league. Importantly, not only will Canterbury leagues club compete in the first grade grand final but it will also compete in the President's Cup grand final. I want to read onto the record of the Legislative Assembly of New South Wales, the oldest Parliament in Australia, the names of the players who will go around for Canterbury on the weekend. The coach of the President's Cup team is Terry Lamb and the players are: Hazem El Masri, Brent Sherwin, Greg Fleming, Brett Robertson, Mohammad Abbas, Tim Breeze, Duncan McRae, Mitch Newton, Robert Mears, Lafi Manua, Jamie Feeney, captain Simon Gillies and Matua Parkinson, with Steve Hughes, Trent Runciman, Anthony Semrani and Adam Perry.

The first grade team that will take the field on Sunday and do its best for New South Wales—the gladiators, the heroes who will take out the Broncos and leave us in no doubt who the best State is—consists of: Rod Silva, Gavin Lester, Shane Marteene, Willie Talau, Daryl Halligan, Craig Pollamounter, Corey Hughes, captain Darren Britt, Jason Hetherington, Steve Price, Tony Grimaldi, Robert Relf and Travis Norton, with Troy Stone, Glen Hughes, Steve Reardon and David Thompson. Steve Folkes is the coach, a successful coach with a 60 per cent winning record. Those gladiators will carry with them onto the field the best wishes of the people of New South Wales. The students from Liverpool in the gallery are excited by this debate. I am sure that Canterbury-Bankstown Leagues Club has the unanimous blessings of every member of the New South Wales Parliament. I am pleased to support the motion.

Mr IEMMA (Hurstville) [10.50 a.m.]: I support the motion moved by the honourable member for Canterbury and I congratulate Canterbury-Bankstown Leagues Club on its success. Its achievements over the past few months are symptomatic of the club's philosophy over many decades. For a long time the club has been known as the family club. In particular, two families have been the cornerstone of the club's success—the Moore family and the Stewart family. Without the driving force of Peter Moore Canterbury would not be where it is today and has been in past years, particularly in the mid-1980s when it won a number of premierships. Its success over the past couple of months against all odds is a tribute to the philosophy instilled by Peter Moore and to the club that he helped to build up. The ability of the club to come back from hopeless situations on three occasions to make the grand final must be an uplifting experience for Peter Moore during his present illness.

The other family is the Stewart family. Kevin Stewart, a former member for Canterbury, is the President of the football club. He is following in the footsteps of his father Frank senior and his brother the late Frank Stewart, who was a Minister in the Whitlam Government and a tremendous supporter of the Canterbury team. Kevin, Frank and Frank senior have done a great deal for the club and the teams over many decades. Much of the club's success is attributable to their support. Canterbury has been an innovative club, and was responsible for borrowing innovative methods from the United States of America, particularly the scholarship system. Peter Moore was instrumental in introducing a scholarship system in the late 1970s, which provided footballers with the opportunity to play football as professionals and to gain educational qualifications in order to pursue a career after football. Probably the best example of the success of that scholarship system is Dr George Peponis, who captained Canterbury and went on to captain Australia.

The National Rugby League should note the size of the crowd number—37,000 fans—that attended last weekend's match between Canterbury and Parramatta. It was the only game in all of the play-off final matches that went anywhere near to filling the modest Sydney Football Stadium. The NRL should heed that message and back off from trying to force what I would call the passion clubs in rugby league, such as Parramatta, Canterbury, St George, South Sydney and Balmain, into amalgamations they do not want. The NRL should borrow the philosophy employed by the Australian Football League a few years ago when it built a successful national competition around the traditional clubs, the clubs that have proved to be successful and have a large following. The NRL

should take heed of the message that the only game that came anywhere near to filling that modest stadium was played by Parramatta and Canterbury, the two clubs that virtually exchanged premierships in the mid-1980s.

Certainly the NRL should build a national competition, but it should also acknowledge that clubs such as Parramatta, Canterbury, St George, South Sydney and Balmain should be the cornerstone of a national competition, and not force them into phoney moves and amalgamations. The Victorian Football League, as it was known, tried to do the same thing over a decade ago. It picked on the Essendon and Collingwood football clubs and forced them into amalgamations and transfers. That plan backfired. Heed the message: build a national competition from rugby league's heartland, where rugby league is strong. Go the Bulldogs!

Motion agreed to.

NATIONAL PARKS AND WILDLIFE (PARRAMATTA REGIONAL PARK) BILL

Bill returned from the Legislative Council with amendments.

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 23 September.

- No. 1 Page 2, clause 4, lines 26-28. Omit "into the National Parks and Wildlife Fund referred to in section 137 of the *National Parks and Wildlife Act 1974*".

Insert instead "to the trustees of the Parramatta Regional Park Trust".

- No. 2 Page 3. Insert before line 1:

5 Saving of native title rights and interests

- (1) This section applies to the excised land referred to in section 4.
- (2) This Act does not operate to extinguish any native title rights and interests existing in relation to the land immediately before its vesting by section 4.
- (3) This section does not affect any extinguishment of native title rights and interests by the operation of the *Native Title Act 1993* of the Commonwealth or the *Native Title (New South Wales) Act 1994*.

- (4) Words and expressions used in the *Native Title Act 1993* of the Commonwealth and in this section have the same meanings as they have in that Act.

Legislative Council's amendments agreed to on motion by Ms Allan.

Resolution reported from Committee and report adopted.

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

LIQUOR AMENDMENT (RESTAURANTS AND NIGHTCLUBS) BILL

Suspension of standing and sessional orders agreed to.

Second Reading

Debate resumed from 23 September.

Mr COLLINS (Willoughby—Leader of the Opposition) [11.04 a.m.]: The Opposition will not oppose the bill. Finally, after 3½ years in government and with no more than 20 sitting days left in the Fifty-first Parliament, the Carr Government is attempting to bring the State's liquor laws as they apply to restaurants into the latter half of the twentieth century. We are about to enter the twenty-first century. The Government has dragged its feet and waited until the last moment to introduce this reform. The politics of this issue are simple: the people of Australia are sick of governments telling them when they can eat, when they can drink, whether they have to stand up, whether they have to sit down, whether 30 per cent can stand in a corner or whether 70 per cent have to sit.

This kind of nonsense—this lifestyle policing—has to stop. The Opposition will not oppose the legislation because, presumably, it is the best the Government can do six months before the State election. This is an incremental step, albeit belated, in the Government getting out of lifestyle policing, but it still has some way to go. On 6 April I indicated the Opposition's support for the relaxation of the draconian liquor laws that ban restaurants from serving liquor without meals. I indicated that a coalition government would move to get rid of that anomaly. I indicated to the Restaurant and Catering Association annual dinner that the coalition would overcome the ridiculous anomaly that has beset that industry.

Those laws made life difficult for restaurateurs and resulted in a number of patrons having a drink

somewhere else, which may have led to a meal, and may have meant more employment in the restaurant and catering industry. On 6 April I said that Sydney was fast losing business to Melbourne, where restaurants reserve a quarter of their tables for patrons who want liquor without meals. In Queensland restaurants reserve 20 per cent of their tables and in South Australia they are not limited. This legislation is not about splitting the atom, it is not earth-shattering, untried, radical, social engineering. This legislation will bring New South Wales liquor laws in line with the laws of other States—some of which have been in operation for the past 10 to 15 years.

The Opposition will not block this legislation. It is a pity the Government has been under the thumb of the Australian Hotels Association and has not been prepared to do something about this earlier. It is a pity the AHA has the Government in such a stranglehold that it has not been prepared to bring changes before the House until now, when only 20 sitting days remain this session. The Minister for Gaming and Racing is familiar with the coalition's arguments and its determination to see greater flexibility as far as the eating and drinking habits of Australians are concerned. He knows that the coalition wants to recognise the flexibility that consumers, customers and restaurant patrons demand.

This will not be the end of the world for the hotel or club industry, but it will make a lot of difference for those who run restaurants, the archetypal small business men and women who run restaurants around this State. They have been saying for years, "Give us the same opportunities that are available in other States, such as Victoria, Queensland and South Australia." We would not find in this Parliament, I would hope, anyone who would speak against these changes. I sincerely hope that no-one would be so under the thumb of other interest groups that they would oppose these changes, because these issues transcend politics. This is to do with government getting out of lifestyle policing.

The 6,000 restaurants in New South Wales employ more than 55,000 people. The position taken by honourable members on this side of the House, I am pleased to say, has forced the Government to adopt our position and bring this legislation before the House. That position is that people should be able to choose whether they want to have a drink first and then a meal, or have a meal first and then a drink. That decision should be left to the customer; it should not be a matter for regulation and policing by any State government instrumentality. The

Opposition completely supports the liberalisation of drinking laws as they apply to restaurants.

This measure will be welcomed by the thousand or so people who attended the Darling Harbour dinner which I and the Minister for Gaming and Racing addressed in April. The Minister said that he would look at this matter soon—"soon" obviously meaning six months or so later. I acknowledge the presence in the gallery today of Jenny Lambert, who has worked tirelessly for Restaurant and Catering New South Wales, the association representing the restaurant industry, and the former president of the association, Mr Michael Fischer. They have ensured that members of Parliament have been kept abreast of the needs of the industry that they have so admirably represented. They have well represented the 6,000 restaurants of New South Wales over the past couple of years. I pay tribute to them for really bringing this issue to a head today in Parliament by ensuring that both the Government and the Opposition know what is happening in the restaurant industry.

One element of the package before the Parliament deserves particular comment: the proposal to remove lifestyle policing—a step that we on this side of the House applaud—and to replace it with a tax measure. The cash-strapped Carr Government is unable to resist the opportunity to slug restaurants, in this instance by up to \$15,000 each, and thereby raise some \$30 million in additional taxes to stem its worsening budget crisis. Why is it that this Government, which promised no new taxes and no tax increases, now imposes this fourteenth major charge increase, an impost that will be passed on to consumers? Why has the Government decided, in the dying days of this Parliament, to slug restaurants by an extra \$30 million?

The idiocy of this Government charge indicates not only that these are the dying days of the Parliament but that they are the dying days of the Carr Government. The Government has been unable to read the message. It has received the message that the people and restaurants of this State want change, but why must it slug consumers by charging small restaurant owners \$15,000 each so they can serve people a drink when they do not want a meal? This is just a money grab in the dying days of this cash-strapped Government.

Because the Opposition does not have the numbers in this Parliament to change this legislation, I reserve our right to change, at a later date, the provision that would slug restaurants up to \$15,000. I put the Government on notice now. It has its hands

in the pockets of restaurant owners, saying, "Give us \$30 million." The same Government is lining the pockets of some hotel owners who have established a futures market in poker machines doled out by the Government. It is ever keen to look after every single aspect of the hotel industry in New South Wales. Why would it do that, I wonder? When we have a police Minister who is a major hotel owner, and owns hotels in the Sydney central business district, we have a fairly clear answer as to why hotels get more attention from this Government than do restaurants.

The fact is that restaurants are run by ordinary people. Most of the 6,000 restaurants in this State are run as archetypal small businesses: the husband and wife, the family members, typical of the core staffing of these restaurants. These are the restaurants that are being slugged \$15,000 each by a Government which a couple of weeks ago established a futures market for poker machines. Hoteliers are able to buy poker machines, not even take delivery of them, and on-sell those machines at a profit of \$40,000. Hoteliers, in some instances, are getting \$40,000 for poker machines that they have never taken delivery of, yet the restaurant owners are being slugged \$15,000 for a licence. There are no poker machines in restaurants—yet! There is no sign of poker machines in restaurants, thank goodness.

The coalition will be talking further to Restaurant and Catering New South Wales, which represents the 6,000 restaurants and 55,000 employees in the restaurant industry throughout the State. We on this side of the House want to make sure that their interests are better served and their voice is better heard under a Collins-Armstrong government than they have been under the Carr Government. I conclude by saying that it is better late than never that we see in the dying days of this Government some changes to benefit the restaurant industry. We look forward to having more good news for the restaurant industry in the days leading up to the State election on 27 March next year.

Mr IEMMA (Hurstville) [11.18 a.m.]: I support the proposal put forward by the Government, I welcome the package that the Minister has put together, and I welcome the statements in support of them by the Premier. I want to deal with some of the regulatory aspects of this proposal. Restaurants will be required to apply for authority to serve alcohol in their venues. The grant of an application and the operation of such premises will be subject to a requirement that at least 70 per cent of seating must be allocated to diners at all times. That requirement compares favourably with

the 25 per cent requirement that operates in Victoria. That answers some of the criticisms that this package does not go far enough. Simply put, it goes further than the Victorian scheme. Given criticisms that New South Wales is losing out to Victoria, I would have thought the benefits of this proposal are self-evident.

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 do not become overcrowded bars for drinking. It is 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. That should be a sufficient safeguard and answer some of the concerns expressed about this package, especially by the Australian Hotels Association.

Important regulations will protect the excessive serving of alcohol 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 in these venues after 10.00 p.m. but they must be with a responsible adult if they are to remain on the premises. That is a fairly sensible requirement and a sensible balance between the interests of minors and the interests of these premises.

Finally, these licences will be subject to the applicable offences that apply to other liquor licences, including the supply of liquor to minors, intoxication and so on, together with appropriate offences, penalties and disciplinary measures to address non-compliance with the law. The package provides a good balance. Importantly, the proposals in the bill will not allow restaurants which are granted the new dine-or-drink authorities to have gaming machines or takeaway sales of liquor. That fundamental provision addresses the concerns expressed by those who have been critical of changing the law in that direction.

In the bill the Government has taken the opportunity to clarify the law relating to what are generally known as the stand-and-consume requirements of restaurants. The restaurant association and the industry have been seeking that clarification for a long time, and people such as Gay Bilson have strongly supported changing the ridiculous situation that has operated for some time. The Restaurant and Catering Association sought

clarification of these provisions to ensure that no breach or offence is committed if patrons, in normal and reasonable circumstances for a restaurant, move between tables with their drink, have a toast with their glass of wine while standing or stand with their drink at a function on the premises. I am pleased that the package finally clarifies the position.

The package does not answer all of the criticisms of those who have been pushing for change, but it goes further than what was wanted by the critics who are resisting change. The Government was in a difficult position, and the Minister has brought forward a reasonable, balanced package, given all the considerations. This package, which provides support not only for the wine industry, is only the beginning of reform of our liquor laws. The wine industry in New South Wales and, indeed, in Australia has built a strong international reputation, and will receive a boost from the steps taken in this package of proposals. I support additional promotion of our wine industry, and I support the package brought forward by the Minister.

Mr PHOTIOS (Ermington) [11.23 a.m.]: Today is the coalition's finest hour on restaurant policy achievement. Together with my coalition colleagues, I am delighted to take credit for initiating the changes to the licensing arrangements for the restaurant and catering industry. Throughout this process the coalition has been determined to take the lead in the campaign for the restaurant and catering industry, despite opposition from other aspects of the industry. The coalition was prepared to take the lead when it was not popular for the Government to do so. In other words, the coalition said that it wanted a cosmopolitan restaurant industry. It wanted to get rid of the archaic regulatory regime that constrains and limits the vibrant, thriving industry that is vital to the future of New South Wales.

The coalition pleaded with the Government and the industry to reform the industry, and it made the first public commitment to reform the system. Therefore, the coalition, in partnership with the Government—on this occasion the Government is our junior partner; our mouthpiece, one might say—brought forward this legislation in the public interest and in the best interests of the restaurant and catering industry. As shadow minister for tourism I have had the good fortune to attend dozens of Restaurant and Catering Association functions. I am delighted to acknowledge the presence in the gallery of my good and close friends from the association. Recently, we learnt that Jenny Lambert, the chief executive officer, is retiring from her State role but not her national role with the association.

I place on the record our appreciation to Jenny Lambert for her great work with the industry. She is not only an industry leader but an industry reformer. It is a great tribute to Jenny and her stewardship of the association that she has been able to achieve so much in so little time. My good mate from Barnaby's Restaurant in Parramatta, Michael Fischer, is also present in the gallery. He has led the restaurant and catering industry for some years. Recently he retired and was succeeded by my mate Peter Doyle. On behalf of the Parliament I express my gratitude to Michael Fischer for his leadership in achieving this landmark legislative reform which is critical to development of this industry.

I take this opportunity to wish Peter Doyle well. I know that he will continue in the footsteps of Michael Fischer. Of course, Peter Doyle is a gregarious and fairly earthy *bon vivant*; he has great grassroots appeal. With this legislation he will ensure that the restaurant industry continues to grow and be vibrant. The Opposition welcomes the legislation; indeed, it has taken, not immodestly, much credit for the legislation. However, it is concerned about certain aspects of the legislation. The bill before the House is a great tax rip-off. The Government is slugging the restaurant industry for \$30 million because of the exorbitant fees imposed for licences to stand and consume liquor, to wine while dining.

In this bill the Government wants it both ways. It wants to reform the system and to slug the industry for more tax. That is unacceptable to the coalition. The Leader of the Opposition has been forthright in leading on this issue. Day and night he has been calling for, supporting and demanding reform. He was supporting the industry well before the Government even dreamed of doing so. The Leader of the Opposition was the first party leader in New South Wales to call publicly for the reform. In fact, he called for the reform before the Premier of the day. Last year at Darling Harbour I heard the rousing reception given to the Leader of the Opposition at the Restaurant and Catering Association awards night when he outlined the coalition position. On that occasion the coalition was certainly taking the lead in the public domain and the Minister for Gaming and Racing, for whom I have a great deal of respect, and the Government were caught wrong-footed.

The Opposition is deeply concerned about the licence fees. I want to focus particularly on fees affecting smaller restaurants, those that cater for fewer than 100 patrons. Honourable members will be aware that for restaurants or cafes with city premises that provide seating for more than 100 patrons the fee for one of the new licences will be

\$15,000; the fee for premises catering for fewer than 100 patrons will be \$10,000. For premises in non-metropolitan areas providing seating for more than 100 the fee will be \$10,000, and for those with fewer than 100 seats the fee will be \$5,000. Those fees will make the licences extremely expensive for smaller restaurants and cafes, particularly in non-metropolitan and rural areas.

A cafe that seats fewer than 100 and wants to serve some liquor will be asked to fork out \$5,000. That proposed fee compares unfavourably with the fee in other States. For example, in Victoria the fee is about one-eighth of the proposed New South Wales fee, that is, an initial fee of roughly \$750 with a \$140 annual fee. Fees of that size are more manageable for small business. The fee structure proposed in this bill is a tax grab and it is anti small business. As someone who came to this Parliament with a background in small business—I am not a university graduate or one of the many lawyers in this place—I am gravely concerned that small businesses, cafes and restaurants will have to fork out \$5,000 to the Carr Government before they will be able to sell drinks.

The proposal is good news for the bigger restaurants, those that attract the clientele who will quickly make the licence pay for itself. However, the \$10,000 slug in the city and \$5,000 slug in non-metropolitan regions are unacceptably high figures for small business. The Leader of the Opposition has highlighted that concern and had foreshadowed a review of the fees by a future coalition government. I am delighted to support the legislation and I commend the Minister for its introduction. Members of the coalition have played a prominent role in gathering bipartisan support for the bill. They are the puppet-masters and members of the Government are the puppets. It is fair to say that legislation originated with the coalition and the coalition then drove it forward.

I place on record my appreciation for the good work of my friend and colleague in another place Richard Bull. As shadow minister, he has worked hard with the Restaurant and Catering Industry Association, the Australian Hotels Association, the Registered Clubs Association and others in the industry to advance this proposal. Both the Leader of the Opposition and Richard Bull deserve great credit, as does the Minister for Gaming and Racing, the Hon. Richard Face. I am pleased to support this bipartisan legislation. I look forward to working with the industry to improve it.

Ms MEAGHER (Cabramatta) [11.33 a.m.]: I take this opportunity to indicate my support for the

Liquor Amendment (Restaurants and Nightclubs) Bill and to make one or two brief comments about it. The days of Irish stew and the six o'clock swill in Australia are long gone. Regrettably, however, reform of the liquor laws in New South Wales have lagged behind. Recently I took time off from the campaign trail to have lunch with a friend in a restaurant. When we moved tables and I picked up my glass of wine to carry it to the next table I discovered I was in breach of the stand and consume principle contained in the New South Wales Liquor Act. Anyone who stands to toast the host on the auspicious occasion of a birthday party in a restaurant is in breach of the New South Wales Liquor Act. That is an indication of how archaic the New South Wales liquor laws in New South Wales have become. It is also an indication of the need for change.

The archaic nature of the State's liquor laws has obviously meant that the development of Sydney social venues has been constrained. Sydney has been voted the world's favourite city, but the best chance for those who want to have a drink in Sydney on a Sunday afternoon is a registered club or hotel. While both of those venues provide important recreational opportunities for Sydneysiders, they are not everyone's cup of tea. That means that the options for socialising have become somewhat constrained. That is particularly important in relation to the development of social venues in western Sydney and regional New South Wales. In western Sydney the choice of places in which to have an afternoon drink with a work colleague or friend is limited to the large western Sydney style club or the pub. Large clubs like Panthers, Mounties, Cabra-Vale and others are pivotal to the social fabric of western Sydney, but many people choose not to mix in those environments.

Pubs are an important part of Australia's social fabric, but in many western Sydney pubs on Wednesday and Saturday afternoons anyone wanting a drink has to put up not only with football scores and TAB results but, more often than not, with lingerie waitresses. While a pub may be the choice of some, it may not be a desirable venue for women to socialise. Not only has the law constrained the type of social venues that have developed in particular areas, it has also constrained the social patterns of various people. As women have increasingly moved into the work force and their disposable income has increased, they have established friendships outside their homes as well as with work colleagues and they may choose to enjoy a drink after work and to socialise on weekends. Their options should extend beyond the club and pub environment. The restaurant

environment would be a preferable alternative for many in that position. I welcome the changes proposed in the legislation.

The comments by members of the coalition about the charges to be imposed are little more than argy-bargy. To suggest the fees are a tax is incorrect. They are one-off fees that will be subsumed by the increased profits of the organisations that choose to purchase the new licences. I am pleased to support this amending bill because it will improve the social opportunities for those who live outside the Sydney central business district. It will improve social opportunities for those who live in Sydney's west and in regional areas. It will improve the social opportunities for women and those who may prefer to socialise in an environment other than a club or a pub. I support the bill.

Mr FRASER (Coffs Harbour) [11.38 a.m.]: I support the Liquor Amendment (Restaurants and Nightclubs) Bill. Honourable members would be aware that Coffs Harbour attracts a great many tourists and holiday-makers. Coffs Harbour, Port Macquarie, Ballina and the Tweed area attract many international visitors who are used to being able to sit down in a restaurant and have a quiet drink. When they visit the north coast they are unable to do that. I commend the Leader of the Opposition, the Hon. Peter Collins, for forcing the Government to adopt the new approach that is proposed in the bill. The Government, unfortunately, has not had the intestinal fortitude to reform the entire administration of the liquor industry in New South Wales.

The House knows what needs to be done in relation to vineyards and vignerons. The Government has set up committees to examine that matter, but unfortunately nothing has yet been done. It is pleasing that the Minister has acted in regard to restaurants. I am sure that the majority of people in Coffs Harbour will welcome this legislation with open arms, although there may be a whinge from small clubs and pubs. As the honourable member for Cabramatta said, people who wish to have a drink during a business meeting in town on Friday or Saturday nights often find that they are restricted to clubs or pubs. Coffs Harbour has some wonderful pubs but they are not the kind of place one goes to for a quiet drink on a Friday night. They become somewhat rowdy and raucous, and that is even more so during holiday periods. It is tremendous that people will be given the option of having a quiet drink without having to put up with the noise of poker machines and general bar noise.

I am somewhat concerned about the licence fees. Many of the people who run small restaurants

in Coffs Harbour do so because of their lifestyle; they do not do so to earn an income. Many of those restaurants would take more than 12 months to recover a \$5,000 fee. A \$5,000 fee could hurt many of the restaurants in regional areas. I encourage the Minister to give consideration to a fee system based on the number of chairs available. In that way restaurateurs would be able to obtaining a return on the fee. Some restaurants in Coffs Harbour have the capacity to cater for 120 people but need to accommodate that number only during the Christmas break and other peak holiday periods. Because of the proliferation of restaurants in the area, for the remainder of the year they would be 50-seat or 60-seat restaurants.

My question is whether they should be licensed as venues that seat more than 100 people or as venues that seat less than 100 people? They may be classified as large venues for only a small part of the year. I ask the Minister to address that issue, because there must be some flexibility. Those restaurants should be given an opportunity to pay a lesser fee. It would be fairer if those restaurants could be licensed in some other way than by means of a flat fee. I congratulate the Leader of the Opposition, Peter Collins. I commend the Minister for taking the lead shown by the Leader of the Opposition. I know the Minister would have been pressured, perhaps more so by the pubs than the clubs, not to introduce this legislation. However, the pubs have done reasonably out of with poker machines and other parts of the liquor laws. The Minister is to be applauded for ignoring that pressure. I urge all honourable members to support this legislation.

Mr GIBSON (Londonderry) [11.43 a.m.]: I support this legislation. The people from the industry who are in the gallery today will appreciate that it is common knowledge that for seven years the previous Government did absolutely nothing to reform the liquor laws. It is all very well for members opposite to take the high ground, but had it not been for the Minister for Gaming and Racing, who has led the reform of the liquor industry, the industry would be in more danger than it is in today. Small clubs and the hotel industry generally have benefited from what the Minister has achieved, and restaurants will now benefit. The claims made by members of the Opposition about how good they have been to the liquor industry, particularly the restaurateurs, are an absolute joke. They forgot about these people for seven years and did absolutely nothing. Now they are telling us about all they have done. The Minister and the Government have led the way in the reform of the liquor industry and I commend them for it.

Mr R. W. TURNER (Orange) [11.44 a.m.]: I totally support the Liquor Amendment (Restaurants and Nightclubs) Bill. Previous speakers in the debate have placed concerns on the record about the licence fees, and country people are certainly concerned about that matter. Many small restaurants in towns with fewer than 1,000 people do not have the turnover to absorb that fee but want to be able to take advantage of the proposals in the bill. I am unaware whether that fee could be lowered after the legislation is enacted, but time will tell how many restaurants with seating for fewer than 100 consider it worthwhile paying up to \$5,000.

The legislation has been needed for a long time, not only in large towns such as Orange but in the smaller towns around Orange and further west that do not have outlets where one can purchase liquor without purchasing a meal. All of us have been to a bar or a restaurant, have had to pretend to be having a meal and have ended up with a plate of chips or a few sausage rolls merely to comply with the outdated laws. That will now end and people will now be able to go into a small restaurant at 5 o'clock and obtain a drink.

People in the bush travel many miles to attend functions or meetings. A function might start at 7.00 p.m. and people might start arriving at 5.00 p.m., so what do they do? Because of the company they are in or because they do not know which pubs of the town will make them feel welcome, often they will not want to go into a pub. All of us have walked into small pubs, been stared down by the locals, and made to feel uncomfortable. This legislation will overcome that. It will mean that people will be able to leave a town feeling much better about it. Not everyone wants alcoholic drinks. In a group of four someone may want a decent cup of coffee, and that can be hard to find in a pub. This legislation will give the restaurants the flexibility they need. Restaurants will not have to go through the charade they used to indulge in. People will be able to go into restaurants and have a drink without having to buy a meal.

The 30 per cent limitation may cause some confusion between people simply having a drink and those who are having a pre-dinner drink. I am sure all of those matters will be sorted out. As another member said earlier, people will be able to go into restaurants and have a quiet drink without the incessant noise of poker machines that one hears in the major pubs and clubs. I hope no pressure will be brought to bear in the future to have poker machines and gaming machines in restaurants. I will strongly oppose any moves to put gaming machines in restaurants merely because they have liquor licences.

Many people do not want gaming machines around them all the time. A few months ago I was in Canberra with a few friends.

Dr Refshauge: Having a drink?

Mr R. W. TURNER: We did, as a matter of fact. Our wives went shopping, so we decided to have a drink. We wandered into a nice little restaurant and inquired whether we could have a drink without having a meal. The restaurateur looked at us rather oddly and said, "Why not?" The realisation then dawned on me that we came from the archaic State of New South Wales and that was why we had asked the question.

I support this bill, which will bring New South Wales into line with all other States and with most civilised countries. Those of us who have been fortunate enough to travel through Europe are aware that liquor is freely available there, and I did not notice any adverse effects of that. I did not see people becoming drunk and making nuisances of themselves in the streets merely because liquor was available in small cafes and restaurants. This bill brings New South Wales into line with the rest of Australia and the rest of the world. I have much pleasure in supporting it.

Mr O'FARRELL (Northcott) [11.50 a.m.]: I support the bill. Most of my constituents and any reasonable person who lives in a city of this size anywhere in the world would support legislation such as this because it seeks to match expectations for leisure and entertainment. Whether the bill has been introduced by the coalition or the Government, at the end of the day it will serve the interests of consumers very well, particularly when one considers the event that will be held here in two years. I have three small concerns about this legislation. First, I share concerns expressed by other Opposition members about licence fees. Clearly, this Government is making another tax grab. I welcome the commitment made by the Leader of the Opposition to review the level of fees in the future.

Second, I am concerned that the legislation does not restrict the sale of alcohol to people who are seated. I understand that the new regulations will not change the character of a restaurant such as the Bayswater Brasserie. However, the position of other establishments is different. Last evening I was at Darcy's. If Darcy's were to decide that 30 per cent of its patrons were to be either seated—

Mr McBride: How many main courses did you have?

Mr O'FARRELL: I had two entrees, and I recommend the potato gnocchi with pesto. If Darcy's were to decide to install a bar the character of the restaurant would be changed. Whilst I recognise that restaurants will have an individual choice, I am concerned that a relaxation of restrictions on standing and drinking in restaurants will change the nature of restaurants to an undesirable degree. My third concern relates to the enforcement of this legislation. I ask the Minister who will be responsible for determining whether 30 per cent of patrons are seated or standing. What will be the practical enforcement of this legislation?

Mr Face: The courts will make a determination.

Mr O'FARRELL: For a matter to get to the courts there will have been an infringement of the legislation and someone will have lodged a complaint. I ask whether there will be extra police officers or licensing officers in order to enforce the new guidelines. As members of the Government and the Parliament we need to be sure that we do not introduce unenforceable guidelines.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [11.53 a.m.], in reply: I thank the Leader of the Opposition, the honourable member for Ermington, the honourable member for Hurstville, the honourable member for Cabramatta, the honourable member for Coffs Harbour, the honourable member for Orange, the honourable member for Londonderry and the honourable member for Northcott for their contributions to this debate. Several matters have led to this legislation and the bill is part of a package. I have taken on board the comments made by the honourable member for Londonderry. The coalition had a green paper on this subject and it had seven years to do something about the liquor laws. It is the Labor Government that is making this reform.

This bill does not propose total deregulation, as proposed by the Leader of the Opposition. Many people are appalled that the Leader of the Opposition insists on using Victoria as a model. The Victorian model had many flaws, it sent many people broke and it was ill conceived. This legislation is not ill conceived. At the time of the 1987 Victorian legislation restaurants accounted for 4½ per cent of the total liquor consumption. That figure increased to and has now stood at 6 per cent for a long while. I do not expect the position in this State to be different from that. The Leader of the Opposition was wrong in saying that there were 6,000 liquor licences in New South Wales. There are

3,000 liquor licences, and there are bring-your-own and other licences.

The Government has come a long way with the Restaurant and Catering Association. The Government was working on this legislation long before the Leader of the Opposition made a decision in April this year. Work on this bill started in the latter part of last year, and, as I said, it is part of a total package of reforms. We have come a long way from the days of the late Ken Orth, to whom I pay tribute. Michael Fischer, Jenny Lambert and Peter Doyle Jnr have played responsible roles in the legislation before the House today. I do not intend to speak at length on the matter of fees. If coalition members consider themselves to be economic managers yet advocate following the Victorian model—under which everything, including goodwill, was given away for nothing—they are absolutely crazy. The fee is not an impost; it was negotiated and it is accepted by industry.

The Restaurant and Catering Association stated by way of media release that there is no doubt that the association in its full support for the Government's original proposal was involved in a lengthy decision-making process. Finally, I pay tribute to officers in my department who have done tremendous work on this legislation. I thank Julie Allomes, Peter Cox and others and I thank my senior policy adviser, David Williams. Without their assistance, good sense and ability to get legislation before the Parliament the passage of this legislation would not have been made so easy.

Motion agreed to.

Bill read a second time and passed through remaining stages.

NURSES AMENDMENT (NURSE PRACTITIONERS) BILL

Bill introduced and read a first time.

Second Reading

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs) [11.57 a.m.]: I move:

That this bill be now read a second time.

I am pleased to bring before the House the Nurses Amendment (Nurse Practitioners) Bill. This bill marks the cumulation of over seven years of analysis and review. The legislative changes it proposes are essential elements in the

implementation of nurse practitioner services in New South Wales. The term "nurse practitioner" describes a registered nurse with extensive knowledge and skill, operating at an advanced level of practice. A nurse practitioner may provide a broader range of services than a registered nurse and may also be authorised to prescribe medications, an option not available to registered nurses.

Nurse practitioners are already recognised in a number of overseas jurisdictions, including the United Kingdom, Canada, and some States in the United States of America. New South Wales is, however, the first State in Australia to comprehensively analyse and evaluate the contribution which can be made by such advance practice nurses through the work undertaken by the New South Wales nurse practitioner project. I am particularly pleased that the proposals developed through the project also focus on enhancing health care in rural and remote areas of New South Wales. I am confident that nurse practitioners, working with rural doctors and allied health professionals, will ensure the expansion of health services available in New South Wales.

As I have already indicated, the New South Wales nurse practitioner project operated over a seven-year period. At the end of each of the three stages of the project, an opportunity was provided for interested professional and consumer groups to make submissions. Each of the pilot projects included extensive local level consultation with professional and consumer groups. These groups were also represented on the steering committee which oversaw the pilots and formulated the recommendations in the final report of the project. In 1992, following a discussion paper containing a preliminary assessment of the potential for nurse practitioner services a stage two working party was formed, with membership drawn from health service, consumer, medical and nursing organisations.

This group reported in September 1993, concluding that before implementation could be considered there was a need to objectively assess the feasibility, safety, effectiveness, quality and cost of nurse practitioner services. To assist in this assessment, the working party recommended a number of nurse practitioner pilots be established in remote areas of New South Wales, in general practices and in the public health system. In 1993 the Minister for Health of the time approved funding for 10 nurse practitioner pilots. Funding was also provided by the Commonwealth Government, and a stage three multidisciplinary steering committee was formed. The committee's functions included overseeing both the operation of the pilot projects

and the associated research, and formulating recommendations based on the data collected during their operation.

The evidence from the research conducted by each of the pilot projects and the across-project research demonstrated that nurse practitioners were feasible, safe and effective in their roles and provided quality health services in a range of settings. The final report of stage three of the project, including the results of the pilots and recommendations for implementation of nurse practitioner services in New South Wales, was released to the public in 1996. I note that a key feature of the findings in the report was the high level of co-operation which occurred between nursing, medical and allied professionals involved in the pilot projects.

I consider this co-operative framework to be a critical feature for the successful implementation of nurse practitioners in New South Wales. Indeed, the proposals developed by the steering committee, and the implementation process now being undertaken by the Government are based on three guiding principles. First, collaborative inter-professional planning, practice and evaluation are essential and should remain a critical feature in the implementation and future development of nurse practitioner services. Second, a local agreed need must be confirmed prior to establishing a service that includes a nurse practitioner. And third, only registered nurses who can demonstrate an ability to perform at an advanced level will be able to gain accreditation as nurse practitioners.

Honourable members should be aware that implementation of nurse practitioner services will largely be progressed administratively. In this regard, the framework for nurse practitioner services released in August requires area health services to consult with key stakeholders such as doctors, pharmacists and nurses to ensure a careful assessment of local needs, appropriate planning of services, and development of clinical guidelines for any proposed nurse practitioners. In addition, I am establishing a statewide implementation committee to monitor and evaluate the implementation of nurse practitioner services across the State.

This committee will be chaired by the Director General of the Health Department, and includes membership with relevant nursing, medical and pharmaceutical experience. Legislative changes are, however, also required in order to give proper effect to the proposals. I will now turn to the amendments proposed in the Nurse Amendment (Nurse Practitioners) Bill. Schedule 1 to the bill

incorporates amendments to ensure that only nurses who meet standards of practice and education determined by the Nurses Registration Board will be entitled to use the title "nurse practitioner".

This will ensure the protection of the public by establishing a level of competence, skill and experience which is higher than that required for registered nurses. It will also ensure that the public can rely on the term "nurse practitioner" as describing a professional able to perform a range of advanced level clinical services competently and safely. It is anticipated that a substantial lead time of at least 12-18 months will be required to enable the Nurses Registration Board to consider and establish appropriate accreditation criteria for nurse practitioners.

This will include the board establishing a nurse practitioner accreditation committee, pursuant to its existing committee powers under section 12 of the Act, to refine the criteria for accreditation of nurse practitioners. Clause 13 of schedule 1 provides for a three-year maximum accreditation period. This will allow the board to both monitor the standards and competence of accredited nurse practitioners, and will also allow them to monitor and revise the competencies set for accreditation. Clause 33 is also worthy of note, in that it provides a statutory basis for the guidelines under which nurse practitioners will operate.

Under the terms of the amendment, these guidelines—which may also include provision for use, supply or prescription of drugs—will be required to be approved by the Director-General of the Health Department. Schedule 2 to the bill addresses the issue of prescribing rights for nurse practitioners. The right to prescribe and the right to supply medications are regulated by the Poisons and Therapeutic Goods Act 1966. These rights are largely limited to medical practitioners. Dentists and veterinarians may also supply a limited number of drugs. The evidence of the pilot projects conducted as part of stage three indicated that, operating within set clinical guidelines with a limited range of medications, nurse practitioners could make safe decisions to authorise and supply.

In keeping with the findings of the pilots, the right of the nurse practitioner to order medications will be limited to those substances incorporated into the clinical guidelines approved by the director-general. Clause 13 of schedule 2 specifically indicates that a written authorisation to possess, use, prescribe and supply will be issued only in respect of those drugs listed in approved clinical guidelines. The director-general will consider those issues

following expert advice, including pharmaceutical advice from the department's pharmaceutical services branch.

I should note that the amendments in this bill will not provide nurse practitioners with any special rights to prescribe drugs of addiction listed in schedule 8 to the Poisons and Therapeutic Goods Act. Instead, I will await the advice of a multidisciplinary working group which the Health Department will establish to consider this question. Schedule 3 to the bill incorporates a number of miscellaneous amendments which are largely consequential to the amendments made to the Poisons and Therapeutic Goods Act. Finally, I would like to emphasise that the nurse practitioner project could not have progressed to this final stage of implementation without the considerable dedication and commitment of a range of health professionals across the State.

I would particularly like to thank all those health practitioners who were involved in the 10 nurse practitioner pilot projects. Their professionalism and positive approach to the task has been critical in demonstrating the benefits of nurse practitioner services, and illustrates how co-operative interdisciplinary models can be employed to enhance and improve health services across the State. I commend the bill to the House.

Debate adjourned on motion by Mrs Skinner.

NATIONAL PARKS AND WILDLIFE AMENDMENT (ABORIGINAL CULTURAL HERITAGE) BILL

Bill introduced and read a first time.

Second Reading

Ms ALLAN (Blacktown—Minister for the Environment) [12.07 p.m.]: I move:

That this bill be now read a second time.

This bill reaffirms this Government's commitment to reconciliation by bringing the National Parks and Wildlife Act 1974 into line with both Aboriginal and general community expectations on a number of issues relating to Aboriginal cultural heritage. The National Parks and Wildlife Act is the major legislation in New South Wales dealing with the protection of Aboriginal cultural heritage but the provisions dealing with Aboriginal cultural heritage have not been significantly amended since its introduction in 1974. In August 1996, I announced a

number of initiatives in Aboriginal heritage management including a commitment to review provisions of the National Parks and Wildlife Act.

Aboriginal communities in New South Wales have developed a clear expectation that the Government will take positive action to address the long-standing issues of concern to Aboriginal people regarding the management of their heritage. The amendments I propose to the National Parks and Wildlife Act signal the beginning of initiatives to address the concerns of Aboriginal people. The amendments will significantly improve Aboriginal cultural heritage management in New South Wales. Under the existing Act, the term "Aboriginal relic" was used to describe all evidence of Aboriginal culture, from major art sites, to evidence of traditional camp sites and even Aboriginal burials. This bill will change the name "Aboriginal relic" to "Aboriginal item", thus eliminating a term which many Aboriginal people find offensive.

The term "relic" is usually associated with a past era, the remnants of a lost time, but for Aboriginal people these items are not remnants of their past. They are crucial to both their present and their future and are part of their "living culture". To reflect this view and to respect the beliefs of Aboriginal people, it is proposed to change the expression "Aboriginal relic" to "Aboriginal item". The bill also recommends the introduction of the new category "Aboriginal item protection zones". The National Parks and Wildlife Act, as it stands, protects individual items or groups of items but not the areas in which they occur.

For example, I am sure many of my colleagues in this House would be surprised and appalled to learn that while Aboriginal rock art is protected from damage, destruction or defacement, this protection does not currently extend to the cave or rock shelter in which it is found. This new category of Aboriginal item protection zone also better reflects Aboriginal people's view of their cultural heritage, which places importance not only on the item but the landscape in which it is found.

I am proposing in this bill, through the new category of Aboriginal item protection zone, to provide better protection for Aboriginal items than that which currently exists. Discussions will be initiated between the service and Aboriginal communities on whether significant sites or items need increased protection and, if so, how best to achieve this protection. Based on these discussions, I will make a determination on whether to declare an area an Aboriginal item protection zone, which will have the effect of providing a protective buffer zone

around individual items or clusters of items. As a matter of course, consultation will also occur with land-holders on whose property the Aboriginal item protection zone will be declared, unless there are pressing circumstances to do otherwise, such as an imminent threat to the Aboriginal items.

It must be noted that it is envisaged Aboriginal item protection zones will be considered for significant Aboriginal items, or where an Aboriginal item is considered to require added protection through the development approval process. This will not be routinely put in place over all Aboriginal items. In addition, an Aboriginal item protection zone does not necessarily mean that all developments will be precluded within the zone, but may mean that land-holders will have to fulfil certain conditions to protect the important Aboriginal items on their land. Land-holders can also appeal the imposition of an Aboriginal item protection zone in the Land and Environment Court.

These buffer zones will generally be of 25 metres diameter but may be up to a maximum of 50 metres in exceptional circumstances. When an Aboriginal item protection zone has been declared any person who breaches the requirements of the protection zone is liable to a fine of up to 100 penalty units and 6 months imprisonment. If the area is of such a size that even a 50-metre buffer zone would not adequately protect it, then I will give consideration to declaring the area an Aboriginal place under the existing provisions of the Act. Damage or disturbance to an Aboriginal place will attract a penalty of 200 penalty units or imprisonment for 12 months, or both. However, I believe that increasing protection for Aboriginal items is pointless without the ability to enforce it.

Therefore the bill provides for the alleviation of the burden of proof for certain prosecutions. At present, in any prosecution for the destruction of Aboriginal items or places under section 90 of the Act, the National Parks and Wildlife Service must prove that the person knowingly committed the offence or knowingly allowed the offence to happen. This has had the effect of greatly restricting the operation of the provision, and reducing the service's ability to bring successful prosecutions. The proposed amendment to section 90 of the Act will enable the prosecution of persons who willfully, recklessly or negligently destroy, deface or damage an Aboriginal item or place. This will apply equally to individuals and corporations. This new wording is not intended to catch those people who are genuinely ignorant of the fact that their actions have caused harm to an Aboriginal item or place.

I am sure all members of this House would agree that this level of protection is not only warranted but is required in order to uphold the intent of the Act. To further reinforce the seriousness of this offence I am proposing to increase the penalties under section 90 to 200 penalty units or 12 months imprisonment or both for individuals and 1,000 penalty units for corporations. These new penalties should act as strong deterrents. Apart from those who act in ignorance, some protection is also required for company directors and managers who cannot, in all conscience, be directly blamed for actions which damage an Aboriginal item or place. Through another of the amendments I am proposing, directors and managers of corporations will not be held liable if they can show either that they had no knowledge that the offence was to take place, or had no influence over the action being taken or used all due diligence to prevent damage being caused.

As well as imposing these penalties, the court will, if this bill is enacted, be able to order a defendant who has been found guilty to take action to mitigate or restore the damage caused. I believe this is only appropriate, as monetary penalties do nothing to repair the damage done, or restore an Aboriginal item or place. Not only do we need some means of protecting the Aboriginal items and places that we know of, but it is imperative that we ascertain the existence of Aboriginal items and monitor their condition. At present, section 164 of the Act allows authorised officers to enter premises if there is a reasonable suspicion that an offence has been committed, and that the Aboriginal item which is the subject of the offence is on the premises. The bill will amend this section to allow officers to enter premises to ascertain whether Aboriginal items are actually on the premises.

This authority is currently available in relation to flora and fauna and commonsense would dictate that it should be available in relation to Aboriginal items as well. The rights of the individual will still be protected, however, as the amendment will not override the requirement that if premises are used for residential purposes, officers may enter only if they have a search warrant. An Aboriginal place is an area that is of special significance to Aboriginal people and has been declared so under the Act. As many declared Aboriginal places are on private land it is essential that these are properly maintained and managed. The bill proposes a new section which will allow authorised officers to inspect, from time to time, areas declared as Aboriginal places which are on private land. There is presently no authority under the Act which allows Aboriginal places to be inspected after they have been declared. These

periodic inspections will ensure that the integrity of Aboriginal places is maintained.

As many Aboriginal places are on private land, their declaration may place a burden on land-holders in terms of land management. There is also a perception that these declarations may decrease the value of private land. To encourage land-holders to co-operate with the National Parks and Wildlife Service in the declaration of Aboriginal places, it is proposed to allow discounts on council rates for these properties. This would be achieved through a process which would require the Director-General of National Parks and Wildlife to advise the Valuer-General of all Aboriginal place declarations on private land. The Valuer-General could then take this into consideration when valuing these properties. I believe the effect of this provision on revenue generation for individual local councils would be minimal.

There are also two issues relating to the possession of Aboriginal items which I believe need to be urgently addressed. What someone may do with an Aboriginal item is dependent on when it came into a person's possession. Since 1967 all Aboriginal items, or "relics" as they were previously called, have been deemed to be the property of the Crown, but it was not stated in any succinct way that possession of these items by an individual was not permitted. This bill will make it an offence to possess an Aboriginal item acquired since 1967, except where the item is held by an Aboriginal person in accordance with Aboriginal tradition. This provision does not apply to land-holders who simply may have hundreds of Aboriginal items in situ scattered across their land.

Aboriginal items which were in private hands prior to 1967 were not affected by existing provisions and will also not be affected by this new provision. This has led over the years to many private sales and auctions of Aboriginal items, sometimes to overseas buyers. These items, and therefore a great deal of Aboriginal culture and history, are being lost not only to Aboriginal people, but to the whole of Australia. I therefore propose that the National Parks and Wildlife Act be amended to require owners to notify the Director-General of National Parks and Wildlife of their intention to sell or dispose of Aboriginal items and to provide the director-general with the first option to acquire the item.

Acquisition will not be done on an ad hoc basis and without consultation. Prior to acquisition the director-general will be required to consult with

the Department of Aboriginal Affairs, the Australian Museum, the New South Wales Aboriginal Land Council and the Aboriginal and Torres Strait Islander Commission to ensure significant items are retained. However, I assure my colleagues that this will not stop Aboriginal items being gifted or bequeathed to museums by private donors. The amendment only requires notification and an option to acquire. The director-general will have the discretion, after proper consultation, to allow the gift or bequest to take effect.

However, I note that the Australian Museum, under the leadership of its former Director, Des Griffin, has been at the national forefront in returning its Aboriginal collections, and parts of them, to traditional communities, in keeping with the strong international movement to ensure that that occurs. It is the aim of this Government to ensure that as many Aboriginal items as possible should be returned to their traditional owners. It has been, and will remain, the policy of the National Parks and Wildlife Service to return, whenever possible, Aboriginal items to their traditional Aboriginal owners.

The amendments contained in this bill, as outlined, will close some of the gaps in the current legislation, and offer a greater degree of protection to Aboriginal items and places. The Aboriginal Cultural Heritage (Interim) Advisory Committee, which was formerly known as the Relics Committee, has already been reconstituted to allow more representation from the Aboriginal community. This committee is the principal advisory body in relation to the preservation, excavation, removal and custody of Aboriginal items and places, and furnishes advice to myself and the director-general of the service.

With this bill before the House, and because the term of appointment of some members has expired, it is timely to look at the membership and functions of the committee and make changes required to bring it into line with Aboriginal community wishes on Aboriginal cultural heritage management. I propose in this bill to change the name to the Aboriginal Cultural Heritage Advisory Council with a membership of 11, drawn from various areas. These would include six Aboriginal community members, one nominee from the New South Wales Aboriginal Land Council, one officer of the National Parks and Wildlife Service, one officer of the Department of Aboriginal Affairs, one officer from the Australian Museum, one officer from the Heritage Office and one ministerially appointed Aboriginal representative.

As well as the areas of responsibility that I have already mentioned, it is proposed that the council should also be responsible for providing advice on issues pertaining to licensing agreements relating to Aboriginal cultural heritage data and information; and for providing advice on nominations of national parks to be transferred to the Aboriginal community under the National Parks and Wildlife (Aboriginal Ownership) Amendment Act. The restructuring of this committee would ensure that all major stakeholders are given a forum from which they can provide advice to the Government and to the National Parks and Wildlife Service on issues of major importance to Aboriginal people.

It is the belief of this Government that action should be taken now to protect Aboriginal cultural heritage. The Government has already acted—both efficiently and comprehensively—under the National Parks and Wildlife (Aboriginal Ownership) Amendment Act to begin the process of returning national parks to traditional owners with the successful transfer finalised only three weeks ago at Mootwingee, now Mutawintji National Park, in western New South Wales. The Government has acted on its commitments to Aboriginal people to bring forward these amendments. I take this opportunity to note that the honourable member for Keira, the Parliamentary Secretary for Aboriginal Affairs, is in the Chamber. It is largely as a result of his efforts that this legislation is now before the Parliament. Since he became a member of Parliament and particularly since he became a member of the Government shadow ministry, he has been a strong advocate in this place on behalf of the Aboriginal people.

The honourable member has spent a large proportion of his parliamentary career in the past 10 years travelling around the State and listening to the express wishes of the Aboriginal people. This measure results from the strong theme put to him by various communities across the State. As a result of finally referring this matter to the National Parks and Wildlife Service, and its work in conjunction with other agencies within government, the Government has brought forward a series of amendments that very much meet the expectation of those traditional communities. I look forward to support in this Chamber and the other Chamber for these amendments. I certainly look forward to their successful application.

Debate adjourned on motion by Mrs Chikarovski.

PROTECTED DISCLOSURES AMENDMENT (POLICE) BILL

Second Reading

Debate resumed from 23 September.

Mr GAUDRY (Newcastle) [12.22 p.m.]: I am pleased, as Chairman of the Committee on the Office of the Ombudsman and the Police Integrity Commission, which oversees the Office of the Ombudsman, to speak in support of the Protected Disclosures Amendment (Police) Bill. The changes arise from concerns expressed by the Ombudsman about the operation of the Protected Disclosures Act. It was quite apparent, from the review of the Act undertaken by the Committee on the Office of the Ombudsman and the Police Integrity Commission by reference in April 1996, and certainly from evidence taken before that committee, that the issue of detrimental reprisals against whistleblowers was a matter of grave concern. Concerns were raised by the Ombudsman and by witnesses who appeared before the committee that in many cases well-meaning public servants who reported, under the Protected Disclosures Act, to their superior officers found that, rather than their complaints being dealt with, and perhaps guilty parties being brought to book, the officer reporting was in fact the subject of reprisals from within the organisation.

The Independent Commission Against Corruption, which was monitoring the impact of the Protected Disclosures Act 1994, issued a paper in November 1997 entitled "Encouraging NSW Public Sector Employees to Report Corruption". It was distressing when, once again, at the end of a long survey of people who had made protected disclosures, ICAC reported that reprisals were still preventing the Protected Disclosures Act from working effectively. I quote from that report instances of the sorts of reprisals that were occurring. Survey respondents pointed out clearly the sorts of actions that were taken in the workplace against those who made protected disclosures. I quote this comment noted at page 97 of the report:

The council actively discourages complaints by the repercussions, victimisation and ostracism that occurs when people do make complaints. The power of the internal council mechanisms is such that they are very vindictive.

If people speak up about wrongdoing in this organisation they are ostracised. They are persecuted if they speak out and end up having to leave.

Another instance was:

I thought they did initially [encourage reports] but now I know better and so do all the other staff. They seem to encourage

reporting but then do all they can to avoid dealing with the issue. They just find the situations too hard to deal with. The most they have done is shift someone sideways. In one case they actually promoted someone who was involved in these corrupt activities. Everyone who knows the situation now knows that the whole process is corrupt and they are demoralised because they know there is nothing they can do about these situations.

Those are the sorts of complaints being made to ICAC about reprisals against individuals within organisations. I quote further from page 98 of the report on the sorts of actions that came from different levels of organisations, in this instance from senior management:

They have already had a go at me a number of times. For example, they have threatened me with solicitors and legal action if I didn't back down.

An instance of reprisal from the executive of a government organisation was as follows:

They can do anything they want to you. They do minor things to put pressure on you. For example, I was told I was rude to people on the phone, they ask for my flex sheet every day and make general complaints about me.

The following is a comment about bureaucrats within departments and involved a report to the Independent Commission Against Corruption:

I was buoyed a little by the existence of the Protected Disclosures Act but would have felt more confident if I had been given a straight answer as to whether my report was a protected disclosure. I have since been medically discharged. That I guess is the safest way they have found to get rid of me.

A whole range of like responses indicates that within departments there is either a failure to understand the importance of the Act or the Act is being used in a detrimental fashion against employees who have made what they considered to be important protected disclosure complaints in relation to maladministration, corruption, or serious waste of public moneys within those organisations. The Committee on the Office of the Ombudsman and the Police Integrity Commission, the Independent Commission Against Corruption and other like organisations expressed concern to the Minister about the need for a change in the onus of proof under the Protected Disclosures Act, shifting that onus to the organisations which would become the defendants in cases where a person considered that detrimental action had been taken.

I applaud the Government for taking up this recommendation made to it by the Ombudsman and the committee and incorporating it in legislation. Another matter of importance is the clarification of the position of police officers who, under the Police

Service Act, have a direct line of responsibility related to the making of complaints to their superior officers. Those officers did not appear to come within the leave of the Protected Disclosures Act. This bill makes their position clear. I read from the objects of the bill:

... to make it clear that a member of the Police Service is a public official for the purposes of that 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.

That is an important provision for members of the Police Service because it means that they will be covered by the Act when they make a protected disclosure. The bill contains two important amendments. I fully support these important changes.

Mr WHELAN (Ashfield—Minister for Police) [12.30 p.m.], in reply: I thank the honourable member for Eastwood and the honourable member for Newcastle, the Chairman of the Committee on the Office of the Ombudsman and the Police Integrity Commission, for their worthwhile contributions to this debate. Last night during debate on this bill the honourable member for Eastwood raised several issues. I was pleased that the debate was adjourned because I wanted to examine the issues he raised. Having done that, I suggest that those issues were resolved by 1996 amendments to the Protected Disclosures Act.

The Police Legislation Amendment Act amended the Protected Disclosures Act to include the Police Integrity Commission and the PIC Inspector in the definition of an "investigating authority", and in the definition of an "investigation Act" in section 4; to insert a new section 12A which protects disclosures made by a public official to the PIC or the PIC Inspector that are made in accordance with the PIC Act and that show corrupt conduct, maladministration or serious and substantial waste of public money by a police officer; and to insert new sections 13(4A) and 13(4B) which protect disclosures made by a public official to the Independent Commission Against Corruption that shows or tends to show that the PIC Inspector or an officer of the Inspector has engaged in corrupt conduct, maladministration or serious and substantial waste of public money. Undoubtedly, those comments will allay the fears of the honourable member for Eastwood.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LEGAL PROFESSION AMENDMENT (PRACTICE OF FOREIGN LAW) BILL

Second Reading

Debate resumed from 23 September.

Mr TINK (Eastwood) [12.32 p.m.]: The object of this bill is to amend the Legal Profession Act 1987 so as to regulate the practice of foreign law in New South Wales by foreign lawyers. The bill inserts new part 3C in the Act. The new part will require foreign lawyers who are not also legal practitioners but who are barristers or solicitors within the meaning of the Act, who are engaging in the practice of foreign law in New South Wales other than on a temporary basis, to register with either the Bar Association or the Law Society. While registered foreign lawyers will be prohibited from practising in matters governed by Australian law, they will be permitted to provide various equivalent services in matters that specifically relate to or are governed by the law of their country.

Foreign lawyers will be subject to similar requirements relating to the handling of disputes, complaints and trust accounts as those governing New South Wales legal practitioners. Foreign lawyers will be allowed to go into partnership with or be employed by New South Wales legal practitioners. If they are practising in partnership with or as an employee of a domestic lawyer or a firm of domestic lawyers they will also be required to make contributions to the Fidelity Fund and will be required to obtain professional indemnity insurance. This legislation has been some time in the making. Indeed, the Standing Committee of Attorneys-General spent a fair amount of time examining the issues relating to the practice of foreign law in Australia. I understand that the process was instigated by Sir Laurence Street.

It is noteworthy that the Law Council of Australia has expressed the view that the enactment of such legislation will enhance the internationalisation of Australia's legal market. It is significant that the legislation has the support of the Law Society, the Bar Association, major law firms and the International Legal Services Advisory Council, which was established to advise the Commonwealth Attorney-General on Australia's international performance in the field of legal services. As the Standing Committee of Attorneys-General supports this legislation, the Opposition will not be opposing it.

With the internationalisation of legal and business practice, and with the aspirations of

Australia and the city of Sydney in particular to be the regional financial headquarters for this part of the world, it is important to recognise foreign legal qualifications and to allow greater meshing of New South Wales legal practitioners and foreign practitioners. However, the Opposition has one reservation about the bill. I do not say that with a view to opposing the legislation but merely to place it on the record. The reservation relates to the Law Society and the Bar Association having a mechanism to test foreign lawyers to ensure that they are providing a professional standard of service. I have some concerns about that. I am swayed by the weight of support for this proposal by the Standing Committee of Attorneys-General in particular. However, a close watch will need to be kept on quality control.

Many members of the Law Society and the Bar Association are competent in other jurisdictions and have wide-ranging legal qualifications that are recognised in America in States such as New York and on the west coast, in London and in non-English speaking jurisdictions. It is important that local regulatory associations be able to test the competency of foreign lawyers who want to provide services in New South Wales. One way of doing that would be for the Law Society and the Bar Association simply to accept that foreign lawyers have a foreign qualification. It could be argued that the Law Society and the Bar Association should accept at face value certificates produced by foreign lawyers to prove who they are and their admittance to the New York Bar, for example, when those foreign lawyers simply want to give advice on American or New York laws to people in this jurisdiction.

In practical terms—this is regrettable, and unfortunately the law reports and the *Law Society Journal* are full of these stories—some members of the legal profession have the pieces of paper but they are not competent or, if they are competent, they have not maintained their skills or for some reason they are on the wrong side of the law in relation to their profession. So a piece of paper is not the beginning and the end of it. Continuing education is an issue. How do the Law Society and the Bar Association in this jurisdiction know whether a person who presents a certificate from the New York Bar is continuing with education relating to his area of speciality? It may be possible to provide for ongoing accreditation.

I would be happy to assume that a member of the New York Bar was competent, but I would be concerned about the competency of lawyers in some other jurisdictions around the world. So testing is an

issue. The Law Society and the Bar Association will need to do a lot of work to make testing work. The bill will allow people to work in this jurisdiction advising local people on the laws of the United States of America. Regrettably, there have been some appalling examples recently of totally incompetent advice being given not necessarily by lawyers but by bankers to people who took out Swiss loans, for example. Many people in country New South Wales who took out Swiss loans have since gone bankrupt. These are exceptionally serious matters.

One can imagine that banking advice quickly leads to legal advice. For example, when one takes out a Swiss loan a contract with international implications is drawn up. The most likely scenario under this legislation is that an expert qualified in Swiss law would give advice to local Australians, perhaps, to a bank. Banks market a product on the basis of that advice. If the advice were wrong or incompetent, the consequences could be extremely grave. On the other hand, it could advantage the consumers. Perhaps if competent Swiss legal advice were available locally mistakes would not be made in relation to loans.

Alternatively, better advice may be received. For example, a person operating locally with knowledge of Swiss law could say, "If you put that clause in your standard contract, you will get around this problem of a change in the exchange rate." It cuts both ways. The bottom line is that this bill ensures that people are competent to do the work. The legislation offers many positive aspects, but the Law Society and the Bar Association will have a big job implementing it. They cannot afford to sit back and accept paper qualifications.

A program of testing international competency must be established to protect domestic consumers in this country, potentially our constituents. People on the land may consider foreign loans and use foreign legal products. The Opposition did not oppose the bill in the upper House and does not in this House. The coalition hopes the bill will ensure that we are better meshed with the international legal system, and that the net public benefit is competent international legal advice available for those who want it and seek it.

Mr KINROSS (Gordon) [12.42 p.m.]: I support the Legal Profession Amendment (Practice of Foreign Law) Bill, subject to the same reservations raised by the shadow minister. The protection of consumers is always at the forefront when people practise a profession or skill that may not be subject to financial controls or credential

requirements. A good example of that was when conveyancing law was deregulated for the benefit of the public. If no level of indemnity insurance or protection is put in place, the consequences will be dire for the public because they will have no recourse. I see an analogy with foreign lawyers providing a professional standard of service.

Foreign lawyers must hold a practising certificate from the Law Society or Bar Association so that if they make any errors of judgment or are negligent in their conduct they are liable to action both professionally and personally. Clearly, the doctrine of *forum conveniens* applies and it is appropriate that those associations take some interest in the competency of the professionals. I agree with the comments of the honourable member for Eastwood about the expertise of the professional body to sit in judgment of those foreign lawyers practising in the various jurisdictions.

Clearly, the professional associations must come to terms with that problem, as I am sure the Minister for Regional Development, and Minister for Rural Affairs will in his response to our concerns and comments. No mechanism is in place to test whether foreign lawyers provide a professional standard of service because the reasonable men sitting in judgment, or whoever will sit in judgment upon those foreign lawyers, do not themselves have the necessary expertise to set the quality control. That is one area that needs to be addressed substantially. I shall not traverse the objects of the bill, which are set out in the overview of the first print of the bill.

I have knowledge of the legal profession and the legislation that regulates it, which came before this House under governments of both persuasions—I am not speaking in a partisan sense. I have little doubt this legislation will be amended, and I hesitate to guess within the next year when we are in government, because it will have teething problems in its quality control level and with the accountability mechanisms and indemnity insurance for those foreign lawyers.

Mr MERTON (Baulkham Hills) [12.46 p.m.]: The Legal Profession Amendment (Practice of Foreign Law) Bill is important legislation. The issue of foreign lawyers is significant and I congratulate the Government on addressing it at this stage. Although lawyers may practise in other jurisdictions, their responsibilities to the community should be registered. The absence of registration does not allow the necessary checks for professional indemnity insurance and other aspects of the practitioners' practice to be monitored. For many

years lawyers who have practised in New South Wales have had to have indemnity insurance and certain restrictions were imposed on the operation and control of trust accounts.

Whilst I have not had the opportunity to examine this legislation in detail, controls on trust accounts should be the same for lawyers practising in foreign jurisdictions, albeit in New South Wales. The mantle of responsibility for those who engage foreign lawyers is one the Government must assume. The Law Society says that by making it necessary for these lawyers to be registered, that responsibility can be carried out. This bill deals specifically with people who are lawyers as far as the foreign country is concerned. The bill provides that a foreign lawyer may apply for registration to the Bar Council or Law Society—which are referred to as the domestic registration authorities—and sets out the information and documents that must be provided with the application.

The domestic registration authority is not required to carry out any independent investigation of its own in deciding whether to grant registration, but may require the applicant to verify the information by statutory declaration or other proof acceptable to it, or by provision of evidence from the authority that registered the foreign lawyer to practise law in a place outside Australia. It is a complex situation by nature because effectively it says that if someone is qualified to practise in a foreign country, he or she can practise that law, albeit in New South Wales.

There appears to be no consistency and there is probably no answer but to reconcile the qualification of a person who is practising foreign law in New South Wales with the qualifications required by someone who practises law in New South Wales. That issue has to be dealt with. Put simply, the other side of the coin is if they are qualified to practise in the country in which they are practising, they should be able to practise in New South Wales the law relating to that foreign country.

This matter should have been redressed earlier. In recent years some practitioners have practised exclusively in other countries. Australians have increased their trade and business interests in other countries. Overseas practitioners should be able to practise law in Australia. People would be able to get legal advice about the country they are dealing with without leaving Australia. They would have an advantage, which would be good for trade.

Restrictions on indemnity insurance should prevail so far as these foreign lawyers are

concerned. Anyone who practises law in New South Wales—whether that law relates to New South Wales, another State or another country—should be covered by indemnity insurance. The controls that relate to New South Wales solicitors' trust accounts should also relate to the accounts of foreign solicitors.

I support the principles enunciated by the bill. It is a step in the right direction. I concede that new section 48ZAB requires locally registered foreign lawyers who receive money on behalf of other persons in the course of practising as foreign lawyers in New South Wales to maintain trust accounts, and prevents locally registered foreign lawyers from practising unless they comply with fidelity fund requirements imposed by regulations under new section 78A. That seems to present some measure of protection for people who deposit funds in trust accounts of lawyers who are practising overseas, so they have protection similar to people who lodge money with locally practising practitioners. I support the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

PARLIAMENTARY ETHICS ADVISER

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

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following resolution:

1. That this House directs the President to join with the Speaker in appointing Mr Ken Robson to the position of Parliamentary Ethics Adviser.
2. That the position 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. That the position be held part time.
4. That the function of the Parliamentary Ethics Adviser 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. That 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 1988 or otherwise).

6. That the Parliamentary Ethics Adviser's role not include the giving of legal advice.
7. That the Parliamentary Ethics Adviser be required to keep records of advice given and the factual information upon which it is based.
8. That the Parliamentary Ethics Adviser 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. That this House 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. That the Parliamentary Ethics Adviser meet with the Standing Committee on Parliamentary Privilege and Ethics annually.
11. That the Parliamentary Ethics Adviser 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. That 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.

Legislative Council
24 September 1998

VIRGINIA CHADWICK
President

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).

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

**Report: Second General Meeting with the
Inspector of the Police Integrity Commission**

**Report: Third General Meeting with the
Commissioner of the Police Integrity Commission**

**Report: Seventh General Meeting with the New
South Wales Ombudsman**

Report: Matters Arising from the 7th General Meeting with the Ombudsman, the 3rd General Meeting with the Commissioner of the Police Integrity Commission, and the 2nd General Meeting with the PIC Inspector, and Talks with the Heads of Agencies

Mr GAUDRY (Newcastle) [12.56 p.m.]: I seek leave to deal with the four committee reports in globo. I seek the indulgence of the House to speak longer than the allotted 10 minutes, bearing in mind that if I were to speak to each report individually I would be able to speak for 40 minutes. I can condense my remarks if I deal with the reports in globo.

Leave granted.

During June and July the Committee on the Office of the Ombudsman and the Police Integrity Commission held hearings with the Ombudsman, the PIC and the Inspector of the PIC. The hearings were part of the committee's program of overseeing the Ombudsman and the PIC. Meetings are held with the head and senior management of each body. During the course of the meetings the committee asked witnesses questions about the functions and jurisdiction of each body and about current issues relating to their operations. As I have said when tabling previous general meeting reports, the regular meetings are an important means by which the committee can gather information to perform its monitoring function. For the most part, the hearings are held in public but confidential matters are discussed in camera. The reports tabled by the committee contain the transcripts of the public hearings, in addition to the answers to questions on notice.

The seventh general meeting with the Ombudsman was held on 11 June and 8 July. Due to the impressive volume of information provided, and the many issues discussed, two days were required for the hearing. Matters discussed included the office's current workload, access and awareness initiatives, recent Ombudsman reports, the investigation of police misconduct, protected disclosures, corrective services, controlled operations, the Administrative Decisions Tribunal and recent amendments to schedule 1 of the Ombudsman Act—that is, conduct excluded from the Ombudsman's jurisdiction. As usual, the Ombudsman, Ms Irene Moss, was very co-operative in her responses to requests for information from the committee. I thank her for that. I also thank the Deputy Ombudsman, Chris Wheeler, and Assistant Ombudsmen Greg Andrews and Steve Kinmond, each of whom participated at the meeting.

The third general meeting with the Commissioner of the Police Integrity Commission took place on 9 July. That meeting was attended by senior managers. The operation of the Police Integrity Commission is illustrated in the statistics provided to the committee at the meeting. The commissioner reported that the commission had undertaken 29 investigations that involved 28 days of public hearings and 30 private hearings. Three officers had been charged as a result of PIC investigations. The first report of the commission on the special branch of the Police Service was tabled. Telecommunications intercept powers were discussed at some length during the meeting. It had been of concern to both the commission and the committee that the PIC lacked the power to conduct telecommunications intercepts because it had not been declared as an authorised authority by the Commonwealth Government. I am pleased to report that this position has been rectified and that the PIC now has full powers to intercept telecommunications.

Another topic of interest has been the proposed qualitative and strategic audit of the reform process, a matter that was recently considered by this Parliament. It was a recommendation of the Wood royal commission that the PIC engage an independent auditor to conduct the audit according to the blueprint contained in the royal commission's final report. The Commissioner of the Police Integrity Commission noted that the legislation gives the commission a statutory-based involvement in the reform process, which it had previously lacked. As a result, the commission can be more pro-active in relation to reform of the Police Service, and not simply react to allegations of corruption. The audit touches on both the PIC and the Ombudsman's functions, and the committee will examine with interest the process and the results of the audit.

The committee also discussed with the commissioner the new controlled operations legislation and its use by the commission. According to the commissioner, the legislation, which provides legal protection for officers committing criminal offences for the purpose of an investigation and which regulates the use of controlled operations, has so far proved to be successful. At the time of the meeting the commissioner had received four applications to undertake controlled operations. On behalf of the committee I thank Judge Urquhart, Mr Sage, Mr Nattress, Mr Lenihan and Mr Rawson for their attendance before the committee.

The second general meeting with the inspector of the PIC took place on 11 June. The committee took the opportunity of the meeting to discuss with

the inspector his procedures for investigating complaints. At the time of the hearing the inspector had received only nine complaints. So far none of his investigations into the complaints has revealed any illegality or impropriety on the part of the PIC. One matter of concern to the committee that was discussed at the meeting was the inability of the inspector to access PIC files if they contain telecommunication intercept product. As authorities that receive TI are restricted in whom they can release such information to, the PIC is unable to allow the inspector to view TI product it has obtained. This creates potential difficulties in the inspector's functioning.

The role of the inspector is to monitor the legality and propriety of the commission's activities. Without the ability to examine files containing TI product the inspector's oversight of the commission's activities may be restricted. The inspector noted the potential for a problem if the commission sought to justify its actions in relation to a matter by relying on information it had gathered through TI: the inspector would be unable to verify this as he is prohibited from viewing the TI product.

In relation to the inspector's audit function, it was evident that there is an inherent conflict between the need for the security of confidential information whilst maintaining records of the use of the inspector's powers. The committee noted in its discussions that it would find it useful if statistics were made available to it relating to the use of the inspector's powers, if it were possible to provide these without risking the confidentiality of information in the PIC's files. I am pleased to advise that the inspector has informed the committee that a program is now in place which will collect and collate statistics, and the inspector will provide those to the committee at future general meetings. Matters arising from the general meetings were collated in a separate report.

I shall deal principally with those matters. One issue that has been ongoing in committee meetings with the Ombudsman has been the relationship between general managers and councillors. Certainly this has been a cause of concern to the Ombudsman over a period of time. The matter has been discussed comprehensively in general meetings and in the committee's inquiry process. The seventh general report states that the relationship between general managers and councillors remains a matter of concern to the office. It states that complaints and other information continue to be received indicating that conflict between councillors and general managers continues to seriously affect a number of New South Wales local councils. Certainly it was

shown that there had been improvement over the time of the inquiry. I note that as a particular issue that has taken time of the committee and has been the subject of discussion with the Ombudsman.

The committee considered in more detail several issues arising from the general meetings and the talks with heads of agencies and has prepared a separate report on those matters. The report contains several recommendations for legislative amendments and further review. In this report the committee dealt with two aspects of the civilian oversight system for police misconduct in which the existing legislation requires amendment. The first aspect in need of amendment is the current categorisation of police complaints. The second aspect relates to the scope of managerial action available to deal with police misconduct as provided for under the Police Service Act 1990.

On the issue of police complaint categories, the final report of the royal commission recommended a three-tier system, as distinct from the existing four-tier system that is based on the recommendations contained in the interim report of the royal commission. On the basis of evidence from representatives of the Office of the Ombudsman and the Police Service, the committee concluded that the legislative framework for the police complaints system, including the class or kind categories of complaints, should be streamlined as much as possible without compromising the functions and powers of the Police Integrity Commission and the Office of the Ombudsman.

The report also emphasises the committee's support for the existing system of class or kind agreements between the Ombudsman, the Commissioner of Police and the Police Integrity Commissioner. The agreements specify the types of police complaints that should be dealt with by each of those bodies and, in the view of the committee, permit a flexible classification of complaints with the potential for further streamlining, demonstrated through the revisions made to the agreements since the commencement of the Police Legislation Amendment Act 1996. Consequently, the committee recommends that the existing system of class or kind agreements that determine the categorisation of police complaints should continue.

The royal commission recommended the adoption and implementation of a managerial complaints and disciplinary system focusing heavily on the role and responsibilities of local commanders: the employee management system. Dealing with matters on a simple managerial basis formed an integral part of the proposed system. The EMS has

been piloted in a number of regions within the Police Service and has also been subject to evaluation by the Office of the Ombudsman. The information available to the committee shows that amendments are required to the Police Service Act to provide for a range of managerial actions supportive of the employee management approach.

The information available to the committee shows that amendments are required to the Police Service Act to provide for a range of managerial actions supportive of the employee management approach. The royal commission identified that amending legislation would be needed to "broaden the scope of outcomes that could immediately be imposed, without the need for establishing a criminal or departmental charge". Both the Office of the Ombudsman and the New South Wales Police Service have flagged this issue with the committee as one which needs to be resolved if the employee management system is to be implemented on a statewide basis.

The committee considers that the success of the EMS is critical to the reform of the Police Service as envisaged by the royal commission. As a result, the committee recommends that priority be given to amending the Police Service Act 1990 to provide local area commanders managing police complaints with a wider range of managerial and other actions supportive of the employee management approach. The committee regularly reviews conciliation of police complaints in its general meetings with the New South Wales Ombudsman. Evidence is taken on conciliation statistics, including the failure rates for conciliations, complainant feedback, and training. In the committee's opinion, there are continuing problems with the conciliation of police complaints. Those problems are evidenced by the ongoing conciliation failure rates, which reached 35 per cent for the period July-November 1997 and have not fallen below 24 per cent since 1994-95.

At the moment the Police Service target is 12 per cent. The categorisation of police complaints proposed by the royal commission does not contain the category found in section 132 of the Police Service Act 1990, in relation to which conciliation must be attempted. If amendments were made to the Act along the lines proposed by the royal commission, the committee is concerned that any legislative proposal to abolish section 132 of the Police Service Act 1990 should not be considered in advance of a thorough assessment by the Ombudsman of the Police Service's performance in effectively conciliating complaints.

Recommendation 174 in the final report of the royal commission proposed the appointment of an external strategic auditor, upon engagement to the Police Integrity Commission, to conduct a qualitative and strategic audit of the reform process, and to report to the PIC, which in turn would report to the Minister and the service. That proposal recently was given legislative effect through the Police Integrity Commission Amendment Act 1998, which provides for a special audit of the police reform process to be arranged and overseen by the PIC over a three-year period.

The committee recommends that the Ombudsman should be fully consulted by the Police Integrity Commission in the development and conduct of the audit process, and that the material obtained from the office's evaluation of the EMS and the conclusions drawn from the evaluation be made available to the auditor engaged by the PIC to conduct the external strategic audit of the reform process. The commission has provided the committee with specifications for the audit and indicated that the specifications may be modified in light of the results of the audit as it progresses.

The PIC has been provided with additional funding of \$1.5 million to conduct the strategic audit and the committee intends to monitor the progress of the audit as part of its general oversight of the commission's work. It is recommended that the Police Integrity Commission regularly report at general meetings on the conduct of the audit process, the progress made towards completing the audit, and any matters arising from the audit which have implications for the functions and work of both the commission and the Office of the Ombudsman.

The PIC has adopted a consultative approach regarding the audit and has liaised with the Office of the Ombudsman on the initial process for selecting the external auditor. The committee supports the office's involvement in this process, given its expertise and experience in monitoring and evaluating the EMS and other aspects of the police complaints system. In the committee's view such consultation should be ongoing throughout the audit and it is recommended that the material obtained from the office's evaluation of the EMS be made available to the auditor engaged by the commission.

I referred earlier to the committee's discussions with the inspector and Police Integrity Commission commissioner on telecommunications interception. In the view of the committee it is a matter of importance that every effort should be made to facilitate the enactment of legislation to amend the

Telecommunications Interception Act 1979, a Commonwealth Act, so that the Police Integrity Commission is able to communicate lawfully obtained telephone intercept material to the inspector, in order that he can fulfil his statutory functions, and to allow lawfully obtained telephone intercept material to be used in proceedings alleging contempt of the Police Integrity Commission. The committee intends to continue to put the case for such amendments as much-needed initiatives.

The committee took considerable evidence, mostly in camera, from the Ombudsman on the office's new functions in relation to controlled operations. This area of the office's operations is extremely sensitive and the Ombudsman has commented publicly that the new role has significant resource implications for the office, especially as it has been absorbed without additional resources. The committee is concerned that the level of oversight required to perform such a sensitive role will consume significant resources which could be increasingly felt as greater use of the legislation is made by the relevant law enforcement agencies.

The committee fully supports an independent, external accountability mechanism, such as auditing by the Office of the Ombudsman, as one of the safeguards for ensuring that the activities permitted by the legislation are conducted properly and for the strict purposes intended. In the committee's view efficient and effective scrutiny of such activities will require additional funding, especially if this role is not to be performed to the detriment of the office's activities in other areas. The committee also commented in the report that the way in which the office will perform its statutory audit functions within the legislative framework created by the Act is a matter for the Ombudsman to determine.

As part of its general oversight of the office, the committee intends to monitor this function and recommends that each law enforcement agency involved in conducting controlled operations provide information as to how it facilitates the Ombudsman's exercise of her monitoring role under the Act. The committee further recommends that the Ombudsman advise it of any recommendations made following audit inspections which are not implemented and the reasons given by the agency concerned for not doing so.

The office's new functions in relation to the knife powers legislation will be reviewed as part of proceedings for the eighth general meeting with the Ombudsman. Another issue highlighted in the report relates to the freedom of information implications of contracting out of services by public sector agencies.

The Ombudsman foreshadowed this as a potential inquiry area for the committee and gave evidence that the Auditor-General claims a practice has developed in which State agencies have entered into contracts with other agencies performing work for them to escape the requirement of the Freedom of Information Act.

One practice which seems to have developed is the engaging by agencies of private contractors and subsequent contract with them to hold all documentation relating to the performance of a service. As an agency can only be required under freedom of information legislation to produce those documents in its possession, any documents transferred to a contractor would not be subject to the provisions of the Freedom of Information Act. The Ombudsman told of one recent occasion when an agency removed certain documents in its possession to a wholly-owned subsidiary company in order to avoid the provisions of the Freedom of Information Act.

Invoking commercial in confidence clauses is another problem area identified by the office. At the request of the committee the Ombudsman has provided advice on possible amendments to the Freedom of Information Act to overcome the problems identified with contracted services. In view of the seriousness of these allegations, the committee resolved to obtain further information from the Auditor-General on problems experienced by his office in relation to public sector agencies using contractual arrangements with private contractors to avoid existing accountability, complaint handling and redress mechanisms, especially freedom of information requirements.

The committee also intends to seek further advice from the Ombudsman on the specific problems and cases outlined in her evidence at the seventh general meeting. The wider issue of accountability and contracting out of government services has been examined in recent reports by the Administrative Review Council and the Senate Committee on Public Finance and Administration. The findings of these two bodies are particularly relevant to the evidence given by the Ombudsman and endorse the need for effective scrutiny of contracted services.

Once the committee has gathered more evidence on this particular issue it will assess whether an inquiry is necessary with respect to the use of contract provisions by public sector agencies engaging private contractors to avoid the requirements of the Freedom of Information Act 1989; investigation by the Ombudsman and other

accountability measures; whether the Ombudsman's jurisdiction should be extended to include the conduct of a private contractor engaged by a public sector agency and using public moneys to provide services, goods or other things on behalf of that agency; the adequacy of arrangements for complaint handling and redress in relation to services contracted out by public sector agencies; possible legislative amendments to overcome the problems experienced by the Ombudsman in relation to private contracts; and any other matter considered by the committee to be relevant to the inquiry.

The committee also intends to assess the Legislative Council amendments to the Freedom of Information Act 1989 that have been suggested by the Ombudsman and, if they are supported, will take up the proposals with the Premier as the Minister responsible for administering that Act. The committee's meeting program during the past three months has been very busy and I thank the members of the committee and the witnesses for participating in the hearings. The output of reports in this period indicates the amount of work undertaken by the committee, which has the support of the secretariat. The reports deal with issues of particular importance for police oversight and public sector accountability in New South Wales. I hope all members of the House have as much enjoyment reading the reports as the committee had in preparing them. I thank the secretariat for its work and I thank the House for its patience and forbearance in allowing me to deal with these reports in globo.

Mr KINROSS (Gordon) [1.20 p.m]: I seek leave to speak to the reports for a period of 10 minutes.

Leave granted.

I shall deal first with the work of the committee. I wish the media would take note of some of the work done by backbenchers between sittings of the Parliament. The work of this committee is but one example of the work that often takes place behind closed doors and sometimes with little acknowledgement. However, as the chairman stated, that committee, on which I am the Opposition representative, has held regular meetings with a number of intergovernmental agencies, the principal ones being the New South Wales Ombudsman, the Commissioner of the Police Integrity Commission and the Police Integrity Commission Inspector. These are important bodies which overview citizens' rights and protection of the public.

The major issues in relation to all four reports, which I address in globo and which came out of the

evidence taken during the non-sitting break, were, firstly, resources that led in one case to media attention about stress leave for employees; secondly, co-operation with intergovernmental agencies; and, thirdly, leadership in the field of protected disclosures and police reconciliation. I refer to the report on the second general meeting with the Inspector of the Police Integrity Commission. This meeting was held on 11 June and a great deal of comment was made about resources. At that time I asked the inspector whether he had a sufficient level of support. He seemed to be satisfied at that stage and indicated that whilst he still regarded his work exclusively in this field as taking 7½ days on average per month, and had increased by the time of our meeting to 10½ days, it nevertheless was a demanding position.

I interpose to say that I hope that the ethics adviser to members of Parliament will not sit that many days to advise on potential conflicts or problems of members of Parliament, let alone transgressions. The report sets out in detail some of the matters. At page 26 I indicated that I had a concern at that time about the special branch files. Subsequent to the meeting on 11 June it was very clear that there was a special report on that issue. The committee serves a useful purpose in the general protection of the public and also in relation to this sensitive issue flowing from the police royal commission and telephone interception.

In relation to the third general meeting with the Commissioner of the Police Integrity Commission, I praise the work and general approach of Commissioner Urquhart, who, with the support of the various people mentioned in the appendix to the report, have done excellent work. However, they were criticised, one may recall, in recent times for their failure to produce scalp. Sometimes the public, and especially the media, are searching for a few scalp, as indeed were members of the Opposition at that time. The former member for South Coast, John Hatton, called for a number of scalp. That has certainly been done subsequently. But the nature of the commission's job is such that it must, as most investigative agencies do, follow the process and letter of the law to make sure that it produces the outcome that it sets out to achieve.

The Police Integrity Commission has done that. Honourable members would need to refer only to the report of the third general meeting with the commissioner to read that material. The report on the seventh general meeting with the New South Wales Ombudsman, in which I was quoted liberally throughout its hundreds of pages, was the culmination of a number of matters. The committee

inquired into complaints involving police, protected disclosures, corrective services and an amendment to schedule 1 of the Ombudsman's Act, and new legislation. I am pleased that the amendment to section 20 of the Protected Disclosures Act referred to on page 17 of that report under item 4.1(2) was passed in this House this morning.

That is good, but it has been a long time coming. As members of the committee know, I have been concerned about the failure of the intergovernmental agencies committee, on which Mr Wheeler represents the Ombudsman, to bring before the review the concerns of bodies such as Whistleblowers Australia and the rights of victims of whistleblowers, including detrimental action which the Protected Disclosures Amendment (Police) Bill goes some way towards addressing. It is important in a situation like that to have the onus of proof reversed. I am pleased that that case has been referred to in the report and, prompted by the work of the committee, the Government has seen fit to enact legislation to deal with that issue.

In addition, as the report states, the committee will undertake a second review of the Protected Disclosures Act. That is important. The committee has not yet decided when that review and hearings will take place. The end of the mandatory two-year period for the review is approaching. I look forward to being involved in that process. As I said to committee members at one hearing, I was the only member, before the honourable member for Bligh retired from the committee, to have served on the legislation on the original whistleblowers bill, which was renamed the Protected Disclosures Bill, when the coalition was in government in 1993.

It is important legislation and as I said in my overview it involves leadership. It is important that whistleblowers who detect errors in management and who serve in a government agency or bureaucracy are adequately protected and are not subject to reprisal actions, including those which the chairman said could be subject to a review if the committee outsources activities to the private sector.

In December last year I attended the Whistleblowers Australia seminar in a personal capacity, although I was acknowledged as a member of the Committee on the Office of the Ombudsman and the Police Integrity Commission. At the seminar I made the point, as I do now, that government agencies ought to congratulate whistleblowers on their activities. Except in situations aggravated by malice, whistleblowers uncover problems that would cost an agency, if it commissioned a management consultant, thousands if not millions of dollars to

investigate. Whistleblowers create an audit trail of problems that may escape detection by an agency. They should be applauded for their actions. Whistleblowers do not score many points for their activities. Indeed, overseas studies have described the devastating effects on their families because of their activities. That aspect was dealt with in the seventh general meeting.

A range of issues, including council involvement, is still a matter of concern. I know, as would the Minister for Local Government, of the difficulties that the general manager of my local council, Rhonda Bignell, had with Maitland City Council. Report No. 5 arose from matters that were dealt with in the general meeting. Some outstanding issues will be dealt with, including the introduction of potential new legislation, in further inquiries. I hope that the good work of the committee, which is generally undertaken in a bipartisan way, will be appreciated by the public.

Mr E. T. PAGE (Coogee—Minister for Local Government) [1.30 p.m.]: I seek the leave of the House to speak for 10 minutes.

Leave granted.

I am pleased to have the opportunity to comment on these reports. I will concentrate on the matter of general manager positions in local councils, which was referred to by the chairman of the committee and by the honourable member for Liverpool. Over a period of some years the Ombudsman has expressed an ongoing concern about what is in her opinion an inordinately high level of breakdown in relations between general managers and mayors and/or councillors. The Ombudsman's 1995-96 annual report expressed increasing alarm at the number of general managers who have been dismissed or have resigned in controversial circumstances since the commencement of the Local Government Act 1993. The report stated that fundamental to this problem was the inequality of power between mayors, councillors and general managers. Similar observations were revealed in the Ombudsman's 1996-97 annual report.

Figures from an Institute of Municipal Management survey, which were quoted by the Ombudsman, show that over a five-year period 83 general managers have left 177 councils. I dispute the Ombudsman's interpretation of those figures. They should be analysed in a proper, scientific manner. Because I have a strong Christian background, I will not be cynical and suggest that her interpretation is a misrepresentation. As a result of the Ombudsman's incorrect conclusions, there has

been a great deal of media interest and general comment on the number of general managers who leave their positions. It has been suggested that the number reflects a crisis and a major problem in local government administration. As I will demonstrate, those comments are completely unfounded.

To ascertain the nature and extent of any problems that may exist in the relationship between general managers and their councils, it is important to appreciate that prior to the 1993 Local Government Act the chief administrative officer of a council was the town clerk or shire clerk. That officer required special qualifications under ordinance 4, had security of tenure, and also had restricted power. With the introduction of the 1993 Act came contract employment for general managers. Under such employment it is reasonable to assume that when a contract ends there is the possibility of a new appointee. One would logically expect a higher turnover under the new system. Special entry requirements were abolished and a revised role and powers were conferred on the general manager to control the day-to-day management of council operations.

Increased turnover was anticipated, particularly in the early stages. That view was supported by experiences overseas where radical change had been introduced. The Department of Local Government has collected figures that detail in global terms the turnover of general managers from 1 May 1995 to 31 August 1998, a period of three years and four months. In that period 77 general managers left the employment of councils. I point out there is a problem when talking about global figures. One cannot pick a figure of 77 and say that represents a homogenous group. Of those 77 general managers, one died. I have been thinking how I can stop a general manager from dying! It would probably be detrimental, but I am working on it! Four general managers retired because of ill health; one of them, whom I know, contracted multiple sclerosis. After having performed the job for some time confined to a wheelchair, that general manager finally had to leave. Those four cases were somewhat unusual.

After I solve the problem about general managers dying on the job I will look at what I can do about preventing general managers from getting sick and having to leave their positions. Twelve general managers retired. That figure does not cause any great surprise; retirement is not unusual in a work environment. As time passes everyone retires in some sense. This is a career industry, and 16 of the 77 general managers moved on to other councils. I would encourage such a move. Having gained experience with smaller councils, many take the

benefit of their experience to larger councils. Ten resigned to take up employment in the public sector—again not an unusual occurrence. Ten resigned to take up employment in the private sector—which is their right—taking their local government experience with them. Two resigned and went to another employer. We do not know why that occurred.

In nine cases—and this figure will increase in the future—the contract expired and another person was appointed to the position. The system is designed to give councils the opportunity to change tack on the position of general manager. The Act came into effect five years ago, and the maximum period of the contracts is five years. More contracts will be expiring soon and I assume many current general managers will not be reappointed for various reasons. A decision not to reappoint is the council's prerogative. It cannot be said that is a crisis. Out of the 77 cases, 13 contracts were terminated or paid out. Over three years, out of 177 councils one could say potential problems existed in 13 cases. That is far less than the number of problems that occur with chief executive officer positions in the State public service and, I would say, less than the incidence of problems that occur at managerial level in any other industry.

Given the removal of the constraining influence of the Clerk's Certificate and with a change from permanent tenure to open merit-based contract systems, there will be much more change at the senior level. In New Zealand local government chief executive officers are also governed by contracts for a period of five years. An Audit Office review reported that 36 of the 86 chief executive officers in regional and territorial local authorities had been replaced in the period 1989 to 1994, and seven councils had changed their chief executives more than once. Queensland figures show a similar trend. When the Act came into effect in Queensland there was no spill of positions, as occurred in New South Wales, and one would expect a lesser turnover there. But what happened in Queensland and New Zealand is no different from what has happened in New South Wales.

So I believe that the problems repeatedly raised by the Ombudsman about the relationship between councils and their general managers have been exaggerated, and that is to the detriment of those who work in the positions and in the industry. In fact, only a relatively small number of managers of general purpose councils have had their services terminated. I refer these comments to the chairperson of the committee and to the committee itself so that they can raise this issue again with the

Ombudsman and ensure that the figures are analysed in a rational, scientific manner.

Perhaps then statements about what is happening in the industry will be based on fact, not fiction, and will represent what is really happening; rather than sending waves of alarm through the industry and through the media, where the thought is that somehow there is a major problem with the administration of councils. Nothing is further from the truth. I therefore ask the chair of the committee to speak about this in a positive manner with the Ombudsman so that she might stop this misinterpretation and misuse of figures in the public arena, which is to the detriment of the local government industry.

Mr LYNCH (Liverpool) [1.40 p.m.]: I should like to refer briefly to a number of the issues raised in these reports. Given what the Minister has just said, some of the comments I was going to make about general managers and local councils are no longer necessary. However, I would add my skepticism about the view of the Ombudsman and her office that there is a major problem between general managers and councils. The one point I would add to the comments of the Minister is that at pages 71 and 72 of the report on the seventh general meeting, the Deputy Ombudsman, Mr Chris Wheeler, is quoted as having said:

Our view is that there is still not enough objective evidence available about exactly the scope of the problem . . .

The problem is the relationship between general managers and councils. Mr Wheeler concedes that there is not enough objective data to really pursue the argument further. I find that to be a welcome concession. I must say I am a little curious how in the absence of what Mr Wheeler regards as objective information he can assert that there actually is a problem. I look forward to participating further in any future debate on this matter.

The other substantive issue I raise is the increasing jurisdiction of the Ombudsman. The Crimes Legislation (Police and Public Safety) Act 1998 amended the Summary Offences Act 1998 and the Crimes Act to give police, on any view of it, substantially broader powers. That legislation is generally known as the "knife legislation". That raises quite considerable civil liberties issues. One of the ways in which it has been attempted to resolve those issues is to provide a monitoring role in regard to the operation of the new legislation. In my view that monitoring role is crucial if there is to be wide public confidence in the new legislation. For the first twelve months the Ombudsman is to scrutinise the

police use of these powers, and she may require the police to provide information about them.

After the 12 months the Ombudsman will provide a report on this scrutiny to the Minister of Police and the Commissioner of Police. Appropriately, extra funding has been provided to employ persons to perform this task. The committee wishes, in my view correctly, to pursue this matter further with the Ombudsman. The extraordinary powers granted to the police mean that there is very great responsibility on the Ombudsman to carry out the monitoring role and accordingly there is a serious responsibility on the committee to ensure that it is satisfied that the role could be carried out.

The other jurisdictional aspect that I wish to raise is the Ombudsman's role in auditing control operations pursuant to the Law Enforcement Control Operations Act 1992. That legislation allows otherwise illegal behaviour to be carried out for the purposes of law enforcement. The dangers in this are quite obvious. One of the ways of limiting potential dangers is for the Ombudsman to have a monitoring role. This is still quite recent legislation, but thus far the Ombudsman has been able to identify record-keeping deficiencies that have led to a revision of procedures. It would of course not be surprising if at some stage in the future some or one of the agencies being audited might object to the role and may well cloak an objection on the basis of the security of information, but it seems to me that that would simply be a consequence of the inevitable tension felt by an audited body against the auditor.

Any suggestion that the Ombudsman's Office is not secure enough for that purpose is, of course, laughable and it would seem to me that it is appropriate to make these points now because, as I say, it is inevitable that as time goes by some of the law enforcement agencies will complain about the Ombudsman auditing their operations. That should be seen not as a legitimate complaint but as the natural, but still to be resisted, complaint of a body that does not like being audited.

Finally, I would like to comment briefly on the Police Integrity Commission Inspector. That is a unique position in New South Wales legislation, though not in other States. Neither the Independent Commission Against Corruption nor the Ombudsman has a comparable officer overseeing them. The inspector provides an extra level of oversight accountability for the Police Integrity Commission; and a similar position could provide that accountability for the Ombudsman and the ICAC. The inspector has the potential to allow the

parliamentary oversight committee to more effectively fulfil its functions. To a large extent that potential has not yet been realised, but this is still very early days. It seems to me that one of the challenges both for the parliamentary joint committee and for the inspector is to fruitfully explore that potential.

Reports noted.

JOINT STANDING COMMITTEE UPON SMALL BUSINESS

Report: The Illawarra Experiment—Report on the NRMA's Quality Repair System

Mr TRIPODI (Fairfield) [1.46 p.m.]: It gives me great pleasure to present to the House the first report of the Joint Standing Committee on Small Business, entitled "The Illawarra Experiment—Report on the NRMA's Quality Repair System". The interest of the committee in the NRMA's quality repair service was aroused by the vehement opposition that the introduction of the pilot scheme received from smash repairers and tow truck operators throughout New South Wales. These small business operators view the implementation of the scheme as an infringement on their right to operate their business as they see fit. The NRMA pilot was an attempt to contain spiralling insurance premium costs, improve the level of customer service, and improve the quality of repairs.

The NRMA hoped to achieve these objectives by introducing a system whereby smashed vehicles are taken to a centralised repair distribution centre and smash repairers tender for work. The NRMA would then select a repairer based on the repairer's quality rating, the repairer's specialty codes and a combination of cost and time. From the perspective of the NRMA, the quality repair system is an efficient and effective way of processing smash repairs. However, the tendering process raised the ire of the majority of smash repairers in New South Wales. They believe that the scheme would have had an adverse effect on the operation of their businesses. This included a loss of control over the direction of their business and an inability to retain any established goodwill.

In the course of the inquiry the committee held briefings with representatives of the NRMA, the Motor Traders Association, the Tow Truck Industry Council, the Illawarra Progressive Smash Repairers Association and a number of private smash repair operators. The main finding of the briefings was that the NRMA had not undertaken sufficient consultation prior to the introduction of the quality

repair system pilot. The committee believes that the lack of consultation between big businesses and small businesses, shown so clearly in the NRMA's introduction of the quality repair system, is systematic of the commercial relationship big business has with small business.

Since the implementation of the quality repair system—QRS—pilot the NRMA has recognised a number of problems with the pilot's operation. In an effort to resolve these problems the NRMA has, somewhat belatedly, moved to improve the level of consultation with the repair industry for the establishment of consultative committees with the Motor Traders Association and the Illawarra Progressive Repairers Association. As a result of this consultation the NRMA has improved on the scope, accuracy and range of specialisation codes and has clarified the processes involved in tendering for work. While these changes are to be commended, the committee believes that they should have been implemented prior to the commencement of the QRS pilot. As it stands, the industry opposition to the QRS remains, and any plans to introduce a scheme to the rest of metropolitan New South Wales have been put on hold.

This report recommends that the Parliament endorse guidelines for the introduction of the new policy initiatives which affect the operations of small business. The guidelines encourage consultation, the use of pilot programs for a set duration and the establishment of criteria that is transparent and open to discussion with interest groups. From the perspective of government, the committee has recommended that Government ministers and agencies mediate between small business and big business interests where market power has been exercised to the detriment of the small business sector. Perhaps the most important recommendation for small businesses involved in the scheme concerns the future of the scheme. With the Illawarra smash repair and tow truck operators in mind, the committee recommends that the NRMA make a final decision on the future of the pilot as soon as possible. Having operated for in excess of 15 months, the NRMA should be able to make an educated decision on the success of the QRS pilot.

A decision on the future of the scheme would allow smash repairers and tow truck operators to resume trading in an environment of relative certainty. The report has shown that people in the small business sector have the power to successfully campaign against big business practices which have the potential to adversely affect their business operations. I believe that the recommendations of the committee will bear fruit and potentially change the

power relationship which exists between big business and small business. Finally, I place on record my appreciation of the efforts of committee director George Capax, research officers Chris Dened and Susan Want, and the consultant to the committee, Mr Emanuel Clan.

Mr SCHIPP (Wagga Wagga) [1.50 p.m.]: As a member of the Joint Standing Committee on Small Business and a member of the subcommittee that inquired into the NRMA quality repair scheme I join with the honourable member for Fairfield in welcoming the report. In so doing I congratulate the committee, and the subcommittee members, on their constructive approach to the inquiry. This is the first report of the Joint Standing Committee on Small Business, and I believe that it will be seen as a successful blueprint for future committee inquiries.

The inquiry highlights the fact that there appears to be ingrained ignorance concerning the effect that big business strategies and policies can have on the operations of small business people of New South Wales. This situation must be addressed. I suggest that there would be broad support for the proposition that the major employment sector in New South Wales, the small business sector, should be provided with the impetus to challenge the economic monoliths of the big business sector. This report details the successful outcome of the smash repair and tow truck industries in campaigning against the way in which the NRMA's quality repair system was introduced. It provides encouragement for all small businesses which feel oppressed by big business strategies.

The findings of the report are clear: small voices if united can make an impact. The development of the concept which became the quality repair system was the result of continual increases in car insurance premiums. It was ascertained by NRMA management that continued increases in the cost of premiums would impact upon the number of customers electing to have comprehensive insurance. NRMA literature details that of every dollar generated in premiums 93¢ is paid out in claims costs. The higher the percentage of claims outgoings to premiums received, the higher the cost of insurance will become for the people of New South Wales.

I join with the majority of New South Wales people in saying that insurance premiums have been escalating out of control for some time and that something must be done to contain the costs. The NRMA should be congratulated on its attempts to contain premium costs. The basic concept behind the introduction of the quality repair system is sound.

All NRMA policyholders would hope that their insurance premiums could be contained, that in the event of an accident a superior level of service could be provided, and that when they receive their vehicle back they have an NRMA-guaranteed repair. The NRMA quality repair system produced an average 5 per cent rebate for all comprehensive car insurance premiums in the Illawarra. What policyholder could ask for more?

The scheme has the potential to work in the metropolitan areas of New South Wales and it is unfortunate that the inquiry into the NRMA's quality repair system has highlighted a number of deficiencies in the implementation phase of the pilot scheme. The most glaring of these deficiencies was the lack of adequate consultation. In view of the impact that the quality repair system pilot would have on the smash repair industry in the Illawarra, extensive consultation should have been a high priority. I am pleased to note that since the implementation of the pilot scheme the NRMA has heeded the advice of critics and approached the Motor Traders Association and the Illawarra Progressive Smash Repairers Association for further consultation. As a result of the consultation the NRMA has made a number of progressive changes which have contributed to the enhanced operation of the quality repair system.

The changes have provided an improved tendering process, clearer recognition of specialist equipment requirements, improved flexibility for policyholders, and a more transparent system. In the course of the inquiry the NRMA showed that it was willing to listen to the small business sector. To its credit, it has taken on board criticism of the quality repair system pilot and attempted to resolve areas of concern. The NRMA's implementation of the competitive partnering pilot scheme on Sydney's northern beaches shows that it has learned from the mistakes of the quality repair system pilot. There has been greater consultation with policyholders and smash repairers alike. As a result, 51 out of 80 smash repairers in the pilot area are involved, and many more are clamouring to become a partner repairer.

It is hypothetical but it could be suggested that without the combined voices of concern arising from smash repairers and tow truck operators in the Illawarra the competitive partnering pilot may not have eventuated. The committee has recognised the importance of consultation between the small business and big business sectors in the recommendation that guidelines be established. I stress that the report does not prescribe regulatory approaches. Finally, I thank all those who

participated in the production of the report—the committee secretariat, NRMA officers, the Motor Traders Association, the Tow Truck Industry Council and individual smash repairers. [*Time expired.*]

Ms MEAGHER (Cabramatta) [1.55 p.m.]: I am pleased to speak to the first report of the Joint Standing Committee on Small Business. The small business sector is a unique entity in the Australian economy. Over 3½ million people are employed in more than one million small businesses in Australia. A recent Australian Bureau of Statistics report shows that small businesses have increased in number by almost 60 per cent since 1984, and the number of people working in small businesses has climbed by 50 per cent. Here in New South Wales there are more than 250,000 small businesses, accounting for 47 per cent of the non-agricultural private sector employment. The range of skills, experience and background of small business operators is immense.

The small businesses affected by the NRMA's quality repair system, the subject of this inquiry, in the main were smash repairers and tow truck operators. There are 12,000 people working in nearly 2,500 smash repair businesses across New South Wales, and 59 per cent of smash repair businesses employ fewer than five people. These are truly small businesses. The statistics tell the success story of small businesses. However, we have all heard the other statistics, that approximately 65 per cent of all small businesses fail within the first five years. Many reasons are cited for small business failure: management inexperience, inflation and economic conditions, poor bookkeeping and records, staffing problems, and inadequate sales and marketing techniques.

The committee conducted the inquiry into the quality repair system pilot to ensure that the scheme did not add to the list of reasons for small business failure. The Parliament must keep under review implementation of initiatives such as the NRMA pilot in order to minimise this possibility. The committee offers a number of recommendations to assist small businesses in their future interaction with big businesses. One of the recommendations is that the Government has a role in mediating where there appears to be any controversy surrounding the exercise of unequal market power to the detriment of the small business sector. It also recommends that the Parliament endorse guidelines for the introduction of projects which significantly affect the viability of a large number of small businesses and a local industry as a whole.

The guidelines would include, among other things, establishing prior consultation with stakeholders and the utilisation of pilot programs with timely announcements, introduction schedules and pilot duration. This leads me to one of the most important findings of the inquiry: the negative impact the NRMA's quality repair system continues to have on smash repairers in the Illawarra and the uncertainty of the industry while the pilot continues. Since the pilot began in February 1997 the NRMA has recognised the problems with the implementation and operation of the quality repair system and has made a number of changes in order to resolve some of the problems outlined by smash repairers. But the pilot continues. A pilot program with no termination date, a pilot which is now in its fifteenth month, is barely a pilot. The committee urges the NRMA to make its final decision and to put an end to the uncertainty for small business operators in the Illawarra.

The committee believes that guidelines for the utilisation of pilot programs would minimise uncertainty for small business in the future. Another issue I raise today is the success of Illawarra smash repairers and tow truck drivers in their challenge against NRMA repair policies. The success of the campaign was based on a number of factors: the early identification of the threat the pilot posed to their businesses, strong articulation of the industry's opposition, and support by a majority of smash repairers in the Illawarra. The Motor Traders Association led the industry's opposition to the NRMA pilot, organising rallies which received significant press coverage. There were marches down George Street and protests outside Parliament House. Public protest, consultation and lobbying led to a call for the committee to investigate, and ultimately to the NRMA recognising the problems in the implementation of the scheme and its operation.

In the face of this public opposition the NRMA put on hold its plans for the extension of the scheme beyond Wollongong and introduced adjustments to resolve some of the problems. The committee believes that small business associations should build on the success of the smash repair industry's campaign and encourages them to use similar strategies when faced with big business policy changes. The inquiry has given the committee an insight into problems faced by small business and an insight into the ways the Government can assist them. The recommendations in the report will go some of the way towards providing that assistance. I congratulate the committee secretariat on its assistance in preparation of the report. I commend the report to the House.

Report noted.

Report: Security of Payment in the New South Wales Building Industry

Mr TRIPODI (Fairfield) [2.00 p.m.]: This discussion paper was tabled in the Legislative Assembly in accordance with sessional orders on 17 August 1998. It represented the distillation of reforms recommended to the committee during a consultation process that spanned nine months. The committee met with representatives from the full spectrum of industry associations and consulted with representatives from State and Federal government agencies. This discussion paper canvasses reforms that draw upon the recent reports developed and published in the United Kingdom and Queensland. However, it suggests a much more comprehensive package than either of those reports. The committee was expecting, and in fact received in subsequent submissions from the public, an endorsement of the thrust of the reforms, and will issue its final report in the very near future.

Key features of the committee's discussion model include: creation of a building registration and licensing authority; registration of all entities that enter into contracts with subcontractors; an industry code of conduct backed by a series of sanctions for breaches of the code ranging from reprimand to deregistration; mandatory use of written contracts with standard features; compulsory dispute resolution procedures; use of trusts for storing moneys that are in dispute; and mandatory security of payment insurance. Security of payment for subcontractors has been a running sore in the building industry for several decades. The model outlined in our discussion paper is a genuine attempt to address the major areas of concern. I commend the report on the discussion model to honourable members and remind them that the committee's final report and recommendations will be tabled very soon.

Ms MEAGHER (Cabramatta) [2.02 p.m.]: This discussion paper was tabled in the Legislative Assembly in accordance with sessional orders on 17 August 1998. It represented the distillation of reforms recommended to the committee during a consultation process that spanned nine months. Key features of the committee's discussion model include: creation of a building registration and licensing authority; registration of all entities that enter into contracts with subcontractors; an industry code of conduct backed by a series of sanctions for breaches of the code ranging from reprimand to deregistration; mandatory use of written contracts with standard features; compulsory dispute resolution procedures; use of trusts for storing moneys that are in dispute; and mandatory security of payment insurance.

Security of payment for subcontractors has been a running sore in the building industry for several decades. The model outlined in our discussion paper is a genuine attempt to address the major areas of concern. This model does not seek to interfere in the contractual relationships between the parties until there is some dispute that could delay payment. The model then provides a mechanism for both parties to resolve the dispute promptly and economically while any moneys in dispute are held in a trust fund. This model and the feedback that the committee receives from stakeholders in the industry will form the basis of a reform package that hopefully will create a level playing field so that subcontractors can negotiate on equal terms with big businesses.

The committee believed that many problems of non-payment originated with the use of verbal agreements rather than written contracts. If large companies decide to delay payment for whatever reason, small contractors are left high and dry wearing the cost. Their only option is to pursue payment through the courts, where it would come down to one person's word against that of another. More often than not, court action costs more than it is worth, so subcontractors have to just write off the loss and move on to the next job. I commend the report on the discussion model to honourable members and emphasise that this is only the first chapter, and that the committee's final report and recommendations will be tabled very soon.

Report noted.

**Report: Security of Payment—Deemed Trusts:
The Full Debate**

Mr TRIPODI (Fairfield) [2.04 p.m.]: This background paper was tabled in the Legislative Assembly in accordance with sessional orders on 25 August 1988. The deemed trust proposal was examined by the committee at the commencement of its inquiries. It was first developed by the New South Wales Security of Payments Committee—SOPC—which proposed a concept of cascading deemed trusts through the contractor chain. Since the early 1990s this proposal has been developed and promoted to a succession of governments and government agencies. In 1983 the Andersen report advised against the introduction of deemed trusts into the building industry and recommended a series of alternative initiatives that addressed other elements of the security of payment problem.

The SOPC has maintained that the arguments expressed in the Andersen report are flawed, and in the intervening years it has made a number of submissions that it believes counter objections raised

to the proposal. In the process the SOPC also refined its proposal and sought further support for its position. During the initial briefings to the committee, the SOPC and the Construction Payments Group—CPG—submitted those views to the committee. Those groups expressed their belief that the progressive refinement of the deemed trust proposal now satisfied the majority of concerns expressed by those organisations that had previously opposed a trust-based solution.

In December 1997 the CPG provided the committee with a draft amendment to the Contractors Debts Bill which outlined how deemed trusts could be incorporated in legislation. The divisiveness of this proposal was apparent in discussions at a number of working party meetings held in 1998. Support for the deemed trust proposal was far from universal, and the committee was confronted with contrasting legal opinions as to the possible implications of the proposed legislative amendment. Due to the diametrically opposed views held by participants, the committee sought independent advice from the Crown Solicitor's Office and the Institute of Chartered Accountants as to the likelihood of the deemed trust legislative amendments achieving security of payment in the building industry.

The full extent of documents received by the committee during this inquiry have been collated into this background paper titled "Deemed Trusts: The Full Debate". In the absence of industry consensus concerning a trust-based solution, the committee proceeded with the construction of a discussion model for consideration by the building industry and the public. I commend the background paper to honourable members and emphasise that this is another chapter in this security of payment issue and that the committee's final report and recommendations will be tabled soon.

Ms MEAGHER (Cabramatta) [2.07 p.m.]: Since October 1997 the Joint Standing Committee on Small Business has been working towards finding a solution to the security of payment problems in the New South Wales building industry. During its inquiry the committee was able to gain the release of a number of reports on deemed trusts. Additionally, the construction payments group provided the committee with a substantial volume of reports and commentary on previous deemed trust proposals as well as a draft amendment of the Contractors Debts Act 1997 incorporating deemed trusts in legislation. During its deliberations on this important issue the committee gave considerable attention to this proposal to introduce a system of cascading deemed trusts.

It became clear that no consensus would be achieved on the specific proposal put forward by the Construction Payments Group and that there was no likelihood of agreement on any reform utilising a structure that included deemed trusts. This was apparent in the considerable amount of legal and professional opinion prepared by and distributed to forum participants. As a result of the divided opinion of participants, the committee felt it had no option but to seek independent legal and professional advice on the proposal. The body of material that the committee has collated is an important chapter in the continuing debate within the building industry as to the merits of deemed trusts. As such, the Joint Standing Committee on Small Business believes that it is in the interest of all concerned that these documents be made publicly available. The release of the documents will clarify the inherent difficulties that the committee grappled with when examining the deemed trust proposal.

The concerted push for reform in the building industry has resulted in continued dialogue between contractor and subcontractor representatives as to how best to achieve security of payment in the building industry. The contribution of this dialogue can be seen in those reforms which have bipartisan support and have been used as the basis for the committee's "Discussion Paper on Security of Payments in the Building Industry". I commend the background paper to honourable members and emphasise that this chapter on the security of payment issue was an essential step on the way to the committee's final report and recommendations, which will be tabled soon.

Report noted.

[Mr Deputy-Speaker left the chair at 2.09 p.m. The House resumed at 2.15 p.m.]

OLYMPIC CONSTRUCTION SITE FATALITY

Ministerial Statement

Mr KNIGHT (Campbelltown—Minister for the Olympics) [2.15 p.m.]: It is with enormous regret that I advise the House today of the first fatality associated with the Olympic construction program, which occurred today at the athletes village site. I am sure all members of the House will join with me in offering condolences to the family and friends of the victim of this tragic accident. Those of us who do not work in the industry often forget the inherent dangers associated with construction work. The workers involved in the Olympic construction program deserve enormous credit for work done and

recognition for the risks they take, notwithstanding the best efforts of everyone involved to minimise those risks.

While it is no consolation to the family, friends and work mates of the deceased worker, the Olympic construction program had previously had a very good safety record. As of the beginning of this month, the occupational health and safety incident rate was about 50 per cent of that in the construction industry generally. This is in no small part due to the diligence and dedication of the workers, their unions, the Olympic Co-ordination Authority and the WorkCover Authority, all of whom have worked together to ensure that safety management plans are in place, regular audits are undertaken and management systems work in a practical manner.

The details and circumstances of the tragic accident that occurred this morning are currently being investigated and reviewed by the police and the WorkCover Authority. Therefore, it would not be appropriate for me to make any further comment at this stage. Counselling has been made available to all those who may require assistance to deal with this tragedy. In the meantime the athletes village site has been sealed off pending the relevant investigations.

Mr ARMSTRONG (Lachlan—Leader of the National Party) [2.18 p.m.]: On behalf of the Opposition I join with the Minister and the Government in expressing sympathy to the family and fellow workers of the person who lost his life this morning while working on the construction program for the 2000 Sydney Olympics. It goes without saying that, some five days out from the anniversary of winning the bid for the Olympics, it is extraordinary that there have not been more accidents of a serious nature on a workplace of such magnitude. Few people would realise the potpourri of contractors and diversity of skills, backgrounds and training at Homebush. Contractors have been engaged from around the world, including Ireland and Europe, as well as locally.

As the Minister said, the safety record at the site has been very good. However, risk of injury always accompanies constructions of this size, given the imaginative engineering that is required to develop such modern buildings. On this occasion an ordinary citizen with family lost his life while making a contribution towards the Olympics, and this afternoon the House should recognise that contribution. Once again I join with the Minister and the Premier to express sympathy to the victim's family and friends.

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, Mr Chappell, Mrs Chikarovski, Mr Cochran, 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, 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, Mr Humpherson, Dr Kernohan, Mr Kerr, Mr Merton, Mr O'Farrell, Mr Phillips, Mr Photios, Mr Richardson, Mr Schipp, Ms Seaton, Mrs Skinner, Mr Smith 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**.

Mattara Lodge

Petition praying that funds raised for an accommodation service for disabled people by Mattara Lodge be used for that purpose, received from **Mr Neilly**.

Western New South Wales Traffic Access

Petition praying for improved access for vehicular and rail traffic into the western areas of New South Wales, received from **Mr Armstrong**.

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 Collins**, **Mr Hazzard**, **Mr Humpherson** and **Mr O'Doherty**.

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**.

Freshwater Fishing Licences

Petition praying that introduction of freshwater fishing licences be opposed, received from **Mr Windsor**.

On-site Sewage Management

Petitions praying that the guidelines for on-site sewage management be withdrawn, received from **Mr D. L. Page** and **Mr Rixon**.

QUESTIONS WITHOUT NOTICE

COURT SENTENCES

Mr COLLINS: I direct a question without notice to the Premier. Can the Premier explain why

a bus driver was sentenced to pay a mere \$51, equivalent to the cost of a parking fine, and was even allowed to keep his licence after killing a woman and her three children in a car accident near Maitland? Given that Labor has been 3½ years in government, why do courts continue to impose such lenient sentences?

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

Mr CARR: Obviously, a case like the one described is extremely distressing. An attempt to wrench some political capital in this House out of such a human tragedy reflects terribly on the Leader of the Opposition.

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

Mr CARR: He knows only too well that the Government cannot be held accountable for what judges do in courts.

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

Mr CARR: For the Leader of the Opposition to stoop to use human tragedy to make some political capital—

Mr SPEAKER: Order! I call the honourable member for Vaucluse to order. I call the honourable member for Vaucluse to order for the second time. I place the honourable member for Davidson on two calls to order.

Mr CARR: —when he is under a leadership threat reflects great discredit not only on him but on all his colleagues.

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

AMBULANCE TRAFFIC DELAYS

Mr HUNTER: My question without notice is directed to the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs. What is the Government doing to help ambulance drivers deal with drivers failing to move aside in emergency situations?

Dr REFSHAUGE: In an emergency every second counts. Any delay puts at greater risk the lives of those seriously injured in accidents at home, at work or on the roads. Deliberately or otherwise, drivers on our roads are failing to give way to

ambulances, resulting in delays in ambulances attending emergencies. The issue is so serious that the Government is taking immediate action. New South Wales Health in conjunction with the Roads and Traffic Authority is developing an education campaign, including community service announcements on radio, to ensure drivers know what to do when they hear a siren. Further, I have today written to the Ministers for police, emergency services and roads to establish a working group to address the issue.

The group will identify problem areas and black spots which may require greater policing, assess the effectiveness of current infringement processes, and investigate the possibility of expanding current police powers in cases of deliberate obstruction in life-threatening situations. Currently, police have power to pull over and charge a driver deliberately obstructing an ambulance vehicle. One option to be considered by the working party is the development of a similar infringement process to that used for motorists who run red lights. The Government should not have to adopt such tough measures but it will in order to save lives. I would hope that drivers would appreciate the fact that their lives or the lives of their loved ones may at one time or another depend on fast response times by ambulance officers.

It is clear that some drivers simply do not know what to do when an ambulance is attempting to pass their vehicles. I am advised by ambulance officers that there are too many occasions when ambulance vehicles are delayed because drivers are not giving way to them. If drivers hear a siren, the rule is simple: they must make every reasonable effort to give way, such as pulling over to the left and stopping. It is becoming apparent that many drivers simply do not hear sirens at all. The modern design of vehicles is such that most traffic noise is blocked out, and the problem is exacerbated by loud stereos, mobile phones and airconditioners.

Drivers and pedestrians have a clear responsibility to be aware of what is happening around them at all times. They should make sure they can hear the traffic and know what is happening on the road. The deliberate obstruction of ambulances puts lives at risk. To improve driver knowledge, the RTA is working with New South Wales Health on an education campaign to alert drivers to the problems faced by ambulance officers. The campaign will include community service announcements on radio. We all share the roads. We may be sharing them with an ambulance that is taking a friend or a family member to hospital.

Every second counts in an emergency. I urge all drivers to look out for emergency vehicles.

HOSPITAL COMPUTERS

Mr ARMSTRONG: My question without notice is directed to the Minister for Health. Can he explain why he has cut the number of beds at Coffs Harbour Hospital from 165 to 157 while at the same time he has increased the number of computers at the hospital to 180? How can he justify a hospital having more computers than beds?

Dr REFSHAUGE: Sometimes I wonder where the National Party is coming from. First, it suggested turning back the Clarence River. Then there was the scheme to get water from New Guinea to the outback. The latest policy of the National Party is to have no computers in hospitals! How will hospitals conduct MRIs? Obviously members of the National Party do not want CAT scans or cardiac assessments for bypass surgery; both procedures require a computer. What a great idea! The equipment that monitors people who have suffered heart attacks relies on computerisation also. Do the people in National Party territory just tough it out? They will not have access either to machinery that administers anaesthetic, which also is computerised.

The Leader of the Opposition, however, has actually made some positive statements about this issue. In a recent Australian Medical Association magazine he clearly stated his position. He said, "It is not a matter of beds, it is a matter of treating patients." In that regard I agree with him. The Deputy Leader of the Opposition used to say that too. It is nice to see the Leader of the Opposition smiling again. The colour is back in his cheeks. The Government is interested in treating patients, and it will use computers to do that. I thank the Leader of the National Party for his question.

NATIONAL NATURAL DISASTER FUND

Mr PRICE: My question without notice is to the Premier, Minister for the Arts, and Minister for Ethnic Affairs. What is the latest information on the call of the New South Wales Government for the establishment of a national natural disaster fund?

Mr CARR: Last Friday I visited towns in the State's north-west that have been isolated by severe flooding. I spoke to families, farmers and owners of small businesses in Walgett and Collarenebri about the hardships that result from long-term isolation. Many north-western towns have been isolated for two months, and more wet weather is forecast. The

situation is not expected to improve in the short term. The effect has been devastating. I am deeply concerned about the serious hardship facing small businesses in the towns. For that reason I announced last week that the State Government would extend the eligibility criteria for low-interest government loans to small businesses.

Mr Phillips: Covering economic loss?

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

Mr CARR: We are trying to help. We are not torn apart by personal ambitions as members opposite are. We are trying to get solutions for the people of New South Wales. For the first time small businesses experiencing loss of income because of flood-related isolation, not just physical damage caused by flooding, will be eligible for low interest loans. New South Wales is not alone with regard to extreme suffering caused by natural disasters in recent times. These are national problems, but under current arrangements the States have to pay the bulk of the costs. The natural disasters in New South Wales have incurred expenditure, and the State Government has had to pick up 95 per cent of that expenditure under the natural disaster relief arrangements of the past five years.

Today I asked the Prime Minister to declare exceptional circumstance status on the north-west. This would address some of the urgent financial problems faced by isolated communities, such as changes to social security guidelines to provide immediate assistance to families and workers. Last Friday I met workers who had lost their jobs because the businesses that employed them could not function as a consequence of the flooding.

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

Mr CARR: Any civic-minded opposition would support the request I am making today. This is surely an issue above politics. When I visited flood-affected parts of the State—just as when the Government inspected drought-affected parts of the State—I did not run the political-allegiance geiger counter over the people I spoke to; I just sought solutions. I would imagine that most of the people in local government and business I talk with in the north-west are National Party people. But I do not care about their politics; I want to get a few solutions for them.

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

Mr CARR: The Government is asking the Commonwealth Government to do something that will render these people eligible for unemployment benefits. It may come as a blinding revelation to Opposition members to hear that social security—including unemployment benefits—has been a Commonwealth Government responsibility since 1946. The other matter is interest relief on loans, which would be triggered by a sympathetic Commonwealth response. Implementation of the measures I have referred to would mean that families that have lost work as a result of isolation would not be forced further into debt. That is the Government's objective. I have also asked the Prime Minister today to assist with the damage to the weirs on the river system, the enormous repair bill for roads and a campaign to counter the loss of tourism to towns. I am pleased to advise the House that the State Government has appointed three special flood support workers to further assist families, farmers and businesses in the north-west. Those officers will be based at Narrabri, Walgett and Bourke, and next week they will visit other centres.

Mr Souris: They hate you out there.

Mr CARR: The Deputy Leader of the National Party is the person who is hated there. He is under threat from the One Nation Party and others.

Mr Souris: They hate you because you are an opportunist and you are using this in an opportunistic, political way.

Mr CARR: Do honourable members believe that? Here I am talking about getting loan money and other assistance to those communities—

Mr Souris: Where is the generosity in a loan?

Mr CARR: This Government is using precisely the same system and the same criteria for natural disaster assistance that applied, unamended at any time, during the coalition's entire seven years in office.

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

Mr CARR: On 18 August I wrote to the Prime Minister seeking the establishment of a national natural disaster fund. I have had no response from the Prime Minister. We are now in the fourth week of the Federal election campaign and this State is suffering from the effects of some of the worst flooding it has ever experienced. The people of the north-west might expect to hear from

the Prime Minister. I shall take to the next meeting of the Council of Australian Governments a proposal for a national fund to provide special grants to farmers and small businesses in emergency and hardship situations. The Deputy Leader of the National Party is still interjecting. I now quote a figure that he is very familiar with.

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

Mr CARR: What is the dollar figure we quote in relation to the Deputy Leader of the National Party? It is \$50 million. Could what I am proposing be met with \$50 million? The coalition will throw money away on Luna Park. Kim Beazley and I are proposing an initial allocation of \$50 million to establish a natural disaster fund. Come in, spinner! I welcome more interjections from the Deputy Leader of the National Party. The fund I am proposing would provide personal financial assistance when, first, the costs of a disaster are not normally covered by insurance; second, coverage insurance payments are slowed or delayed; and, third, the disaster event has a major or significant impact, such as the Newcastle earthquake and the recent floods in the Illawarra and the north-west of the State. I note and welcome Kim Beazley's commitment to such a fund.

ELECTRICITY INDUSTRY FINANCIAL RISK MANAGEMENT

Mr PHILLIPS: My question is addressed to the Minister for Energy. Did two New South Wales generators lose up to \$14 million in a few hours last November as a result of trading electricity futures and derivatives?

Mr Carr: This question was asked in the upper House yesterday.

Mr SPEAKER: Order! The fact that a question has been asked in the upper House does not prevent it being asked in this House. The Deputy Leader of the Opposition is in order.

Mr PHILLIPS: Does the Minister consider it a core role of government for New South Wales public servants to be playing the futures market, risking hundreds of millions of taxpayers' dollars every day?

Mr DEBUS: The Deputy Leader of the Opposition knows a great deal more about stacking Liberal Party branches in the Federal electorate of Cook with Rotarians than he knows about the national electricity market.

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

Mr DEBUS: For three days now the Opposition has been asking questions about the operation of the national energy market. Those questions have been calculated to attack the reputation of the generation industry of New South Wales.

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

Mr DEBUS: They are designed to give comfort to an American multinational company domiciled in Victoria.

Mr SPEAKER: Order! There is far too much interjection from both sides of the Chamber. All members who have been called to order are now deemed to be on three calls.

Mr DEBUS: While the Opposition may be prepared to act as some sort of stooge for an American multinational company which is engaged in a legal commercial contest with Pacific Power, I am not. I will continue to take account, first of all, of the interests of New South Wales taxpayers.

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

Mr DEBUS: Each utility in New South Wales has developed a comprehensive suite of policies to deal with the whole range of risks—including price liquidity, credit, pricing and transactional risks—within the electricity industry. Through their statements of corporate intent with the New South Wales Treasury they confirm that they have implemented the policies. In addition, the Government scrutinises all energy trading activity. With that in mind, Treasury retains the organisation Macquarie Risk Advisory to report on the performance of utilities. The national electricity market is at the present time in the course of transition. That applies not only to New South Wales or Victoria. Prices within the market fluctuate in the short term. Prices are improving. By every account—except those of the Deputy Leader of the Opposition and his cohorts, apparently—the electricity market is working successfully.

SYDNEY WATER SUPPLY CONTAMINATION

Mr WATKINS: I ask a question of the Minister for Urban Affairs and Planning. What is

the Government's response to a coalition scheme relating to Sydney water?

Mr KNOWLES: Throughout the recent water contamination problems Sydney has experienced, the Government has maintained a position of protecting public health and dealing with the problem carefully and sensibly. The Government has worked hard to minimise unnecessary negative images of this city. In those circumstances, it almost defies belief that there are people who would seek to deliberately exploit Sydney's problems for their own base gain and political advantage. The honourable member for The Hills, in his usual bumbling style, misdirected to Government members an email that was supposed to be sent to Liberal Party members. I have the email.

Mr SPEAKER: Order! I place the Minister for Information Technology on three calls to order.

Mr KNOWLES: I point out that the email was dated 22 September, that is last Tuesday, four days after the lifting of the boil-water alert. The email is addressed to Andrew Humpherson MP, Andrew Tink MP and somebody euphemistically known as Barry O—Oh Barry, Oh Barry, Oh Barry, Oh—and to all Liberal metropolitan members of Parliament. The email from the honourable member for The Hills referred to a survey and stated:

I recently sent the attached survey to hotels, restaurants and clubs in my electorate and would encourage you to do the same in yours—

Mr O'Doherty: On a point of order. I put it to you, Mr Speaker, that as the protector of the privileges of members of Parliament you ought to tell the Minister that it is not competent for him to use a privileged document addressed by one member to others, that has been misdirected or has come into his hands by inappropriate means—as the Minister has admitted. It is a breach of my privilege that he is doing so.

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

Mr KNOWLES: The next part of the email is the part I like:

Not only will it seem as though you are attempting to assist business in your electorate but there should be good publicity flowing from it.

The honourable member for The Hills is listed in the parliamentary records as a journalist: a person who knows the meaning of words. What a grubby little attempt to get cheap publicity at the expense of

Sydney's reputation. The honourable member for The Hills made it very clear that he is not interested in actually doing anything for his electorate, he just wants to be seen to be doing something in his electorate. He does not want to actually help businesses in his electorate, he just wants to get good publicity for himself. To want to be seen to be doing something for your constituents and to be seen to be doing something to assist your community is a mind-bending, stupid concept. How cynical can one get?

As I said at the outset, the email was sent four days after the lifting of the boil-water alert. The survey attached to the email does absolutely nothing to assist businesses in his electorate. It is clearly designed to take a cheap shot at Sydney. The honourable member for The Hills is the same bloke who was sacked by the Leader of the Opposition for taking cheap shots and having a patronising attitude to residents of western Sydney earlier this year. Remember those patronising comments that caused the Leader of the Opposition to sack him the day after he was appointed as the Opposition spokesperson on western Sydney matters? I do not have to repeat them here but I am happy to distribute them.

Mr Hartcher: On a point of order. The question under Standing Order 130 related to water. The Minister is now transgressing into what a particular member of Parliament may have said at some time about western Sydney. That is totally irrelevant and he should be directed to answer the question.

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

Mr KNOWLES: I would have thought after the stint of the honourable member for The Hills as the one-day spokesperson for the Opposition on western Sydney matters that he may have learned not to treat people as fools, but it is clear that he has not learned the lesson. To be seen to be doing something is clearly very different to actually doing something. To be seen to do something is nothing more than deception and a charade. To get what he calls good publicity he advocates that all Liberal members of Parliament deliberately deceive businesses in their electorates, establish the charade of deception but do nothing more than achieve cheap publicity.

Mr SPEAKER: Order! Ministers will refrain from interjecting.

Mr KNOWLES: It is fair to say that no-one is happy with what has happened to Sydney's water supply and its impact on our community. The Government has been fundamentally honest with its community and constituents. Despite the circumstances the Government has tried to defend Sydney's reputation and not score cheap points at the expense of our city.

Mr SPEAKER: Order! I place the Minister for the Environment on three calls to order.

Mr KNOWLES: Despite the stupidity of the honourable member for The Hills, my question is to the Leader of the Opposition.

Mr Collins: I know he is very keen to get back to Opposition, and will get back there very quickly, and then he will be able to ask the question.

Mr KNOWLES: Does the Leader of the Opposition support that sort of grubby politicking which runs the risk of further diminishing Sydney's reputation or does he repudiate it?

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

Mr Collins: It is time he got off the bench. People want a solution. He asked me a question. He should get off the bench and provide a solution. The people of Sydney want clean water.

Mr SPEAKER: Order! The Leader of the Opposition is aware that a number of members are now on three calls to order. He is fortunate not to be among them. I now place him on three calls to order. If he again behaves as he did a few moments ago I will direct the Serjeant-at-Arms to remove him from the House.

Mr KNOWLES: It is interesting that the Leader of the Opposition got excited about this matter. He sacked the honourable member for The Hills for less than that less than six months ago. If the Leader of the Opposition does not disown the honourable member for The Hills he too will stand condemned. Unless the Leader of the Opposition acts, his pious words uttered over the last seven weeks about a bipartisan approach to protect Sydney's image as the Olympic city—about making sure the problem is fixed and maintaining our international standing—are nothing more than hollow words from a hollow man. The Leader of the Opposition should show some guts and leadership to repudiate this nonsense from the honourable member for The Hills.

WAVERLEY AND WOOLLAHRA COUNCIL BOUNDARIES

Mr DEBNAM: My question is to the Minister for Local Government. What discussions did the Minister have with Waverley mayor and Federal Labor candidate Paul Pearce about proposals to change the boundaries of Waverley municipality? Did these discussions include any estimate of the cash bonanza that would flow to Waverley Council in additional rates if the boundary were extended?

Mr E. T. PAGE: I have had no discussions whatsoever with the mayor of Waverley or the Federal candidate for Wentworth on the matter of any boundary change between Waverley and Woollahra councils.

NATIONAL POLICE REMEMBRANCE DAY

Mr MARKHAM: My question without notice is to the Minister for Police. What are the arrangements for this year's National Police Remembrance Day?

Mr WHELAN: As honourable members would be aware, during 1998 the New South Wales Police Service lost two brave officers in their line of duty—it has been a tragic year. The deaths of each officer is a heart-felt loss to their families, friends, colleagues and the community. Constable Peter Forsyth represents the face of modern policing. He was a young, talented, keen and dedicated police officer who died in the most tragic of circumstances on 28 February. Honourable members will be all too familiar with the circumstances surrounding his death.

Peter Forsyth was fatally stabbed in Glebe while he and two colleagues, Jason Semple and Brian Neville, were trying to arrest men who had tried to sell them drugs. Peter Forsyth had a great affinity with young people and his community. His work is symbolic of a new style of policing: that of community-minded police officers working with youth, improving their lives in practical and effective ways. Much has been said about the loss of this officer and on National Police Remembrance Day we should remember the families left behind. In particular, Jacki Forsyth, Peter's widow, and their two young children, Mitchell and Brodie.

I am proud to say we have honoured Peter's life and remembered his death by building good in the wake of the events which claimed him so unfairly. Yesterday, with the shadow minister for police, I watched on while Peter's widow, Jacki,

unveiled a plaque in a youth auditorium and sports centre dedicated to the memory of her husband. Peter Forsyth was an officer who firmly believed that police should be part of the fabric of the community, which is what policing in the 1990s is all about.

Sergeant Ray Smith was another high profile officer: his face was synonymous with many road safety campaigns—an important facet of policing which he worked hard to improve for much of his lengthy police career. In sad and tragic irony, Sergeant Smith was killed while riding his police motor cycle to work on 13 July, when a piece of wood fell from a truck in front, causing him to lose control of his cycle and crash. Sergeant Smith was a dedicated and competent officer. His death, like that of Peter Forsyth, and all other New South Wales officers who have lost their lives in the course of their duty, will be formally remembered next Tuesday: National Police Remembrance Day.

This is a day which will see family, friends and colleagues come together at ceremonies across Australia to pay tribute to police who have made the ultimate sacrifice. It will be a day for reflection, a day of sadness, but also a day of pride. Since 1862 232 police officers have lost their lives while protecting the lives and property of the people of New South Wales. Indeed, in my time as Minister for Police it has been my sad duty to attend the funerals of three other New South Wales police officers who gave their lives in the course of their duty: Peter Addison, Bob Spears and David Carty. On Tuesday, we will remember all of them and celebrate their commitment to policing, and to the ideal each and every one of them held dear as they worked to make our community a safer place.

In carrying out their duties, each of these officers placed the safety of the community and their fellow police ahead of any consideration for themselves. There are very few jobs in our society in which such selfless devotion to others is a fundamental part of the work. Every day, police officers go to work knowing they could find themselves in a dangerous, life-risking situation. And we expect them, as the people who have answered the public's call, to keep us safe, to protect us. Tragically, too many have paid a high price for just doing their job.

The people of New South Wales know they ask much of their police. That is why I urge all honourable members and the community to take time out to reflect on our loss and to remember police who have lost their lives. These police are not just names on an honour roll; they are real people

who live on in our memories. Their sacrifice is the foundation stone on which the people of this State place their faith in the New South Wales Police Service.

HIGHER SCHOOL CERTIFICATE LANGUAGE COURSES

Mr MacCARTHY: My question is to the Minister for Education and Training. With the Minister's changes to the Higher School Certificate deeming some languages more valuable than others, what criteria will he use to determine which languages will be offered in advanced courses? Given that the current HSC ranks all languages equally, how will the Minister justify these discriminatory changes to the 150 language groups in New South Wales?

Mr AQUILINA: As the honourable member for Strathfield should know, the determination of the levels at which subjects are offered for the HSC is a matter under consideration by the Board of Studies. When the board makes its recommendations I will consider them.

Mr MacCARTHY: I ask a supplementary question. What community languages have already been identified as worthy of having advanced courses?

Mr SPEAKER: Order! The supplementary question does not arise from the answer given by the Minister. The Minister has told the House that he is not able to make that decision at the present time.

NATIVE GRASSES

Mr NEILLY: My question without notice is to the Minister for Agriculture, and Minister for Land and Water Conservation. What is the Government doing to let people know about management guidelines for native grasses?

Mr AMERY: I thank the honourable member for Cessnock for his interest in rural matters, particularly in natural resource management. I am pleased to take this opportunity to explain to this House yet another step forward in native vegetation management in New South Wales. I am pleased to report that the Department of Land and Water Conservation has just completed a document which gives management guidelines for native grasses. This important document will help land-holders understand how best they can manage native grasses which are on their land. It will clarify many of the misconceptions that currently surround native grass management in New South Wales.

Not all agricultural activities need to be crosschecked under the Native Vegetation Conservation Act—a point lost by many critics of this legislation. For example, routine activities that have been carried out in the past 10 years and retain a predominance of native grasses are exempt from the Act. Examples of routine activities are burning, cultivating, slashing, and some herbicide uses. Sustainable grazing practices are also, of course, exempt from the Act. The Act comes into effect only when there is an intention to modify the composition of pastures to include a predominance of introduced species. It comes into effect when practices used to manage pastures are not routine. It is important to manage our native grasses properly because not only are they a valuable grazing resource but they are also important for soil conservation, primarily the prevention of soil erosion.

Native grasses contain a diverse range of native flora and fauna, including some threatened species. Of course, native vegetation as a whole is extremely important, and that is why the Government introduced the Native Vegetation Conservation Act to better manage that valuable resource. This will lead to a number of social, economic and environmental benefits. For instance, the Act will help increase farm productivity, with native vegetation acting as a windbreak and shade for livestock and crops. Native grasses will help to improve the grazing value of pastures and make them more resilient to drought conditions. Native vegetation also can act as a habitat for the predators of agricultural pests.

Native vegetation is important for many other reasons. As I have already said in relation to native grasses, native vegetation can prevent soil erosion. Wise management of native vegetation can help control and prevent dryland salinity and rising water tables, improve the quality of the water in our rivers, and help retain biological diversity of natural ecosystems. This can help provide opportunities for new food and fibre products and ornamental plants, as well as help clarify which plants and animals are best suited to the Australian climate. Natural vegetation provides protection for rare and threatened species, and of course has a scenic value.

A lot of progress has been made under the Native Vegetation Conservation Act, and this native grasses document should be a useful addition to the information that is already available to land-holders. In recent months I have announced the make-up of a number of community-based regional vegetation committees. The committees will put management of native vegetation back into the hands of those most

affected by it. Native vegetation is an important issue of which we must all be aware, and the native grasses document will help clarify any confusion that has existed until now.

I take this opportunity to announce that while I was in Parkes recently I launched the final phase of the mid-Lachlan draft regional vegetation plan—an opportunity for further community consultation. This is the first plan of its kind to be developed in line with the Native Vegetation Conservation Act, and I am sure it will be seen as a pilot plan for other regions across the State. The mid-Lachlan plan has been worked on by the Mid-Lachlan Regional Vegetation Committee. That committee comprises representatives of local land-holders, conservationists, local government, catchment management committees, Landcare and Aboriginal groups.

The plan identifies the fact that more than 80 per cent of the original native vegetation in the mid-Lachlan region has already been cleared or thinned. This has contributed to the loss of many native plants and animals and to land degradation problems such as salinity and soil erosion. The plan identifies a number of issues, including dryland salinity, habitat values for threatened and other significant species, ways to encourage natural regeneration, and ways to enable clearing through the most cost-effective means. The development of this plan has involved a significant commitment from members of the local community, showing just how willing people are to become involved in native vegetation management in their local areas.

In the past few months I have made a number of announcements on the establishment of regional vegetation committees around the State. In early July I announced the members of the Walgett Regional Vegetation Committee. A few weeks later I announced the membership of the Moree Regional Vegetation Committee. On 20 August I announced the membership of the Western Riverina Regional Vegetation Committee. On 25 August I announced the membership of two more regional vegetation committees, one for the Clarence and one for Richmond River. More of these regional vegetation committees will be set up in the months ahead. Of course, not every region in the State wants a regional vegetation committee but, for those who do, we are working to find the most suitable boundaries within which they can operate.

Community input on native vegetation issues is very important, and I am pleased to be able to make good progress on establishing these regional committees. They are important because they enable

the community to have a significant say on how native vegetation is managed in their own regions. The committees will draw up plans, much like the mid-Lachlan plan, which will focus on local needs. The plans are, of course, in line with the State legislation, but they are a significant step forward in returning much of the decision-making processes to the local community. The mid-Lachlan regional vegetation plan currently is in draft form, and it will be on display at a number of Department of Land and Water Conservation workshops around the State. With those few comments, I commend the honourable member for Cessnock for his continuing interest in this issue. I shall continue to report to the House progress in the reforms of native vegetation management in New South Wales.

Questions without notice concluded.

SYDNEY WATER SUPPLY CONTAMINATION

Privilege

Mr RICHARDSON (The Hills) [3.17 p.m.]: I rise on a matter of privilege. I believe that my privileges as a member of Parliament have been seriously traduced by allegations that were made today by the Minister for Urban Affairs and Planning. The Minister said that I, in my usual bumbling way, had sent an email to Liberal members of Parliament and also to Labor members of Parliament. I have obtained the mailing list—

Mr SPEAKER: Order! The member is not at liberty to discuss the matter. He must explain how his privilege has been breached.

Mr RICHARDSON: All will be revealed very shortly. I have obtained the mailing list for that email. It went exclusively to city-based Liberal members of Parliament apart from Biserka Rosandic in your office, Mr Speaker. Mr Speaker, your office is supposed to be independent. You are supposed to maintain that independence and defend members' rights and privileges to the end.

Mr SPEAKER: Order! The member will resume his seat. For the Chair to be satisfied that a prima facie case of breach of privilege has been established, one of the following elements should be involved in such a breach: disobedience to general orders or rules of either House; disobedience to particular orders; indignities offered to the character of proceedings of Parliament; assaults or insults upon members or reflections upon their character or conduct in Parliament; or interference with officers of the House in the discharge of their duties.

Mr O'Farrell: On a point of order. Mr Speaker, in addressing the issue, I submit you should address the substance of it. Clearly, your ruling should address the point that your office seems to have leaked this communication.

Mr SPEAKER: Order! There is no point of order. A member who wishes to attack the Chair must do so by way of substantive motion.

Mr O'Farrell: Mr Speaker—

Mr SPEAKER: Order! The member will resume his seat. The Chair has ruled on the matter.

CONSIDERATION OF URGENT MOTIONS

Federal Government Policies

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [3.19 p.m.]: My motion is particularly urgent because with every day that goes by there are people in the community who are suffering pain, neglect, misery, and totally unnecessary financial hardship because of the policies of the Howard Government. I can think of no motion more urgent than this motion for it will lay before the House details of the many ways in which hundreds of thousands of people, many of them living in electorates of western Sydney, are victims of the Howard Government's policies. It is urgent that those who are aiding and abetting Mr Howard in inflicting this suffering be exposed and called to account. These people sit silent in the party rooms in Canberra and put up their hands like puppets when their leader tells them what he has decided. They do not think about the damage that will be done to those who elected them to office. We need to hear about those people. For those reasons this motion is urgent.

Georges River Regional Environmental Plan

Ms FICARRA (Georges River) [3.20 p.m.]: My motion is urgent because the Georges River is dying. In August 1995 the Department of Urban Affairs and Planning announced that it would undertake a comprehensive regional environmental investigation into pollution in the Georges River, with a release date of October 1997. However, in September 1998, three years later, we are still waiting for the results of that investigation. This motion is urgent because the regional environmental plan is long overdue. The people of Georges River want action, instead of photo opportunities alongside the river during every State and Federal election

campaign. This motion is urgent because the oyster farming and eel farming industries are dead and the commercial and recreational fishing industries have dried up. This motion is urgent because the Minister for the Environment, the Minister for Urban Affairs and Planning, and the Minister for Land and Water Conservation are doing nothing to save the Georges River.

It is urgent because key respected environmentalists such as Bernie Clarke, who has long been involved with the Georges River and management of Cooks River, has resigned from the Department of Urban Affairs and Planning section 22 committee saying that the Government "has no commitment to the REP process". This motion is urgent because community and local government representatives are bitterly disappointed about the lack of progress on the REP. The motion is urgent because pollution on the Georges River has been steadily growing for the past 30 years and has reached crisis point. It is urgent because the nine councils that contribute to the Georges River Combined Councils Committee have had to fund the position of river keeper for the Georges River from community moneys with no support from the Carr Government. The Government has failed to provide any financial or physical support to the thousands of volunteers in the river keeper program.

If it is good enough for Ian Kiernan of the Clean Up Australia committee to donate a boat for the river keeper program, if it is good enough for the Oyster Farmers Association, which no longer has an industry or an income, to donate premises in Wyong Street, Oatley, to house the river keeper, if it is good enough for Hurstville City Council to lend administrative support, and if it is good enough for the community to volunteer for the river keeper program, what is the Carr Government doing? All rivers in New South Wales, including the Georges River, should have a river keeper. Many councils have donated \$20,000 towards the river keeper program. Since I was elected I have continued to press the Government for support for the program but nothing has been forthcoming.

Mr Clough: On a point of order. The member for Georges River is debating the motion, not the question of urgency.

Mr SPEAKER: Order! As my attention was diverted while the honourable member for Georges River was speaking I am unable to rule on the point of order. However, I ask the honourable member for Georges River to note what the honourable member

for Bathurst has said.

Ms FICARRA: This motion is urgent because the Carr Government is aware that more than 39 companies currently hold licences to discharge waste into the river through more than 450 sewerage outlets and thousands of stormwater outlets, yet the REP is outstanding. When will the REP be ready? What funding will be allocated to identify and solve the problems? What does the Minister for Urban Affairs and Planning have to say about the three-year delay? Why has the Government not supported the river keeper system? Does the Government care about the rivers in New South Wales? My motion is urgent because the community is disillusioned and has lost confidence in the Carr Government on environmental matters. The community is frustrated with the continual catchment management gabfest and the lack of support for the Georges River Combined Councils Committee, and has taken action.

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

The House divided.

Ayes, 47

Mr Amery	Mr Markham
Mr Anderson	Mr Martin
Ms Andrews	Ms Meagher
Mr Aquilina	Mr Mills
Mrs Beamer	Mr Moss
Mr Carr	Mr Nagle
Mr Clough	Mr Neilly
Mr Crittenden	Ms Nori
Mr Debus	Mr E. T. Page
Mr Face	Mr Price
Mr Gaudry	Dr Refshauge
Mr Gibson	Mr Rogan
Mrs Grusovin	Mr 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, 45

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 Photios
Mr Cruickshank	Mr Richardson
Mr Debnam	Mr Rixon
Mr Ellis	Mr Rozzoli
Ms Ficarra	Mr Schipp
Mr Glachan	Ms Seaton
Mr Hartcher	Mrs Skinner
Mr Hazzard	Mr Slack-Smith
Mr Humpherson	Mr Small
Mr Jeffery	Mr Souris
Dr Kernohan	Mrs Stone
Mr Kerr	Mr Tink
Mr Kinross	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 Cochran
Mr Rumble	Mr J. H. Turner

Question so resolved in the affirmative.

BUSINESS OF THE HOUSE**Routine of Business**

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

That standing and sessional orders be suspended to:

- (1) postpone the consideration of private members' statements until after the consideration of the motion for urgent consideration this day;
- (2) allow the following speaking times to apply in the debate on the motion for urgent consideration:

Mover	10 minutes
Member next speaking	10 minutes
Five Government members	5 minutes
Five Opposition members	5 minutes
Reply	5 minutes; and

- (3) allow for the introduction and passage up to and including the Minister's second reading speech on the Home Invasion (Occupants Protection) Bill at this sitting.

Mr HARTCHER (Gosford) [3.34 p.m.]: Even more urgent than the motion moved by the Leader of the House is the issue raised in question time about the violation of the security and privacy of the electronic mailing system that is set aside for members of this House. Standing and sessional orders should be suspended to deal with that matter rather than the trivial procedural matters dealt with in the motion moved by the Leader of the House. When the honourable member for The Hills sent an email to his colleagues in the Parliament and a copy went to the Speaker's office the integrity of the system was violated.

Mr Whelan: On a point of order.

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

Mr HARTCHER: The honourable member for The Hills was denied the opportunity to raise that as a matter of privilege.

Mr SPEAKER: Order! The honourable member for Gosford will resume his seat. I will ask the Serjeant-at-Arms to remove him from the House if he does not do as I have directed.

Mr Whelan: There is no motion before the House except the motion I have moved to suspend standing and sessional orders. The honourable member can speak to the terms of the motion, but he is not entitled to go into a dissertation about what happened today. If he or anyone else is disillusioned by what you or I have done, the forms and procedures of the House are available to them. No form of the House enables the member to embark on a conversation relating to a motion of significance to this Chamber.

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

Mr HARTCHER: I shall address the excellent motion moved by the Leader of the House to suspend standing and sessional orders to deny members their rights to make private members' statements—

Mr Whelan: That is not what it says.

Mr HARTCHER: —so that we can be trivialised with an urgency motion when our email system has been violated—

Mr Whelan: On a point of order.

Mr SPEAKER: Order! The honourable member for Gosford will resume his seat. I anticipate the point of order the Leader of the House proposes to take but he will have an opportunity to reply at the appropriate time.

Mr Whelan: On a point of order. The honourable member has not read the motion. It does not deny members the opportunity to make private members' statements.

Mr HARTCHER: The reason behind the points of order taken by the Leader of the House and this motion—

Mr Whelan: Get an extension of time!

Mr HARTCHER: Yes, give me an extension.

Mr Whelan: Not today, we are tired.

Mr HARTCHER: Not today! This is the person who did not have a single speaker to defend him last night on the censure motion. The only thing the Government was scared of was that it might have been a conscience vote. How would members of the Government feel about a conscience vote in relation to the Leader of the House?

Mr Whelan: It was carried in the caucus by only one vote that it not be a secret ballot.

Mr HARTCHER: Exactly! The proceedings of the House have been trivialised by this motion and the Opposition has been denied the right to raise an important matter of privilege. If the privileges of this House are not enhanced and defended by the House, there is no point—

Mr Whelan: On a point of order.

Mr HARTCHER: It does not matter how many points of order you take, we will continue to raise this issue.

Mr Whelan: The honourable member is flouting the ruling you gave that he was out of order to entertain matters other than the suspension motion before the House. There are other forms and procedures of the House available to him. He can move a censure motion against me, as he did last night, but his argument must comply with the rulings of the Chair and with the standing orders.

Mr SPEAKER: Order! I will hear no more on the point of order. If the honourable member does not confine his remarks to the motion before the House I will direct him to resume his seat.

Mr HARTCHER: How ironic it is that the Leader of the House is allowed to take three points of order, yet I am not allowed to reply to one of them. Is that the way the affairs of this House are to be conducted? Three points of order have been taken and I have not been permitted to reply to one of them. The Opposition's email system has been tampered with and we are not even permitted to raise it within the House, but the Leader of the House is allowed to move to suspend standing orders so that a trivial motion dealing with western Sydney will take precedence over the rights of members of this House.

Mr SPEAKER: Order! The honourable member for Gosford will resume his seat. I place the honourable member for Ku-ring-gai on three calls to order. I place the honourable member for Pittwater on three calls to order.

Mr Hunter: On a point of order. It is obvious that the honourable member for Gosford is out of order. He knows full well that the Liberal Party—

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

Question—That the motion be agreed to—put.

The House divided.

Ayes, 47

Mr Amery	Mr Markham
Mr Anderson	Mr Martin
Ms Andrews	Ms Meagher
Mr Aquilina	Mr Mills
Mrs Beamer	Mr Moss
Mr Carr	Mr Nagle
Mr Clough	Mr Neilly
Mr Crittenden	Ms Nori
Mr Debus	Mr E. T. Page
Mr Face	Mr Price
Mr Gaudry	Dr Refshauge
Mr Gibson	Mr Rogan
Mrs Grusovin	Mr 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, 45

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 Photios
Mr Cruickshank	Mr Richardson
Mr Debnam	Mr Rixon
Mr Ellis	Mr Rozzoli
Ms Ficarra	Mr Schipp
Mr Glachan	Ms Seaton
Mr Hartcher	Mrs Skinner
Mr Hazzard	Mr Slack-Smith
Mr Humpherson	Mr Small
Mr Jeffery	Mr Souris
Dr Kernohan	Mrs Stone
Mr Kerr	Mr Tink
Mr Kinross	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 Cochran
Mr Rumble	Mr J. H. Turner

Question so resolved in the affirmative.

Motion agreed to.

FEDERAL GOVERNMENT POLICIES**Urgent Motion**

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [3.46 p.m.]: I move:

That this House:

- (1) condemns the Federal Government for abolishing a range of programs including the youth training allowance; the Newstart allowance for young people and the Commonwealth dental schemes;
- (2) criticises the Federal Government for its attack on the young and the old with cuts to nursing homes and child care;
- (3) states unequivocally its opposition to the introduction of a goods and services tax;
- (4) notes the pain and distress it has caused the people of New South Wales, particularly those in Sydney's greater west; and

- (5) expresses its alarm at the failure of the Federal Liberal members of Parliament in Sydney's greater west to challenge the Prime Minister's ideologically driven economic policies.

Honourable members will be aware that the school holidays begin next week. That will cause working mothers additional concern about their child-care arrangements. Some of them will find they will have to make different child-care arrangements; some will have to leave their jobs to care for their children. Many will find that professional child care is no longer affordable because of the policies of the Howard Government, which have put the cost of child care beyond the reach of many working families. The Federal Government has removed the operational subsidy from community-based child-care centres. That means that the daily rates have increased by almost \$40 a day. That is \$200 a week for one child or \$400 a week for two children. That, of course, is simply out of the question for most families.

The Prime Minister does not understand that families in western Sydney need 1.25 wages to pay their mortgages. What chance do these families have if they have to pay child care at the rate of \$200 per week per child? Honourable members should be aware that the Howard Government has ripped \$300 million out of child-care funding in New South Wales alone and \$800 million across Australia. That was the death knell for many child-care centres on which families depended to enable them to earn enough to pay their way. Many families who cannot afford professional child care will be forced to place their children in the care of unqualified people, with all the risks that entails. They will not want to do that but it will be the only choice they have. Women say to me that while they are trying to assist in paying off a home their child-care arrangements are becoming less and less formal, the professionalism is disappearing from the care and they are concerned about the effect that is having on their children.

The motion is urgent because of the dire situation in which many elderly people find themselves because of the Howard Government's refusal to agree to provide adequate funding for home-care packages. Most home-care programs are funded jointly by States and the Commonwealth. Over the past few years the New South Wales Government has urged the Commonwealth to increase its contribution and has offered to increase the State Government's pro rata contribution. Those requests have been to no avail. The Government has gone to the Commonwealth with a request that it provide more money on the basis that the State will provide more money, but the Commonwealth Government is saying that it is not interested in the care of older people.

Consequently, in spite of all the excellent improvements that New South Wales has made to its service by improving administration, there is a great unmet demand that the Commonwealth could do a great deal to alleviate, but the Commonwealth does not see that as a problem worth tackling. Many elderly people are being forced, quite unnecessarily, into nursing homes because without the support of home-care services their families are simply unable to cope with them at home.

The motion is urgent because of the thousands of New South Wales residents who are today suffering from toothache or are battling with medical conditions caused by poor dental health. It is urgent because of the suffering of all those who have been waiting months or even years for such a basic necessity as a good set of false teeth. That position has come about because John Howard, with one ruthless stroke of the pen, decimated the free dental health program. He withdrew the \$34 million that the Commonwealth had been contributing, slashing available funds by 36 per cent. Waiting lists have blown out enormously as a consequence, and waiting times have escalated well beyond what might be considered to be a reasonable delay in receiving attention.

All of that quite unnecessary suffering has come about because John Howard decided to save money to reduce the deficit. In all of this the people of western Sydney have been the biggest losers. The provision of care for the disabled is another issue that needs to be addressed. In March I went to Canberra seeking funding for care for the disabled. The State contributes \$318 million to that care. The Federal Government contributes \$107 million. The State requested that the Commonwealth Government meet its contributions dollar for dollar. In this State we face the appalling spectacle of families having to look after their children for 60 years. Many people need placements in a disability care facility but are unable to find one. The position is becoming increasingly more difficult. The disability population is growing, yet the Commonwealth Government acts as though it were shrinking.

It is appropriate to examine the role played by members of the Howard Government who are supposed to represent the people of Sydney's greater west. That is why it is necessary to ask whether they stood up for those whom they are supposed to represent when it came to the crunch on issues vitally affecting the daily lives of large numbers of residents of the area. This afternoon I should like to examine in particular the performance of the Federal member for Macquarie and the Federal member Lindsay to determine just how vigilant they have been in guarding the interests of their constituents

on these matters. First I shall refer to some of the outrageous claims made in a Federal election pamphlet circulated by Ms Jackie Kelly.

Any person reading the pamphlet could be excused for thinking that Ms Kelly was running for a seat in a State election, because she refers to such State responsibilities as local waterways, parks and recreational areas, road black spots, Neighbourhood Watch, State schools, flooding, the lakes and the Nepean hospital. Ms Kelly would appear to be confused about whether she is standing for election to Federal, State or local government. The truth is that both Ms Kelly and Mr Bartlett, the Federal member for Macquarie, have stood foursquare behind Mr Howard in all his endeavours. Since the Federal coalition Government was elected Mr Howard has given a new meaning to a phrase he thought would be a big political plus for him.

Mr Howard has referred to people as "Howard's battlers". The term "Howard's battlers" has taken on an entirely new meaning. The new Howard's battlers are the tens of thousands of people in Sydney's west who are now facing an even bigger battle to make ends meet than they did before this champion of the battler came to office. John Howard has made life more difficult, more stressful and more physically painful for tens of thousands of residents in Sydney's west. What is more, he shows every intention of making things worse if he is given the opportunity to do so.

The Federal member for Lindsay and the Federal member for Macquarie proved to be no dynamic duo when it came to defending the welfare of the families in the west against Howard's attacks. What sort of stand did they take when Mr Howard told his party that the free dental health scheme was going out the window? They were nowhere to be seen. There was not a word of protest from either of them. How did those members fight when Mr Howard told his party that child-care funding was to be gutted? Not very hard at all. In fact, the Federal member for Lindsay said that no family would be worse off under the Howard child-care policies. She does not talk to the same people I talk to, people who are wringing their hands because they do not know what to do with their children.

Did those members support the efforts of the New South Wales Government to increase funding for home and community care programs? No, of course they did not. I would bet my bottom dollar that they sat passively at party meetings and put their hands up to be counted while the people they were elected to represent went down the drain. The duo are again putting up their hands to be counted. This time it is not their leader who will be doing the

counting but the people who they have abandoned and deserted. Those who will be doing the counting are the people who have really learned the meaning of the term "Howard's battlers" and who are reminded of that every day when their teeth ache, when they pay their child-care fees, when they visit their mother or father in a nursing home and when they have to battle to cope with an elderly parent at home. It is the new battlers who will have the last say when the time comes, and that is not far away.

Mrs SKINNER (North Shore) [3.56 p.m.]: I have much pleasure in addressing this motion. The motion provides the coalition with an opportunity to demonstrate how bereft the Labor Party in New South Wales is of ideas of its own and how it shirks its responsibilities in providing for the people of this State. By way of an amendment to this motion I shall give Government members an opportunity to vote and show that they stand by the economic policies of their colleagues in Canberra. So far honourable members have heard nothing but complaints about the Federal Government. Government members have not told us how they feel about the Federal Opposition. They have not spoken about their responsibilities in service provision for the people of this State.

The Minister has referred to a lack of training programs and has spoken about employment-related matters for young people. It is ludicrous that this Government, which in its first budget removed all youth employment programs, raises youth employment as a concern. Where have Government members been? Why are some of the younger members of the Government not speaking up in caucus meetings and party forums? I was director of the Office of Youth Affairs and I know very well what youth employment programs were in place when the New South Wales coalition Government was in office. The Carr Government in its first budget abolished every youth employment program.

Shame on all Government members for their silence, and shame on them for their hypocrisy in now trying to divert responsibility for this to the Commonwealth Government. The Commonwealth Government has done many things to enhance the opportunities of young people. Government members have not taken into consideration the successes of initiatives such as the work for the dole program. Under that program the Federal Government has given young people an opportunity to learn some skills and to get jobs.

Mr Tripodi: Slave labour!

Mrs SKINNER: The honourable member for Fairfield is silent about his Government's failure to

meet youth initiatives and programs, so silent as to be deafening. Where was the honourable member for Fairfield when youth groups came to Parliament House about the lack of a youth Minister, the lack of a youth bureau and the Government's closure of youth employment programs? The Minister for Community Services referred to the Commonwealth dental health program. What a joke! I have just driven 2,000 kilometres around the north-east of this State talking to communities, small and large, about health. Just before I started on my journey I received a copy of the New England public health unit dental waiting list figures for the month of July.

The average time someone in the jurisdiction of the New England public health unit has been waiting for dental health care is four years. Government members should recognise that that is two years longer than they were waiting when the Commonwealth dental health program ended. It is the State Government that has failed to meet the dental needs of the people of New South Wales. I was shocked to find that the waiting list figures showed that 2,500 people were waiting for dental health care. In the month of July only three people received treatment. I was told that that was a mistake because only emergency patients were being treated, not people on the dental waiting list. Furthermore, patients have to wait for six weeks to obtain emergency dental care because the Minister for Health has failed to meet his responsibility to deliver dental health care to people of this State. It has nothing to do with Commonwealth Government cuts in funding for the dental program.

If the Minister for Health were really concerned he would spend \$34 million to provide dental health care to the people of this State. In the Northern Rivers Area Health Service 9,000 people are waiting for dental care because the Government and the Minister for Health wiped their hands of the problem. The Minister has struck a deal with the Commonwealth to obtain extra funding for health which is not tied. He is in a position to allocate money for dental care.

[*Interruption*]

If the honourable member for Fairfield is worried about dental care he should pressure the Minister for Health to allocate funds to provide dental care to the 9,000 people in the Northern Rivers Area Health Service. The honourable member for Fairfield should be concerned about his own constituents, but I suspect he does not care about them. In Coffs Harbour 2,000 people are waiting for dental care. It is an absolute tragedy that people who are least able to afford dental care are being

forced—not by the Commonwealth but by the New South Wales Government—to go without it.

I cannot think of anything more debilitating for people than problems with the mouth and teeth. They have difficulty eating and problems associated with well-being. Often, because their dental problem is exacerbated, they are required to go into hospital where they occupy acute-care beds. It is hypocritical in the extreme. The New South Wales Government has absolutely shirked its responsibility to provide dental care. I refer honourable members to the infamous promise about hospital waiting lists. Honourable members opposite and the Minister for Health have conveniently forgotten that when the coalition Government was last in office in New South Wales dental patients were included on hospital waiting lists. The Opposition has released the waiting list figures and members of the press gallery downstairs have copies. I can also provide copies to honourable members.

Mr Tripodi: Are they printed?

Mrs SKINNER: Yes, they have been printed many times. I can provide the clippings to the honourable member. Dental care patients were included on the waiting lists when the coalition was in government. Because of political expediency, in March 1995 the Minister for Health dropped dental care patients off the waiting list.

Mr Tripodi: No, it was because of Federal cuts.

Mrs SKINNER: The honourable member for Fairfield should get his facts right. There was a Labor Government in Canberra at the time. Obviously a number of honourable members opposite do not propose to contribute to the debate. I suspect they will be totally embarrassed when this information is circulated throughout their electorates. Federal Government expenditure on child care has risen to \$1.1 billion, and it is forecast that by 2000-2001 it will have increased to \$1.3 billion. That represents a growth in funding, not a reduction in funding.

In relation to aged care services, for years under the previous Labor Government the condition of Australia's nursing homes worsened. I have spoken about this matter in this House on a number of occasions. The Gregory report, a review conducted by the Australian Labor Party, exposed the problem, but the Federal Labor Government did nothing to fix it. This motion is nothing more than a political stunt. I propose to move an amendment to the motion to make it more realistic and to bring it

into line with the responsibilities of this State Parliament. I move:

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

- (1) "notes the campaign between Labor's policy with the pro-job, pro-economic development tax reform plans released by the Federal Liberal and National parties, described as recently as yesterday by Dr Ann Harding of the University of Canberra as a package 'likely to deliver efficiency gains and create a more robust tax base for funding the future delivery of Government services';
- (2) calls on the Premier and other members of the Government to state to the people of New South Wales why they and the New South Wales Labor Party support the Federal Opposition's tax policy, variously described as 'anti-job', 'trivial', 'bizarre', 'an attempt to play the politics of envy' and 'a Gareth Evans' joke';
- (3) condemns the Carr Government for abolishing youth employment programs and downgrading all other State youth services for failing to meet its responsibilities to provide dental health services for the people of New South Wales;
- (4) criticises the Carr Government for its attack on the young and the old with its inadequate funding for programs which support families at risk, and hospital and community health services upon which older people rely; and
- (5) notes the pain and distress the Carr Government has caused the people of New South Wales, particularly those living in Sydney's greater west."

The coalition is taking a leadership role by diverting the debate back to matters which are rightly the responsibility of this Parliament. The amendment to the motion refers to the failure of the New South Wales Government to meet its responsibilities for a whole range of people, from the very young to the very old, and particularly those living in Sydney's greater west.

Ms HARRISON (Parramatta—Minister for Sport and Recreation) [4.06 p.m.]: It gives me great pleasure to speak to this debate and to support the remarks of my colleagues. I do not need to repeat the litany of problems caused by the Howard Government in Sydney's west. Those problems would not have occurred without the support of the Prime Minister's colleagues, who pretend to represent the interests of the people of this region. The fact that the honourable member for North Shore did not attempt to defend any of her Federal colleagues during her address was a telling point.

I will tell the House how one of those so-called representatives looks after his constituents. The member for Parramatta, Ross Cameron, has a

shameful history when it comes to looking after the interests of working families, women and older Australians. He stands condemned by his voting record. That record includes voting to abolish the youth training allowance and the Newstart allowance for our young people, despite the fact that youth unemployment has risen by 1.4 per cent and employment services have been cut by \$150 million.

Mr Cameron voted to make drastic cuts to child-care funding. An amount of \$500 million was cut from the 1996 Federal budget and a further \$321 million was cut from the 1997 budget. I do not remember hearing that the outraged member for Paramatta stormed the offices of the Prime Minister or the Treasurer demanding that his constituents benefit from funding. In fact I know the only office he has definitely been into is Pauline Hanson's, following her infamous maiden speech to Federal Parliament. Mr Cameron expressed the hope that he could discuss differences of opinion with her and perhaps even persuade her to a differing viewpoint.

It is a pity that Mr Cameron did not try the same tactic on his leader. Thanks to Mr Cameron, parents in Sydney's west now have to pay up to \$780 more each year for child-care services and, to add insult to injury, he voted to delay the child-care payments legislation. In one of the worst attacks on the elderly people of this country Mr Cameron and his colleagues voted to introduce nursing home bonds and income testing for residents of nursing homes. By voting for the aged care legislation he helped to strip \$500 million from nursing home funding and imposed a yearly fee of \$4,380 for a bed in a nursing home.

He voted for the budget which abolished the Commonwealth dental scheme. Under Federal Labor almost half a million low income Australians received free basic or emergency dental care from the Commonwealth dental health program. The coalition's decision has helped to create a 24-month waiting list for dental services in some areas for routine dental services which should be available to all of us without delay. Just to make sure he had not missed anyone, Mr Cameron, having already got to the kids, the teenagers, the job seekers, the mums, the dads, the grandmothers and the grandfathers, voted to exclude whole groups of employees from their rights relating to unfair dismissal when he voted for the workplace relations amendment legislation. Now Mr Cameron wants to give us all a goods and services tax to add to the cost of living which he has already made impossible for many people in his electorate.

Having listened to Mr Cameron on radio this morning telling a caller how to avoid paying the

goods and services tax, one has to wonder exactly what he supports. With a voting record like he has, some people might ask why he was missing when the roll was called following the debate on the Telstra bill and when his leader was talking about the importance of gun control. It must be easier to get a pair for a division in Canberra than it is in Sydney! Voting records aside, the prospect of another three years of Mr Cameron's party in control of this country and its economy should be enough to make the people of this State think long and hard before they vote on Saturday week.

The people of Sydney's west need to think carefully about who they want to govern this country and influence their future and their children's future. They need to think about whether their interests and needs are being considered or ignored. They must decide which party can provide them with the security they need and deserve in every area of their lives. They need the basic security of knowing they can get a job and can keep it without having to worry that some cruel government economic scheme could result in unemployment for them or members of their family. They must have a basic level of support to enable them to work when they need to, knowing that their children will be provided with affordable child care. They must have access to basic medical services and know that they can get through the latter part of their lives in basic comfort with a fundamental degree of dignity, and financial security. They need to know that they will not be sluggish with a goods and services tax on everything they do and everything they buy.

People should appreciate what the introduction of a GST will mean; the cost of food, clothing, gas, electricity, telephone calls, rent and child care will rise. In other words, our basic needs and the basic needs of the people of Sydney's west will cost more with a GST. We will be asked to bear the burden of this new tax, which will drastically affect our lives in many ways. I ask the people of Sydney's west to think long and hard about whether they want higher prices at supermarkets, service stations, barber shops, chemists, cinemas, shoe stores, clothing stores, newsagents and nursing homes. They should join with me and my western Sydney colleagues in totally opposing what the Federal coalition has already done to them, and even worse what it plans to do.

Dr KERNOHAN (Camden) [4.11 p.m.]: I support the amendment. I have been listening carefully to what Government members have said about this motion. The Minister for Community Services and the Minister for Sport and Recreation appeared to be amazed when they talked about their

Federal colleagues taking over local issues. It is not surprising that this has happened, because somebody has to do it! It would appear that State politicians are not looking after western Sydney. I support the amendment which asks the House to note the pain and distress that the Carr Government has caused the people of New South Wales, particularly those living in Sydney's greater west. What has the greater west got out of the Carr Labor Government? Promises, promises, promises. What promises have been fulfilled? Not many, certainly not funding for the tollway, that great promise on which Labor came to office.

Mrs Lo Po': You put it there.

Dr KERNOHAN: The Government promised to take it away. The coalition made no promises whatsoever. The Government made promises, but broke them. The Government has let down the people because of its broken promises.

Mr Tripodi: Which ones? You are making it up.

Dr KERNOHAN: Go back to dreamland. The tollways are not dreamland, they are a nightmare to the people who travel along them.

Mrs Beamer: If they are a nightmare, why did you introduce them?

Dr KERNOHAN: The tollways have not been funded, as promised by the Labor Government. What has the Labor Government done? Although nine Cabinet Ministers represent the interests of western Sydney, Cabinet has not been able to change anything or make things better. The Minister for Community Services said that the people in western Sydney pay 1¼ times their wages on their mortgages. The system does not work. It gives nothing back to the community. The Government promised it would fix up the hospitals. A new hospital was promised for the electorate of Camden. The people of Camden are scared because, although there has been a proposal to upgrade the hospital, my constituents do not trust the Carr Labor Government.

The Camden local papers report the views of the people of Camden. They are terrified that the Carr Labor Government will transfer hospital services to Campbelltown and not to Camden. That is not merely my opinion. My constituents have said that through various local groups, as has the council. They speak about distrust and how badly they have been treated by the Carr Labor Government. The backlog sewerage scheme has been referred to

recently—immediately prior to an election! Those schemes were to have been constructed following the last State election, but have been deferred time and again.

Mrs Beamer: That is not true, and we are not even going to charge them for it.

Dr KERNOHAN: I am not referring to the Picton sewerage scheme, which was supposed to be constructed after the last election; I am talking about the other backlog schemes. But I will now talk about Picton, because it has been held up for four years. Other backlog schemes were due to start but they have been put on the backburner until now, just prior to an election. The Carr Government has certainly inflicted pain and distress on the people of western Sydney.

Mrs BEAMER (Badgerys Creek) [4.16 p.m.]: The people of western Sydney are doing it tough under the policies of the Howard Government. When the Prime Minister took office he promised to look after the battlers and to make them relaxed and comfortable, but his policies have done the reverse. It is particularly galling when one considers the effect his policies have had on the people of the west. John Howard owed it to them to do the right thing. At the last Federal poll Jackie Kelly was elected in Lindsay and Kerry Bartlett was elected in Macquarie—two coalition members of Parliament elected to represent western Sydney.

How have their policies affected the everyday lives of the people they purport to represent? Jackie Kelly and Kerry Bartlett voted in Federal Parliament to abolish the youth training allowance and the Newstart allowance for young people. Since the election of the Howard Government, youth unemployment has risen by 1.4 per cent, while employment services have been reduced by a disgraceful \$150 million. Most people think that Jackie Kelly is a nice person, as she goes about her business in Penrith, but when she goes down to Canberra she betrays her constituents. I saw Jackie Kelly standing on a podium at the opening of a school hall. She told the young people that they should have goals and ambitions—very laudable. She said that they should want to buy a home and yet she told them to make their goals realistic "because one-third of you will be unemployed". That is what she told the schoolchildren!

She is not content with 28 per cent youth unemployment, she wants it increased to 33.5 per cent, and \$150 million abolished from the Newstart allowance. That is the kind of thing that I hear in my electorate. I have attended a number of meetings

of aged-care providers. At the height of the controversy about nursing homes, when the backbench was in revolt, Miss Kelly told aged-care providers that this was the best thing that had ever happened to them. That was just before John Howard did the first of his minor backflips. Ms Kelly has betrayed the people of Sydney time and again.

Those policies of the Federal Government have caused severe hardship for many of the families in the Federal electorates of Lindsay and Macquarie, in fact the families across western Sydney. I live in an electorate that has a greater proportion of young people than the State average. It is 16.6 per cent of the State population and 14.4 per cent of the national population. Ms Kelly told them that a third of their number will be unemployed—because the Federal Government does not have policies that generate long-term jobs. The Prime Minister said that it would be one of his greatest grievances if he faced the next election not having reduced youth unemployment. Not once has he apologised for this, his greatest shame, particularly in western Sydney. Jackie Kelly has betrayed the young people in her electorate.

The Federal Government is destroying the fabric of our community. It is saying to our young people that they will be on the scrap heap of unemployment for the duration of their youth. I repeat, 28 per cent of young people in my area will not get jobs. That is appalling! Now the Howard Government proposes a goods and services tax and is trying to convince the people of the west that it will be fair. What have the Liberal members who represent western Sydney done for the people of that area? In their election pamphlets they claim responsibility for building the Claremont Meadows school, which was a State government initiative.

The Liberals also talk about Glenmore Park High School. The Leader of the Opposition did not know about that: Jackie Kelly claims credit for it. Perhaps she ought to have told the Leader of the Opposition that it was being built. Liberal members who represent western Sydney electorates have consistently turned their backs on the people of western Sydney. They have made sure that Newstart and the youth training allowance, all the things that young people in our electorates once had, have been taken away. They have betrayed the young people in their electorates.

Mr OAKESHOTT (Port Macquarie) [4.21 p.m.]: I should relate an interesting experience involving Hansard. I had to go to the Hansard office to pick up some notes that I have on Commonwealth

issues that have become relevant for the third day running. It really is like Groundhog Day in the Parliament this week. Two days ago the New South Wales Government moved to condemn the Federal Government over its proposed tax reforms—reforms that the State Government was championing 12 months ago. On radio 12 months ago the Premier called for tax reform in Australia. Yesterday the Government was critical of the Federal Government's \$250 million regional infrastructure fund. The State Labor Government has put a donut, a big zero, into regional information technology.

Today the Government has become even more desperate. It moved a motion condemning four or five programs that the Federal Government is involved with. It is desperation stakes on the part of the Labor Party. In the 10 days before the election I encourage Government members to sit back and enjoy themselves, because after the 3 October election the fur will really be flying within the Labor Party. Federal Labor leaders Kim Beazley and Gareth Evans will find their heads on the chopping block. Who will it be? Will it be Mark Latham or Simon Crean?

The motion before the House is a desperation measure. It has been desperation week for a desperate Labor Party. An amendment to the motion was moved by the shadow minister for health, soon to be Minister for Health. The amendment is based on a notice of motion in the name of the Leader of the National Party that has been on the business paper for a couple of days. Yesterday we were told about another matter that has been on the business paper for quite a while. The Government has had opportunities to debate that matter, but refused to do so. Instead, it has brought on this urgency motion for political expediency.

The amendment refers to the Federal Labor Party's alternate tax package. It is interesting that Dr Ann Harding has gone through that package and has affectively ripped it apart. She said that without a consumption tax Australia would fall over. Ann Harding said our package is likely to deliver efficiency gains and create a more robust tax base for funding the future delivery of government services. That is Labor's own Dr Ann Harding. The Government really is playing games this week, trying to embroil us in a political debate. This motion is a waste of time and an abuse by the Government of this House. There is a very interesting point to be made about the urgency motion, and it relates to the grammar of the motion. Paragraph 3 of the motion reads:

States unequivocally its opposition to the introduction of a goods and services tax.

The "its" in that case refers to "this House". Paragraph 4 of the motion reads:

Notes the pain and distress it has caused the people of New South Wales . . .

The word "it" is a reference to "This House". So paragraph 4 of the Government's own urgency motion in effect reads:

Notes the pain and distress this House has caused the people of New South Wales.

I am happy to debate paragraph 4 because I believe the Government has caused enormous pain and distress to people in regional New South Wales. With regard to mental health in regional New South Wales, enormous pain and distress has been caused by the New South Wales Labor Government. Dental health was raised in this debate. It is a burning issue in regional New South Wales. What about some of the youth programs that the Government has cut back—the first-chance programs that the New South Wales Government pared back? It has caused much pain and distress for young people. It is a similar story with the Start to Life youth employment program. What about the pain and distress that the tollway has caused for the people of western Sydney and many motorists in New South Wales? A member of Parliament who was telling me about time allocations of this House and how much time we spend here worked out that every hour we spend in this place costs \$250,000. It is a disgraceful waste of the time of the House that honourable members are debating motions such as this. [*Time expired.*]

Ms MEAGHER (Cabramatta) [4.26 p.m.]: I am happy to have the opportunity to support the motion condemning the Prime Minister for his attack on young people, because young people in this State are angry with John Howard. They are angry because John Howard has failed to meet the challenge of guaranteeing Australian youth a secure, brighter future. They are angry with John Howard because he lied to them. He made three promises that were vital to the wellbeing of young people when he came to office. First, he promised that he would create jobs and get Australians back to work. His record is one of dismal failure. Youth unemployment has risen by nearly 3.5 percentage points since the coalition attained power only 2½ years ago.

Then, in February 1996, John Howard promised to "maintain the real value of pension payments to families, including sole parents, and all

other social security benefits". The introduction of the common youth allowance on 1 July this year meant that 46,000 young unemployed people had their unemployment benefits cut. The third promise that John Howard made was to "never ever introduce a GST". He conned us! Two and a half years later Australians are being asked to consider the most radical change to taxation since Federation. At the heart of John Howard's radical tax plan is the GST: 10 per cent on everything, irrespective of a person's capacity to pay. It is the GST that John Howard promised he would never introduce.

Young people are angry with John Howard because they will be among the hardest hit by a GST. The compensation package—the compensation con by John Howard—is inequitable and unreliable. The more you earn, the more the Government will give you in compensation. But if you are earning \$5,000 a year or less, or if you are a student with a part-time job at the local cafe, or if you deliver newspapers on a Sunday, you will not pay tax. And, if you do not pay tax, John Howard cannot give you a tax break to compensate you for the inflationary effects of a GST.

The standard of living for many young, part-time workers will be lowered. They alone will bear the brunt of price rises and experience a significant reduction in their purchasing power. Young people are angry with John Howard because they experience every day what it means to be unemployed, and without hope of finding a job. John Howard's Australia has robbed them of that hope. Upfront education fees, reduced funding for education and training, slashed labour market programs, and cuts to unemployment benefits, at a time of rising youth unemployment, will be the legacy of the Howard Government.

When John Howard introduced the common youth allowance 13,000 young people were denied access to unemployment benefits. That is an additional 13,000 young people who cannot possibly be compensated for the inflationary effects of a goods and services tax. That is 13,000 young people who have been told that to get by they will have to borrow from family and friends. That is 13,000 young people concentrated in pockets like western Sydney where youth unemployment has skyrocketed to nearly 37 per cent.

John Howard has forced his failure to tackle youth unemployment back onto the nation's parents. Families earning as little as \$35,000 a year are expected to feed and clothe their young unemployed adults. However, under John Howard's plan that is food plus 10 per cent GST and clothes plus 10 per

cent GST—a GST of 10 per cent on every item and service needed by those young people. Many families, including those in western Sydney, will not be able to cope. I say to my constituents and the people of western Sydney: this election is your wake-up call. Stop and think! John Howard has broken three vital promises about guaranteeing people a decent quality of life. He has broken those promises and now he has refused to promise that a GST will not go above 10 per cent.

I say to my constituents and the people of western Sydney: if you vote Liberal on 3 October you will be voting to give tax breaks of up to \$80 a week to families on \$100,000 a year, and you will be voting to give yourself a raw deal. Even Dr Warren, an architect of Hewson's Fightback program—which had a GST at its centre—was quoted in the *Sydney Morning Herald* of Thursday, 17 September, as saying that the package that John Howard is taking to the people "underestimated the effects of the GST on the poor, was politically driven and based on clearly unrealistic assumptions". I commend the motion to the House.

Mr MERTON (Baulkham Hills) [4.31 p.m.]: According to Labor, the country will go down the gurgler after the Federal election on 3 October.

Mr Tripodi: No, you are leading in the polls.

Mr MERTON: That is what we heard from members opposite. Let them give the GST a run. I do not mind giving the GST a run. Coalition members are proud to defend a goods and services tax and the record of the Howard Government. Government members will not like this but let us consider the facts. Which political party gave Australians unemployment of more than 10 per cent? Which political party gave Australians interest rates of nearly 20 per cent—and more in some cases? Which party put Australia in a recession that was as bad as that in the 1930s? It certainly was not the Howard Government. It was the noisy members opposite.

According to the old adage, if the point is weak make more noise. The honourable member for Fairfield is a great proponent of that axiom, as nice a fellow as he might be. No-one disputes the fact that when the Howard Government took office Australia had a deficit of \$10 billion. If members opposite dispute that they should talk to Gareth Evans. The dynamic Gareth Evans—Biggles of Tasmania—has admitted that Labor left a black hole of \$10 billion. Members opposite are stuck with that cold hard fact, although they do not like it. When Labor was in government interest rates on home loans were about 17 per cent.

Mr Tripodi: Let us not talk about home loans.

Mr MERTON: The honourable member for Fairfield does not want to talk about home loans. I would not want to talk about home loan interest rates if my government's policies had resulted in ordinary Australians, including the people of western Sydney, paying an extra \$320 a month or \$80 a week in interest.

Mr Tripodi: What about the HomeFund debacle?

Mr MERTON: People were better off under HomeFund: the interest rate on HomeFund loans was lower than the interest rate on home loans generally—and HomeFund loans had a fixed interest rate. When Labor took office people were paying interest of 11 per cent; when the coalition took office they were paying 18 per cent. No wonder the honourable member for Fairfield does not want to talk about home loan interest rates. The Labor Party's record is abysmal. Although John Howard took office only two years ago, he has turned the \$10 billion deficit into a credit.

Unemployment has not gone down as much as expected but more job opportunities have been created. I am talking about proper job opportunities, not Government props such as a job painting toilets, fixing roads and so on. I am talking about fair dinkum jobs. The greatest legacy the Howard Government can leave the people of Australia is reduced interest rates, which is an improvement on the Federal Labor Government. Under the Howard Government the average family has an extra \$80 a week as a result of lower interest rates.

I turn to Labor's tax figures. The dynamic Kim Beazley has been born again; he had a road-to-Damascus experience. Although Labor left the country in tatters less than two years ago, Kim Beazley suddenly has all the answers. He wants the people of Australia to give Labor another go, to trust Labor, after it got things wrong last time. Does he have any policies? Unfortunately, his policies are more of the same. He is not prepared to make the fundamental changes necessary to ensure that Australia can compete on the world market and we do not end up like some Asian countries.

The Labor Party has nothing to offer but broken promises, shattered ideals and rhetoric that belong in the 1950s and 1960s. The coalition is offering a positive program which will ensure that people have jobs, that people can meet their home loan payments and that small businesses can pay their mortgages. Members opposite have taken the proposed GST out of context and tried to say that

people will pay more. However, the coalition's tax reform package includes the abolition of wholesale tax, income tax cuts, the abolition of provisional tax and reduced stamp duty. Australia will be better off under the Howard Government. The contributions of members opposite sounded as though they had been prepared by Labor's advertising agency. It was the usual soft sell—remember when you voted for this. I remember one thing: Paul Keating failed the people of Australia and Kim Beazley, who was a senior Minister in the Labor Government, is offering them the same again. [*Time expired.*]

Mr TRIPODI (Fairfield) [4.36 p.m.]: The rhetoric of members opposite amuses me. I support this motion which must be dealt with before the election. Interestingly, members opposite hide behind the words "tax reform". They do not say "a GST"; they say "tax reform". However, the meaning behind the words "tax reform" is simple: tax the poor more and give the rich tax cuts. That is what members opposite call tax reform. It is embarrassing and humiliating. On top of that, Liberal members representing Federal electorates in western Sydney are defending their constituencies. What a disgrace! They are the political chameleons, the hypocrites.

When Federal Liberal members wander around their electorates in western Sydney they pretend to be Federal Labor members; they say the right thing and press the right buttons. However, in the Federal Parliament they vote for coalition policies which hurt their constituents. They are hypocrites and chameleons. They do not have one ounce of integrity. They are a disgrace. I turn to nursing homes. When elderly people who have made a contribution all their lives by raising children and paying taxes expect to get something back from the Government in their final years the Government tells them that they must sell their only asset to get nursing home care. What a disgrace! Did the western Sydney Liberal members of Parliament speak against the changes to nursing homes? No. They went into the Parliament, put on the other jackets and voted in favour of the changes! They told the electorates how terrible it would be, but they voted for it. What a disgrace!

Federal Liberal politicians do not have an ounce of integrity, but they will get what they deserve in the coming election because the people are not stupid. The people will not cop it. At the end of the day the decision will be made and Jackie Kelly will not be able to do her backflips anymore. She will not be able to sell out the people anymore. Jackie Kelly voted also for the new workplace relations bill. The people from the Lindsay electorate are decent and hard working. They need job security

and protection because they are loaded to the hilt with mortgages. What did Jackie Kelly do for them? She voted for the Workplace Relations Amendment Bill. She voted to take away the protection those workers had. She sold them out!

When the decision was taken whether to give the elderly some dental care, Jackie Kelly sold the people out once more. The member for Macquarie, Jenny Bartlett, sold out her constituents; John Fahey sold out his constituents; and Ross Cameron sold out his constituents. The people were sold out by their Liberal representatives. The truth will surface at the coming election. Those Liberal politicians can parade in their electorates pretending to be Labor members of Parliament, but the people have watched them in Federal Parliament and know that time and again they sell out their constituents. There was the sale of Telstra, the slashes to child-care funding and now the introduction of a goods and services tax. The people will not forget. The people will make sure those Federal Liberal politicians understand how they feel.

The Federal Government's record on child-care funding is abysmal. In the Fairfield electorate child-care centres were forced to close. Only the New South Wales Government provided more money for child care. We believe that women should have the choice to work. Both spouses should be able to work if they so choose. We do not push the white picket fence, middle-class, Anglo-Saxon view of Australia that John Howard pushes—where the wife stays at home and the husband goes to work. We live in the real world. The Federal Government's slashing of child-care funding is a disgrace. The poor families of western Sydney need assistance because they have to take on second jobs. Liberal members of Parliament from western Sydney did not stand by their constituents. They sold them out. Liberal politicians might pretend to be Labor members of Parliament in their electorates, but in the Parliament they are Liberal and they will be punished for it. [*Time expired.*]

Mrs CHIKAROVSKI (Lane Cove) [4.41 p.m.]: In speaking against the motion moved by the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women I must say that I am absolutely appalled at the hypocrisy of the Government. The first part of the motion talks about the Federal Government abolishing a range of programs including the youth training allowance and the Newstart allowance. The New South Wales Government abolished all youth employment programs in this State in its first budget! In its first budget it said that the young people of New South

Wales did not count. Its attitude was, "We don't need to worry about providing the young people with employment programs because we don't really think there is a problem with youth unemployment."

My recollection is that at that time roughly 35 per cent of young people were unemployed, but Bob Carr said that the young people of New South Wales did not need support. The first thing it did in office was abolish all funding for youth employment programs, yet its members have the hide to suggest that the Federal Government has problems allocating funds for youth employment! This Government showed no heart towards the young people of New South Wales. I am disappointed that the honourable member for Fairfield left the Chamber because his contribution to this debate was totally hypocritical. He complained that elderly people will be forced to sell their homes.

The honourable member for Liverpool said on radio recently that he felt no compunction that the Government was forcing old people to sell their homes because they cannot pay their land tax. Some constituents in my electorate have lived in their homes for 50 years. The New South Wales Government is forcing people in my electorate, some of whom are aged 75 years and 85 years, to sell their homes to pay land tax. How dare the honourable member for Fairfield claim to be concerned about the elderly! How dare the honourable member for Liverpool laugh at the elderly in my electorate because for some reason they do not count!

The honourable member for Liverpool does not care that elderly widows and war widows in my electorate are so stressed about being able to afford to pay the land tax imposed on them that they suffer medical conditions, but his Government will force them to sell their homes. The honourable member for Fairfield accused the Federal Government of doing a backflip. This is the same man who supports Backflip Bob. It was extraordinary that he had the courage to use that word in this House. Backflip Bob cannot keep a promise for more than 24 hours. He makes a promise, a statement, picks up the *Sydney Morning Herald*, sees that it has the wrong headline, and says, "Sorry, we have to change our minds."

Backflip Bob is leading New South Wales down the gurgler. The people of this State look to Backflip Bob and say, "This is not leadership, this is not someone on whom we can rely." The people have no confidence in the Premier of this State because he does not know how to keep a promise or provide leadership. He does not have consistent

policy. The honourable member for Fairfield said people will pay more money with a goods and services tax. The other part of the equation is always forgotten! The tax reform is viewed in the eyes of those opposite as a goods and services tax only.

The tax reform package put forward by the Howard Government is more than that. It is a package that includes income tax cuts. Combining that with the much smaller amounts people now pay on their mortgages, they will be much better off. To suggest, as the New South Wales Government has, that the Howard Government is doing anything other than the best for Australia is a complete and utter lie. It is totally hypocritical because every economic commentator in the country has said that the Howard Government showed the courage to lead the nation into the next millennium. All Beazley has is a vote-grabbing package, which will not persuade the people of Australia to vote for him. [*Time expired.*]

Mr IEMMA (Hurstville) [4.46 p.m.]: This motion encapsulates the reason for so much disappointment, disillusionment and anger with a Federal Government that promised comfort and relaxation. The motion mentions each group worst affected by Howard Government policies. The honourable member for The Hills spoke about the Federal Government's fine record of restoring the budget from a \$10 billion deficit to a surplus. The motion refers to all of those who paid for that surplus. That surplus was built on the suffering of the elderly, the sick, the young and the low-income working families.

The same Government that inflicted the suffering on those people brought the budget back into surplus. That Government was not committed to maintaining the social safety net that protected those people. It said, "No, we will not shift the safety net. We will give you comfort and relaxation, but we just want to fiddle around the edges." It then proceeded to cut the social safety net to pieces and through that net fell the elderly, the sick, the disabled, the young and the low-income working families. That is how the budget was brought back into surplus.

Despite the budget being in surplus, there is much anger, disillusionment and disappointment with the current Federal Government. Yes, it is more than a goods and services tax. The tax reform package of the leader that promised comfort and relaxation represents the most fundamental income shift from low and middle income earners to high income earners any government has attempted since Federation. It is a transfer from the poor to the rich. That is why this is more than just a goods and services tax.

There are many other elements to the package. It is a transfer from the battlers through to those who do not need tax cuts. Of course big tax cuts are involved in the package but they are aimed at the top end of the income bracket, those who do not need the tax cuts. They are paid for by cuts to things such as child care, the dental health scheme, aged services, disability services, higher education, and the provision of social housing—all the things that were put in place to maintain the social safety net. They are the things that get cut to pay for the big tax cuts for the top end of town, for big income earners, and to pay for the things the GST will hit.

Yes, it is more than just a GST. Yes, it is a radical and fundamental tax reform package, but not the kind of thing the people were expecting in 1996 when they voted for this Federal Government. It is not the sort of comfort and relaxation they were promised. It is not the sort of fiddling at the edges they thought they were going to get. They thought that they would get more of the same, that the social safety net would stay in place, that the budget would be back in balance, that there would be some serious attempt to do something with youth unemployment, and that a vote for the Liberal-National parties would get rid of that dreaded Mr Keating and everything would be okay—comfort and relaxation minus Paul Keating.

However, people did not get more of the same. The Federal Government has attacked the elderly, the sick, the disabled, young people and low income earners. These people have been systematically attacked since this Federal Government came to office, culminating in the most pernicious fiscal measure that any government has ever proposed—that is, the GST. Not only will a whole range of consumer items be taxed but for the first time services will be taxed. Who relies on services the most? The very groups that are mentioned in this motion, the very groups that have been the subject of most of the suffering since March 1996.

As the honourable member for Fairfield mentioned, western Sydney Federal MPs were elected on a platform of looking after the battlers in Parramatta, Lindsay and Macquarie. What have they been doing over the past couple of years? They were in the party room with John Howard, putting up their hands and supporting all these measures—withdrawal of the dental health scheme, the cuts to higher education and the cuts to child care. They were doing their best to inflict pain, and that is why in a week's time many of them will not be returned to office. *[Time expired.]*

Mr CHAPPELL (Northern Tablelands) [4.51 p.m.]: I regret that another member has already

moved an amendment to this motion. I would have liked to have moved an amendment to scrap four of the five points contained in the motion and to concentrate on the pain and distress the Government has caused the people of New South Wales, particularly those in Sydney's greater west. I would have added to that, "and in the country towns and villages throughout the rest of New South Wales as well". That is what this Government can be proud of as it approaches the end of its term of office.

Everyone in this House, everyone in this State, and everyone throughout Australia recognises there is a great and urgent need for tax reform. That is absolutely indisputable—everyone agrees. We have all been talking about it for years. Discussion was led a decade ago by the then Treasurer—the Treasurer we had to have, or was it the recession we had to have—Paul Keating. He spoke vigorously in support of it until he did the numbers and realised he could not carry the political heat from it. He and many people on his side of politics spoke in favour of a GST at the time.

No lesser economic luminary than the Premier of New South Wales is also on record as supporting the imposition of a GST. That is not really what we are talking about. We are talking about a full reform of the nation's tax package—long overdue, and recognised by all of us as courageously put forward as the key item in a Federal election campaign. One cannot be more honest than that. Everyone knows we need tax reform. Let us not squib it again, because if we do we will be putting it off for a couple of decades, and everyone knows we must have it.

The Federal issues raised in the House this week demonstrate how desperate the Federal Labor Party is: it has had to call on the Carr Labor Government for support. Everyone—even the State Government—knows that we must have tax reform, but the Government does not want to debate the amendment, which is a challenge to the Government to defend the Federal ALP's so-called tax reform. This urgency is all about trying to block the analysis and debate the Opposition wanted to have on the ALP's so-called Federal tax reform, as proposed by the Beazley Opposition.

One thing Government members want to keep under wraps and out of the view of the Australian people is that if the people vote for the Beazley tax plan rather than for genuine tax reform with real integrity, as proposed by the Howard-Fischer Government, they have to accept the rest of that package. If we buy the Beazley tax package we have to buy the rest of his package, which includes Gareth Evans, Simon Crean and Martin Ferguson. Is that what the Australian people really want?

Ms Meagher: Yes.

Mr CHAPPELL: Come on, let us be honest about that. That package Labor is offering includes those people to run this country!

Mr Iemma: They were running the country until 1996.

Mr CHAPPELL: I do not believe that Government members can credibly argue that case. For them to try to show that the proposed Federal tax package is targeting the poor people of western Sydney is just unbelievable hypocrisy. Honourable members know that the issue underlying all the complaints here today—such as the loss of services and so forth, which I acknowledge—is jobs. Real jobs growth will only be sustained by a strong and vital economy. What has the Federal Government provided so far: controlled inflation, the lowest in decades; controlled interest rates, the lowest in decades; controlled national debt, the lowest in decades—in fact, in credit; industrial relations reform; and, finally, taxation reform, the final major plank of the package.

Honourable members and the people in the State know that this is the final plank in the package that will deliver real reform to this nation. The package will point us in the right direction and make it possible for the Federal Government, the State governments and the private sector to produce real and sustainable jobs growth, which will help the future of this country. That is what we have to do. Let us not squib it again, because we have done that in the past and it has reflected poorly on the nation. Let us get on and support the tax package proposed by the Federal Government from which we will all benefit. *[Time expired.]*

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [4.56 p.m.], in reply: I thank all honourable members who have participated in the debate, particularly the honourable members representing the electorates of Fairfield, Cabramatta, and Hurstville, who reflected the community's views. Is it any wonder the Government has had to move a motion in relation to its concerns about the inability of western Sydney Liberal politicians to serve their community? The State coalition members are exactly the same: they are not listening.

We have not invented these issues in the caucus room: our constituents have raised them with us. They are scared spitless about a GST; they are deeply concerned about child care; they come to us about their dental problems. We listen to them and

we are saying to members opposite that this is the problem the Federal Liberal Government has presented. Members opposite receive the same sorts of complaints but they teflon themselves against them. They are pretending it is not happening. This is a grassroots proposal; these people are hurting. They have been hurt by the Howard Government.

Mr Chappell: Every other State Government has put more money into the dental scheme than this Government.

Mrs LO PO': I have to be fair—the honourable member for Northern Tablelands was the only coalition member to concede that there has been a loss of services. Six members from the Tory side contributed to the debate, and he is the only one who understands that people are hurting. I have no right to pick on him. These issues have been raised at the grassroots level, not from the top down. This is a grassroots campaign. People are hurting because their Liberal protectors are not protecting them. People come to Labor members' offices talking about their need for dentures, about their child-care arrangements and about aged care. People say to us, "My mum and dad went through the Depression, they went through the Second World War and now, in the twilight years of their lives, they are expected to sell—"

Mrs Skinner: You have no shame.

Mrs LO PO': The honourable member for North Shore should not take such a supercilious, arrogant, north shore attitude. The people I am talking about are real people who live in real suburbs and who have very few assets. The honourable member for North Shore has no right to take an arrogant attitude about the people in my electorate. They are the real people who forged this country. How dare the honourable member for North Shore adopt a supercilious, snobbish attitude to the people in my electorate!

Mrs Skinner: Jackie Kelly is a real person.

Mrs LO PO': Jackie Kelly can be as real as she likes, but she does not protect my voters—or her own voters, more to the point. She does not go to bat for the people who are old, for those who are disabled and the people who need funds. Those people needed assistance yesterday, not tomorrow.

Mr Smith: That is your responsibility.

Mrs LO PO': It is not this Government's responsibility. This Government gives \$3 for every \$1. All we hear from the Tories is that a goods and services tax would replace the wholesale tax. There

has never been a tax on services, but under a goods and services tax there would be. Every time coalition members refer to a goods and services tax they say that it would replace the wholesale tax. I say that it is a tax on services: it is a tax on dry cleaning, electricity—

Ms Meagher: On food.

Mrs LO PO': Yes, it is a tax on food. It is a tax on meat, fruit and vegetables. Coalition members appear comfortable with the proposal that elderly pensioners be given a couple of thousand dollars for the rest of their lives. They think that is okay. It is no wonder that the Government had to move this motion today. Labor Party members are the only people who give a damn about those who are disadvantaged.

Mrs Skinner: Give them dental care then.

Mrs LO PO': Get back in your box! Labor Party members are the only people who listen to constituents. We have moved this motion today because the people need to know that they are being duded by their Federal western Sydney Liberal Party politicians. Coalition members here are just as bad. They do not listen and they do not care.

Question—That the words stand—put.

The House divided.

Ayes, 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 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, 40

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

Pairs

Ms Allan	Mr Cochran
Mr Carr	Mr Collins
Mr Rumble	Mr Jeffery

Question so resolved in the affirmative.

Amendment negated.

Mrs SKINNER: Mr Speaker, under Standing Order 157 I require you to put each paragraph of the motion as a separate question.

Question—That paragraph (1) of the motion be agreed to—put.

The House divided.

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

Pairs

Ms Allan	Mr Cochran
Mr Carr	Mr Collins
Mr Rumble	Mr Jeffery

Question so resolved in the affirmative.

Paragraph (1) of the motion agreed to.

Question—That paragraph (2) of the motion be agreed to—put.

The House divided.

Ayes, 48

Mr Amery	Ms Meagher
Mr Anderson	Mr Mills
Ms Andrews	Ms Moore
Mr Aquilina	Mr Moss
Mrs Beamer	Mr Nagle
Mr Clough	Mr Neilly
Mr Crittenden	Ms Nori
Mr Debus	Mr E. T. Page
Mr Face	Mr Price
Mr Gaudry	Dr Refshauge
Mr Gibson	Mr Rogan
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	
Mr McManus	<i>Tellers,</i>
Mr Markham	Mr Beckroge
Mr Martin	Mr Thompson

Noes, 33

Mr Armstrong	Mr Merton
Mr Beck	Mr O'Doherty
Mr Blackmore	Mr O'Farrell
Mr Brogden	Mr Phillips
Mr Chappell	Mr Photios
Mrs Chikarovski	Mr Richardson
Mr Cruickshank	Mr Rozzoli
Mr Debnam	Ms Seaton
Mr Ellis	Mrs Skinner
Ms Ficarra	Mr Small
Mr Hartcher	Mrs Stone
Mr Hazzard	Mr Tink
Mr Humpherson	Mr J. H. Turner
Dr Kernohan	Mr R. W. Turner
Mr Kerr	<i>Tellers,</i>
Mr Kinross	Mr Fraser
Mr MacCarthy	Mr Smith

Pairs

Ms Allan	Mr Cochran
Mr Carr	Mr Collins
Mr Rumble	Mr Jeffery

Question so resolved in the affirmative.

Paragraph (2) of the motion agreed to.

Question—That paragraph (3) of the motion be agreed to—put.

The House divided.

Ayes, 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 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, 34

Mr Armstrong	Mr O'Doherty
Mr Beck	Mr O'Farrell
Mr Blackmore	Mr Phillips
Mr Brogden	Mr Photios
Mr Chappell	Mr Richardson
Mrs Chikarovski	Mr Rozzoli
Mr Cruickshank	Ms Seaton
Mr Debnam	Mrs Skinner
Mr Ellis	Mr Small
Ms Ficarra	Mrs Stone
Mr Hartcher	Mr Tink
Mr Hazzard	Mr J. H. Turner
Mr Humpherson	Mr R. W. Turner
Dr Kernohan	Mr Windsor
Mr Kerr	
Mr Kinross	<i>Tellers,</i>
Mr MacCarthy	Mr Fraser
Mr Merton	Mr Smith

Pairs

Ms Allan	Mr Cochran
Mr Carr	Mr Collins
Mr Rumble	Mr Jeffery

Question so resolved in the affirmative.

Paragraph (3) of the motion agreed to.

Paragraph (4) of the motion negatived.

Question—That paragraph (5) of the motion be agreed to—put.

The House divided.

Ayes, 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 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, 34

Mr Armstrong	Mr O'Doherty
Mr Beck	Mr O'Farrell
Mr Blackmore	Mr Phillips
Mr Brogden	Mr Photios
Mr Chappell	Mr Richardson
Mrs Chikarovski	Mr Rozzoli
Mr Cruickshank	Ms Seaton
Mr Debnam	Mrs Skinner
Mr Ellis	Mr Small
Ms Ficarra	Mrs Stone
Mr Hartcher	Mr Tink
Mr Hazzard	Mr J. H. Turner
Mr Humpherson	Mr R. W. Turner
Dr Kernohan	Mr Windsor
Mr Kerr	
Mr Kinross	<i>Tellers,</i>
Mr MacCarthy	Mr Fraser
Mr Merton	Mr Smith

Pairs

Ms Allan	Mr Cochran
Mr Carr	Mr Collins
Mr Rumble	Mr Jeffery

Question so resolved in the affirmative.

Paragraph (5) of the motion agreed to.

INTERNATIONAL YEAR OF OLDER PERSONS**Ministerial Statement**

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [5.33 p.m.], by leave: Next week marks the launch of what will be a very important year for older Australians in our community—the International Year of Older Persons. The Premier, Mr Carr, will officially launch this important year at Government House next week. Just as the International Year for Women and the International Year of Disabled Persons led to significant improvements in our community for both groups, I have high expectations that the International Year of Older Persons will achieve a similar result for older people in New South Wales.

The International Year of Older Persons provides us with a catalyst to drive social change. It will help us to create an environment where the skills, values and expertise of older people are not only recognised but harnessed for the benefit of the whole community. The International Year of Older Persons is a wonderful chance to recognise, honour and celebrate our seniors, to show how much we value them and acknowledge them as the asset they

are. The New South Wales Government is taking strong action to respond to the challenges of an ageing population. In the 1998 State budget \$2 million was set aside for the new Ageing Issues Directorate. The directorate will co-ordinate issues and promote the interests of older people.

An ageing population is a sign of a successful society. People are not only living longer, they are remaining healthy and active for longer. To maintain this success it is vital to put in place strategies that enable all older people to remain independent, healthy and able to participate in community life. When people retire they continue to work with their communities through volunteer work. Estimates put the value of voluntary and community work at more than \$18 billion. The time has come for our community to revalue older people and think of new ways to harness their expertise and knowledge. There is no better time than now to do this. Something must come from the International Year of Older Persons beyond the celebration. It should set in motion planning and policy development that will have a positive and far-reaching effect on the lives of older people.

Mrs SKINNER (North Shore) [5.35 p.m.]: The coalition notes that next week marks the International Year of Older Persons and looks forward, as the future government of New South Wales, to working with older people to implement the well-advanced policies that we have developed for older members of our community. I have the great privilege of working with my colleague responsible for this matter, the Hon. Patricia Forsythe. Our policies are exciting, and they build on the very good work done for older people when we were last in government.

It was my great privilege when the coalition was in office to have quite a bit to do with the Office on Ageing. I know that even Government members would acknowledge the wonderful work done by that office. The exciting aspect of it was that it empowered the older members of our community to be involved in many different facets of life. As the Minister said, a society really can be judged by the activity and participation of its older people. I am privileged, for example, to have in the electorate of North Shore an extraordinary example of a successfully participating and older person in Kate Campbell, who established and continues to run the Mosman evening college.

Kate Campbell is an outstanding example of the success that older persons can achieve in their communities. Kate Campbell is not only an outstanding success in her own community, but a

mentor and shining example of what people can do as they advance in years. The coalition looks forward to participating in the International Year of Older Persons. It looks forward also to putting in place many activities and programs that build on what the coalition has done previously when in office. Those measures will provide not only opportunities but recognition for the Kate Campbells of this world.

PRIVATE MEMBERS' STATEMENTS

SALE OF STOLEN GOODS

Mr ROGAN (East Hills) [5.37 p.m.]: All parts of our State and Australia, in common with the trend in other countries, are experiencing increased levels of crime, caused principally by drug abuse and unemployment, and to some extent alienation. I am pleased that the Government is taking a proactive stand on crime and is creating new offences where necessary, increasing penalties, and employing more police and giving them more powers. I acknowledge that the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women is doing a lot through the Department of Community Services to assist families in crisis to avoid crime if that is at all possible. I commend the initiatives that have been taken. I have been concerned for some time about the fact that the proceeds of crimes, such as items stolen from cars and homes, seem to find a ready market in this State. In that regard, about two years ago I wrote to the Premier putting forward what I thought at the time was a good idea to try to address this problem. In that letter I said:

There is still a strong prevailing view in the community that it is socially acceptable to buy stolen goods from friends, or in hotels or in other places with little thought of the consequences.

I wrote further:

Understandably if the demand for stolen goods was to be reduced, this in itself would have a significant effect on the supply of such goods.

I am sure the insurance industry would be prepared to fund a program to make people more aware that any goods offered to them may have come from a neighbour's property, a friend's property or the property next door to someone else. Harsh penalties are provided for the offence of receiving stolen goods. The penalty for stealing goods is imprisonment for up to five years and the penalty for receiving stolen goods is imprisonment for up to

10 years, depending on the degree of culpability and whether the person knew that the goods were stolen when they were offered. It is necessary to educate people to develop a social responsibility by appealing to their conscience and sense of decency and fair play. I would liken such a program to that initiated many years ago in relation to drink-driving. That campaign, which was known as the slob campaign, made drivers aware that it was not only socially unacceptable but unlawful for them to drink and drive. It had a profound effect on motorists and changed people's attitude to drink-driving.

A similar campaign could be waged in relation to receiving stolen goods. I am sure that insurance companies would to a large extent meet the costs of such a campaign because at the end of the day they meet the claims that result from break-ins, theft and the like. I would envisage such a program educating people who may receive stolen goods that, first, the offence has severe penalties and, secondly, they breach their social responsibility to their friends and neighbours when they receive stolen goods. This Government amended the Pawnbrokers Act to make it more difficult for people to dispose of stolen goods through pawnbrokers. It is necessary to emphasise the seriousness of receiving stolen goods and the penalty of up to 10 years imprisonment. The point must be made strongly that people who buy hot goods—and the goods are often hot—in hotels or elsewhere are doing a disservice to their friends and to the community.

SHOALHAVEN SPORTING ACHIEVEMENTS

Mr ELLIS (South Coast) [5.42 p.m.]: Australia's outstanding performance at the Commonwealth Games in Kuala Lumpur has caused a resurgence of pride in our athletes. I am sure every regional centre in Australia will boast of some relationship to a successful athlete and take pride in the achievements of our sportsmen and sportswomen. It is this type of performance that will serve to reinvigorate our youth to pursue a career in the sporting field. Nothing succeeds like success. I am proud that in the Shoalhaven we have a gold medal hero whom we are proud to call our own. Lori Munz won two gold medals in record time as a member of the 4 x 100 and 4 x 200 swimming relay teams. I commend the other team members, Susie O'Neill, Rebecca Greedy, Sarah Ryan, Julia Greville and Anna Windsor, on their collective achievement. Lori also achieved a personal best time in her leg of the race, spurred on by the very partisan Australian crowd.

Lori's success is the product of personal dedication and support from her parents, Gwen and

Jim, and it is an ingredient that is most important to a young aspiring athlete from the country. Her coach, Rohan Taylor, built on a product that was carefully and lovingly nurtured under difficult conditions. I admire all the young people who have done so well for Australia. I wish we could do more to give them and other Australian children every opportunity to do us proud. I congratulate another Shoalhaven athlete, Karen Murphy, on winning a silver medal in lawn bowls. Indeed, the Shoalhaven has an illustrious record of sporting achievements, despite the handicap of athletes living in an isolated area with minimal facilities.

Over the past 20 years the Shoalhaven has produced almost 100 representatives for Australia in a wide field of sports. In recent memory Karen Phillips the swimmer won a silver medal in Los Angeles. Paul Green the sprinter and Kristy Lee Brown the gymnast also come to mind. There are many others too numerous to mention, but I wonder how many more of our talented youth could have achieved similar heights given the right support. The Australian Institute of Sport was a progressive initiative, but how many talented young athletes make it there? Many fall by the wayside as support dries up and other priorities enter the picture. Some cannot afford to go on and others let their talents waste away because they are not recognised and nurtured. Not everyone wants to follow an academic or trade career, but these are the recognised and traditional pathways supported by the necessary infrastructure.

It is becoming apparent that pursuing a sporting career is a viable alternative for a young person, and that a sporting career is an industry in itself. When one thinks of the many millionaires who made their fortune through sports one must agree that sports education must sit side by side with academia and the trades. If one accepts that, it is only a small step to start investing resources on the same basis as for other career paths. Some months ago I proposed the establishment of a combined TAFE institute of sport learning facility at Vincentia, and I have been engaged in productive talks with various officials. Everyone involved in the discussions has been most enthusiastic about the concept and would like to see it go ahead. Such a facility is an example of the type of support mechanism we need to promote sport as both an industry and a career option. Such a facility would form part of a network which feeds into and supports the Australian Institute of Sport.

Many schoolchildren in the Shoalhaven, like Lori Munz, have natural abilities and there are many with hidden talent just waiting to be ignited. I know

that they would love to have the choice of going to university, TAFE or a sports academy, and would dearly love to be on an equal footing with city children. I would like to see them given that opportunity. But most important, I would like to see the youth of the Shoalhaven stay in the area and not have to move away from their families. Establishing a sporting academy in the Shoalhaven would complete the educational trifecta of institutions. We have a TAFE, and we are getting a university—a University of Wollongong campus—and now I want to see the concept of a Shoalhaven sports academy realised. It can be done, it should be done and it must be done for the sake of our youth.

CATCHMENT MANAGEMENT

Mr PRICE (Waratah) [5.47 p.m.]: I congratulate the Maitland Landcare study group on its catchment management study of the Morpeth-Tenambit, Woodberry and Millers Forest catchments. Those areas traverse the electorate boundaries of Waratah and Maitland. Land use in the area of Woodberry in my electorate has changed significantly, greatly affecting the drains provided by former governments. As a result, the land structure has collapsed, with heavy siltation occurring. Although previous governments provided excellent drainage outlets on the banks of the Hunter River, the size of the creeks and artificial drains have reduced significantly. All land-holders in the prescribed areas have had the opportunity to participate in meetings and field studies. Indeed, I accompanied them on one field study.

The information gleaned from the bushlands, developed areas, wetlands and flats around the river was extraordinary. Of particular interest to me is the change in land use in the past 30 years. In 1966, 44 per cent of the Woodberry catchment area was bushland; in 1993 it was 33 per cent. That means that bushland in the area has decreased by 11 per cent, which is significant. Grazing and rural residential land use maintained the same level throughout, which is roughly 40 per cent; wetlands dropped from 9 per cent to 8 per cent. In 1966 there were no poultry sheds, but by 1993, 4 per cent of the reviewed land area was covered by poultry sheds. Urban general development increased from 2 per cent to 10 per cent.

These changes have been significant because run-off is more significant. Therefore, drainage capacity has deteriorated through the acceleration of additional water. The area is not tidal but is subject to irregular flood activity. One associated problem is that local drainage councils are self-funded and are able to tax residents only enough to cover running

costs. Almost no capital works are undertaken and this has created a major problem in several areas. Of particular interest was the spread of noxious weeds. Certain areas of pasture were destroyed with the influx of certain weeds and, in one case, the death of a particular weed variety poisoned the soil in the short term and reduced substantial properties to marginal viability.

The Department of Public Works and Services, which is responsible for much of the riverside construction of the flood gates, and local councils, which are responsible for construction of some bridges over the drains and natural creeks, have erected these structures associated with the floodplain to the former capacity of the drain or creek. That is no longer the case. In many cases these huge structures have no water flow until flood conditions prevail, when there is such tremendous inundation of water onto paddocks that cattle must be moved to higher ground, and good grazing land turns to bog and semi-wetland on a regular basis after fairly nominal rainfalls.

The work of the catchment management study has been significant and is valuable. Ultimately it will need some form of government support. I hope when the report is produced consideration will be given to resolving these problems in the wetland areas. Dairying and grazing is a significant part of the lower Hunter's economy and these prohibitive situations must be resolved in co-operation with land-holders and local councils. If these items are ignored the problem will worsen and the reparation cost will be more expensive over time. I commend the Maitland Landcare group for its work. Particular credit should also be paid to Maitland City Council for its support of that group in the preparation of this study and for the provision of accommodation for staff involved. I commend the work to the general community and particularly to those land-holders in the affected areas.

DEPARTMENT OF FAIR TRADING ELECTRICAL SAFETY REGULATIONS

Mr SMALL (Murray) [5.53 p.m.]: I am pleased that the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women is present in the Chamber representing Jeff Shaw from the upper House, who is Minister for Fair Trading. I received a letter from and had a discussion with Mr Phillip Lloyd of Deniliquin, who trades under the company name of Phillip Lloyd Rentals. The discussion and letter dealt with safety regulations relating to electrical equipment. Mr Lloyd wrote:

Please find enclosed copy of letter from the Department of Fair Trading.

I rang Mr Krestovsky in regards to this letter and he informed me that from 1 July 1999, I cannot sell, rent or hire television sets that do not have the approval number on them. Such TVs are only 12 months old. As I have around 150 TV sets rented out, I feel that this act will totally destroy my business. There is no way that I could possibly buy 150 brand new sets for rental and thus have them mistreated.

He also informed me that it would be far too expensive to have my TV sets tested and approved and that I could not take any TV sets to the rubbish dump either, because I would be fined.

This act has come about because 3 (three) TV sets (Australia wide) have caught on fire and they feel the public should be looked after.

I feel that this act has not given any consideration for anyone in my position. I would not be the only one affected, any rental or electrical business in Australia will find themselves in the same predicament.

. . . To average out the cost of new TV sets, including large screen and portable, at a cost of \$700 each this amount by 150 TV sets would be \$105,000, which is astronomical and completely out of the question. If this act does progress we would be cornered because we wouldn't be able to trade. . .

Phillip Lloyd is a respected and decent businessman from Deniliquin. Many business people in country towns today face difficulties. Mr Lloyd rents out many other electrical appliances apart from television sets. The cost of abiding by the regulation will put him out of business. A letter he received from the Department of Fair Trading on the issue prompted his letter to me. It is obvious that a country town business will suffer the consequences of an Act of Parliament or the imposition of a regulation because three television sets in Australia caught fire. I acknowledge that the situation is serious and is capable of resulting in loss of life or injury, but extreme regulatory measures of this nature that require a small business to replace or modify the 150 television sets it hires out could close down the business because it cannot afford the cost involved. Therefore, I ask the Minister to clarify the circumstances for Phillip Lloyd.

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [5.57 p.m.]: I thank the honourable member for Murray for notifying me that he would raise this matter. I was able to obtain information from Jeff Shaw, who is the responsible Minister. The department, in consultation with other regulators and stakeholders, is examining the implications of this impending position for suppliers of second-hand, non-compliant television receivers. He must consult a range of people, but he recognises that the

requirement will cause some people a degree of angst. He is working on the matter and I thank the honourable member for bringing it to our attention. I assure him that the matter is in good hands.

COXS CREEK RESERVE

Mr STEWART (Lakemba) [5.58 p.m.]: Coxs Creek Reserve is a small area of river bushland in Greenacre in the Lakemba electorate. It is one of the few remaining pieces of bushland in that electorate and is certainly the last of two conservation areas under the control of Strathfield City Council. Coxs Creek is a rare piece of urban bushland. It was part of a former Telecom site on Roberts Road. The site is less than two hectares in size and is surrounded by mixed industrial and residential development. An environmental study was carried out following application for rezoning of the site in 1992 prior to development.

Development options were reviewed and a fauna impact statement was put in place. Thanks to the work of Strathfield Municipal Council, with the co-operation of Telecom at the time, the site came under the protection of the council and has survived as a rare and significant piece of urban bushland. The melaleuca-ironbark scrub represents one of the last remaining strands of this vegetation type in the Sydney region. The bushland supports a small population of the rare and threatened green and golden bell frog as well as other amphibian, reptile and bird species. Coxs Creek Reserve forms part of a discontinuous wildlife corridor through the highly developed Cooks River catchment.

Strathfield Municipal Council has been diligent in the protection of the site and has put in place a plan of management which addresses the key needs for management of the site. These are: bushland conservation, habitat management for the conservation of the green and golden bell frog, habitat management for other native fauna and consideration of the reserve becoming part of a regional wildlife corridor. Other key needs are the use of the reserve for passive recreation, and determination of the broad and aesthetic landscape values of the reserve. More important is examination of the future administration, management and maintenance of the creek system surrounding the reserve.

Last Monday the Minister for the Environment, Pam Allan, visited my electorate and for more than an hour inspected the Coxs Creek site at Greenacre. She noted problems such as development around the site and the need to continue to conserve the site. Her visit has served as

an overall assessment of the management and protection of that site, one of the last remnants of vegetation—that is, a scrub forest of ironbark—that once clad the Cooks River Valley.

The Minister has indicated that as well as the current conservation plans for the site, two other plans will be put in place. The first plan will deal with the frog population—and that will be done in co-operation with the National Parks and Wildlife Service and Strathfield Municipal Council. The second plan will examine scrub retention on the site. It is important that the regrowth is natural and that ironbark trees remain permanently on the site.

Mrs Chikarovski: Hear! Hear!

Mr STEWART: I am sure that the honourable member for Lane Cove would realise the importance of trees. She has many more in her electorate than I have in mine. It is a permanent struggle for the reserve to survive in the midst of one of the most densely populated parts of Sydney. This two-hectare piece of bushland is surrounded by factories and houses, but it is surviving. Last week the Minister gave an assurance that the area would continue to survive because of plans put in place. The land will be protected by the National Parks and Wildlife Service and local government.

This reserve is also home to 15 species of birds, including the new holland honeyeaters and Willie wagtails, which have special habitats. There are not many places in my electorate where one could find a red-bellied black snake that is not in a jar but these snakes can still be found in the Coss Creek Reserve. At this stage they are well protected, as are the frill-necked lizards, or bearded dragons. Such reptiles were prevalent when I was growing up, but they are long gone in most areas. It is a struggle to protect the reserve but with the support of the Minister and the Government it will be protected. I thank Pam Allan and the Government for their interest and look forward to the continued protection of this reserve.

ABATTOIR CLOSURES

Mr ARMSTRONG (Lachlan—Leader of the National Party) [6.04 p.m.]: I wish to refer to abattoirs, particularly those in my electorate. I am sure that the Minister for Agriculture will share my concerns about what is happening with abattoirs. They are necessary for the processing of animal meats before they become available in the marketplace for domestic use and for export. In recent times Midco on the north coast has closed. It is up for sale and has been advertised extensively.

Local government and the workers are attempting to buy back the abattoir and approaches have been made to the State Government for assistance.

Earlier the abattoir in Grafton changed hands and the Government has offered assistance to Grafton workers to help them re-establish under new ownership. This has understandably resulted in some resentment from other abattoirs competing in the same field. Other meatworks around the State are experiencing difficulties keeping their books in the black and are considering their futures. As a result rationalisation and the overall capacity of a number of works are being considered at the boardroom level.

Abattoirs are necessary at the point of production if costs are to be contained. If a number of works are closed or rationalised in the future the producers will have to cart their stock further. This will increase costs and will indirectly result in stress and strain. The average beast loses about 5 per cent of its body weight from the time it is mustered to the time it arrives at the abattoir. Because of seasonal factors and the downturn in numbers of cattle in New South Wales—and nationally in recent times—most meatworks in New South Wales are killing cattle at a lower body weight than would have been the case 10 years ago.

It costs the same to dress a beast weighing 160 kilograms and one weighing 220 kilograms. Therefore, the lighter cattle do not produce the margins of the heavier cattle. Many works are experiencing difficulties because of the pressure of livestock numbers, reduced margins and the weight of cattle. They cannot obtain the volume of money turnover or the volume of product turnover, which increases the per unit costs. This means less money for the producer, and the middlemen—the abattoirs in this case—feel the squeeze. Also, the consumer is not getting the flow-on benefits that might be expected by way of a reduction in costs. I ask the Government to recognise these massive changes, which will continue if the Government does not take a real interest and is not prepared to look at the New South Wales industry in a wholistic manner. In a very short time there will be a further reduction in capacity and a continual increase in costs without any benefit to the consumers. It will also mean a loss of jobs.

In many towns—such as Cowra, Forbes and Blayney—abattoirs are major private employers, and are often the major employer. Rationalisation of an abattoir at Wingham or Grafton would have a diabolical effect on the local economy. I make a twofold plea to the Government: first, to recognise

the importance of employment in those country towns and, second, to consider the fact that rationalisation of abattoirs is sneaking in through the back door. The Government must take a wholistic approach to protect the industry as a service and employment industry and to retain productivity in our State. The New South Wales economy will be severely affected if it loses to Victoria and Queensland.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [6.08 p.m.]: I thank the Leader of the National Party for raising what I consider to be an important matter—that is, the constant closures of abattoirs around New South Wales and Australia. He rightly pointed out the impact this has had on the meat industry, and the resultant loss of jobs in regional centres and small country towns. I mention one town that the Leader of the National Party will attempt to inherit as a result of the redistribution: Cootamundra. The Leader of the National Party will know that over the past 20 years the number of abattoirs in Cootamundra has decreased from three to one, the Scott's abattoir being the only one currently operating. That is indicative of what has been going on in a number of areas.

The Leader of the National Party will be aware also that the Government, through the Department of State and Regional Development and the Minister for Regional Development, has had discussions with a number of abattoirs around the State. The Government has been active in keeping some abattoirs open. I will take on board what the honourable member said about taking a wholistic approach. New South Wales Agriculture is monitoring the situation.

A number of abattoirs are concerned about their kill rate and making their operations viable. That comes down to a commercial decision by some of the abattoirs. Overall, I accept virtually everything the Leader of the National Party said about the plight of abattoirs, their impact on regional development and their impact on jobs in local towns. The closure of abattoirs in New South Wales is a complicated matter and a number of diverse issues are involved. I give the honourable member an assurance that the House notes his contribution, and that I will respond to him more fully by way of correspondence.

CABRAMATTA MOON FESTIVAL

Ms MEAGHER (Cabramatta) [6.10 p.m.]: I bring to the attention of the House an important cultural and social event that will take place in my

electorate on the weekend. On Sunday Cabramatta will come alive with colour and movement when the community celebrates the Chinese-Vietnamese Moon Festival. A full day of activities has been planned to mark the occasion. Entertainment will include children's rides, music and dancing performances, lantern-making workshops, face painting, free giveaways for children, and a street party complete with lion dancing.

The Moon Festival falls on the fifteenth day of the eighth month of the lunar calendar and is said to be the date when the moon shines brightest and wields its most charitable influences on earth. All over Asia people celebrate by making lanterns, eating moon cakes—which are pastries made with lotus seeds and eggs—performing traditional dances and passing down legends associated with the festival. These legends date back thousands of years. I would like to inform honourable members about the Vietnamese legend of the Moon Festival, which is sometimes known as the Trung Thu Festival.

The legend is that many years ago in Vietnam there was man named Chu Cai. He was very lucky and found a tree that could cure any kind of sickness. However, a rule forbade urinating at the foot of this tree. Bad things would happen if someone forgot this rule. Unfortunately, Chu Cai's wife, Chi Hang, forgot that rule and urinated on the tree. The tree started to go up, and kept on flying into the sky with Chu Cai and his spouse hanging onto it, until it hit the moon and settled there. As honourable members will see, it is a rich festival with a diverse array of legends attached to it.

This is an important event organised by the Cabramatta Business Association in conjunction with Fairfield City Council. I note particularly the efforts of the President of the Cabramatta Business Association, Mr Thomas Diep, and two of the more active members, Adam and Gianna Temple, who do much of the footwork to get these events up and running. It is an important event because it is an opportunity to demonstrate that Cabramatta has a lot more than the negative reputation one often sees in the tabloid media.

The marketing of the Moon Festival has been particularly vigorous on this occasion because it has now come under the auspices of the Cabramatta place management program, in particular its tourism action component. The Cabramatta place management program is a comprehensive, whole-of-government approach to deal with issues that confront the Cabramatta community. We have seen at first instance a high level of high-profile policing to restore community confidence in public space.

There has been concerted effort through the Department of Health to deal with many challenges facing the local community. The next big step is to attract visitors back to Cabramatta so we can promote our culturally diverse and rich community. For example, I refer to foodstuffs, fabrics, and the strong and diverse religious culture—there are many temples and places of worship in the local community. Cabramatta has a lot to market. We say to regional day trippers: come and have a look at us; spend an interesting day in Cabramatta.

This festival does more than just generate economic buoyancy for the local community; it also turns around the reputation of the community, which has been much maligned by the tabloid media. We are saying to the people of New South Wales: we are proud of who we are and what we have to offer, which they should come to see first-hand. It is with that practical method of attracting people to the town centre that we are able to change the negative image that has particularly affected the Asian community that resides in my electorate.

Fairfield council recently worked very closely with Carol Selvarajah, a well-known Asian cooking expert, to run food tours to Cabramatta. There is now a waiting list of 600 people who wish to participate in the next round of tours. This is very important for the local community. It has been a combined effort. The local community has come in behind the project. It has been led by the Premier's Department, and the Fairfield council is right on board. The Moon Festival is another great example of the success of that whole-of-government approach in restoring Cabramatta's reputation as an honest and hardworking suburb.

Motion, by leave, by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow up to 10 additional members to make private members' statements at this sitting.

LAND TAX ASSESSMENTS

Mrs CHIKAROVSKI (Lane Cove) [6.15 p.m.]: Earlier today, in the course of another debate, I accused the Government of gross hypocrisy in relation to land tax. Tonight I also accuse it of gross incompetence in relation to the same issue. Honourable members will recall that when the Government introduced its now infamous land tax on the family home it expected to raise quite a considerable sum of money from a limited number of people. It has found that far more people have been affected by land tax than was first thought and, as a result, the Land Tax Office has found itself overloaded with inquiries and objections to

assessments of land tax. This has resulted in a totally unacceptable delay to people who have been burdened with this land tax, adding to the already considerable stress under which they find themselves having to pay the tax.

I bring to the attention of the House the case of Mr Ascher Derwent, a constituent of mine, who lives in Woolwich. He received an assessment from the Land Tax Office earlier this year. His land was valued at the extraordinary amount of \$1.86 million. That valuation was a shock to him, particularly considering it represented an increase of 50 per cent in one year. Not unnaturally, Mr Derwent objected to that valuation. He did so on two grounds: he said that it did not reflect recent sales of vacant land in the vicinity and that the Land Tax Office had failed to take into account the fact that the building on the property was of a heritage nature and that should have reduced the valuation, as it limits the development potential of the block. That objection was supported by a letter from Hunter's Hill Council, which stated:

The subject building constructed in circa 1884, is considered to be of high heritage significance to the Municipality of Hunter's Hill. This heritage listing may restrict the development potential of the site and any proposed works require development consent and assessment under the relevant provisions of the LEP and DCP 15, and must be accompanied by a Statement of Heritage Impact prepared by a suitably qualified and experienced heritage architect or consultant.

Given the heritage considerations, it is clear that the land cannot be valued in the same way as an ordinary block of land in Woolwich. For that reason, an objection was lodged. That objection was lodged on 2 April. No written acknowledgment had been received by Mr Derwent as of 1 September. He put in a phone call to the Office of State Revenue on 4 August, four months later, which elicited information that the valuation had been finalised and an amended valuation of \$1.58 million—which obviously still did not take into account the heritage value of the property—had been prepared. However, to this date, no written valuation has been received by Mr Derwent and he cannot proceed any further.

He was told by a Mr Lewis at the Office of State Revenue that the Valuer-General had received the papers for further revision. A private valuer put Mr Derwent's land value at \$900,000. I shall briefly make two points. First, with a valuation of \$1.86 million—the original valuation—Mr Derwent would pay \$16,010 in land tax; with a valuation of \$1.58 million, he would pay \$10,830 in land tax; and with a valuation of \$900,000, he would not pay land tax. It is clearly unacceptable that this man should now have to wait for a considerable period of time to

find out whether he owes the State a huge debt of at least \$10,830. I urge the Minister for Agriculture to meet with the Treasurer with a view to ensuring that the Office of State Revenue is adequately staffed.

It is totally unacceptable that people have to wait almost six months to have their objections to valuations assessed. At this stage Mr Derwent is unable to take further action on the valuation. He does not know whether he will have to pay the \$10,830. He has this debt hanging over his head, and a number of my constituents are also in the same position. I urge the Minister to ask the Treasurer to get his act together so that these people can have their appeals dealt with expeditiously. In addition, I urge the Minister to ask the Premier and the Treasurer to review the policy and to repeal the land tax legislation so that Mr Derwent will not have to pay this huge debt.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [6.20 p.m.]: I commend the honourable member for Lane Cove for raising the matter on behalf of one of her constituents, Mr Ascher Derwent of Woolwich. First, I make the point—and I am sure the honourable member for Lane Cove would be aware of this—that Ministers do not take any political view in relation to the valuation of properties and, as I have informed many people, they do not have any statutory role to play in changing a valuation as a result of an appeal. The honourable member for Lane Cove made the reasonable point that an objection was lodged in April and as at today's date no written response has been received by the objector.

I will take the matter on board and ensure that the honourable member is informed why Mr Derwent has not received a response. It appears that some reassessment has been made of the land valuation. As the honourable member for Lane Cove said in her contribution, the valuation has been reduced from \$1.86 million to \$1.58 million, although Mr Ascher Derwent disagrees with that revaluation. The valuation and determination of the appeal will be dealt with through the normal processes. Neither I nor the Treasurer or other Minister plays any role in the determination of the real value of the property. As I have said, we will respond to the honourable member for Lane Cove in due course.

GOODS AND SERVICES TAX

Mr WATKINS (Gladesville) [6.23 p.m.]: I draw to the attention of the House the impact that the proposed goods and services tax will have on the

ordinary, everyday lives of the people who live in the electorate of Gladesville. This pernicious tax will snake its way into every aspect of our lives. As Kim Beazley said this week, the GST will snake down every street, into every home, into every pocket, and into every aspect of our lives. It will impact most heavily on families with children, older people, those on fixed incomes—that is, our pensioners and self-funded retirees—and everyday workers who spend most of their earnings on daily necessities and the occasional luxury. In short, the GST will impact upon the majority of my constituents. Fewer than 10 per cent of my constituents earn more than \$50,000 per annum. Those who earn more than \$50,000 per annum are the winners from the GST and the tax bribes. Those who earn less than \$50,000 will bear the brunt of the GST attack.

I will give an example of the impact of the GST on a typical Ryde family on an average day. I will call them Fiona and Jack and their two children, Julie, aged 17, and Peter, aged 9. Peter is in year 4. The GST will impact on his day. He may not pay it, but his parents certainly will. He will wake and shower as usual, but the water rates and the bill for the electricity that warms his shower will be 10 per cent higher. He will proudly dress in his new summer uniform, which will be \$5 more expensive because of the GST. His shiny school shoes will cost an extra \$5.50. The polish for the shoes will cost 40¢ extra. Everything Peter consumes at breakfast will be 10 per cent more expensive, including all the basics—the glass of milk, toast, and the eggs his mother makes him eat. Before leaving the house Peter's mother will make sure he has money for his new textbooks. The price of his new *Macquarie Concise Dictionary* will increase by \$1.40.

Peter will be excited to go on a school excursion to Taronga Park Zoo, but the entry fee will be increased by 55¢ because of the GST. But first he will have to pay the bus fare to school, which will be increased by 10 per cent. He will get to school early and spend half an hour in before-school care, which will be increased by \$7 per week because of the GST. The pie and flavoured milk that Peter eats for lunch will cost an extra 30¢ and the apple will cost an extra 5¢. His afternoon mobile phone call to his mum before going home will cost 5¢ or 10¢ more. Peter's after-school swimming lessons will cost an extra \$2 because of the GST. Finally, Peter will get home at about 5.00 p.m. after spending 10 per cent more at the kiosk.

At home Peter will listen to his sister's new Cold Chisel CD, which will be \$3 more expensive because of the GST. He will waste his time before

dinner surfing the Internet, the connection fee for which will be increased by \$5.50 per month because of the GST. Dinner will be \$2 per head more expensive because of the GST. After dinner Peter will do his homework and will refer to his textbooks. Those textbooks, which were untaxed before the GST, will be 10 per cent more expensive. By 9 o'clock Peter will fall asleep reading his textbooks. His mum will wake him, and he will then brush his teeth with toothpaste that will cost an extra 35¢ per tube. Soon Peter will be asleep, free to wander unrestricted in tax-free and GST-free dreams.

As children grow older, it costs more to support them. Peter's older sister, Julie, is in year 12. The impact of the GST on her everyday life will be more marked. Julie will consume the same GST-laden breakfast and will then receive an hour's early-morning coaching in maths, the fee for which will increase by \$3.50 per hour because of the GST. After a GST-laden bus trip to school she will pay for a term's textbooks, which will cost \$30 more because of the GST. Julie is studying design and technology and is making a quilt as her major work. The price of the raw materials, which are already expensive, will increase by \$17 because of the GST. At recess she will have to pay for a ticket to a Janet Jackson concert, which will cost \$12 more because of the GST.

After an unhealthy lunch of a pineapple donut, which will cost 10¢ more, and fish and chips, which will cost 40¢ more, Julie will have an appointment with a careers adviser, who will advise that the cost of the design course she wants to do with a private provider after the higher school certificate has increased by \$600. Depressed, Julie will wag the Bell Shakespeare Company performance, which will cost 45¢ more per student, and will leave school early. After school Julie's boyfriend will comfort her with a cup of tea, which will cost 40¢ more, and she will arrive home after a GST-increased bus trip. That night her mum, Fiona, will take her shopping to cheer her up. The haircut she will have will be \$3 more expensive because of the GST, and the new denim jeans will be \$9 more expensive. By 10 o'clock Julie will join her brother in GST-free dreams, but tomorrow, in her study, leisure, holidays and work, the GST will rest like a dead hand on every aspect of her life.

The GST will have an impact on every member of the family. The father, Jack, is a small businessman who will pay red-tape compliance costs on all his business services, including accountants, lawyers, computer consultants, his temporary employee and the employment agency. The GST

will not only affect Jack's business. He will pay 10 per cent more on his physiotherapy bill for his old football injury, 10 per cent more for the lawnmower man, and 10 per cent more to get the washing machine fixed. A bill for the car will jump 10 per cent. Jack's wife, Fiona, will face the same problem at home if the stove goes on the blink, because the repairs will cost an extra 10 per cent. If the drain gets blocked the plumber will charge 10 per cent more. Council registration for the family dog will cost 10 per cent more. Even hiring the council hall and a clown for Peter's tenth birthday party will cost \$20 extra. That is the reality of the GST. It will have an effect on every family necessity, almost every service, every product, and every fee charged. [*Time expired.*]

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [6.28 p.m.]: I commend the honourable member for Gladesville for his well-researched contribution and his warning to his constituents about the impact of the GST. My suggestion to the honourable member, to the House and to his constituency is that on 3 October they vote Labor.

ST GEORGE YOUTH CENTRE

Ms FICARRA (Georges River) [6.29 p.m.]: On behalf of the constituents of the St George area I support Hurstville City Council's attempts to secure capital funding assistance towards the development of a multipurpose youth centre for the St George region. I highlight the absence of funding for the provision of non-sporting leisure programs and facilities for youth. For some time now during my 20 years in public life the residents of the St George area have sought to procure a multipurpose youth centre for the young people of the region. I have a list of letters sent to me by councils in the St George area, including the council on which I served, Hurstville City Council, dating back to August 1995. On 18 March 1996 I convened a meeting of the three mayors from the St George region—the mayors of Hurstville, Kogarah and Rockdale. Correspondence flowed from that meeting to virtually every portfolio that we could think of, both State and Federal, asking that the concerns of the youth of the area be addressed.

Under the Carr Government the youth portfolio is a joke. It is non-existent. The sport and recreation portfolio is underfunded, particularly for recreation. It is apparent that there is no specific funding allocation or grant moneys available from government departments to fund non-sporting facilities for youth. The Hurstville City Council is to

be congratulated on the construction of an aquatic centre at Penshurst Park, which has proved to be very popular with families. The council also runs a youth centre, "The Ave", at The Avenue, Hurstville, near Westfield. That facility is very small and is underfunded. There is a problem in Hurstville city as a regional centre and in Riverwood with youth being bored and, purely because there is nothing for them to do, hanging around Westfield and Hungry Jacks, annoying many pedestrians and users of the city centre.

I congratulate the Police Service on initiatives that have been taken in our area. I welcome the work of the youth liaison officers and community liaison officers. The Police Service has examined what it can do in terms of a mobile youth facility. The scouting association of the Georges River district does a tremendous job. I pay tribute to chief commissioner David Kitchen, regional commissioner Trevor Davis, operational managers commissioner David Walsh and former district commissioner Peter Barr. All those men have joined in forming an inaugural project in the Georges River district, particularly in Mortdale, known as an adrenalin rush centre for young people.

Many ethnic groups in the area, and I think particularly of the Lebanese and Chinese ethnic groups, have identified the need for youth facilities. They ask not for separate facilities for the youth of their communities but for joint facilities for young people to use. Capital funding assistance issues are complex. Areas that are already established and densely populated are less likely to attract section 94 contributions from developers and are less likely to have appropriate land for locating a facility. Land in the St George area has a high value compared with new release areas in which open space is plentiful and land is relatively inexpensive. There is no rental allocation in the funding contribution, particularly by the New South Wales Department of Community Services.

Demands of youth work including fundraising and the seeking of sponsorships are additional tasks undertaken to keep the services viable. There is no allocation for rental of premises in much of the funding provided to local youth services, and that is a big problem. Safe access has been identified as a major issue for the youth centre. It has been established that for youth to have safe access to a facility they need to be near public transport. With that in mind, I call upon the Minister for Transport to consider the allocation of some of the excess State Rail land in Hurstville. It is my understanding that the department is considering selling that land and leasing the air space. I ask that the department

give some of that land back to the community and enter into a joint program with the three councils in the St George area.

Let us establish some credibility to youth affairs. I call on the Premier to take this issue seriously. If we can solve many of the problems when individuals are young a great deal of money will be saved later in life with problems that can arise when people are bored and not focused on positive issues. It is important that youth issues be an aspect of several portfolios, including those of sport and recreation, education, police, community services, the arts, and health. [*Time expired.*]

FAIRFIELD SPORTING ACHIEVEMENTS

Mr TRIPODI (Fairfield) [6.34 p.m.]: Whilst we are still bathing in the glory of Australia's most successful Commonwealth Games ever I feel that it is appropriate to reflect on the talent that has been nourished in my electorate of Fairfield and continues to develop at State, national and international levels. Former students of Fairfield High School, Maxine Nable and Jelena Dokic, are prime examples of local talent achieving at the highest level. Maxine Nable won the nation's first gold medal in tenpin bowling at the Commonwealth Games in Kuala Lumpur. At 21 years of age, the youngest member of the Australian tenpin bowling team, Maxine was part of the women's doubles team that defeated the host nation.

Jelena Dokic is ranked number one in the world in junior girls tennis. Jelena, at only 15 years of age, has recently won the girls singles title at the US Open tennis championships at Flushing Meadow, New York. Up until last year Jelena attended Fairfield High School. As she is now playing full time on the international seniors circuit, her secondary education will be completed by correspondence. Jelena has also represented Australia in the women's Federation Cup matches and is a wild-card entrant in the women's singles at the Australian Open in January 1999. Canley Vale High School former student John Nguyen has again represented Australia at the Commonwealth Games. The holder of the Commonwealth clean-and-jerk record, John finished fifth in the 56-kilogram snatch. Fairvale High School student Kalahai Fakahuhua has represented his school at a State level in shotput.

Fairfield Patrician Brothers College boasts notable sporting talent including rugby league players Justin Morgan, Peter Sterling, Paul Langmack and Greg Alexander; swimmer Michael Wenden; and Nick Carle, who has represented Australia in the under-20s national soccer team and

in the Olyroos Olympic squad for those under 23. Current students such as Scott Geddes and Matthew Donovan, who are both representative rugby league players, are following in the footsteps of those fine athletes and are representing the college with distinction. Scott has signed a contract with the Parramatta Eels, while Matthew recently received a Pierre de Coubertin prize, which is awarded to athletes who personify Olympic ideals.

Westfields Sports High School, the first sports high school in Australia, has nurtured many fine athletes and in 1998 has again achieved excellence at both an individual sporting level and in team competitions. On Friday, 4 September, Westfields won its sixth consecutive Commonwealth Bank Cup soccer competition, whilst on the same night the girls soccer team won its third consecutive Commonwealth Bank Shield final. On 9 September Westfields under-15 team retained the Bill Turner Cup, contested by teams from both Queensland and New South Wales, by defeating Delroy High School from Dubbo.

Further soccer excellence is evidenced by the selection of Ugur Aslan, Michael Fallah and Trent McClenahan in the under-13 years State team and Matthew Duffell, Matthew Hunter and Adrian Martino in the under-14 years team to the national titles in Adelaide; Tallan Martin, Victor Fernandez and Matthew Rosier in the under-15 years State team; 25 players in the New South Wales State league; six students training for the Joeys squad; and six students contracted overseas to English premier clubs. In athletics William Wicks represented Australia at the 1998 world junior championships in France. Westfields also won 12 gold, 11 silver and 17 bronze medals at the Combined High Schools Athletics Carnival held at Homebush on 3, 4 and 5 September, and three of the four divisions in the 1998 schools knockout competition.

In volleyball six girls and six boys from Westfields have been selected to represent at State level, whilst Paul Vaigafa has been selected in the national junior squad. In softball Westfields boys softball team won the State schoolboys final, defeating Menai High School. In figure skating Olivia Masterton and Adam King were selected in the national side after strong performances in the Australian figure skating championships. They will represent Australia in the world junior figure skating championships in Croatia in November. In rugby league Westfields achieved the great feat of winning both the Buckley Shield and the University Shield—the first time a school has ever won both competitions!

Westfields has eight State rugby league representatives, four national representatives and 25 students who have been contracted to professional clubs in Australia. Lennie Becket has been selected for the Australian schoolboys team to play New Zealand next week. I am sure that the talent being fostered in Fairfield high schools will continue to feature strongly in State, national and international competitions. I get great pleasure and draw inspiration from the fact that our multicultural community is providing sporting stars. That shows the success that a stable, wonderful Australia can give young migrants and their children so that they can achieve for their nation. [*Time expired.*]

SUTHERLAND SHIRE LEARNING DIFFICULTIES SUPPORT GROUP

Mrs STONE (Sutherland) [6.39 p.m.]: Last Monday evening I had the great pleasure of attending the sixteenth annual general meeting of the Sutherland Shire Learning Difficulties Support Group Inc., which was originally formed by Joy Toll. The support group is a non-profit organisation of parents, teachers and professional persons interested and involved in the field of learning difficulties. The group, under the leadership of its president, Kathy Stait, provides invaluable information and support to parents whose children have a variety of problems including learning difficulties, attention-deficit disorders and other behavioural disorders.

The support group is actively involved in education and speakers regularly share their knowledge and experience with the group. Volunteers continue to support parents and teachers of children with learning difficulties within the Sutherland shire. Although it is a shirewide service, the office is located in the centre of my electorate at the multipurpose centre in the Sutherland business area, a convenient and central location. A free counselling service has been successful this past year, and it is hoped that service can be continued, because the need for it has certainly been demonstrated. Of course, there is also the issue of funding, or lack of funding. A recent positive outcome was the completion of an accurate classified listing with abstracts of most of the service's library resources, which is a valuable asset.

Only lack of funding will prevent additional resources from being completed. The help line, which is manned by volunteers, is another, well-used facility. For 15 years the Sutherland Shire Learning Difficulties Support Group has served a proven need in the Sutherland shire. Parents, teachers, other

professionals and government organisations have used the organisation's resources. It is difficult to believe that all this fine community work has continued year after year without any government support. A close look at the financial report tabled at the annual general meeting reveals that the group's income is derived from member activity through fundraising and donations, with only one small grant from the Sutherland Shire Council. This valuable, most important service with a proven record receives no government support.

Not only is that unbelievable, it is totally unacceptable. When I attended the annual general meeting, I looked at the sea of faces, row after row of faces of parents who deal with the daily trauma and pressure of coping with a child with particular learning difficulties. What would the feelings of the young parents be? What is the nature of the difficulty? The child often looks normal. The parents are bewildered, even panicky. They do not understand what is wrong or what they can do to help. They need support. The capacity to share the problem with someone who understands should not be underestimated. The exchange of anecdotes, worries and aspirations is their support. That is what it is all about: shared ideas and a helping hand with some positive direction.

The service patron, Ken Johnson, OAM, suggested in the annual report that the fragmented and inadequate view of learning disabilities and behavioural difficulties allows the major authorities to select from the various models and beliefs on learning difficulties and attention deficit disorder and, therefore, justifies limiting the resources available. While this debate goes on around us, the parents are left with the day-to-day management of their very difficult children. The parents need our support, and they are entitled to it. I am asking for a simple level of support; just enough to maintain the service with clerical assistance. I call on the honourable members whose portfolios encompass health, education and community services. I do not mind who responds, but these people in the Sutherland shire need some government help. Just a small grant would be so helpful for them to continue this valuable service, which is so important to the parents.

PEATS ELECTORATE OFFICE

Ms ANDREWS (Peats) [6.43 p.m.]: The Premier, the Hon. Bob Carr, officially opened the new Peats electorate office on Friday, 18 September 1998. The electorate office provides easy access for all constituents. Located at 20 Blackwall Road, Woy Woy, the office is ideally located in close proximity

to both trains and buses. Those who attended the opening represented a wide cross-section of the local community. They included my parliamentary colleague the honourable member for Wyong, Mr Paul Crittenden; Councillor Judith Penton, Gosford City Council; Mr Bill Low, Central Coast District Superintendent of Schools; Mr Jeff Beehag, team leader, Department of Housing, Gosford; Ms Jeanette Rai, Area Manager, Department of Community Services; Professor Don George, Chairman, Central Coast Area Health Service Board; Mr George Sidiropoulos, Chairman, central coast branch of the Poultry Meat Industry Group within the New South Wales Farmers Association and the State vice-president of that group.

Others in attendance included Mrs Georgia Sidiropoulos, newly appointed member of the Central Coast Area Health Service board; Mr Gordon Welsh, Station Master, Woy Woy; Mr Eddie Blackwell, project manager, Woy Woy railway station upgrading; Inspector Stephen Martlew, duty officer, Brisbane Waters local area command; Mr Vince Wiegold, Captain, Ettalong Fire Brigade; Mrs Pat Casey, Secretary, St Vincent de Paul Society, Woy Woy; Mr Kevin Parish, President, Central Coast Commuters Association; Mr Damien Wilson, Secretary, Peats State Electorate Council; Ms Gwen Watkins, member of the Gosford City Council's youth council; Mr Don Wilson, Treasurer, Peninsula Chamber of Commerce; Mrs Vera Royston, President, Umina Combined Pensioners and Superannuants Association; Mr Ron Young, President, Patonga Beach Combined Pensioners and Superannuants Association; Mr Alf Gorick, Secretary, Woy Woy Outreach—Combined Pensioners and Superannuants Association; and Mr Bill Johnstone and Ms Pat Molloy, both from Woy Woy Outreach.

Mr Vince Martin, former Federal member for Banks, chaired the proceedings and extended a warm welcome to the Premier. In my introductory remarks I commented that the Peats electorate had been honoured by the Premier's visit, although it was not the first occasion on which he had visited the electorate. Not long after becoming Premier in 1995, Mr Carr opened the Tony Doyle memorial walking trail at Warrah Trig near Patonga. Last year he called into Umina High School and met the principal, teachers and staff of the school. He then spent quite some time talking to the students. The Premier took much pride in telling the students that he received his secondary education at Matraville High School, a school very similar to theirs.

More recently, the Premier officially opened YIPPI Cottage, from which facility youth

intervention programs are run. The cottage is an integral part of the mental health services of the Central Coast Area Health Service. Both the Premier and I paid tribute to the excellent work that the State Government departments and agencies, the various community and charitable organisations, primary producers, local businesses and the citizens at large do within the electorate. Constituents in attendance came not only from the Woy Woy peninsula area but also from Mooney Mooney, which is the most southern part of the electorate, Mangrove Mountain, West Gosford and Point Clare. As the opening date fell within Education Week, and as 1998 is the sesquicentenary of public education in New South Wales, we both applauded the track record of the State's educators from 1848 to the present.

The Government's strong commitment to public education has resulted in New South Wales becoming Australia's leader in the computers in schools and training program, and has placed the State far ahead of the United States of America. The large investment by the Government in the literacy program was also something of which both the Premier and I were justifiably proud. It was particularly pleasing to see Mrs Joan O'Connell, wife of the first member for Peats, Keith O'Connell, in attendance. Keith served the electorate with much dedication from 1973—the year the Peats electorate was established—until his retirement in 1984. Prior to that Keith served as the member for Gosford from 1971 to 1973. Unfortunately, Keith was too ill to attend the official opening.

Keith was succeeded in Peats by the Hon. Paul Landa, who served in the Wran ministry as Attorney General, Minister for Education, and Minister for Planning and Environment. Sadly, Paul Landa was only able to represent the electorate from 24 March 1984 until his untimely death on 24 November 1984. During that brief period he was responsible for a number of improvements within the electorate. Tony Doyle became the next member for Peats on 2 February 1985, and served the electorate very well until his retirement, due to ill health, on 20 December 1994. Tony's death, at a relatively young age, was a big loss both for the electorate and the current Government. The Premier informed all those in attendance that had it not been for Tony's tragic death, he would now have been a Minister in the Carr Government. [*Time expired.*]

AIRCRAFT NOISE

Ms MOORE (Bligh) [6.48 p.m.]: I would like to speak about the ongoing assault on residents due to the political manipulation of airline flight paths, a critical issue not just for my constituents but for all

Sydney residents, particularly in the lead-up to the Federal election. The so-called long-term operating plan, which routed jets for the first time over Sydney's densely populated inner east without consultation, environmental impact assessment, safety audits or risk management strategies, is increasingly discredited and has done nothing to relieve the pain in areas such as the inner west. Aircraft noise is incompatible with residential amenity. In the past month, constituents have increasingly contacted my office, angered by escalating jet noise. Their concerns are confirmed by reports that the eastern suburbs endured 18.5 per cent of aircraft movements between 3 and 16 September, well in excess of the 13 per cent target set in the Sydney airport long-term operating plan.

Since the imposition of flight paths over my electorate in December last year, I have been fearful that the current escalation would occur. I have sought and have been refused membership of the Sydney airport community forum in order to provide a voice for my constituents who are affected by the forum's decisions. Large areas of the electorate of Bligh are completely unrepresented, including the densely populated suburbs of Redfern, Surry Hills, Darlinghurst, Paddington, Rushcutters Bay and Potts Point, which are under the north-east flight path.

Despite claims of noise sharing, flight paths over the east are concentrated along two tight routes to avoid the Liberal electorate of Wentworth, maximising overflight over the same residents. The use of annual daily averages to measure the long-term operating plan target means that the east will be bombarded with dramatically increased aircraft movements during the spring and summer as the predominantly northerly winds in those months make the eastern flight paths more viable.

If the Fox studio proposal for flight-free days is approved by the Sydney airport community forum, aircraft noise will dramatically increase at times when the filming requirements of the Fox studio are at a minimum, particularly at evenings and weekends when the greatest number of residents will be affected. The eastern departure of B747 jumbo jets last month was significant because the Federal Government said it would not happen. It confirms my concern that heavier, noisier jumbo jets will use the north-eastern route over Redfern, Paddington and harbour suburbs.

The regular departure of the 10.15 p.m. Qantas service to Tokyo confirms a complete disregard for residential amenity. The jet has a southerly take-off over Botany Bay but then circles north-west across Sydney because, according to Air Services Australia,

the airline will complain if told to track further north. It is unconscionable to send fully loaded international 747s over a major population centre late at night. The predicted doubling of air passengers in the next 10 years makes nonsense of fiddling with flight paths and plane quotas. Multi-million dollar terminal upgrades are currently under way with persistent rumours that the curfew and cap on aircraft movements will be removed. Any noise relief can only be short-lived as jet movements continue to increase on all routes and spread to others.

The long-term operating plan is a blueprint for noise spreading, destroying amenity for Sydney residents, and pitting Sydney communities against each other to battle for the unattainable. The dangerously manipulated and politically channelled flight paths are just the latest ploy to reinforce Sydney airport in its present location for the foreseeable future and to privatise it. Once that has occurred Sydney will be stuck with unacceptable aircraft noise for the term of the commercial lease, which is at least 50 and possibly 100 years or more.

The 30-year quest for a second airport has achieved the status of high farce with the increasing political defections, Labor and coalition, from the Federal Government's preferred, but clearly inappropriate, site, and no other site has been seriously investigated. Honourable members must support all communities of Sydney and tell their Federal colleagues to stop dithering and politicking and ensure that the considerable resources of the Federal Government are used to plan a modern replacement airport outside the Sydney Basin to serve the expanding needs of a major city into the next century. One resident recently summed up the anger of many constituents when he wrote:

The suburb . . . has been jolted awake at 7.00 a.m. every morning this week. Last night's planes were going over until 11.00 p.m. . . . In the past 15 minutes, five very loud aircraft have passed over and now every dog in the neighbourhood is barking . . .

I feel depressed that people living in Sydney are . . . subjected to the violence of noise pollution from our airport. Surely we are a more progressive society to not have to do this . . . many other international cities have airports far enough out of densely populated areas to not affect the public amenity.

I moved out of my previous neighbourhood because of its noise level . . . I moved to Paddington at no small expense to . . . live in a peaceful neighbourhood. There was no flight path then and now there is no peace.

CANTERBURY PUBLIC SCHOOL ONE HUNDRED AND TWENTIETH ANNIVERSARY

Mr MOSS (Canterbury) [6.53 p.m.]: This week right across the State we have been celebrating

the public education sesquicentenary. Like most members of Parliament it has been my pleasure to celebrate with a cluster of schools in my electorate by attending a celebration. I attended an excellent night, with entertainment provided by a number of schools in the St George region, such as Baldface Public School and St George Girls High School. Sydney Technical High School had a Benny Goodman—eat your heart out—swing band.

Tonight I congratulate Canterbury Public School on its one hundred and twentieth anniversary. I commend the principal, the staff, the parents and citizens association and all those involved in the birthday celebrations that have been conducted throughout the year. Earlier in the year a dinner was held, and last Saturday a very successful open day was held in the school grounds. Canterbury school was not only the first public school in my electorate but the first school in the Canterbury region.

Apart from the famous sugar mill, which was built in 1840, and St Pauls Anglican Church at Canterbury, which was built in 1860, Canterbury school has the next oldest building; it is certainly the oldest public institution. Canterbury council chambers were constructed in 1879. The only building that is close in age to Canterbury Public School is the original Canterbury hospital building, which is only 69 years old and which will remain on the site of the newly developed Canterbury hospital. The original school building is one of the oldest examples of a Sydney sandstone schoolhouse.

In fact, 25 years ago when I was first elected to Canterbury council it was my great pleasure to see that building being granted a National Trust listing. Today that listing has been extended to a heritage order which means the original schoolhouse must be preserved for national heritage. I am proud of Canterbury's public education performance over those years. It was not until 1880 that Sir Henry Parkes introduced his famous education legislation to ensure that every child in New South Wales had the opportunity for an education. But two years earlier in the Canterbury region the local community had seen to it that their children had the right to an education, and the tradition has continued.

The current principal, Anita Rooney, is dedicated to the school's advancement and is proud of its achievements. Over the years between 13,000 and 15,000 students have been educated at that school. It is important to remember the tremendous benefit derived by generations of students. The future of the school is assured because of the multicultural nature of the area and the emphasis that the school places on multiculturalism. Children

who live in a multicultural society gain an appreciation of our ethnic mix if they receive their early education at a multicultural school. I congratulate Canterbury Public School on its past contribution and in particular on its efforts to provide excellence in education for today's students.

BEGA HIGH SCHOOL

Mr SMITH (Bega) [6.58 p.m.]: Bega High School is situated on a small block of land about one-third the size of the land on which most high schools are built. The school is overcrowded because it was originally designed for 700 students but today has an enrolment of more than 1,000 students. School enrolments in the area vary, but, generally speaking, Bega High School student numbers continue to grow. As the block of land is small it restricts the ability of students to perform—students who have a high achievement rate in education, cultural activities and sport. It was decided in 1997 to send a deputation to the Minister to request funding to upgrade Bega High School, thus ensuring the maintenance of facilities at that school for students and staff.

There was much debate about whether the school should be located at a new site or whether it should remain at its present hilly location. The parents and citizens association decided to locate the school at a new site but it was subsequently determined that it was impractical and that the costs of relocating the school would be exorbitant. It also determined that it would take many years to obtain the relevant permission to rebuild the school. It was decided that whatever improvements could be made to the school would be made, and that meant the possible closure of High Street in Bega and the levelling of ground. Public meetings were held and the parents and citizens association met also with Bega Valley Shire Council to determine what course of action should be followed.

The school also sent a deputation comprising Tony Allen, Clare Lupton and me—all members of the parents and citizens association—to the Minister. The Minister gave the deputation permission to go ahead with the school's master plan. Earlier this month the parents and citizens association wrote to me stating that the plan had been completed and that it was now looking for funding to upgrade the school. I hasten to add that the Bega High School upgrade has nothing to do with the proposed school in Merimbula. Bega High School draws its students from Bega and the outlying areas of Cobargo, Quaama and Bemboka—small villages which have had a tremendous growth in population. The school requested this upgrade because Wollongong

University is proposing to locate campuses in a number of different towns in my electorate and elsewhere. Bega was selected as one of the areas where such a campus would be located.

Bega High School does not have the necessary facilities to accommodate such a campus and the upgrade was sought to provide adequate accommodation. The Minister generously gave Bega High School the planning go-ahead. The school has completed its master plan and is ready to commence the upgrade. It is now looking to the Minister to provide necessary funding to improve facilities and provide adequate accommodation for staff and the 1,000 or more children who attend that school.

Mr MAX PURCELL COMMUNITY SERVICE AWARD

Mr IEMMA (Hurstville) [7.03 p.m.]: I pay tribute to Max Purcell, one of the most outstanding members of Riverwood local community. For more than four decades Max has given outstanding service to that community. Max was recently the recipient of the Premier's community service award—an award for outstanding service to the local community. The award, one which Max richly deserves, comes after he missed out on the Order of Australia—an award which is given at the Federal level. A long-standing friend of Max, Mr Ted Connors, a constituent in the electorate of the honourable member for Auburn, nominated Max for his outstanding work with returned service men and women and for his long-standing service to the British Commonwealth occupation forces. Max was nominated for the Premier's community award because of his tireless efforts in providing support to army personnel who served in Japan after World War II.

The British Commonwealth occupation forces monitored post-war Japan but were never given the recognition that was given to other serving defence personnel. Max formed the British Commonwealth Occupation Forces Association and served as President for more than 20 years. He devoted many hours to helping members of that association and other veterans gain recognition and obtain assistance. The work he did included obtaining pensions, repatriation benefits and other returned service entitlements for BCOFA members who had been denied those benefits. Max worked as their advocate in putting together submissions and assisting them to achieve the recognition they had been denied for many years. That work is what led Ted Connors to nominate Max for an Order of Australia and subsequently the Premier's community service award. Unfortunately, Max missed out on the Order of Australia.

I am reminded of the comments of former Prime Minister Paul Keating who declined an offer of an Order of Australia. He said that the trend over the last few years had been for Orders of Australia to go to more high-profile members in the community rather than those at the grassroots level, who often worked tirelessly without much recognition, fuss or bother, who made an enormous contribution to the community and who often went unrewarded and unrecognised. The former Prime Minister also said that it would be more fitting for Orders of Australia awards to go to people like the Max Purcells of this world. Max, in accepting the Premier's community service award, has at last received long-overdue recognition. Max has spent many hours working for the local community, the Legion club and the Riverview Bowling Club in Josephine Street, Riverwood. The granting of the Premier's community service award is a richly deserved honour for Max Purcell—one of Australia's finest.

Private members' statements noted.

BILL RETURNED

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

Liquor Amendment (Restaurants and Nightclubs) Bill

HOME INVASION (OCCUPANTS PROTECTION) BILL

Bill introduced and read a first time.

Second Reading

Mr WHELAN (Ashfield—Minister for Police) [7.10 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Home Invasion (Occupants Protection) Bill. As the Premier said at the beginning of this session, the Government intends to make the law of self-defence in the home clear and simple. The Government wants it known that the law is there to protect the innocent and punish the guilty. The Government is constantly giving more rights to victims of crime to make the legal system into a justice system. Home invasion is a terrible crime. It is a crime of violence that can destroy the sanctity of the family home.

In 1995 the Government amended the Crimes Act so that an intruder who entered a residence knowing there were people at home automatically

faced a higher maximum penalty of 20 years gaol. But increasing the penalties is not always the whole answer. This bill builds on this earlier change in the law and is designed to ensure home owners know their rights in protecting themselves and their families. The Hon. John Tingle, in another place, introduced the original bill. I understand that his concerns about the matter first arose out of calls from members of the public, when he was on Sydney radio. I understand he often took calls from people unclear about their rights and resolved to do something about the confusion.

The current bill is a result of productive negotiations between the Government and the Hon. John Tingle. The current bill addresses the growing confusion and concern about a person's rights when defending his or her home, other people and property. This bill ensures a simple test of self-defence applies to the home. If the test is satisfied, there can be no finding of criminality on the part of a victim of a home invasion. Put simply, a victim of a home invasion who reasonably believes that he or she is in danger, can defend himself or herself. It does not allow people to act as vigilantes. The current common law of self-defence is not easily ascertained. Often it is only to be found buried in law reports or legal textbooks. The Government agrees with the Hon. John Tingle that the community would be better served by clearer, simpler laws in this area.

I turn now to the key provisions. Clause 6 seeks to codify the existing law of self-defence for occupants of dwelling houses against intruders. The person asserting self-defence must honestly believe on reasonable grounds that it was necessary to do what he or she did in self-defence. This definition is balanced in two ways. First, the person asserting self-defence must have actually believed that the degree of force used was necessary. Second, that belief must have been based on reasonable grounds. These two elements build into the law in this area the crucial concept of proportionality. Of course, in all serious matters the defendant has the right to have the question of whether he or she acted in self-defence—in accordance with the test—determined by community members acting on a jury.

Clause 7 ensures an identical test applies to acts undertaken in defence of other people. Clause 8 codifies the position in relation to the defence of property. The common law in this area has been rather unclear. The clause makes it clear that an occupant can act in defence of property provided he or she believes on reasonable grounds that it is necessary to do what he or she did. Again, the defendant must have actually believed that the

degree of force used was necessary. The belief must also have been based on reasonable grounds. Clause 9 codifies the interpretation which has been placed on the element of reasonable grounds. It states that the reasonable grounds requirement should be interpreted with reference to the position and perception of the accused, and not with regard to some completely objective analysis.

Clause 10 codifies the onus of proof where self-defence, along with the defence of others or property, is at issue. In short, the prosecution will bear the onus of disproving the defence beyond reasonable doubt, once it has been raised by the accused. When self-defence is raised, the defendant must genuinely raise the issue in evidence. Once the defendant has done so, the obligation is then on the prosecution to disprove the defence beyond reasonable doubt. It should be understood that once the defendant has raised the issue of self-defence, he or she does not need to prove anything. Clause 11 seeks to clarify the position that a person will be immune from criminal liability for his or her acts provided that he or she has acted lawfully in self-defence or in the defence of others or property.

Clause 11(2) states that if proceedings are commenced against a person as a result of a confrontation with an intruder, the occupant must be brought before the court within nine months. This provision is to ensure that, after a person has been charged—or other proceedings commenced—the matter is dealt with promptly. It does not mean that the ultimate proceedings concerning a person's guilt or innocence must be commenced in the nine-month period. Clause 12 seeks to clarify the position that a person will be immune from civil liability for his or her acts provided he or she has acted lawfully in self-defence or in the defence of others or property. This bill clarifies the law. This bill turns judge-made law into the law the community wants. This bill ensures, in the words of the Hon. John Tingle, that this Parliament defends people's right to regard their home as their castle.

Debate adjourned on motion by Mr Smith.

**House adjourned at 7.15 p.m. until
Tuesday, 13 October 1998, at 2.15 p.m.**