



NEW SOUTH WALES



Legislative Assembly

**PARLIAMENTARY
DEBATES**

(HANSARD)

**FIFTY-FIRST PARLIAMENT
SECOND SESSION**

OFFICIAL HANSARD

Tuesday, 13 October 1998

LEGISLATIVE ASSEMBLY

Tuesday, 13 October 1998

Mr Speaker (The Hon. John Henry Murray) took the chair at 2.15 p.m.

Mr Speaker offered the Prayer.

ASSENT TO BILLS

Assent to the following bills reported:

Native Title (New South Wales) Amendment Bill
Law Enforcement (Controlled Operations) Amendment Bill
Local Government Amendment (Ombudsman's Recommendations) Bill
Liquor Amendment (Restaurants and Nightclubs) Bill
National Parks and Wildlife (Parramatta Regional Park) Bill
Legal Profession Amendment (Practice of Foreign Law) Bill
Greyhound Racing Authority Amendment Bill

REGISTER OF DISCLOSURES

Mr SPEAKER: I table a copy of primary and ordinary returns as at 30 June 1998 of the Register of Disclosures by members of the Legislative Assembly.

Ordered to be printed.

OFFICE OF THE OMBUDSMAN

Report

Mr Speaker announced, pursuant to section 31AA of the Ombudsman Act 1974, receipt of the report entitled "Risk Assessment of Police Officers", dated October 1998.

JOINT STANDING COMMITTEE UPON SMALL BUSINESS

Report

The Clerk announced receipt of the report entitled "Security of Payment for the New South Wales Building Industry", dated September 1998.

DISTINGUISHED VISITORS

Mr SPEAKER: I draw the attention of members to the presence in the public gallery of a delegation from the city of Dalian, China. The delegation is led by Mr Xu Congqi, the President of

the People's Government of the Xigang District, Dalian, and accompanied by a former member of this House, Peter Anderson.

PETITIONS

Governor of New South Wales

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

Macleay District Hospital

Petition praying that Macleay District Hospital be adequately funded, received from **Mr Jeffery.**

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 MacCarthy, Mr Merton, Mr O'Farrell, Mr Phillips, Mr Photios, Mr Richardson, Mr Rozzoli, Mr Schipp, Ms Seaton, Mrs Skinner, Mr Smith, Mrs Stone and Mr Tink.**

Land Tax

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

Kings Cross and Woolloomooloo Policing

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

Surry Hills Policing

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

East Sydney and Darlinghurst Policing

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

Kings Cross Policing

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

Mittagong Police Prisoner Escort Duty

Petition praying that Mittagong police not be used to escort prisoners to and from courts, received from **Ms Seaton**.

Sir David Martin Reserve

Petition praying that the Sir David Martin Reserve be returned to the public following the Olympics, received from **Ms Moore**.

Olympic Games Australian Flag Use

Petition praying that the Australian Flag be maintained in promotional material for the Sydney Olympic Games, received from **Mr Schipp**.

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 Mills**.

Cessnock Sydney Waste Dumping

Petition praying that Sydney waste not be dumped at Cessnock, received from **Mr Neilly**.

Transmission Structures

Petition praying that telecommunication carriers not be allowed to erect transmission structures within close proximity to residential

homes, schools, child-care centres, hospitals, and aged-care centres, received from **Dr Macdonald**.

North Head to Little Manly Point Spoil Tunnel

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

Exeter Quarrying Prohibition

Petition praying that quarrying be prohibited within specified areas adjacent to the village of Exeter, received from **Ms Seaton**.

Septic Tank Fee Exemption

Petition praying that septic tank owners west of the Great Dividing Range be exempted from septic tank inspection and registration fees, received from **Mr Souris**.

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 Ellis, Mr Kerr, Mr Rozzoli and Mr Smith**.

Cooranbong F3 Noise Reduction Barriers

Petition praying that noise reduction barriers be erected on the F3 at Cooranbong, received from **Mr Hunter**.

Manly Wharf Bus Services

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

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**.

Inland Fishing Licence Revenue

Petition praying that the introduction of inland fishing licences be reviewed, received from **Mr Windsor**.

DISTINGUISHED VISITORS

Mr SPEAKER: I draw the attention of the House to the presence in the gallery of the Speaker of the Bangladesh National Parliament, Speaker Choudhury, who is accompanied by the Bangladeshi Consul General, Mr Khouri. Also present is the Welsh Under-Secretary of State, Peter Hain. On behalf of members I welcome them to the Legislative Assembly.

QUESTIONS WITHOUT NOTICE**MINIMUM SERIOUS CRIME PENALTIES**

Mr COLLINS: My question is to the Premier. Given the overwhelming support for the tougher dangerous driving sentences covered in the Chief Justice's guidelines to judges, will the Premier now accept responsibility for sentencing and finally review the application of minimum penalties for all serious crimes committed in this State?

Mr SPEAKER: Order! The Premier has not yet commenced his answer and the honourable member for North Shore has interjected. I place her on three calls to order.

Mr CARR: We are asked to overlook the fact that the team opposite, which was in government for seven years in this State—between 1988 and the happy day of liberation in March 1995—had every opportunity to strip the criminal law of this State of any feature it found objectionable. Indeed, there is the happy coincidence that none other than the present Leader of the Opposition was the Attorney General for part of that period. A look at his record whilst he was Attorney General shows that he did indeed get tough in one corner of the law: he increased the criminal penalties that attached to bungee jumping. The member of the Blair Government, Peter Hain, who is in the gallery today would appreciate the slogan of the other side: tough on bungee jumping; tough on the causes of bungee jumping.

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

Mr CARR: I refer the Leader of the Opposition to the substantial initiative I announced only half an hour ago, which I am happy to describe in detail if any member of the House would care to ask about it.

MINIMUM SERIOUS CRIME PENALTIES

Mr STEWART: My question without notice is to the Premier, Minister for the Arts, and Minister for Ethnic Affairs. What is the Government's response to the proposal by the New South Wales Chief Justice on sentencing guidelines for judges?

Mr Photios: I raise a point of order on two counts. First, the question of the honourable member for Lakemba constitutes tedious repetition: the question has already been asked of the Premier. Second, the rules provide for a supplementary question to be asked only by the member who asked the original question.

Mr SPEAKER: Order! No point of order is involved. I call the honourable member for Broken Hill to order.

Mr CARR: The Government welcomes the landmark decision by the Court of Criminal Appeal led by Chief Justice Spigelman. The appeal court said in relation to dangerous driving offences that New South Wales trial judges "do not appear to have reflected in their sentences the seriousness with which society regards such offences".

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

Mr CARR: The Parliament shares that view. My Government has introduced over 100 pieces of law and order related legislation. Many of them have been to increase penalties for certain offences, including dealing in drugs and possessing weapons. The Parliament is doing its job; now there are signs that the judges will do their job. The court decision means that, first, there are principles for judges to consider in sentencing driving offenders. Second, judges must provide an explanation if they deviate from those principles. I believe that judges should have similar responsibilities in relation to other offences; in other words, not just the category of driving offences that were addressed yesterday.

Therefore, today the Government has decided to give the Court of Criminal Appeal new powers to establish sentencing guidelines for a range of crimes. It will not be necessary to link them to certain cases before the court. Under the plan the Attorney General will make application to the Court of

Criminal Appeal to trigger the court's power to make guidelines for certain offences. Because this will not be case specific, the Government's plan removes the ad hoc nature of the current approach. The Attorney General will present these proposals to the next State Cabinet meeting. The Government will also consider which offences should be the subject of application by the Attorney to the Court of Criminal Appeal.

TIMBER INDUSTRY ASSISTANCE

Mr ARMSTRONG: My question is to the Premier. Has the State's timber resource been cut under the Government by 80 per cent, costing hundreds of jobs? How can he justify this massive economic loss when his attempts to pander to the Greens, once described by him as ravenous timber wolves, has failed with the breakdown of the north-east forest talks?

Mr CARR: Fancy using a jocular reference made by me many years ago when we are in the middle of the most serious and sustained forestry reform ever attempted in Australia! The Government's forestry reforms have led to the creation of new jobs in the timber industry, true value adding and, at the same time, the saving of the high-conservation value old-growth forests of New South Wales.

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

Mr CARR: Under the Government no fewer than 66 new national parks have been created.

Mr SPEAKER: Order! I place the honourable member for Baulkham Hills on three calls to order. When I placed the honourable member for North Shore on three calls to order for interjecting at the start of question time, I thought I had made clear my attitude to constant interruptions. Those members who have been called to order are now deemed to be on three calls to order.

Mr CARR: Under the Government the south-east forests of New South Wales have been saved in one of those great new national parks. Both the conservationists and the timber industry are now working together, not locked into the endless conflict that resulted in the outcomes achieved by the former coalition Government.

Mr SPEAKER: Order! The Minister for the Environment and other Ministers obviously have a deep interest in the subject matter of the question. However, I ask them to cease interjecting.

Mr CARR: One measure of the Government's success is that there is—and this will surprise many of you—a shadow minister for the environment on the other side of the House.

Mr Debus: Name the person.

Mr CARR: It is very difficult to bring the name to mind. However, we have had a look at the files and it seems that since 3 December last year, when she was appointed, a total of only nine statements have been made by the shadow minister.

[Interruption]

As my colleague the Minister for the Olympics reminds me, most of those were on the Liberal leadership. However, she made one statement and it is a beauty! She said she would repeal the gazettal of any national park in the south-east of New South Wales that had been declared by the Government before agreement with the Commonwealth. The shadow minister for the environment, whose duties encompass responsibility for the great national park system of New South Wales, is in the unique situation of not being on record promising to declare a new nature reserve, but promising to repeal those created by the Government. That is certainly a most interesting approach to policy making.

NATIVE VEGETATION REGENERATION

Mr NEILLY: My question without notice is directed to the Minister for Agriculture, and Minister for Land and Water Conservation. What is the Government doing to help land-holders regenerate native vegetation on their properties?

Mr AMERY: I commend the honourable member for Cessnock for his keen interest in rural matters. Today is obviously an environmental day. The honourable member for Cessnock received the call only slightly ahead of the honourable member for Lane Cove, so the Minister for the Environment and I will be waiting in anticipation for a strong pro-environment, pro-conservation question from the honourable member for Lane Cove. The native vegetation legislation was introduced earlier this year and I am pleased with the excellent progress that has been made in a relatively short time in the implementation of the various stages of the legislation.

The Native Vegetation Act is all about ways to better manage our native vegetation. I emphasise that the legislation is not about preventing land-holders from clearing. The value of native vegetation must be acknowledged, and it must be appreciated that it can have a significant impact on soil structure

and overall farm production. The legislation is not about containing farm operations; when used properly it can enhance agricultural production. Clearing by one land-holder can affect a whole region, neighbouring properties and even neighbouring catchments.

In years gone by large dust storms that have swamped cities such as Adelaide and Melbourne have been portrayed graphically in the news media. Much of that has been attributed to unauthorised or irresponsible land clearing on a large scale. Increased salinity and rising watertables are other examples of what happens when too much land is cleared in one area. The critics, including some members of the State Opposition, have claimed that the Native Vegetation Act is all about regulation rather than incentives.

Mr D. L. Page: Correct.

Mr AMERY: The honourable member for Ballina, the shadow minister, says, "Correct". However, the contrary is the truth. The New South Wales Government wants to encourage sound land management practices and, to that end, has introduced the Native Vegetation Management Fund. That fund will be worth \$15 million over three years and was earmarked in the Native Vegetation Conservation Act. The criteria for the fund have been set by the independent Native Vegetation Advisory Council, or NVAC as it is known. That council is a body of stakeholders from across New South Wales which was set up under the Act to advise on native vegetation issues.

I am pleased to announce that as a result of the work and deliberations of NVAC money can now be made available to land-holders and farmers. The first recipient of money from the Native Vegetation Management Fund is a farmer in the Murrumbidgee area who resides near Leeton. He will receive \$10,500 from the fund. The work he wants to undertake involves the fencing of 11.4 hectares of open woodland, weed control and shrub planting. The farmer has signed a property agreement with the Department of Land and Water Conservation.

Mr Cruickshank: Name him.

Mr AMERY: He is prepared to be named at the appropriate time; he is a constituent of the honourable member for Murrumbidgee. I understand he is extremely pleased to be in line for this money and, within the next week or so, the Government will hand over a cheque to him. That is the first example, and let me say to members representing

regional and country areas that there is more to come. As the Minister for Information Technology said a little while ago, when I am presenting the cheques and making the announcements all the National Party members, the biggest critics of the native vegetation legislation, will line up to have their photographs taken with the cheques by the local press.

Mr Fraser: They will all bounce.

Mr AMERY: The honourable member for Coffs Harbour will not get in the picture. The fund is an ideal way for the Government to offer incentives and there has been considerable interest in the fund, particularly from the farming community. Let me explain how the funding will be distributed. The Native Vegetation Management Fund is divided into two sections. The first involves grants of up to \$10,000 which are payable to land-holders who want to carry out simple native vegetation management work such as fencing, weed control or revegetation—similar to the grant to the constituent of the honourable member for Murrumbidgee to which I have just referred.

I encourage interested farmers to make inquiries about the relevant criteria and about how to apply for grants, and to attend the local office of the Department of Land and Water Conservation. The second section of the fund involves grants of more than \$10,000 which are payable to land-holders who want to carry out more substantial work involving the revegetation or rehabilitation of large areas of land. That second system will involve land-holders entering into property agreements with the Department of Land and Water Conservation to outline the management of native vegetation on designated properties.

Those agreements could include trade-offs whereby appropriate clearing can be offset by the establishment, enhancement or retention of native vegetation on the relevant property. The property agreement will be for a specified period, usually between five and 10 years. If both parties agree—and I emphasise that—it can also be registered on the land title papers so that it will be binding on any future owners of the property. The New South Wales Government has \$15 million to give away under this scheme over the next three years. I encourage land-holders to apply for grants. I encourage members of the National Party, on behalf of farmers, to make representations to me seeking funding.

Considerable interest has already been shown in the Native Vegetation Management Fund, and I

understand that several applications are already being processed. Once again I remind the House that native vegetation can result in significant benefits to farmers. It can control salinity, the dust storms I have mentioned, and watertables. I am told that the benefits of native vegetation range from providing shade and shelter to livestock, which in turn can reduce heat stress, improve ewe and ram fertility and improve milk production in dairy cattle by up to 17 per cent. Native vegetation can also help improve crop production by reducing moisture loss, reducing pest damage and increasing yields. Native vegetation provides a number of benefits, and the New South Wales Government is committed to helping farmers manage it just that little bit better.

I conclude by noting that the Leader of the Opposition has claimed on ABC radio, in relation to the Native Vegetation Conservation Act, "I'd tear it up and start again." The Leader of the Opposition, who is very relaxed these days and unencumbered by any leadership challenges, says of the native vegetation legislation that he would tear it up and start again. That comment is fully endorsed by the National Party. Does the Leader of the Opposition intend to block the money the Government is about to give to the farmer in Leeton or the other \$15 million that is to come on line because it is to be allocated under the Act? If he tears up the Act, he tears up the \$15 million.

Will he scrap the community committees that have been set up under the Act to have direct input into how native vegetation is managed? New South Wales has the local committees. The coalition governments of other States have central control. Will the Leader of the Opposition get rid of those local committees? He will bring in a centralised system or, as we all suspect from the cheers from members of the National Party, there will be no system at all. I challenge the Leader of the Opposition to refute the worthwhile news I have spoken of today and to tell land-holders that by tearing up the legislation and starting again he will do away with the \$15 million package and with the local committees.

NEW ENGLAND HELICOPTER RESCUE SERVICE

Mr WINDSOR: My question without notice is addressed to the Minister for Health. Given the Minister's great concern for the environment and for the health of the people of New South Wales, will he order the New South Wales Ambulance Service to make available patient movement data in the New England health region to a community committee that has been set up to establish the viability of a helicopter rescue service in that region?

Dr REFSHAUGE: I commend the honourable member for Tamworth for his genuine concern about rural issues. It is not surprising that the National Party did not want him as its spare candidate, but I am delighted that the word is that he will still stand for Parliament at the next election.

Mrs Stone: You won't have to visit. Just answer "Yes" or "No."

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

Dr REFSHAUGE: It is not surprising that the preselection of the honourable member for Sutherland is under challenge right now from the Deputy Leader of the Opposition and his group. Maulers are a bit of a problem out there, but I assure the House that the honourable member for Strathfield is in an even worse position. The group is working on him. The word is that he does not have the numbers; he is out.

Mr SPEAKER: Order! The Minister will answer the question.

Dr REFSHAUGE: I am proud that the Government has been able to expand the retrieval services to country New South Wales.

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

Dr REFSHAUGE: It is important that the Government has been able to make emergency retrieval services available to a greater area of country New South Wales. The Government has examined a range of options for improving the level of fixed-wing transport services, which are usually a secondary rather than a primary response. I am happy to fully brief the honourable member for Tamworth on that information and to ascertain what specific information he is seeking for analysis by the community committee. His interest in helicopter rescue services and his commitment to securing a decent service, rather than merely a political answer, is much appreciated. I will make sure that the information is fully analysed with him and see the best way forward.

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

Mr WINDSOR: I ask a supplementary question. It appears that the Minister did not understand the question. The question referred to a helicopter rescue service—

Mr SPEAKER: Order! The honourable member for Tamworth is entitled to ask a supplementary question; he should not reiterate the original question.

Mr WINDSOR: In view of the Minister's answer, will he address the question, which was about a helicopter rescue service?

Mr SPEAKER: Order! The supplementary question is in order.

Dr REFSHAUGE: In regard to helicopter retrieval, the Coffs Harbour proposal that was put forward by people in that area was initially refused so that the helicopter retrieval service based at Lismore could be maintained. That is an important distinction that has been welcomed by the former National Party member for that region. Presently there are helicopter retrieval service sites at Lismore, Newcastle, Sydney and the Australian Capital Territory. Helicopter retrieval services are available to the whole of the east coast and they are certainly available to the hinterland. A number of towns are certainly keen to have helicopter retrieval services, but after examining the caseload and the alternative of road transport, which in many centres is as efficient or more efficient than the helicopter retrieval service, at present the Government does not believe there is an appropriate need for extra helicopter retrieval services in those areas.

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

Dr REFSHAUGE: I am happy to talk with the honourable member for Tamworth about the predictions for monthly patient transfer figures to ascertain what those figures will be in five years, or even next year. We will then be aware of the issues raised by those figures and the possibility of expanding the service. The short answer to the question is yes.

WESTERN SYDNEY JOBS PLAN

Mr TRIPODI: I ask the Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney what is the latest information on the Government's jobs plan for Sydney's west?

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

Mr YEADON: The honourable member for Fairfield always works tirelessly to create jobs, particularly for the young people in western Sydney. The Carr Labor Government is delivering jobs to New South Wales through its jobs plan, which is bringing great benefits to western Sydney.

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

Mr YEADON: On 18 September I had the pleasure of launching the latest investment by Sungeiway, the company that owns Wonderland Sydney. The investment will involve \$750 million and will create 6,000 new jobs in western Sydney.

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

Mr YEADON: That investment will result in a major addition to the amusement park and the creation of a high-technology park immediately adjacent to that facility.

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

Mr YEADON: The Government played a major role in bringing that investment to fruition, which is very much recognised by Sungeiway. I will give the House further examples of jobs generated by the Carr Labor Government in western Sydney.

Mr SPEAKER: Order! I ask the Serjeant-at-Arms to remove the honourable member for Pittwater.

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

Mr YEADON: Over the past year the Connell Group has consolidated its two manufacturing operations at Ingleburn, which has resulted in an investment of \$1.8 million and the creation of 28 new jobs. Stainless Tube Mills consolidated its Sydney factories and has invested \$4.5 million in western Sydney, creating 40 new jobs. Hawker Pacific won a major contract to refurbish the New Zealand Air Force's fleet of Orion aircraft.

Mr Collins: Both of them!

Mr YEADON: It might be only two, but it will create 40 new jobs at Richmond and will involve an investment of \$4.5 million. The Leader

of the Opposition scorns these initiatives because those opposite do not care about jobs or about western Sydney. Thanks to this Government, BF Goodrich has chosen Villawood, which is adjacent to my electorate, to establish a \$17.5 million investment site, which will generate 45 jobs, to manufacture wheel and brake assemblies for Qantas. International electronics giant, Philips, is setting up its new world headquarters for traffic management systems at Moorebank, in Sydney's west. I am sure the local member is absolutely delighted about that investment, which will deliver \$16 million and create 80 jobs directly and 300 jobs indirectly. Streets Ice Cream recently opened its \$70 million new high-tech ice-cream factory at Minto, creating 170 new jobs.

[Interruption]

The Leader of the Opposition is trying to keep his own job, but Labor is delivering jobs for western Sydney. On 3 September I had the pleasure of launching the Government's draft regional environment plan for Parramatta. It is an excellent plan, and I commend the Minister for Urban Affairs and Planning, and Minister for Housing, and his staff, Parramatta City Council and the local Parramatta community for their excellent work on the plan. It is another fine example of this Government's ability to produce a plan that can promote job creation while balancing cultural, environmental and heritage issues. It is similar to the Government's achievements in the reform of the forestry industry.

Over the next 20 years, through innovative planning and delivery of services, Parramatta will accommodate 90,000 employees compared with the current 35,000, that is, 55,000 jobs over 20 years. While the Opposition is fighting over whether Charlie Lynn from the other place turned up at meetings at its so-called western Sydney task force, the Government has set up a pioneering initiative for western Sydney, Corporate Partners for Change, an initiative of the Office of Western Sydney in partnership with the Department of Education and Training, industry, unions and the community to help 160 people in western Sydney successfully make the transition to jobs and traineeships.

Starting this week, information and recruitment sessions were held in Parramatta and Rhodes to select 60 young people from western Sydney who will be given the opportunity to become skilled for jobs under the first intake of Corporate Partners for Change. Those 60 young people will undertake pre-vocational training in preparation for employment in the information technology, retail or electrical

industries. Corporate Partners for Change has the support of major industry associations as well as individual companies. The initiative has the backing of the Australian Industry Group, Australian Business and the Retail Traders Association.

In addition, major firms such as Woolworths, Target, Franklins, Angus and Coote, Stowe Australia, Bass Electrical and Ozemail are partners in the initiative. What are the local businesses and communities of western Sydney saying about this initiative? Here are some of the headlines that have greeted the news of these training seminars: the *Penrith City Star*, "Boost for jobs"; the *Mt Druitt & St Marys Standard*, "Push for youth jobs"; the *Penrith Press*, "Youth given the chance for work"; the *Blacktown Advocate*, "At last—youth jobs"; and the *Parramatta Advertiser*, "Crucial step to a career".

Members of the House should compare those headlines with the achievements of the Opposition. It is a big yawn for members opposite because they do not care, but this Government cares and it is doing something about job creation in western Sydney. The Opposition's western Sydney task force has met on only four occasions since its announced formation on 4 March, which is more than seven months ago. On my calculations it has met about once every 50 days. If the task force meets any more frequently, I swear its members will collapse from exhaustion! The Labor Government is totally focused on its jobs plan for New South Wales. It is the only party capable of delivering jobs to the families and businesses of western Sydney.

SUTHERLAND SHIRE FIRE PROTECTION

Mr McMANUS: My question without notice is directed to the Minister for Corrective Services, Minister for Emergency Services, and Minister Assisting the Premier on the Arts. What is the Government's response to an audit conducted by the New South Wales Rural Fire Service on resources in the Sutherland shire?

Mr DEBUS: The honourable member for Bulli is dedicated to the cause of emergency services throughout this State as well as in his own electorate. During the past four years this Government has shown in the most tangible form that it is utterly committed to providing the New South Wales Rural Fire Service with an unparalleled level of resources and equipment. During the past four years this Government has allocated more than \$125 million in additional funding over and above the level provided by the previous coalition Government—a total of \$265 million. Sutherland

shire has shared in that increase. The Fahey-Collins Government allocated Sutherland shire \$2 million in four years—in the equivalent period that this Government allocated \$3.6 million.

Over the past four years I have travelled the roads of New South Wales as emergency services Minister and spoken to mayors and councillors in almost every shire in the State. I have spent time with rural fire control officers and I have met literally hundreds—probably thousands—of Rural Fire Service volunteers. In all that time I have been impressed by the pragmatic, realistic and non-partisan way in which bush fire fighting across this State is approached by all those who work in the area. Many of those with whom I have dealt no doubt have spent much of their time in the intricacies of National Party local politics, but when it comes to the serious business of preparing to fight the scourge of bushfires they do not indulge in lies, petty point-scoring and the kind of behaviour that would unduly alarm and terrify local citizens who may stand in the path of the flames.

In this respect Mr Schreiber, the Mayor of Sutherland, stands alone. He has been running around his shire having himself photographed in front of any fire truck he can find and spraying out unverifiable and alarmist claims like a man possessed. He does not care what the truth is. He does not care if local residents are senselessly alarmed. Sutherland shire has a level of fire protection that is unsurpassed in this State.

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

Mr DEBUS: It has skilled and highly trained volunteers. Each year councils across the State bid for equipment needed by their bush fire brigades and they are allocated on the basis of need. These allocations are for today's firefighting needs; they are not meant to be stuck under the mattress. While Sutherland Shire Council shared in the increased funding for rural fire fighting under this Government, for a number of reasons it accumulated a backlog of more than \$1 million in unspent equipment allocation. The Rural Fire Service relied on the advice of Sutherland council for this information. The general manager of Sutherland council wrote to the Rural Fire Service with that information in very detailed form on 3 June this year. Yesterday the Rural Fire Service, in co-operation with council officials, conducted an audit of the firefighting capacity of Sutherland shire. That audit confirmed two things: first, that

Sutherland shire has the highest level of fire protection and, second, that Sutherland—

Mr SPEAKER: Order! The honourable member for Sutherland will cease interjecting. I suggest that she move away from the honourable member for Murray; he is obviously a bad influence.

Mr DEBUS: Mr Speaker, your advice is well placed because the honourable member for Sutherland is trying to steal \$400,000 from the honourable member for Murray. The audit that I have mentioned confirms that Sutherland Shire Council has been sitting on more than a million dollars—more than 10 times the statewide average for any expenditure backlog. To put it another way, Sutherland council's unspent backlog funds, as audited yesterday, are more than twice the entire annual average allocation received by individual shires around the State. Councils all over the State are in real need. They spend their money when they get it and they look rather longingly at councils such as Mayor Schreiber's, which believes that it has the luxury of keeping its money in hollow logs.

As recently as today the mayor of Cobar wrote to me pointing out that when Cobar shire bids for equipment that is necessary the equipment is bought and on the ground at the earliest possible time. The mayor of Cobar said, "It is inconceivable to me that any council should simply sit on funds while other councils are in need." Which honourable members opposite would volunteer to give up their money? This is the central reason why the Rural Fire Service agreed, at the request of Sutherland council, to carry forward expenditure allocated but unspent over the last five financial years, but only on the condition that the allocation for the present financial year would be reduced to \$662,000. No other arrangement could possibly be fair to needy councils throughout the rest of country New South Wales.

Indeed, Sutherland Shire Council still has vastly more money to spend this year than most other councils. Its unspent funds are more than double the annual average total allocations of most councils. The honourable member for Sutherland is trying to steal money off all those beside her. In recent days Mayor Schreiber has been denying that he has any backlog; he has been denying the information provided on council letterhead from his own council four months ago. He lives in an alternative reality. Until he began his mad and irresponsible politicisation of this serious subject, council officials and rural fire officials had been working together calmly to resolve the manifest problems of that council's backlog and to determine ways to reduce it, while still providing the shire with

the highest level of fire protection—the level it needs and deserves.

As I said earlier, yesterday the Rural Fire Service conducted a full audit of the equipment of the Sutherland Rural Fire Service and it confirms that Mayor Schreiber—let alone the Deputy Leader of the Opposition—is wrong. I shall not detain the House with chapter and verse of the document, but I will make it freely available. In summary, the report confirms that the residents of Sutherland are well protected from fire by one of the most modern and well-resourced rural firefighting services in this State.

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

Mr DEBUS: Sutherland shire is serviced by 39 fire suppressing units, including 27 rural fire suppressing units. That is twice the intensity of units per square kilometre than we find, for example, in Hornsby shire and that shire is exceedingly well equipped. The audit confirms as completely wrong the mayor's contention that the non-supply of a replacement bulk water carrier during the present financial year could affect firefighting capacity. The audit confirms my repeated assertion that two specialist vehicles funded during the last two financial years are as yet not constructed. They will not be operational in the present fire season. The audit confirms that the reduction in Sutherland Shire Council's allocation is justifiable on the basis of unexpended funds to the credit of that council in the New South Wales Rural Fire Fighting Fund and it confirms the need to redirect financial resources to demonstrably needier districts in New South Wales. I repeat that Sutherland residents need not be afraid. They are getting the highest level of fire protection. Sutherland does not have a problem with its fire service, but it has a great problem with its mayor.

PARRAMATTA REGIONAL PARK TRUST

Mrs CHIKAROVSKI: My question is directed to the Minister for the Environment.

Mr SPEAKER: Order! I call the Premier to order.

Mrs CHIKAROVSKI: Three weeks ago did the Minister say that new legislation relating to Parramatta Regional Park would in no way affect appointments to the Parramatta Regional Park Trust? If so, how does she justify sacking community representative Judith McDonald from the trust simply for disagreeing with her?

Ms ALLAN: I am not surprised by the question of the honourable member for Lane Cove because this matter features prominently in both Sydney metropolitan papers today. In fact, in an interview with the 2GB radio station this afternoon Ms McDonald said it was likely that a question about her dismissal would be raised in Parliament today. Other than the western Sydney task force, the most sought after committee in the Opposition ranks would be the tactics committee!

The removal of Ms Judith McDonald from the Parramatta Regional Park Trust was made effective from Friday, 9 October. On Friday, when her removal was gazetted, I wrote to Ms McDonald advising her of my decision. The letter was sent to Ms McDonald's postal address, which unfortunately is a post office box in Parramatta. I was advised today that an officer of the Parramatta Chamber of Commerce opened the letter and faxed it to Ms McDonald yesterday. Ms McDonald, a so-called community representative, had listed as her residential postal address a post office box belonging to the Parramatta Chamber of Commerce.

I admit that I no longer had Ms McDonald's confidence after a letter in which she attacked me appeared in the *Daily Telegraph*. Ms McDonald should have referred her concerns to the chairman of the trust, Mr Tom Uren, who would have willingly shared her concerns with me. Clearly such unilateral action by Ms McDonald is unsatisfactory. Her letter to the *Daily Telegraph*—which I doubt most Opposition members have bothered to read—failed to acknowledge that Parramatta Regional Park Trust could not legally grant a lease to Parramatta Leagues Club. This matter was debated at length in the Parliament when the legislation was introduced three weeks ago. I am pleased to say that the Government's position on the matter was supported unanimously by the Opposition.

I said in the Chamber then, and I will reiterate, that not only did the trust not have power to grant a lease to the Parramatta Leagues Club, but the Crown Solicitor's advice was to the same effect. The only other option I or the trust had was to request Parramatta Leagues Club to demolish three storeys of the club's administration building, as well as demolish the car park. It is obvious from the question of the honourable member for Lane Cove that the Opposition's current position is that Parramatta Leagues Club should demolish the three levels and the car park.

The constituents in Parramatta and the electorates of western Sydney who support

Parramatta Leagues Club will not be very happy to receive that information, which the Government will circulate throughout western Sydney as quickly as possible. The Opposition does not support Parramatta Leagues Club and it does not support the continuation of that club. It would rather have the club ripped down; it wants to demolish the car park and the administration building. I thank the honourable member for Lane Cove for her question—it is wonderful that the Leader of the Opposition gave her the opportunity to ask it.

Mrs CHIKAROVSKI: In the light of the Minister's answer—

Mr SPEAKER: Order! The honourable member for Port Jackson has the call.

REGIONAL ECONOMIC GROWTH

Ms NORI: My question without notice is directed to the Minister for Regional Development, and Minister for Rural Affairs. What is the Government's jobs growth plan for Orange?

Mr WOODS: The State Government believes in using targeted and strategic intervention to boost economic growth and job creation in regional New South Wales. That is being done in a number of regional areas through the country centres growth strategy. A jobs growth strategy has now been prepared for Orange in the central west. The strategy identifies the natural strengths of the Orange economy, identifies weaknesses and impediments and sets out a range of measures to maximise opportunities and overcome any impediments.

Orange City Council, key industry representatives, the Orange Chamber of Commerce and the Central West Regional Development Board have all had a say in the Government's action plan for Orange. The Orange action plan involves initial State Government support of approximately \$250,000. The five-point action plan for Orange sets out a range of initiatives that will foster growth in key areas, including the manufacturing sector, agribusiness, food and wine production, and tourism. There is significant potential for growth in all these industries, which creates jobs growth. Without a strategic focus, a commitment to fostering new ideas and attracting investment capital the growth will not eventuate.

The action plan sets out the initial support that will be provided by the State Government, and it does not stop there. The five-point action plan for

Orange includes: firstly, improving the cost and availability of industrial land; secondly, an investment attraction strategy; and, thirdly, a range of support for diversification in agribusiness and other industries. A marketing plan for the development of Orange as a conference centre will also be created. Another point in the strategy recognises the need to improve labour supply and skills. A labour and skills action plan will be developed to ensure that these keep abreast of industry needs and that new jobs go to local people. Support will also be provided to enhance the Orange open for inspection program, which is aimed at promoting Orange as a great place to live, work and invest.

Finally, the Government will look at and address in a targeted way infrastructure needs. Regional development and economic growth are dependent on infrastructure. We will listen to industry and deliver targeted and strategic infrastructure improvements that bring clear economic benefits. This plan, this action strategy and commitment to country areas, has been developed by the Australian Labor Party. It is an area that has been neglected by the National Party on all counts. Orange has a great potential as an investment location. This strategy ensures that this potential is realised, growth is accelerated and new jobs are created for the future of Orange.

Questions without notice concluded.

SUTHERLAND SHIRE FIRE PROTECTION

Personal Explanation

Mrs STONE, by leave: I wish to make a personal explanation. During question time the Minister for Energy, Minister for Tourism, Minister for Corrective Services, Minister for Emergency Services, and Minister Assisting the Minister on the Arts quite deliberately and directly accused me of stealing \$400,000. As the honourable member for Sutherland, I defend my constituents' plea to have adequate firefighting equipment. I also defend the role of the—

Mr SPEAKER: Order! The honourable member must explain how her integrity has been impugned. She cannot debate the subject matter of the Minister's answer.

Mrs STONE: I believe the Minister handled the truth in a most inappropriate way and accused me of stealing. I would like that statement to be withdrawn.

SENATE VACANCY**Joint Sitting****Motion, by consent, by Mr Whelan agreed to:**

- (1) That the House meet the Legislative Council for the purpose of voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator Belinda Jane Neal.
- (2) That a message be sent to the Legislative Council informing it of the Assembly's resolution and requesting the Council to name the place and hour for such meeting.

CONSIDERATION OF URGENT MOTION**Goods and Services Tax**

Mr COLLINS (Willoughby—Leader of the Opposition) [3.32 p.m.]: This motion is urgent—indeed it is the only urgent motion before the House today—because the Premier was begging for a question on this issue during question time. Mr Speaker, you saw the Premier say, "Ask me about this." We will do better than that: we will give him a chance to participate in this debate. When urgency is granted will the Premier come into the House and stand by the words he has used outside the House? Just five days after the Federal Labor Party was defeated at the polls, the Premier confessed what we always knew: that he and his Government support John Howard's tax reform package.

The Carr Government supports the whole package, including the 10 per cent goods and services tax, because of the resulting growth in this State's revenue. The Premier has finally received some welcome news from Canberra—news that has come from a coalition Government. Every Premier and every Treasurer in Australia supports the Howard tax reform package and wants to recognise and enshrine that mandate as quickly as possible. The Premier knows that the money promised by the Howard tax reform package is desperately needed. The Premier did not spell out his views on tax reform in the debate that took place in this Chamber a couple of weeks ago. The Premier now has a chance to tell the people of New South Wales why he said on *Stateline*, an ABC program:

The Government majority in any lower House ought to be able to implement its program not subject to the frustration of the upper house, State or Federal.

The Premier means that the Senate has absolutely no right to frustrate the mandate given to the Federal coalition Government by the Australian people on 3 October. There is a clear mandate: John Howard laid

it on the line; he sought and obtained a mandate from the Australian people. John Howard has a mandate to put in place the tax reform package, which includes the 10 per cent GST that the Premier railed against before the election and is silent on these days. The Premier said that John Howard has a mandate. The Premier told Kim Beazley that he had to accept defeat and, of course, he has to accept defeat. The Senate must recognise that it cannot have two mandates; that it can have only one mandate.

The party that wins the majority of seats in the lower House of the Parliament gets the mandate. The Parliament does not have two mandates, it does not have two governments. It has a single mandate, a single government and a single tax reform package for which the Australian people have said yes. The Premier knows that tax reform is critical to this State, and he should know because under the previous coalition Government this State had one of the lowest tax growth rates in the country and it now has the highest. The Premier knows that the Howard GST package finally gives him a guaranteed share of tax revenue. The Premier knows that the days of the Premiers going to Canberra with their begging bowls will soon be history.

The Premier gave John Howard the green light on tax reform and the GST. And why shouldn't he? After all, two budgets ago the Premier introduced the bed tax, which is a services tax. This Premier, above all others, knows what a GST is about because he introduced the first State GST, which is obviously why he supports John Howard's GST package. The Premier's comments grabbed the attention of the media. His confession was broadcast around the nation. For example, the *Australian* headline read, "Carr backs mandate" and the *Daily Telegraph* headline read, "'Howard has GST mandate', says Carr". The *Sydney Morning Herald* stated:

Support came from an unexpected quarter, the New South Wales Premier.

The Prime Minister said, 'There has been a lot of debate about mandate. It is our intention to press ahead with all of the resources at our disposal to implement the program on which we were elected.'

I congratulate the Premier on supporting the Howard tax package. I ask him to add voice to his support in this Chamber. [*Time expired.*]

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

The House divided.**Ayes, 44**

Mr Beck	Mr O'Farrell
Mr Blackmore	Mr D. L. Page
Mr Chappell	Mr Peacocke
Mrs Chikarovski	Mr Phillips
Mr Cochran	Mr Photios
Mr Collins	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 Slack-Smith
Mr Hazzard	Mr Small
Mr Jeffery	Mr Souris
Dr Kernohan	Mrs Stone
Mr Kerr	Mr Tink
Mr Kinross	Mr J. H. Turner
Mr MacCarthy	Mr R. W. Turner
Dr Macdonald	Mr Windsor
Mr Merton	
Ms Moore	<i>Tellers,</i>
Mr Oakeshott	Mr Fraser
Mr O'Doherty	Mr Smith

Noes, 47

Ms Allan	Mr Martin
Mr Amery	Ms Meagher
Mr Anderson	Mr Mills
Ms Andrews	Mr Moss
Mr Aquilina	Mr Nagle
Mrs Beamer	Mr Neilly
Mr Carr	Ms Nori
Mr Crittenden	Mr E. T. Page
Mr Debus	Mr Price
Mr Face	Dr Refshauge
Mr Gaudry	Mr Rogan
Mr Gibson	Mr Rumble
Mrs Grusovin	Mr Scully
Mr Harrison	Mr Shedden
Ms Harrison	Mr Stewart
Mr Hunter	Mr Sullivan
Mr Iemma	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

Pairs

Mr Armstrong	Mr Clough
Mr Humpherson	Mr Knight

Question so resolved in the negative.**BUSINESS OF THE HOUSE****Precedence of Business**

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

That standing and sessional orders be suspended to allow Government business to have precedence of general business for the remainder of the spring sitting.

As indicated by today's program and the notices of motion, there are important matters for the Government to consider during this session. Eight very important bills are already before the House for consideration. Whilst the motion is expressed in an ambit way, namely, that there be no more private members' statements—

Mr Hazzard: You hate question time, don't you?

Mr WHELAN: I do not know what question time has to do with this issue. The Government is keen to pursue its legislative program. Notice was given today of a large number of bills—there are already some very important bills before the House—that require a great deal of attention. Before I was rudely interrupted I was about to indicate that, if time permits, at the end of the session we will certainly have private members' day to enable private members' motions and private members' bills to be considered. I note that the honourable member for Manly is anxious to deal with a motion concerning euthanasia. Debate on the matter might be regarded as part heard. I will endeavour to ensure that the matter can be further debated. I say that knowing full well that he will vote in his traditional manner against the Government's motion for Government business to have precedence.

The present procedure with the increase from 10 to 16 in the number of private members' statements made each day has worked effectively and has not been opposed, unlike many other aspects of the procedures in this Chamber. I intend that it be continued for the rest of the session. Whilst I expect the honourable member for Gosford to quote my speeches stating that motions such as this are an outrage, I recommend that the House get on with the Government program. There will be ample opportunities for members to speak on a variety of Government initiatives and bills. Notice of many bills has already been given and the Government has

announced many other initiatives to be brought forward.

Mr COLLINS (Willoughby—Leader of the Opposition) [3.48 p.m.]: This is a day of infamy that the Parliament should remember. I thank the Leader of the House for acknowledging the importance of this occasion. Let 13 October be remembered as the day when private members' business in this Parliament was terminated. The Fifty-first Parliament effectively ends as of this vote: once the vote is taken no private member will have a chance to raise any business in this House until the end of the session. I predict that the end of the session will be in a very short time. It may well be that the House is due to sit until the end of November, with three reserve dates in December, but it does not take a genius to work out that the Government has a very flimsy legislative program before the Parliament and it intends to collapse the session at the earliest possible moment and to strip the Opposition and the crossbenchers of any opportunity to raise matters which may further embarrass the Government in the remaining days of the Fifty-first Parliament.

The rights, advances and changes which were fought for by the crossbenchers in the Fiftieth Parliament in the period 1991 to 1995 have been systematically stripped away. The Fifty-first Parliament represents a total return to the bad old days of Labor. Today the Leader of the House, in a thinly veiled statement, has effectively told the people of this State that this will be the end of the Fifty-first Parliament; the end of scrutiny, accountability and the right of Opposition members to raise appropriate matters of concern.

The rights of the people of this State will go out the window with the vote that the Leader of the House is about to force on this Parliament. It needs to be clearly understood that if the motion is carried, the people of this State will lose the right to raise matters through their elected representatives, be they crossbenchers or Opposition members. The Leader of the House has made the hollow assertion that if we all comply, roll over and co-operate, maybe at the end of the day there will be time for private members' business. Opposition members will not hold their breath waiting for that promise to be delivered. This is Tammany-Hall at its worse; it is a return to the worst of Labor's rorts of the past. For that reason all members of this House, including Government members, should reject this motion.

This Parliament has a right to sit and to go about its business day in and day out. Members should have the opportunity to raise matters on behalf of their constituents in the short time remaining. Parliament does not sit all that often, and members are not worked into the ground sitting in Parliament. It is well known that, at best, Parliament will sit only about 50 days this year. It is not a good enough return for taxpayers to have Parliament sit so infrequently and to have members stripped of the right to debate issues of concern to local communities.

The Opposition supports the importance of representing the New South Wales community and its concerns. The Labor Party wants to shut down debate and prevent the scrutiny and openness that was fought for by many members—and, I must say, conceded in more rational days. That will all go out the window if this contemptible motion is carried. It must not pass this House unseen and uncondemned.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 47

Ms Allan	Mr Martin
Mr Amery	Ms Meagher
Mr Anderson	Mr Mills
Ms Andrews	Mr Moss
Mr Aquilina	Mr Nagle
Mrs Beamer	Mr Neilly
Mr Carr	Ms Nori
Mr Crittenden	Mr E. T. Page
Mr Debus	Mr Price
Mr Face	Dr Refshauge
Mr Gaudry	Mr Rogan
Mr Gibson	Mr Rumble
Mrs Grusovin	Mr Scully
Mr Harrison	Mr Shedden
Ms Harrison	Mr Stewart
Mr Hunter	Mr Sullivan
Mr Iemma	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 Beckkroge
Mr Markham	Mr Thompson

Noes, 43

Mr Beck	Mr O'Farrell
Mr Blackmore	Mr D. L. Page
Mr Chappell	Mr Peacocke
Mr Cochran	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 Jeffery	Mr Small
Dr Kernohan	Mr Souris
Mr Kerr	Mrs Stone
Mr Kinross	Mr Tink
Mr MacCarthy	Mr J. H. Turner
Dr Macdonald	Mr R. W. Turner
Mr Merton	Mr Windsor
Ms Moore	<i>Tellers,</i>
Mr Oakeshott	Mr Fraser
Mr O'Doherty	Mr Smith

Pairs

Mr Clough	Mr Armstrong
Mr Knight	Mrs Chikarovski

Question so resolved in the affirmative.

Motion agreed to.

REGULATION REVIEW COMMITTEE**Membership**

Motion, by leave, by Mr Whelan agreed to:

- (1) That Ian Lindsay Slack-Smith be appointed to serve on the Regulation Review Committee in place of Adrian John Cruickshank, discharged.
- (2) That a message be sent acquainting the Legislative Council of the resolution.

MINISTER FOR EDUCATION AND TRAINING**Motion of Censure**

Mr O'DOHERTY (Ku-ring-gai) [4.03 p.m.]: I move:

That this House:

- (1) censures the Minister for Education and Training for his attempts to stifle criticism of the Government by banning schools from informing local members of their needs;

- (2) notes the growing anger and cynicism among schools about the actions of the Government in cutting school operating budgets by \$55 million per annum and capital works funding by one-third; and

- (3) reassures parents and teachers that while the Government is refusing to listen to the needs of local schools, the coalition is more than happy to continue to hear their genuine concerns.

Recently this Parliament passed an amendment to the Education Reform Act which allows for the teaching of civics and citizenship in New South Wales schools. In a couple of years civics and citizenship will be examined in year 10. But principals, teachers, students and parents are getting a direct lesson in civics and citizenship from the Carr Government today. The Carr Government says, "Do not worry about democracy, do not go to your local member, and do not even bother writing to the Minister for Education and Training if you have a problem with the Government. Just come to us. We will be able to take care of all your concerns."

The memorandum issued by the Department of School Education—under the signature of the deputy director-general of operations, and no doubt on the specific political orders of the Minister for Education and Training—is a new low in democracy in New South Wales. It is the most anti-democratic thing that the Minister could have foisted upon New South Wales schools. This is the politburo in full force. The Government has put a climate of fear and mistrust on schools. People are not allowed to speak out, see their local member or write to the Government about a problem.

The Minister for Education and Training says, "I do not want to know about your problems, do not bother me with your problems. Do not worry me about anything I have done to your schools that you do not like." The Australian Labor Party says, "We are not listening. We do not want to hear any criticism." This House, the people of New South Wales, principals, teachers, parents and students need to know. The coalition is listening. It has been hearing bad things about the Government for the last 3½ years, and will continue to hear bad things about the Government, because people in our schools do not like what the Government has been doing to them.

I should like to refer to a couple of things that the Minister for Education and Training has been doing over the last 3½ years. No wonder the Government has to put the clamps on. No wonder the Government had to implement a climate of fear to prevent the legitimate democratic process from taking place, as local members seek to do for their constituents what democracy requires. No wonder

the Government has cut \$55 million out of school operating budgets. No wonder the Government has taken one-third, or \$71 million, out of the capital works budget for New South Wales schools. Since Labor came to office in 1995, one-third of the annual building program budget for schools has gone. But the Minister says, "Do not come running to me to complain. Do not tell your local member about your needs, because we do not want to be embarrassed in the run-up to the election."

Maintenance has slowed dramatically in New South Wales schools, specifically in regard to category one items that were identified in the Minister's audit of school needs as being most urgent, that is, works requiring replacement. How much money has the Government allocated for replacement works under its new maintenance contracts? Not a single dollar has been allocated to the most serious category of capital works, that is, maintenance needs. The Government provided \$55 million, plus \$4 million for administration costs, to fund the back-to-school allowance, which the Minister thinks is a great winner for the Government. I am frequently told that schools do not want the money allocated in that way. They want the money spent on education, because it is in the education budget.

The Government says, "Do not tell the papers, do not tell your local member, and above all do not tell the Minister for Education and Training, because they are immune to criticism or, rather, they do not want to hear it in the run-up to the election." Schools are not able to fill casual teaching positions. During sitting weeks I receive a dozen or more faxes a week from schools stating that they cannot fill casual positions. Yet the Minister says there is no shortage of casual teachers. During the last session of Parliament it was only after the coalition pointed out that schools in the Minister's own electorate were short of casual teachers that he took any notice at all.

As an important part of the democratic process, citizens should be able to approach their local member to advocate on behalf of their schools. What are local members for, if not to hear the legitimate concerns of their constituents and petition the Government in regard to those concerns? What is the Parliament for, if not to hear the legitimate concerns of New South Wales schools? The Tacking Point Public School presented a petition from the citizens of the Port Macquarie electorate to the Parliament of New South Wales regarding a new stage in the school's building program. The petition reads, in part, "Our students deserve 'Equity In Education' and 'A Fair Go For All'."

Those people will now get a visit from the politburo and the thought police because they have exercised their democratic rights by petitioning the Parliament of New South Wales. How dare they! I have a memorandum from the department which says, "How dare you raise your legitimate concerns, because that is not what you are allowed to do." During the recent Federal election campaign members of the community spoke about the need for local members to act on behalf of their constituents. The community supported good local members, like Danna Vale and others, across New South Wales and in particular in western Sydney. Jackie Kelly, the hero of western Sydney, absorbs the concerns of her constituents and raises them with the Government. That is the type of local member the community wants.

What does the Labor Party offer? It offers a memo from the thought police saying to principals, "Whatever you do, do not go and tell your local member about your concerns because the Government of New South Wales, the Australian Labor Party Government, is not listening and it does not want to hear you criticise it." The Labor Party will not escape criticism by such a simple means. The Government does not stand for democracy. It has been a long-established practice—which benefited the Minister for Education and Training when he was shadow minister—that the Opposition has a legitimate right to visit schools when it is approached to do so and when there is no reason for it not to do so.

The guidelines upheld by the Minister in a recent letter to me provide that members of the Opposition may visit, unless such visits are not convenient for the school. What about the occasions when the school community—concerned about capital works funding, maintenance, staffing or a range of other issues—invites members of the Opposition to visit the school but the Government, for political purposes only, stops the visit? An example is the concerns of teachers in western Sydney who, through their local Teachers Federation organiser, invited Opposition representatives to a discussion about the Government's abandonment of the Mount Druitt tutorial centre. A legitimate meeting was arranged for me, as shadow minister, to visit the teachers at Plumpton High School. That is my right, as it is their right to approach me.

The school had agreed to the visit and would not have been inconvenienced. The request came from teachers and the New South Wales Teachers Federation. The Minister for Education and Training stopped the meeting from taking place. He tried to frustrate the democratic process. Teachers are not

angry with the Opposition; they are angry with the Government. The fact that the Minister stopped the meeting from taking place and prevented the teachers from raising their concerns with the Opposition has not made him any more popular. In fact, I would hazard a guess that it has made him even less popular. What about the concerns at Londonderry Public School about airconditioning? It gets very hot at Londonderry Public School. It has a building nicknamed "the microwave" because the temperature is regularly in excess of 40 degrees.

I have visited the school and seen the charts prepared by the students that plot the steady rise in temperature throughout the day. Their prime learning period is during one of the hottest periods of the day, that is, after lunch when the kids come into the building hot and sweaty. No learning can take place after lunch because that is when the temperatures are hottest in "the microwave". Despite the best efforts of teachers at the school, professional as they are, and the genuine concerns of the parents, they have not been able to get the Minister to listen to their complaints about airconditioning. They have not been able to achieve anything through their local member, who was helpful in trying to raise their concerns with the Government. That did not do them any good because the Labor Party did not care.

However, the Labor Party did care about airconditioning for the neighbouring electorate of Badgerys Creek. When the Labor Party was in opposition and before the current member for Badgerys Creek even became a member of Parliament, the Labor Party saw nothing wrong in allowing her to absorb the concerns of her constituents. It then made a distinctly political promise to provide airconditioning for only one electorate—not because its need was greater than anywhere else in western Sydney, not because it was hotter than any other electorate, for example Londonderry, or colder than any other electorate in western Sydney, but because the Labor Party wanted the votes. The Labor Party plays the game when it suits it to do so, but after an election it does not want constituents knocking on its door with what are, in fact, legitimate concerns. The Labor Party spent half of the State's school airconditioning budget on one electorate, and justified that expenditure with the shabbiest and flimsiest of political reasons.

Next door, Londonderry Public School cannot get airconditioning because the Minister will not listen to the school's concerns. The teachers at Londonderry Public School wondered why the Minister did not spend the back-to-school allowance on installing airconditioning. When I accepted an

invitation to visit the Maitland Grossman High School in the electorate of Maitland to investigate significant maintenance concerns, the Minister banned my visit, despite the principal having approved it and despite the fact that it was not inconvenient to the school. He is trying to make himself immune from criticism. He does not want to hear the criticisms of people in schools or of the New South Wales Opposition.

Ms Seaton: Big Brother!

Mr O'DOHERTY: This is Big Brother at its worst! The honourable member for Maitland asked me how many times I have been prevented from entering schools in New South Wales. It is now something like 10 times since the second term of this year. I will enumerate them for the House on another occasion. I have been banned from visiting Maitland Grossman High School twice, from Wyong High School and from Minerva school. I have also been banned from visiting Maitland High School, which raised a significant maintenance issue. I have been banned from visiting Plumptre High School in relation to concerns about the Plumptre House tutorial centre. The list goes on and on. It is becoming a joke.

Schools see through the shabby political trick that is being played by the New South Wales Labor Party. The New South Wales coalition regards the clamping down by the Government on principals as an attack on their professionalism. The Government is not interested in education, legitimate debate among members of Parliament or the legitimate concerns of children in classrooms. The Government is interested only in trying as desperately as it can to be re-elected in March 1999. It will not succeed. First, it will not be able to stifle the criticism and, second, it will be re-elected. The Government has already done enough to guarantee that it is very much on the nose in New South Wales schools, not only because of the cuts I have mentioned but also because of measures such as the reform of the higher school certificate and giving teachers more work and less time in which to perform it and almost no resources.

That was acknowledged begrudgingly by the Government when it allocated another \$4 million to a program for teacher training after claiming that the program had enough money. Teachers do not need money; they need time. Schools should not have to fear the politburo approach; they need a government that genuinely listens to the concerns of local communities and empowers those communities because they know best what their schools need. On behalf of the New South Wales Opposition, I

reassure the schools of New South Wales, first, that we are listening to their concerns; second, that we have watched and learned well from the climate of fear generated by the Australian Labor Party that has lasted 3½ years—a top-down, centralist approach to decision making that schools have rejected, and third, the Opposition reaffirms its commitment to local schools and local communities determining their educational needs with teachers and parents working in partnership for the benefit of their schools. The Opposition reassures schools that they will be able to use the democratic process in all its rich forms when New South Wales has a coalition government after March 1999.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [4.17 p.m.]: This motion would have to rate as one of the most pathetic attempts to censure a Minister in the history of this Parliament. It is so poorly worded that it deserves the condemnation of this House. It is not even accurate. The honourable member for Ku-ring-gai has attempted to censure me because the Carr Government is supposedly banning schools from informing local members of their needs. That is a plain and total untruth. Schools have not been banned from informing their local members about what is happening. I remind the honourable member for Ku-ring-gai that schools are comprehensive communities—they are made up of teachers, the school executive and students. The honourable member for Ku-ring-gai seems to have conveniently forgotten that.

Schools are also made up of parents, school councils and parents and citizens associations. I would like to know what jurisdiction the honourable member believes a Minister has over school councils and parents and citizens associations to prevent them from making representations to local members. He knows only too well that school councils and parents and citizens associations are the major means by which schools are able to articulate their concerns to local members. Every local member receives representations from school councils, and from parents and citizens associations. The members are then able to forward those representations to me or to the department, depending on where the parents and citizens association or the school council requires them to be directed. The honourable member for Ku-ring-gai knows only too well that that is the appropriate and proper procedure to adopt when making representations to the Government, the Minister or the department.

I have no jurisdiction to ban schools from approaching local members from making

representations to me or to voice their concerns publicly. He knows only too well that that happens every day of the week. However, it is not happening as frequently as it did when I first became Minister. My level of correspondence as Minister has dropped remarkably because there are so few grievances in the schools. I can show the honourable member the figures if he wishes, and he can compare them with the number of complaints received by the former Minister, the Hon. Virginia Chadwick. They are all registered ministerial letters. Parents and citizens associations and school councils are finding less and less to complain about because their needs are being met.

The needs of schools in this State are being met. The Government, true to its undertaking, has massively increased public education expenditure by \$1.1 billion in the past three years. It is expending more per pupil than has ever been the case in the 150 years of public education in this State. The number of complaints have dropped, more and more parents are satisfied with the education that their children are getting, teachers are content with the public education system and the shadow minister for education is receiving fewer and fewer complaints. The motion today is an attempt to ensure that more complaints are made to him. It is an indication of his ineffectiveness as a shadow minister. He is attempting to encourage people to make more representations to Opposition members simply because they are not receiving the volume of complaints they expected to receive.

It is ironic that today I handed out to almost every member of this House a letter referring to the Government allocating more funding to their electorates—and that includes the electorate of the honourable member for Ku-ring-gai. I was hoping that I would be asked a question about this matter in question time today, but I was not. However, I have a letter which is addressed to the honourable member for Ku-ring-gai. I will sign that letter and deliver it to the honourable member for Ku-ring-gai. In the letter I make reference to funding for three schools in his electorate—Berowra Public School, Turramurra North High School and Wideview Public School. I hope he does the right thing and acknowledges that this Government has provided funding to those schools and enabled them to proceed with various activities. I hand that letter to the honourable member for Ku-ring-gai and point out that all honourable members have received similar letters.

The honourable member for Ku-ring-gai, when referring to the memorandum, did nothing more than restate the status quo as it has existed in schools

since at least 1975. I hope his statements in relation to that memorandum were made tongue in cheek, as he has no way of verifying them. His statements are actually incorrect and a gross misrepresentation. I will go so far as to say that I was verbalised by the honourable member for Ku-ring-gai. He said that the memorandum was undoubtedly sent out under the specific political direction of the Minister for Education. That is hogwash. There was no specific political direction or any other direction from me. I was informed that the memorandum had been sent out only after it was sent out. The memorandum does nothing more than restate the status quo as was established in 1975 under either the Askin Government or the Willis Government, I am not sure which, and it was reaffirmed in 1992 when the Hon. Virginia Chadwick was Minister. The memorandum states:

Issues such as these should be addressed through the established Department of Education and Training in administration procedures.

There is nothing unusual about that. The memorandum continues:

In many cases Members of Parliament are making representations to the Minister for Education and Training on issues which are already being dealt with by departmental officers. This often leads to the double handling of enquiries and a significant amount of additional and unnecessary work.

It also leads to a delay in response times. Time and again departmental officials say to me that proper representations are made to the department and then a registered ministerial letter is received which stops everything else as it is given priority. That results in a doubling up of work and a response often takes twice as long to come through. The memorandum also states:

Attempts such as these to circumvent departmental procedures are inappropriate.

As departmental employees, principals and other staff have a responsibility to work through the established procedures. As is established protocol, it is expected that correspondence will be forwarded by the principal to the district superintendent or relevant State Office Directorate.

What is new about that? I have a copy of the front page of the 1975 handbook, dated 6 August, which states:

Teachers should forward official correspondence through the head of department, the principal and the district inspector to the area director.

So the memorandum that was sent out in September this year again reaffirms the status quo. In 1992, when the Hon. Virginia Chadwick was Minister for

School Education and Training, the current director-general, Dr Ken Boston, sent out a memorandum on the role of the principal and the public school system which states:

The authority, responsibility and accountability of school principals are derived from the relevant State educational and financial legislation and the state of policies and priorities of the Government. Principals are accountable through the cluster director and Assistant Director-General to the Director-General of School Education.

That again emphasises that the appropriate way in which to make representations is through departmental channels. That memorandum was included in the 22 July 1992 edition of "School Education News", a fortnightly journal that was published in those days, which contains a column written by the Hon. Virginia Chadwick. The article detailing and highlighting the role of the principal is on page 2 of that journal, next to the column signed by the Hon. Virginia Chadwick. So much for the Opposition's claims that the Government is attempting to muzzle principals and departmental bureaucracy.

It is not doing anything of the sort. The Government is about ensuring that efficient procedures are in place to adequately and expediently deal with the concerns of principals and schools. We want to provide appropriate responses without delays being caused because of unnecessary representations being made through political channels and without everything being stopped by that process and work thus being duplicated. I oppose the motion moved by the honourable member for Ku-ring-gai. I move the following amendment:

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

this House:

- (1) congratulates the Minister for Education and Training and the Government on their outstanding record in improving education and training in this State;
- (2) notes the more than \$1.1 billion increase in funding for education and training since 1995; and
- (3) welcomes the introduction and expansion of a wide range of innovative programs, including the comprehensive \$200 million literacy strategy, the ground-breaking \$186 million computers in schools program, the substantial reforms of the higher school certificate to make it better and fairer, the increase in teacher numbers by more than 2,200, the boost to teachers' salaries by 17 per cent, the introduction of the \$55 million back-to-school allowance, the expansion of opportunities for students to undertake vocational education and training, and the introduction of school annual reports, which provide parents for the first time with accurate information about their school.

The programs I have highlighted are all initiatives of the Carr Government and are indicative of the commitment of the Carr Government to providing better services in our schools and increasing funding to our schools. The record of the Carr Government is not only receiving acknowledgment from teachers, school communities and the public; it is receiving acknowledgment from Opposition members. The honourable member for Ku-ring-gai spent a substantial amount of time today criticising the so-called funding cutbacks in the Government's capital works program, but they have received nothing but praise from other Opposition members. I note the presence in the Chamber of the honourable member for Orange. On page 3 of the *Central Western Daily* of 13 August this year he was quoted as saying:

As politicians we need to come to occasions as this one today—

He was referring, of course, to the official opening of Orange High School by the Premier and the allocation of \$5.8 million that eventually led to that opening ceremony. In the *Port Macquarie News* on 3 August and in the *Camden Haven Courier* on 5 August the honourable member for Port Macquarie was quoted as saying, in relation to Camden Haven High School:

I was very pleased with the constructive nature of the meeting—

referring to a meeting with me and others—

with the Government today. They supported all resolutions passed by the June 18 local community meeting and are very keen to see the project meet the publicised deadlines . . . This is all systems go.

In an endorsement to me on 19 July the parents and citizens association at Ulladulla Public School on the south coast stated:

We would like to thank you for allocating money in the State Government Budget for our Major Building Works . . . a high standard of education for the students which will be enhanced by the upgrading of the school environment as proposed in the building works.

John Brennan, the President of the Coolamon Central School council also extended congratulations. The honourable member for Baulkham Hills extended congratulations and the honourable member for The Hills said that the funding this Government provided to Castle Hill Public School was a bright spot on the horizon for his electorate. The honourable member for Southern Highlands has reason to be grateful for funding to Colo Vale and Hill Top schools in her electorate.

Funding was also allocated to Bungendore Public School in the electorate of the honourable member for Monaro and to Gloucester Public School in the electorate of the honourable member for Myall Lakes. I received a letter from the parents and citizens group at the Gloucester school which stated:

The announcement means a lot to the parents and students. There is so much we need . . . it's great to see something finally done about it.

Gloucester Public School has waited for funding since 1970. A letter was sent by Leon Punch to Charlie Cutler, who was then the Country Party Minister for Education, making a plea for something to be done about Gloucester Public School. The Carr Government fixed it. Nothing was done about it during seven years of coalition government. Birrong Girls High and Scone Public School, which is in the electorate of the Deputy Leader of the National Party, received benefits. Many schools that have received funding are in National Party and Liberal Party electorates. The members representing those electorates are very happy about the level of public works funding that has been allocated to their schools. In his contribution the honourable member for Ku-ring-gai mentioned one or two schools. I could mention scores of schools that have benefited directly from the Carr Government's commitment to public education in New South Wales.

Mr BLACKMORE (Maitland) [4.32 p.m.]: I support the Opposition motion, which reads:

That this House:

- (1) censures the Minister for Education and Training for his attempts to stifle criticism of the Government by banning schools from informing local members of their needs;
- (2) notes the growing anger and cynicism among schools about the actions of the Government in cutting school operating budgets by \$55 million per annum and capital works funding by one third;
- (3) reassures parents and teachers that while the Government is refusing to listen to the needs of local schools, the coalition is more than happy to continue to hear their genuine concerns.

The Minister for Education and Training has moved an amendment to the motion. One thing my parents always taught me was that self-praise is no recommendation. The Minister has sought to congratulate himself and his Government on what he believes they have achieved. The Minister referred to Memorandum to Principals 98/301. I will read the first paragraph because the Minister would have us believe that this has been happening since 1975. The first paragraph states:

In recent times there has been a small number of instances where principals and other departmental staff are writing directly to Members of Parliament on issues such as properties, staffing and school organisation.

The memorandum also states:

In many cases Members of Parliament are making representations to the Minister for Education and Training on issues which are already being dealt with by departmental officers.

I repeat that the memorandum begins with the words "In recent times", and the memorandum itself was issued recently. I want to bring to the attention of the House the maintenance problems at a couple of schools in the Maitland area, particularly Maitland Grossmann High School. The Minister would remember that when he was in opposition he was not permitted to enter Nillo Infants School at Lorn because he had not followed the correct procedure. He was told by the school inspector that he was not to enter. After a request made to me by the parents and citizens association of Maitland Grossmann High, the present shadow minister, the honourable member for Ku-ring-gai, made an application to visit the school to inspect the maintenance problems.

A letter written by the Minister about a maintenance contract at Maitland Grossmann High stated that over the period of the contract a total of \$535,084 had been set aside for the routine maintenance of the school and that additional works to the value of \$363,122 had been identified but were subject to availability of funding. That means there is no money. The total funding set aside in the electorate of Maitland is for one school, and there is no money left for the other schools. I inspected Telarah Public School, which opened in 1890 and still has the original school building, at the invitation of the parents and citizens association and in the presence of the principal. However, the principal has been gagged and cannot enter into this debate because any matters relating to the school have to be reported to the inspector. I respect that. However, at that school three weatherboards were replaced and only those three weatherboards were painted—and they were not primed. The building's piers were replaced with timber piers, in an area commonly known as white ant hill. The Minister is in charge of the Department of Education and Training and the buck stops with him. Because members of Parliament have been writing to the Minister about school matters, the principals have been requested to adhere to the memorandum sent to them.

Only \$60,000 is available to be spent on what is probably one of the oldest schools in Maitland. The school has holes in corkboards and in the

flooring. In one classroom a one metre square of green carpet that had rotted was replaced with a one metre square of blue carpet. Is that proper maintenance? I do not like to vote to censure any member, but the parents and citizens associations and the school communities have no faith in the Minister. He does not spend the necessary money on maintenance and it is the responsibility of members of the coalition to draw the concerns of the school communities to the Minister's attention. Therefore, I have pleasure in supporting the motion.

Mr WATKINS (Gladesville) [4.37 p.m.]: I support the amendment moved by the Minister for Education and Training. Debates on censure motions are characterised by a level of hypocrisy. The honourable member for Maitland gave some interesting information about schools in his electorate. Lochinvar Public School has received Department of Education and Training contributions of \$2,107 in the past year under the joint funding program. Mount Kanwarly Public School received \$3,290 and Nillo Infants School received more than \$2,420 in one contribution and \$4,625 in another. It would be far easier to believe the honourable member for Maitland if what he said were supported by the facts.

Ironically, this week a record number of students are sitting for the higher school certificate in a school system that is safe and secure and offers high-quality education. The House is wasting time by debating a censure motion moved by the Opposition. Teacher numbers and school budgets are at their highest ever, the school system is at its happiest for years, and the House must debate this ridiculous censure motion. The actions of the shadow minister over the past three to four years have become more desperate and irresponsible. The louder he yells, the less everyone listens.

Parents, teachers and journalists are not listening to the honourable member. He hit the ground running when he became a member of the Opposition because he had one thing in his knapsack: the boys education initiative. We had to work through and listen to that issue day in and day out. It was the one educational issue that he spoke about with any passion. Since then he has drifted: not one of the tactics he has launched has hit home. I can understand why the Leader of the Opposition would be very concerned that education is no longer a political issue in New South Wales. The shadow minister used the words "politburo", "centralist government" and "socialist plot" in his contribution. No intelligent commentator involved in any issue in New South Wales, particularly education, still uses language like that.

The shadow minister is an interesting speaker: he speaks well, the words tumble out. However, the meaning is lightweight; there is nothing behind it. There are two reasons for his desperation: the first reason is personal affront—we have had to sit through this personal attack because he could not get into one meeting. The second reason is that education is no longer a political issue. Education will always be an important issue to be debated in the House—nothing is more important than the best education our children can receive. However, that does not excuse the Opposition and the shadow minister for their irresponsible time-wasting with attacks like this. I will not have time to list the embarrassment of riches in the New South Wales education system under the present Government—I hope my colleagues will continue to list them.

When this Government came to power there were problems in the education system and it has addressed each of them in an ordered and responsible way. The Government has been successful in its resolution of problems, which is why the level of hysteria that existed prior to the last election no longer exists. I was not allowed into schools before the 1995 election, but I met the teacher representatives in local clubs, I met the parents in the street, I was invited to the parents and citizens association meetings, and I spoke to my constituents. I knew what was happening in my schools, I knew what the problems were and I took action by drawing them to the attention of the present Minister. I refer to the positives the Government has delivered in financial terms, in relation to computers and the higher school certificate. This is a good news story—there is nothing for the shadow minister to say. [*Time expired.*]

Ms FICARRA (Georges River) [4.42 p.m.]: This motion is necessary because the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs is unpopular—and he knows it. The school community—from principals to teachers, from school councils to parents and citizens—knows that the Carr Government is a control freak. It is a control freak not only in relation to the education portfolio but also in relation to other portfolios. For example, I refer to the environment portfolio. During question time today we heard about the sacking of Ms McDonald from the Parramatta Regional Park Trust. In addition, the Minister for Health has issued decrees saying that members of Parliament cannot visit or talk to doctors or nurses.

Members cannot talk to teachers in school grounds but they are certainly talking to us

everywhere else—whether it be on the footpaths, in community halls or in their own homes. They are contacting us. The shadow minister is extremely well received in my electorate. With only a few hours notice that he is coming, I can get all sorts of people together. One does not have to go on a witch-hunt because it does not only happen in Georges River, it happens everywhere. We are hearing that this Government does not listen; that the Minister is an autocrat; that he blames the bureaucrats. Today he said that he was not aware of the memo, that it came from the bureaucrats. He can blame them as much as he likes. He always thought that the Teachers Federation was his milking cow. Well, it is not!

The federation has realised that the best way to get a great education system for its students and to provide the standard of education parents want is to talk to both parties, including the National Party in country areas. Education should be apolitical; schools should not be stopped from talking to their member of Parliament. It is absolutely outrageous. What has happened to democracy? What has happened to the Westminster system? The Government is using desperate tactics when it says to principals, "You cannot speak to your MP." I have been in public life for 20 years and I know these principals intimately, they are my friends. The Minister is crazy if he thinks that they are going to be silly and put something—

Mr Stewart: They don't tell me!

Ms FICARRA: They do not tell the honourable member anything—no-one talks to him. He is too busy working on his pre-selection and shoving out the honourable member for Bankstown. The Minister is crazy if he thinks that they are going to put things on paper. Naturally, they will get to us via other people. We know what is going on and what the Minister has done by cutting school operating budgets by \$55 million every year and cutting the capital works funding by one-third. Penshurst public school—I was on the school council—had to sell off surplus land, to get its plans in and there is now a shortfall of \$350,000. The Minister has said, "Trust us. We will give it to you in the next operational budget." The Labor Party will not be in government—the coalition will be in government and it will deliver. Those kids have been in demountables for more than three years. They swelter during the summer.

Peakhurst south public school has no hall. The students have to meet in the library, which has a low ceiling. They swelter during the summer. On presentation days parents sit with sweat dripping off

their brows. It is disgusting that the Government introduced the back-to-school-allowance instead of installing airconditioning where it is needed in libraries and classrooms. Kids cannot possibly learn in such heat. Hurstville Public School has 1,000 students and it can no longer cope. The Government will have to look at increasing the educational facilities in St George because of the population growth. I refer to the Oatley West school. The Government has said, "No, it cannot have new classrooms. It has to stick with its demountables there." The school council keeps raising money—it is one of the most successful fundraising schools in the State.

Oatley Public School has an antiquated telephone system and a campus on two sides of the road. Students face danger when they cross the busy road and the telephone system does not work well from one side of the campus to the other. That is unbelievable! What has the Minister been doing? The school council has been following up these complaints for some time. The Minister should get real. This is not a frivolous censure motion—it echoes what the community knows. What is he going to do? Is he going to ban members of Parliament from writing congratulatory letters to students? Is he going to ban them from presentation days? During question time I wrote letters to all the schools in my electorate—I have them in a folder. The Minister is not going to stop me—or any other member of Parliament—from doing my duty. He will hear the message of the school communities at the ballot box on 27 March 1999.

Mr STEWART (Lakemba) [4.47 p.m.]: I strongly support the amendment before the House and strongly oppose the motion moved by the honourable member for Ku-ring-gai. I am surprised by the approach of the honourable member for Georges River on this matter. Her electorate has done fairly well out of the education budget. Even the local papers in her electorate have commended the Carr Labor Government for the work it has done through the Minister for Education and Training. She is too embarrassed to talk about that today. As a microcosm of that achievement I refer to the Connells Point Public School which has received a grant of \$4,826 for a covered outdoor learning area. The honourable member for Georges River does not want to hear that today because she made no representations in relation to it.

The Minister received representations from the school, which was successful through the normal channels. That is what this is about: using the normal channels, the normal protocols, the normal grievance procedures. It is not always necessary to

ring a member of Parliament, particularly when he or she is not involved in the school system. I represent my local schools. As honourable members would be aware, I have a teaching background and I am proud to represent schools, particularly because I know this Government is delivering results to the public school system in this State. We are improving literacy. We are lifting computer skills. We are improving the HSC and better preparing students for future job, education and life opportunities. This is a lot more than the Opposition did in its seven years in government. Virginia Chadwick, the previous education Minister—

Ms Ficarra: A great Minister.

Mr STEWART: I would not say that. She came to my electorate to the McCallums Hill Public School with all sorts of grandiose stories about what would happen with the badly needed refurbishment of the school. When I was elected and Labor came to office I was able to check through the Minister's office—

Ms Ficarra: Why did you not deliver?

Mr STEWART: I will tell you a story about that in a minute. I discovered that the progress of the work had been pushed back in real terms after Minister Chadwick's visit to the school. It was disgraceful. Minister Aquilina was fundamentally involved. He met the parents and citizens association, recognised and understood the needs of the McCallums Hill Public School, and delivered about \$3.5 million for refurbishment of the school. Money was provided for a school hall. There were new school classrooms and an administration centre. We delivered and we will continue to deliver. In 1998 the New South Wales Government has spent more than ever before on education and there has been a renewed focus on education. The Minister has already mentioned the record spending of \$6.8 billion, which is \$1.1 billion more than was spent by the coalition.

The Government has delivered on literacy. It promised a massive new literacy program and that is what has been put in place. The results of the literacy program are already being seen in schools in my area, where those programs were needed. Many other areas have benefited from those programs which students, parents and teachers cried out for. The coalition Government refused to hear the cries. Labor has delivered. The Government has delivered on a \$186 million program to provide computers in schools. It has linked 2,220 government schools to the Internet and allocated more than 90,000 computers to schools. The Government is proud of

that achievement. The honourable member for Georges River did not refer to that today but it has benefited her electorate, the electorate of the honourable member for Ku-ring-gai and the electorates of all other members.

Ms Ficarra: So they should, across the board.

Mr STEWART: The coalition Government did not deliver it. It did not care about it. It left schools for dead when it came to high technology. This Government has delivered and will continue to deliver. The Government promised to make schools safer. It has delivered: legislation has been put in place. Schools have been better resourced and there has been a crackdown on school violence. An extra \$21 million has been pumped into programs to teach students the values society expects and to fund anti-violence programs.

The higher school certificate is better and fairer as a result of the work done by the Government. We have listened, consulted and delivered. The HSC program will take us into the year 2000 and beyond. We had to deal with an old, chugged out HSC but we have revamped it and given it a new focus to lead our children into the year 2000 and beyond. I am very proud of the Government's achievements. The honourable member for Georges River should be proud of them. The honourable member for Ku-ring-gai should congratulate the Government today, not condemn it. The Minister for Education and Training, John Aquilina, should be commended for the hard work and diligence he has shown in delivering these results.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [4.52 p.m.], in response: I do not think I need to respond at length because very few accusations have been made in the censure motion. The debate on the censure motion has been like being flogged with a wet lettuce. The honourable member for Georges River referred to the environment and health and said that I should not be blaming anyone in relation to the memorandum sent out by the department. She tried to suggest that in some way I was blaming the department for sending out the memorandum. I want to make it plain that I do not blame the department because there is no blame to be laid.

The sending out of the memorandum was perfectly legitimate. I did not know about it, but why should I know about it? It was establishing the status quo that had existed since 1975. It was saying to principals, "You have a duty of care. You have a

duty and a responsibility to ensure that your superiors are advised in a proper way about your concerns in relation to what is happening in your school and you should be using certain channels." That is appropriate. My predecessor the Hon. Virginia Chadwick took the same view when a similar memorandum was sent out in 1972. The third edition of the teachers handbook dating back to 1975 carries a similar message. So there is no issue about this.

The motion moved by the honourable member for Ku-ring-gai is a nonsense. It falls very short of the mark on the issue. I am proud to move the amendment. I thank my colleagues the honourable member for Gladesville and the honourable member for Lakemba for supporting the amendment and opposing the motion of the honourable member for Ku-ring-gai. The honourable member for Ku-ring-gai said a lot about capital works. His colleagues also referred to capital works. I ask the honourable member for Ku-ring-gai what the following schools which received funding for capital works—in some cases the building of new schools—have in common: Callala Bay Public School, Hill Top Public School, Colo Vale Public School, Bungendore Public School, Scone Public School, Gloucester Public School, Orange High School, Camden Haven High School, Camden High School, and many more. All those schools funded for substantial refurbishment or for building from scratch are in coalition electorates.

In the coalition's seven years in government it could not equal that record. Yet members opposite have the hide to talk about my so-called unpopularity. What short memories they have. They do not remember their education Minister, Terry Metherell. The honourable member for Ku-ring-gai cringes when I mention Terry Metherell. When he was in a different role he was very critical of that coalition Minister, who took 2,200 teachers out of schools, increased the number of composite classes and brought havoc to schools. The honourable member for Maitland had the hide to mention Nillo Infants School at Lorn. That was one of the 15 schools on Metherell's hit list. The then member for Maitland, Allan Walsh, and I attended a huge meeting of more than 400 people. We raised such a storm that night that it was dropped off the list of schools to be closed down. Indeed, it is still an operating school today.

I have lost count of the number of times I have been to the electorate of the honourable member for Maitland to officially open buildings or inspect buildings. Hinton Public School is one of the schools in his electorate. I have voluminous

endorsement from various people, comments from the Hinton Public School parents and citizens thanking me for at last listening to their pleas. The former Government did not listen to their pleas. It did nothing about the concerns that were raised time and again. The Carr Government listened to the concerns. Claims were made about a so-called lack of maintenance. I shall read a few quotes from the report of the Standing Committee on Public Works on New South Wales school facilities. In November 1997 the committee stated:

The current administration . . . is to be congratulated for its recent innovations in cost effective school facilities design, asset management and maintenance provision.

Who was on the committee? Among others, none other than the honourable member for Davidson, the honourable member for Lismore, and the Deputy Leader of the National Party, were on the committee. Yet they signed their names to a document commending the Government for what it was doing to improve cost-effective school facilities design, asset management and maintenance provision. The report continued:

The ability of the DSE and the DPWS to find innovative ways of meeting community expectations regarding the quality of schools is a model for all government agencies.

The capital works planning process of the Department of Education and Training represents an efficient and accountable system for the equitable delivery of school facilities throughout NSW.

There is ample evidence that the DET is finding innovative ways of providing optimal cost effective learning environments.

Three coalition members were cosignatories to that report. In relation to the antiquated and inefficient cyclic maintenance that went on under the former coalition Government, the report stated:

Cyclic Maintenance, in operation since 1988—

that was the year the coalition was elected to government—

concentrated on the soundness of the building fabric, often to the neglect of facilities which were important to users such as floor coverings and grounds.

During the seven years of the coalition Government there was inefficiency and waste. I admit to a huge backlog of maintenance in the public school system, but it is a direct result of the former coalition Government using a five-year cyclic maintenance program that spent money on schools that did not require maintenance, thus wasting money. I need not remind Government members that the majority of

the schools that went begging were in Labor electorates, which were sorely neglected.

The policy I have adopted accepts that education needs to be examined and improved. When I consider whether a school requires maintenance or capital works I do not look at whose electorate the school is in. The record speaks for itself: this Labor Government has provided capital works and new schools to far more coalition electorates than the former coalition Government provided to Labor electorates. Schools are falling apart in the electorates of the honourable member for Auburn and the honourable member for Lakemba because they were neglected and ignored by the former coalition Government.

The honourable member for Ku-ring-gai had the hide to refer to what was happening in the electorate of the honourable member for Londonderry. Labor electorates in western Sydney were sorely neglected during the seven years of the coalition Government. Its answer to the problems of lack of maintenance in schools and demountables was to close the schools down, thereby achieving a saving. The honourable member for Georges River said that the only way one school in her electorate could gain improvements was by selling off part of the land. When the Hon. Virginia Chadwick was Minister for education she introduced the policy of selling off public land to finance school buildings. At that time I criticised aspects of her policy because in many locations it was inappropriate for public assets to be sold to fund other buildings.

There is no substance to this half-hearted motion by the shadow minister. In fact, it is so lacking in substance that I am surprised he even moved it. I can only surmise that the Leader of the Opposition said to him, "Your performance is failing and you are not receiving the sort of response and coverage that you have received in the past. Do something. Move a motion to censure the Minister." This motion has backfired on the honourable member for Ku-ring-gai because I have been able to show comprehensively that the Government is caring and is looking after the educational needs of schools not only in Labor electorates but also in coalition electorates.

Mr O'DOHERTY (Ku-ring-gai) [5.02 p.m.], in reply: The Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs cannot even look after schools in his electorate. I bring to the attention of the House a letter to the Premier from a parent at Vineyard Public School, in the electorate of the Minister for Education and Training. The letter stated:

Whilst I realise your time is fully occupied with the problems of the Sydney Water Supply, I feel that some attention should be given to the problem with the toilets at Vineyard school. White ants seem to have all but demolished the toilet block and the children are now being forced to use portable type toilets. These toilets are divorced from washing facilities and this does not encourage hygiene in small children.

My main concern is that there appears to be no funding available to rebuild this essential part of the school and the parents and the children are being forced to raise the money to supply a reasonable facility.

The Minister tells us what a wonderful job he is doing, yet he cannot provide toilets at a school in his electorate where white ants have demolished the permanent facilities. That is what is really happening in New South Wales. The Minister becomes passionate—perhaps even hysterical—when western Sydney is mentioned because he knows that people in western Sydney have lost complete confidence in the Carr Government and in the Minister to understand their needs and make provision for those needs. This is the type of letter that the Government is trying to stifle.

This motion is not about the provision of capital works funding—although that is an important part of it—it is primarily about democracy, as the honourable member for Albury rightly said. It is about the rights of local schools and their communities to raise matters with members of Parliament, and even with the Minister, without fear of any kind of retribution, overt or subtle, that may be visited upon principals who speak out. The Minister said that schools are comprehensive communities and parents and citizens associations make representations to members. They do but the memorandum the subject of this motion is one of a number of measures designed by the Government to stop parents and citizens associations, and others, from speaking out.

Every member of Parliament understands the pressure that principals can exert on their school communities when they know that their own positions are under some kind of fear of retribution from a system that has been designed to keep principals very much under control. The current system of education in New South Wales is the most centralised it has been for many years. The bureaucracy and structure that have been introduced by the current Government are designed to keep schools under control and to prevent the Government from being embarrassed. That is the principle of the structure brought in by the Minister.

For example, Castle Hill High School has designed its own discipline code in accordance with the procedures of the former coalition Government, which stated that school communities mattered. The principal was a firm adherent to that code, as was

the school council, the parents and citizens association and even the students. When that school tried to exercise the code to expel or exclude from the school students who had been involved in a drug deal, the system moved in and exerted pressure in a big way on the principal of that school and on the school community.

Members of the district office, on behalf of the Government, visited students of the school who had decided off their own bat to speak out, informing them of the need to remain silent and not to embarrass the Government. That was the subtle implication of those visits. That is the type of innocuous pressure that is behind the memorandum the subject of this motion. Whatever the Minister may say, he cannot escape his responsibility and accountability to this Parliament under the Westminster system for the actions of his department in trying to prevent members of this House from representing their communities. This motion is about condemning, criticising and censuring the Minister, who stands by while his department allows the democratic process to be thwarted by a deliberate memorandum of the department. This is not something that happened in 1975, 1992 or any time in the past—this is happening now. As the honourable member for Maitland pointed out, the memorandum stated:

In recent times there has been a small number of instances where principals and other departmental staff are writing directly to Members of Parliament on issues such as properties, staffing and school organisation.

Shame on the Government! As the honourable member for Albury and the honourable member for Georges River said, why should communities not write to their members of Parliament? The memorandum continued:

In some cases, when a request has been rejected by the Department it is being rechannelled through a Member of Parliament.

Shame on them for wanting their local member to advocate on behalf of their school! Why does the Government want to stop this kind of thing from happening? It does not want any criticism in the lead-up to the election. This memorandum was issued in September. The Government is clearing the decks in every portfolio in the lead-up to the election. Similar memorandums were issued in all portfolios as the Labor Party does what it does best. Sussex Street central, as the Minister rightly named it earlier in the debate, is exercising control over the citizens of New South Wales, through a climate of fear, in an attempt to prevent them from legitimately criticising the elected Government. That is what this

Parliament is all about. Shame on the Minister for being party to the censoring of members of the public by accepting the memorandum issued by his department!

The honourable member for Gladesville said that education is not an issue. I will refer briefly to some of the ways in which education is very much an issue and why the Minister deserves to be censured for stifling criticism and failing to recognise the legitimate concerns of those in our schools. The higher school certificate is not an achievement for the Government. It is contentious, no-one is sure where it is going, no-one can demonstrate that it will be fairer and no-one can demonstrate whether it will work. Schools will not have enough time to implement changes to the syllabus, which has not yet been written. Every professional teachers association has complained about the timetable. Schools have been provided with the new school certificate—another significant reform—but they do not have sufficient time to implement it. It will provide significant changes to timetabling for years 7 to 10, but the Government does not care about difficulties in timetabling; it does not worry about the detail. It simply says, "Do this so that we can look good in March 1999."

With regard to computers in schools, I acknowledge that there are computer boxes in schools, but there is no money to train teachers. Although the Government promised to train every teacher, it will train only one-third of teachers. There is no money to connect the computers. There is not even the money to install power points for the computers. The Government has a cargo-cult mentality, and those in schools understand what that is about: it is about politics, not education. Training and development of teachers is a matter of eternal shame for the Minister for Education and Training. A significant reduction has been made in the allowance given to schools for training and development of teachers. Those who work in our schools understand that the decision to cut the allowance was made by the Minister for Education and Training.

With regard to utilities funding, if schools save money that amount of money is taken out of their global budget in the following year. That does not encourage them to save money and to rechannel it into their schooling. It is another of the Government's anti-incentive measures. Every day the Minister issues a new policy with regard to curriculum crowding. Today's policy related to eating disorders. We understand the importance of public education in regard to eating disorders, but the Government has introduced this policy without giving schools any additional assistance. The honourable member for Gladesville referred to boys'

education. Nothing is happening with regard to boys' education; the Minister does not even understand the arguments. There is no funding, there are no initiatives, and the needs of boys are not being met. They did not even rate a mention in the Government's much-vaunted higher school certificate reforms. The coalition will have more to say about boys' education in the coming months.

Capital works expenditure is down by one-third. Capital works funding for this year is \$71 million less than in 1995. The Minister can produce a long list of schools that have been promised money, and some have even received the money. That is what the Government does: it funds capital works in schools, as every government does. But the Minister is accountable for the one-third reduction in capital works funding, and his arguments cut no ice with schools because they are not getting money where it is needed. The Minister knows that maintenance money to schools has been delayed. The status of teachers has not been addressed. The Government has no policy on education. I thank the honourable member for Maitland and the honourable member for Georges River for speaking up on behalf of their communities. I condemn the Government for its anti-democratic stance. The Minister deserves the censure of this House.

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 47

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

Noes, 42

Mr Beck	Mr O'Farrell
Mr Blackmore	Mr D. L. Page
Mr Chappell	Mr Peacocke
Mrs Chikarovski	Mr Phillips
Mr Cochran	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 Jeffery	Mr Small
Dr Kernohan	Mr Souris
Mr Kerr	Mrs Stone
Mr Kinross	Mr Tink
Mr MacCarthy	Mr J. H. Turner
Dr Macdonald	Mr R. W. Turner
Mr Merton	
Ms Moore	<i>Tellers,</i>
Mr Oakeshott	Mr Fraser
Mr O'Doherty	Mr Smith

Pairs

Mr Carr	Mr Armstrong
Mr Clough	Mr Collins
Mr Knight	Mr Humpherson

Question so resolved in the affirmative.

Amendment agreed to.

Motion as amended agreed to.

BUSINESS OF THE HOUSE**Private Members' Statements**

Mr WHELAN (Ashfield—Minister for Police) [5.24 p.m.]: I move:

That standing and sessional orders be suspended to provide that, during the spring sitting, unless otherwise ordered, up to 16 members be permitted to speak when private members' statements are called on.

Mr HARTCHER (Gosford) [5.24 p.m.]: On behalf of the coalition I am pleased to say that we agree to the motion, but I should also place on the record that this is typical of the way the House has been run by the Leader of the House. He has to correct his attempts to muzzle free speech in the House and to deny members their right to make private members' statements. Although we will not oppose the motion, we earlier placed on record, through our leader, our abhorrence at the way the

Leader of the House is collapsing the parliamentary agenda. Let it be known now that the Parliament will not sit in November and December because the Government is collapsing the program and has deliberately engineered—

[*Interruption*]

The Leader of the House should give a guarantee now that the House will sit in November.

[*Interruption*]

Hansard will record that we will sit in November.

Motion agreed to.

PRIVATE MEMBERS' STATEMENTS**STAYSAFE COMMITTEE NORTHERN TERRITORY VISIT**

Mr GIBSON (Londonderry) [5.27 p.m.]: Recently the Staysafe committee visited the Northern Territory to examine road safety issues. Some 27 per cent of the population of the Northern Territory is Aboriginal. There is also a large percentage of Aborigines in a number of electorates in New South Wales, including my electorate and the electorate of my colleague the honourable member for Oxley. The Staysafe committee delegation included the honourable member for Kiama and me from the Government, the honourable member for Murray and the honourable member for Oxley from the Opposition, and the Hon. J. H. Jobling from the upper House. In Darwin the delegation met officials involved in road safety to discuss the general road safety situation.

Although the number of road accidents in the Northern Territory is not large in comparison with those in New South Wales and Victoria, last year 56 people died on Northern Territory roads; 45 per cent involved Aboriginal people, and 15 per cent involved visitors. Aborigines are overrepresented in road fatalities. The highlight of the visit was a meeting at Katherine with Aboriginal community police officers—ACPOs—working in local communities in the top end of the Northern Territory. Twenty-three ACPOs in Katherine attended a road safety strategy workshop for Aboriginal communities, together with two night patrol officers from Darwin. ACPOs are locally elected community representatives in a program in which they initially act as police aides. They are now assuming the full roles and powers of police constables.

Mr Jeffery: They are sworn officers.

Mr GIBSON: They are sworn police officers, as my colleague has noted. ACPOs are selected by their communities. They are a valuable interface between local tribal elders and the wider Northern Territory community and its institutions. The ACPOs attending the workshop were organised into three groups representing Arnhem Land, Katherine and Darwin. They worked on developing strategies to address their specific road safety concerns in regard to what they perceive to be the critical issues and how they will implement their strategies. We attended a presentation of their work to Assistant Commissioner, Operations, Bruce Wernhem, and Superintendent Terry Ey.

Members of the committee also had an opportunity to talk with ACPOs in more informal surroundings. The work of the ACPOs highlighted the effectiveness of the old adage "local solutions for local problems". Other issues that were highlighted were alcohol-impaired driving, poor road conditions, under-age drinking, unlicensed driving, poor vehicle maintenance and lack of roadworthiness. The continued development of an effective Aboriginal community policing program was a major outcome of the workshop. It was pleasing to see the responsiveness of the Northern Territory police to the training needs of these officers, many of whom have become sworn in as constables over the last few years. The New South Wales Government would do well to have a good look at how the Northern Territory is using those officers as police within Aboriginal communities. We can learn much more from them than we have up to this point.

I turn now to the issue of visitor road safety. I said earlier that 15 per cent of road deaths in the Territory related to visitors who are unfamiliar with unsealed and gravel roads and four-wheel drive vehicles, and who do not know how to react when a vehicle overturns. All those factors are overrepresented in visitor road crashes. The Northern Territory is only just starting to find solutions to these problems, but at least it has identified the problems. New South Wales might be oblivious to these problems. With the Olympics to be staged in two years and the tourism benefits of the Olympics expected to continue until at least 2004, New South Wales must look at tourist road safety as a matter of concern.

I hope that my comments today serve as an indication of my thanks to the Northern Territory police and the road safety representatives that were so welcoming and helpful to the committee. The

information that we gained will assist the Staysafe committee in seeking to reduce to its lowest level road trauma in New South Wales. I take the view that every death and every injury from a road crash is a death or an injury that could be avoided. Big States like New South Wales and Victoria have an impressive record in road trauma reductions, but our recent trip to the Northern Territory showed us that we should not neglect the lessons available to us from the ongoing work of other States and Territories. I commend the work being done in the Northern Territory by ACPOs and the Aboriginal community. [*Time expired.*]

VICTORIAN GAS PLANT EXPLOSION

Mr GLACHAN (Albury) [5.32 p.m.]: The recent explosion at the Longford gas plant in Victoria caused enormous chaos not only in Victoria but also on the southern border area of New South Wales. Gas that is used in Albury, Corowa, Mulwala, Howlong and other towns along the Murray River has been supplied from Victoria for many years. Some years ago an Albury gas company generated its own gas, but it was bought out years ago by the gas and fuel corporation. Albury gas has been supplied by Victoria since those times. I do not believe that the problem in Victoria is new. There was an explosion at that plant in the 1970s. Last winter an ice blockage in the gas pipeline from Longford up to the border area caused enormous problems for industry and householders in that area. It is estimated that 3,000 jobs were at stake while this crisis continued and about \$4 million a day was lost in the border area.

Export orders were put at risk because companies like BTR Engineering, which manufactures gearboxes for overseas car manufacturers, could not operate. The people that that company was supplying found it difficult to understand that an explosion at a gas plant in Victoria could affect supplies at a factory in Albury. Motels in the area estimated that they were losing \$80,000 a day because people travelling through the area said, "If we cannot get a hot shower in Albury we will go somewhere where we can get one." Although gas has been turned on for hot water and cooking until recently there has still been no gas for heating. Not all the gas is back on for heating in the Albury area. Last night at Mount Hotham, which is just across the border in Victoria, the temperature was minus three degrees.

The gas crisis has really caused some problems. I was astounded to learn that when there was an explosion at one section of the plant—there are three sections at Longford—the whole plant had

to be shut down. I am surprised that it was so interconnected. The first thing the Victorians should be doing is ensuring that if there is an emergency in one section of the plant, the other sections can operate independently. One of the saving graces in all of this was the fact that a gas line was recently installed between Wagga Wagga and Barnawartha at a cost of \$350 million. Although it supplies only a small amount of the gas needed in Victoria, it was able to supply enough gas to maintain essential services such as those required at hospitals. There was confusion when the emergency was declared because people on the New South Wales side of the border said, "It is fair enough for Victorians, because it is their gas supply, but that state of emergency should not apply to us." Many people in Albury did not really understand that our gas was coming from Victoria.

It was some time before the Premier stepped in and declared an emergency in southern New South Wales. It was some time before that message got through and people began to comply with the requirements of the emergency situation. I am sad to say that when the gas was turned off a number of people turned it on again, defying the emergency requirements. It is a sad reflection on our community when people selfishly turn on their gas in those sorts of situations. Many businesses outlaid enormous amounts of money to install diesel fuel systems. It cost them a lot of money to run on diesel and to change their systems.

There are amazing stories about fitters and mechanics working long hours into the night, day after day, to try to convert those systems to diesel. I express a word of praise for them and for the great work that they did. All of this clearly indicates to me that there is a lesson to be learned from this tragedy in Victoria. It could happen next in New South Wales. We must ensure that gas from one section of Australia can be transmitted to other parts of the country—an essential service desperately needed by industry. The costs to convert to diesel are enormous and we cannot afford wage and production losses. We must take steps to ensure that if a similar situation arises in New South Wales we can source gas from other parts of the country. I also refer briefly to the people who were killed and injured in that explosion in Victoria. [*Time expired.*]

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [5.37 p.m.]: I make a few points in response to the matter raised by the honourable member for Albury. I, and I am sure all honourable members, commend the Premier of New South Wales for doing all that was appropriate in these circumstances. I am pleased to

be able to inform the House that natural gas was found recently in New South Wales. There will be further developments and further announcements in the near future on that front. New South Wales is very conscious of the problems that could be experienced. If the honourable member makes a submission to the former High Court judge and to the royal commission I am sure it would be welcomed. He can use the offices of this Parliament to forward that submission.

WOLLONGONG STORM DAMAGE

Mr MARKHAM (Keira) [5.38 p.m.]: I refer again to the storm damage which occurred in Wollongong on Monday, 17 August. Many stories have been told about this disaster. I and other members from the Illawarra region have spoken in the past about this matter in the Parliament. On Saturday, 12 September, because of the devastation experienced by families and their desertion by insurance companies in this State, Keith Nolan, chief executive officer of the Kembla Grange racetrack, the Illawarra Turf Club, decided to sponsor a race day to raise funds to assist families in distress. Keith indicated that he was targeting about \$50,000 for the day. The racing industry and associated leisure organisations staged the lord mayor's flood appeal race day and auction on Saturday, 12 September.

The race day sponsors included: Southern Classic Cars, which donated \$15,250; the Registered Clubs Association of New South Wales, which donated \$20,000; the Illawarra branch of the Australian Hotels Association, which donated \$15,000; the Club Managers Association of Australia, which donated \$5,000; the City Tattersalls Club, Sydney, which donated \$10,000; the National Australia Bank, Wollongong, which donated \$25,000; the Illawarra Business Chamber, which donated \$5,000; the New South Wales TAB, which donated \$10,000; the Australian Jockey Club, which donated \$5,000; the Sydney Turf Club, which donated \$5,000; and the Provincial Clubs Association, the Newcastle Jockey Club, the Hawkesbury Race Club, Wyong Turf Club, Gosford Race Club and the Illawarra Turf Club, which donated \$10,000.

A further 26 donors contributed to the appeal. Two of the major prizes in an auction were a car donated by Southern Classic Cars at Wollongong, which was valued at \$65,000 and had a reserve auction price of \$34,000, and return air fares from Sydney to Canada for two, courtesy of Canada 3000 Airlines Ltd, Brighton-le-Sands, plus an accommodation package including tours, courtesy of Ambassador Travel Services, Brisbane. The appeal

received an incredible response. Indeed, the Premier attended the race day meeting on the Saturday afternoon to lend his support.

Last Saturday Bede McMahon, President of Illawarra Turf Club, handed to the Lord Mayor of Wollongong a cheque for \$159,296. Insurance companies in this State should take note of our community's efforts. Many companies have totally negated their responsibility to thousands of residents of the Illawarra. On Friday, 25 September, in a massive rally in Wollongong people marched through the central business district to the NRMA offices to criticise insurance companies in general and the Insurance Council of Australia in particular for their lack of intestinal fortitude in not ensuring that New South Wales insurance companies made the appropriate insurance payments to the people of Wollongong, who in some instances had lost everything.

At that rally I spoke about my disgust with the insurance industry and the Insurance Council. I said that not only were houses and property destroyed but families were psychologically affected by having to wait for insurance money to put their lives back together. In some instances those families are still waiting. The Insurance Council and the insurance companies of this State should be condemned for their lack of action. On 28 October many Wollongong residents will demonstrate outside the NRMA offices where the NRMA will hold its annual general meeting.

I compliment the Wollongong office of the Department of Community Services, which has already paid out approximately \$2.2 million to families who were affected by the disaster. That money is part of the emergency funding made available by this Government after the Premier declared Wollongong and the Illawarra a disaster area following the incredible storm on Monday, 17 August. How could insurance companies claim that it was not a storm? How could there be flooding without a downpour? I can assure the House that the storm was devastating. The Insurance Council and the insurance companies of this State should be condemned for not acting morally and in a compassionate way. [*Time expired.*]

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.43 p.m.]: I congratulate the honourable member for Keira on raising this matter. I commend the Illawarra Turf Club, its Chief Executive Officer, Keith Nolan, and the President, Bede McMahon, for their generosity and hard work. I know both of those gentlemen well

and I consider them to be personal friends. Unfortunately, because of prior commitments I was unable to attend the race day. However, the Premier attended the meeting. A phenomenal amount of money, a little under \$160,000, was raised.

Last week at a ball conducted by the Australian Hotels Association and held at the Illawarra Turf Club I said that the people of the Newcastle-Hunter region have a great deal of empathy with the people of the Illawarra, not only because of our historic industrial ties but because of our experience of the earthquake in 1989. We know that after a natural disaster the trauma continues for a long time. Like the honourable member for Keira, I deprecate the actions of some insurance companies. In the Hunter region whilst many insurance companies and the Insurance Council of Australia played a responsive role, some companies were outlandish in their behaviour towards people who were already traumatised by the natural disaster.

The Department of Community Services acted in a very positive way, as it did after recent hailstorm damage in Singleton and another natural disaster in Armidale. The department has become expert in dealing with natural disasters. I compliment the Illawarra Turf Club and extend my sympathy to residents in the Illawarra area. When I attend a registered clubs race day meeting in the Illawarra on 31 October I will pass on my personal compliments. [*Time expired.*]

ARAKOON STATE RECREATION AREA TRUST DISSOLUTION

Mr JEFFERY (Oxley) [5.45 p.m.]: I express my extreme disappointment at the sacking of Arakoon State Recreation Area Trust members. Those citizens of fine character have been betrayed by the Minister for the Environment and by the Government. The trust managed the daily running of the park efficiently and competently. The board's members are from the local community and give their time voluntarily because of a genuine concern for this beautiful area at South West Rocks.

Last August I received advice of the proposed sacking of trust members, which was ultimately effected by notification in the *Government Gazette* dated 11 September. I immediately made strong representations to the Minister for the Environment seeking reinstatement of the trust members because of their invaluable longstanding contribution to the South West Rocks community. I also demanded the withdrawal of plans to transfer the Arakoon State Recreation Area to the Hat Head National Park,

which is under the administration of the National Parks and Wildlife Service. Traditionally, trusts are made up of dedicated local people who are committed to their community and to the maintenance of local heritage values. Over the years the Arakoon State Recreation Area Trust members have done an outstanding job and have received many accolades from visitors and locals alike.

The recreation area has annual visitor numbers of about 800,000. Visitors are provided with an excellent service from dedicated staff, clean amenities, firewood for their many barbecues and beautifully maintained grounds. I have always believed that the responsibility for and ownership of local assets should rest with the community. The trust must be reinstated so that it can manage the area for the betterment of the community, rather than the management of the recreation area contributing to the expansion of the National Parks and Wildlife Service. A great deal of concern is being expressed by the South West Rocks and Macleay communities about the management being transferred to the National Parks and Wildlife Service.

As a result of the action taken by the Minister no manager will be in charge. The National Parks and Wildlife Service regional advisory committee meets in Port Macquarie. A ranger will be on duty but there will be no full-time manager under the direction of a trust. Such an administrative arrangement would not have the valuable input of former trust members. Funds that are traditionally raised in the area and used for the upkeep of the area will be lost. There will be no-one with any experience to govern Arakoon. However, there will be a receptionist and a duty ranger, who, although capable and dedicated staff members, cannot take the place of a trust that has demonstrated its capacity to govern Arakoon.

This is a unique area that requires unique, specialised control. It does not make sense to terminate an arrangement that has worked extremely well over many years, with forward-thinking, sensible people at the helm who have the area's best interests at heart. No-one will have the necessary experience or background to understand the special needs and challenges of this remarkable and complex recreation area. For those members who have not been to this part of the beautiful mid-north coast, the Arakoon State Recreation Area has within its boundaries the Trial Bay Gaol, a special piece of our heritage, interesting rock platforms, beaches and the magnificent Little Bay. The area also includes a popular camping area and a renowned kiosk, as well as unsurpassed fishing, swimming, boating, sailing and picnic facilities.

The area is a self-sufficient showpiece and a source of great pride to the community. It brings thousands of visitors to the area each year and the surrounding township of South West Rocks has benefited from being a haven for holiday makers and retirees. The amount of work and expertise that has been done behind the scenes by trust members has ensured the long-term maintenance of the park and its popularity. The latest move is a backward step. It is a pulling away of infrastructure and ideas. It is not merely an argument about whether a charge is imposed for entering the park; it is about the preservation, promotion and provision of access to one of our most valued heritage sites in New South Wales.

At present the community is worried about the whereabouts of trust funds. Will residual trust funds be transferred to the National Parks and Wildlife Service general operation budget and therefore be lost to the community? It is not fair that communities raise funds and the Government then syphons off the proceeds to prop up its own departments. The community wants the foolhardy decision to dissolve the Arakoon State Recreation Area Trust taken off the agenda. It wants the Minister to reverse her decision so that the trust can continue its good works for the sake of the South West Rocks community and the preservation of the area's natural and historic value. In more than 19 years of operation the trust has become skilled at providing uninterrupted hands-on attention to planning for the future and to caring for the assets of the community. The trust deserves a better deal, and I plead with the Minister to reverse her decision and to allow the Arakoon State Recreation Trust to be reformed.

Ms ALLAN (Blacktown—Minister for the Environment) [5.50 p.m.]: Like the honourable member for Oxley, I very much appreciate the work that has been done over many years by the former members of the Arakoon State Recreation Area Trust. I particularly nominate Jack Perkins, who, unfortunately, now is deceased. However, for many years he gave great service to the South West Rocks community. I also commend those who are not only interested in the maintenance of the area, but in its future management. Although I have made a decision to dissolve the trust, which, as the honourable member indicated, was gazetted on 11 September, I have also written to the members of the Arakoon State Recreation Area Trust and invited them to join the Port Macquarie District National Parks and Wildlife Advisory Committee.

I differ from the honourable member for Oxley in that I believe that a close working relationship has developed between those responsible for the

State recreation area and those responsible for the adjacent Hat Head National Park. The National Parks and Wildlife Service, which since the Government came to office has had the administrative responsibility for the Arakoon State Recreation Area Trust, has worked very effectively with the former staff, who are now employed under the National Parks and Wildlife Act. Although they have worked together co-operatively, I believe that the trust has become redundant. However, I do not want to lose the valuable expertise of the former members of the trust, hence my decision to invite them to join the advisory committee.

Unlike the honourable member for Oxley, I believe that the local staff are delighted by the decision to transfer them to the National Parks and Wildlife Service. They are already working very effectively at Arakoon. Their expertise and knowledge will not be lost; they will continue to contribute directly to Arakoon. The popular appeal of Arakoon for both visitors to the area and the local community will not diminish in any way. While I understand the motives of the honourable member for Oxley in championing the cause of the former trust members, I suggest that he encourage them to join the advisory committee.

CESSNOCK WASTE DUMP PROPOSAL

Mr NEILLY (Cessnock) [5.53 p.m.]: I speak to a petition which was tabled in the House earlier today. During my years as a member of Parliament it is the biggest petition I have handled; it was signed by 10,110 citizens of Cessnock. Because of possible non-resident signatories I have been assured that the petition has been completely endorsed by the residents of the Cessnock local government area. The petition sought that the attention of the Parliament be drawn to the objections of the petitioners to the dumping of any of Sydney's domestic, commercial or industrial waste in the Cessnock local government area. The petition also urges the Legislative Assembly to inform the Minister for Urban Affairs and Planning that it is the petitioners' wish that any development application that is made in relation to a waste dump at Cessnock be rejected. The petition was presented to me publicly and one of the principal organisers, Mrs Hilary Oliver, told me that the residents want the State Government to intervene and to stop the proposal to dump Sydney garbage in Cessnock. She drew attention to a televised statement made by the Premier to anti-dump protesters on 23 March, when he visited Cessnock. The Premier said:

We are not forcing this on you. If the community doesn't want it, the community won't get it.

I might add that I was with the Premier on that occasion but when he spoke to one of the organisers, Mr Evan Phillips, a former union leader, he indicated that if the council did not want it the dump would not proceed. I understand that that related specifically to a proposal put forward by the New South Wales Waste Service. On that occasion Mrs Oliver pointed out that 30 per cent of registered voters in the Cessnock local government area had signed the anti-dump petition. She added that 750 signs are displayed throughout the local government area opposing the dump. I might add again that each of those signs has been paid for by local residents.

Hundreds of letters of objection have been sent to the council. The group, which meets fortnightly, has an active membership and wants the proposal, which it describes as abhorrent, to be scrapped. Cessnock City Council has been dealing with the New South Wales Waste Service in relation to this proposal, which at present is for a facility to be located on Crown land between Cessnock and the township of Neath. The land was formerly partly open-cut and partly hard-rock quarry. The proponents intend that 400,000 tonnes per annum of putrescible waste should be taken from Sydney by road and dumped there.

I listened to an address from Mr Evan Phillips on the occasion when the petition was presented. At the completion of Mr Phillips' address I mentioned to him that it seemed to me a tad ironic that there is so much money in muck. I understand that it costs about \$90 a tonne to take waste from Sydney and deposit or dispose of it and to remediate the site at a later time. At the same time coal is being exported from the port of Newcastle for a little under \$US23 a tonne for spot sales. Recently some coal was sent out of the port for \$US15 a tonne spot sales. It is ironic that waste has more than twice the value of coal. As far as I am concerned, the council has endorsed the proposal for an environmental impact study. I believe that some of the concerns of the people of Cessnock may be alleviated if an environmental impact study is undertaken. I believe the project should not proceed unless it bypasses Cessnock, because road transport must be orderly and obviate disruption to residents. In a democracy people are certainly entitled to an environmental impact study, after which the situation can be fully assessed. [*Time expired.*]

Ms ALLAN (Blacktown—Minister for the Environment) [5.57 p.m.]: I appreciate the opportunity to comment on the comprehensive petition which was presented to the House today by the honourable member for Cessnock on behalf of some 10,000 local constituents. I emphasise that the

final decision about whether a landfill proceeds at Cessnock will be made by my colleague the Minister for Urban Affairs and Planning under State environmental planning policy 48, which makes him the consent authority for all major putrescible waste landfills. All members of the House would acknowledge that the location of a major landfill, particularly when the proposal involves the transportation of Sydney waste into country areas, is always a fairly controversial process.

The Waste Minimisation and Management Act has attempted to put in place a regime so that the need for these types of major putrescible landfills in the future is minimised. The Government is certainly undertaking major works and providing major resourcing to ensure that those types of landfills are simply not necessary. However, I reassure the honourable member for Cessnock that there will be a comprehensive environmental planning and assessment process before my colleague makes a decision.

I am very much aware of the strong and adamant opposition within his local community and I am very sensitive to that. Another community in the Hunter, Muswellbrook, is much more favourably disposed towards the location of a landfill within the municipality. I for one would happily support the location of a landfill site there if the Muswellbrook community regards it as an advantage. I have consistently believed that we should not force these types of operations on local communities if they do not want them. That is a strong message that I have given to the New South Wales Waste Service.

SOUTHERN HIGHLANDS ALL-WEATHER HOCKEY FACILITIES

Ms SEATON (Southern Highlands) [5.59 p.m.]: I speak on behalf of and in support of the Southern Highlands Hockey Association, particularly the efforts of its members led by the President, Steve Bensen, in support of its application for all-weather facilities in the southern highlands. The Southern Highlands Hockey Association is very much a family association. It has equal representation of men and women. It conducts veterans hockey matches. It has categories of players who compete regularly in under 21, under 17, under 13 and younger events. It has men and women, boys and girls. Parents of younger players are often players themselves. Families are involved in transporting their members and members of other families to events. It is very much a community and family oriented association.

With 900 members, it is one of the largest hockey associations in New South Wales but it is one of the few without permanent all-weather sporting facilities for hockey. The bid to fund all-weather facilities is supported by everybody in the southern highlands community, including local doctors. They participate in the association and recognise the health benefits, particularly for young people. Community members, both hockey players and non-hockey players, support the association. Young people often are looking for activities to be involved in, but because there are no permanent all-weather hockey facilities in the highlands the long distance to travel to get to permanent facilities in the changeable weather of the highlands can preclude some young people from participating.

The Southern Highlands Hockey Association has raised \$90,000 from its own efforts towards the building of all-weather facilities. The money was raised from local activities, fundraising at hockey matches, raffles and those sorts of things. All association members have worked hard to raise that amount. The community is also recovering from a recent tragic car accident death of an association member, as many honourable members would be aware. The proposal for the all-weather facilities has the support of local business. I mention particularly Blue Circle Southern Cement, a major employer in my area. It has given the association the use of land close to the plant at New Berrima. I understand that the company has been speaking to Steve Bensen and others about making available a larger area of land behind the present sporting fields at New Berrima which could be upgraded to provide permanent all-weather hockey facilities.

Members of the Southern Highlands Hockey Association now have to travel to places such as Narellan and Goulburn for permanent all-weather facilities. Because there are none in the southern highlands we cannot conduct larger carnivals; we have to go elsewhere to participate. It is a region of high growth. Mrs Cathy Allen wrote to me in support of the permanent hockey fields proposal. Her letter encapsulates the sort of organisation that the Southern Highlands Hockey Association is. She wrote:

I am one of many who strongly support the efforts of the Southern Highlands Hockey Association in their endeavours. I am a mother of three children who play hockey, both for their school and their local club, and a wife of a veteran hockey player. I speak for my family by saying that it is becoming harder and harder to play in representative carnivals against other districts, regions and schools because we do not play the game of hockey that is played today. Our children have the drive and the want but cannot gain the skills without the

facilities. The only way they are keeping up with other players is to travel miles and hours to other areas and play in competitions well away from home. I can see our local competition and competitors suffering badly and when you try and instil a sense of loyalty and pride in your children it is becoming increasingly harder.

Our association needs a little help in this area as the talent abounds from juniors to veterans . . .

I ask the Minister for Sport and Recreation join with the Southern Highlands Hockey Association and me in supporting the association's application for a regional facilities sports grant so that in the near future the southern highlands will have a permanent all-weather hockey facility.

CITYRAIL SECURITY

Mr PRICE (Waratah) [6.04 p.m.]: In today's *Maitland Mercury* there is an article on the Opposition's proposal to have armed guards on CityRail trains. I have some concerns about the proposal. I do not know whether we want to start the battle at the OK corral on public trains. It would not add anything to the confidence of the travelling public. A number of newspapers reported the Opposition proposals. Numerous incidents have been reported on the Newcastle-Maitland-Dungog line. The Government has taken action to improve the situation. The first I recall was the rebuilding of Telarah station, which was reopened in December last year. Mr Acting-Speaker, as the member for Wallsend you were involved in that. Improved platform lighting and video surveillance cameras were provided.

Further down the line the Metford station had been the subject of serious vandalism. New lighting and surveillance cameras with remote operation and recording were completed at Newcastle station in June and July this year. The Minister visited Metford station and spoke about the Government's concerns about the apparent increase in crime over the previous period, and outlined the Government's program for improving the quality of rail transport and the safety of passengers. The newspaper report highlighted a reduction in graffiti, vandalism and robbery but showed a worrying trend with the increase in assault. In July the Government addressed the problem by placing two security officers on all CityRail trains running at night. People who travel by train in my electorate regularly have indicated that they feel night travel is much safer. So not only is the actual travel safer but, importantly, there is also a perception of travel being safer.

The Government's initiatives in response to the reports have had a positive result. I am concerned

that the Opposition spokesman has proposed the introduction of armed guards on trains. From time to time I use trains in the Newcastle region and in metropolitan Sydney. I have never seen a situation that required armed intervention. People seem to be calmed by the arrival of security guards. They appreciate that they are on the trains from 7.00 p.m. to the end of the last journey on every CityRail route. The public continues to need reassurance. One of the ways of improving public transport is to increase its use. If trains are perceived to be safer—and we are actually making them safer—more people will travel on them, which will further increase safety of train passengers.

Inflammatory statements do not improve anything. In fact, they encourage violence at a time when we should be destabilising violent action and improving the attitude of commuters to train travel and safety. Commuters have already noticed the difference. The railway line in the Hunter is being upgraded, particularly in my electorate of Waratah, where the Beresfield station is currently being reconstructed. I understand from discussions with the State Rail Authority that the lighting there will be significantly improved. I hope that access to the station will also be improved. I applaud the Minister for his actions and look forward to further action being taken to reinforce and strengthen that already taken. I also look forward to hearing comments from a much happier travelling public on all forms of public transport.

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [6.09 p.m.]: I commend the honourable member for Waratah for the fine stand he has taken. He has served on transport committees in this Parliament and he has worked hard to achieve safer rail travel throughout the State. It should be remembered that violence begets violence. I commend the honourable member for calling for a safe travelling environment.

REGIONAL FOREST AGREEMENTS

Mr D. L. PAGE (Ballina) [6.10 p.m.]: The Carr Government is currently engaged in a process of assessing forests with a view to determining a regional forest agreement for the north-east area of New South Wales. My electorate is directly affected by these negotiations through the State forests involved and indirectly through the hundreds of timber jobs potentially at risk. Yesterday the *Sydney Morning Herald* quoted the Premier as saying, "There's no government in Australia greener than mine." That very same day his Government excluded key stakeholder groups, such as

Aborigines, farmers and mining groups, from participation in the forest assessment process for the north-east of New South Wales. So keen was the Premier to please the conservation lobby, which had withdrawn from the process just the day before, he was more than happy to make Aborigines, farmers and miners sacrificial lambs in his power play.

Labor's administration of forestry policy has been one of intimidation, threats, attacks on key stakeholder groups, abuse of process and loss of jobs in timber towns and surrounding areas. Under the guise of achieving a comprehensive and adequate reserve system it has prematurely declared 66 new national parks and wilderness areas and in the very near future plans to declare another 50 or so. Not only is the Government rushing to finalise regional forest agreements for the north-east of New South Wales without the involvement of key stakeholder groups, it is even prepared to go ahead without the Commonwealth Government, a signatory to any regional forest agreement. Of course, an RFA without the signature of the Commonwealth Government is not legitimate.

It is a farce for negotiations to be proceeding on the north coast as they are at present without Federal Government involvement. Now that the coalition has been re-elected in Canberra it will be only a matter of a week or so before it will be in a position to participate in the process. However, the Carr Government wants to pursue this "go it alone" and "to hell with the evidence" approach without the Commonwealth Government so it can announce approximately 50 new national parks in the next two to three weeks to ensure it gains Green preferences at the State election next March.

The broader community in my electorate and others have a right to expect the proper and agreed process to be carried out and not hijacked for short-term political purposes. I remind the Carr Government that the national forest policy, which the Opposition supports in its generality, is a joint State and Commonwealth process. If the Carr Government proceeds without the Commonwealth Government the result will be a half-hearted and half-baked RFA for the north coast, which the Commonwealth is unlikely to sign if it has not been a party.

Furthermore, to exclude community representatives from the Aboriginal, farming and mining communities means there is far less chance of an RFA being broadly accepted as a legitimate outcome and an agreement that can be supported for the next 20 years. There is an overwhelming need to get the process and the data right so that

stakeholders can say that although they might not agree with the final outcome, at least the process was fair and the data was accurate. They cannot say that at the moment because the Carr Government is sacrificing everything important to achieve a quick outcome in order to declare the new national parks.

A future coalition government should not feel bound by any agreement that has been reached without proper process. At present every single coastal compartment being logged north of Grafton for quota log purposes is in an interim deferred forest area—IDFA. That means the Government has a real problem meeting its contractual obligations under the 5 x 5 year wood supply agreements with industry because it has to access already the interim deferred forest area compartments. Clearly this is because the Government has locked up so many State forests to satisfy the extreme conservation lobby. The net result is that in a few years, if not sooner, taxpayers will have to pay compensation to timber companies that have these wood supply agreements. This will be a total waste of taxpayers' money. If the Carr Government was not so obsessed with converting well-managed State forests into national parks for political purposes, plenty of wood would be available to satisfy these agreements.

I draw attention to this situation because a future coalition government will not be held responsible for the current Government's mismanagement in this regard. A possible solution to the problem would be to give the IDFAs a status which enables them to be accessed in future years to meet the Government's contractual obligations rather than paying cash compensation from taxpayers' funds. Another effect of converting so many State forests to national parks is that the harvesting cycle is constantly being shortened, producing smaller logs and less sustainable forests. It is likely that in 20 years time there will not be a mature forest timber industry if most of the IDFAs are made into national parks and are made inaccessible for timber production. The way this issue is being handled is regrettable and will cost the country many jobs.

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [6.15 p.m.]: Though I am not well briefed on this subject I assure the House that the statement made by the honourable member lacked some coherence when compared to the stand taken on water. There must be consistency in achieving orderly sustainability. That is being done and I understand that in the next couple of weeks the Minister will make an announcement to that effect. The honourable member has not given the facts, merely his opinion. I respect his right to have that opinion but I assure the House there is another side to the story.

AWABAKAL ABORIGINAL CO-OPERATIVE

Mr MILLS (Wallsend) [6.16 p.m.]: On Monday, 28 September, I had the honour of attending an historic occasion in Newcastle: the signing of a partnership between the Hunter Area Health Service and the Awabakal Aboriginal Co-operative. The document was entitled "The Hunter Aboriginal Health Partnership Agreement". This agreement was signed on behalf of the Awabakal Aboriginal Co-operative by the Chairperson, Robert Smith Junior, and the Chief Executive Officer, Ray Kelly. Carol Abela, Chairperson of the Hunter Area Health Service, and Professor Katherine McGrath, Chief Executive Officer, signed the document as well.

Also present to witness the signing of the agreement were Sandra Bailey, Chief Executive Officer of the Aboriginal Health Resource Co-operative Ltd, who came from Sydney for the ceremony, and Dr Refshauge, the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs. I congratulate all partners to the agreement on the work undertaken to achieve this significant milestone. Present at the ceremony also were 50 members from the Hunter region Aboriginal community, my colleague the honourable member for Newcastle, Bryce Gaudry, and the Federal member for Newcastle, Allan Morris. At the ceremony the Deputy Premier stated:

By working in partnership with Aboriginal communities we can ensure health services are effective and culturally appropriate. It is only by working together that we can make a concerted effort to improve the health of Aboriginal people.

The Minister also presented a prize to the winner of an art competition that called on locally based Aboriginal and Torres Strait Islander artists to create an image representing the partnership agreement between the two organisations. This artwork will be permanently displayed in the conference room of the Hunter Area Health Service and will be a lasting reminder of this partnership to improve the health of Aboriginal and Torres Strait Islander people living in the Hunter. It is not quite what one would expect of an Aboriginal painting: it is stunning and modern in theme. I am sure that those who visit the conference room will enjoy viewing the artwork of Rowlene Curtis, an 18-year-old student at Cameron Park School for Specific Purposes in the electorate of Waratah. It was developed over six intensive 20-minute sessions at the school with acrylic paint and gouache.

In a recent article in the *Hunter Health News* Professor Katherine McGrath, the Chief Executive Officer of Hunter Health, referred to the joint

development and implementation of strategies to improve the health of Aboriginal communities. Professor McGrath stated that in the Hunter 112 different Aboriginal communities come under the auspices of five land councils. She further stated that the Awabakal Medical Service oversees the health needs for those groups and will be the lead organisation in consulting with the communities to determine their health needs. The service will also be the lead agency in representing those needs to Hunter Health. Professor McGrath stated that the agreement has implications for the way we deal with Aboriginal health issues, and that the development of any new service for Aboriginal people must be processed through the partnership forum. Professor McGrath further stated:

If you are developing a proposal, I recommend you speak to Sue Fardy or Marilyn Wilson to ensure you follow the appropriate consultation processes. Aboriginal communities' consultation processes are different to those of traditional white communities and we need to follow and respect this to make progress in the delivery of health services.

As part of the consultation process the membership of the partnership forum will comprise Aboriginal members, including the chief executive officer of the Awabakal Aboriginal Co-operative, a board member from that co-operative, the co-ordinator of the Mindaribba River Aboriginal Health Committee, five community representatives from the Upper Hunter, the Lower Hunter, Port Stephens, Newcastle and Lake Macquarie, and the New South Wales Aboriginal Health Resource Co-operative regional executive member. The membership of the partnership forum will also comprise Hunter Health officers, including the chief executive officer, a board member, sector general managers, the Aboriginal health co-ordinator, the general manager health programs division, a clinical representative and a service planning representative.

The role of the partnership forum is to set strategic direction and monitor performance of the Aboriginal health plan and the partnership agreement, and to make recommendations to the Hunter Area Health Service board. The partnership forum meetings will be co-chaired by the Aboriginal health co-ordinator and the regional Aboriginal Health Resource Co-operative. I commend the agreement and congratulate those who brought it into being. [*Time expired.*]

RAIL STATION STAFFING

Mr KERR (Cronulla) [6.21 p.m.]: Recently stationmasters have been given bad press by the Government. It is important to place on record the valuable contribution that stationmasters have made.

When I was first elected the member for Cronulla in 1984 a long-serving stationmaster at Cronulla railway station retired. I attended his farewell dinner, and an invitation was also extended to the former member, the Hon. Michael Egan. The stationmaster had served the railways with distinction for many years. It was interesting to hear the testimonies given by staff members of Cronulla railway station. I recall that one young station assistant was somewhat put out when he was told on reporting for his first day of work at the station that he had to wear a uniform and be presented smartly. However, he came to appreciate the care and attention that the stationmaster gave, which was manifested in ensuring that the staff always presented smartly. I recently received a copy of a letter written by one of my constituents to the Minister for Transport, and Minister for Roads, in which the constituent said:

In the recent controversy over the proposed sacking of Railway Station Managers, you said on radio that "The Railways could not afford to pay Managers to read the newspaper", inferring that Station Managers do not provide any service.

As a visually impaired person, my experience of the Station Managers at Caringbah Station is that they are vital to my safe travel around the railway system of Sydney. Every time I travel, they are courteous and caring and quick to accept responsibility for taking me to the Guard's Van (with the "Blue Light") and inform the Guard of my destination; then, after the train leaves, they telephone the Station of my destination to arrange for a Station Assistant to meet me and take me out the gate or to another platform, where a similar service is provided.

I, together with other disabled persons, am very thankful for the special services provided by the Railways, and carried out by the very able Station Managers.

Therefore, I want to make a plea for their retention. Otherwise, we will be denied our freedom to travel unaccompanied by rail.

I trust you will take full consideration of this matter.

During the period that the present Federal member for Cook, Mr Bruce Baird, was State transport Minister he often presented awards for valuable services performed by stationmasters and other members of the railway where people had written in, in the same way as my constituent has done. The awards were presented at Parliament House, and it was great to see recognition given to railway employees. We tend to overlook the contribution that they make, often outside normal working hours. I assure members of this House that the gardens and landscaping of many railway stations would be sadly neglected if it were not for the station assistants taking the time and trouble to tend them.

We have seen a reduction in railway staff in the Cronulla area. I believe this has been detrimental

to the general travelling public. There are three railway stations in my electorate—Cronulla, Caringbah and Woollooware. I believe people now feel less safe travelling to and from those stations because they are no longer fully manned. Leaving aside the primary considerations of public safety, it is ironic that at a time when we are environmentally conscious and should be encouraging people to use public transport, we are in fact reducing the hospitable environment that should be the surrounds of a railway station. That can only be manifested by having real-life staff, not simply pieces of machinery, at the service of the travelling public.

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [6.26 p.m.]: I assure the honourable member for Cronulla that the Government also has a great belief in its employees. The House must be reminded that from 1988 to 1995, 17,000 or 19,000 employees were stripped from the State Rail Authority, and that action has been an ongoing sore within the State Rail movement. I appreciate what the honourable member has said about a fine officer at Cronulla railway station. Having had family live in Port Hacking Road for many years, I know that that officer served his office well, and members on this side of the House also wish him well. It is important that it be acknowledged that our employees are valuable, and the Government will continue to support them.

SCHOOL TEACHER MISCONDUCT ALLEGATIONS

Mr RUMBLE (Illawarra) [6.28 p.m.]: I wish to raise a matter on behalf of Mr Brian Dellit, the president of the New South Wales Teachers Federation at Dapto High School, concerning the process involved when an allegation of misconduct is made against a school teacher. Mr Dellit's concern relates to allegations made against high school teachers and the period that a teacher has to wait before being told of the offence that he or she allegedly committed. Mr Dellit explained the case of a local teacher who claimed he was not told that the allegations against him would not be investigated until three months after the initial advice to him that an allegation had been made.

Mr Dellit expressed the concern that the current time frame causes a great deal of stress for the teacher, his or her family, and the community. He said that the Teachers Federation asks that a reasonable time frame be given, that the person against whom the allegation is made be advised of the allegation within seven days, and that that advice come from the case management unit. The Teachers Federation asks that the evidence be provided within two days and that seven days be provided for a

reply. Mr Dellit stated he had received complaints that there were inadequate resources for the case management unit and that the Teachers Federation was of the opinion that the resources should be increased.

Another matter was the department's practice that the case management unit keep all data on a teacher, even if the teacher was found innocent of any allegations. Mr Dellit is of the view that, as with the law, each case is a separate entity and there must be a better way of protecting the rights of teachers who have been found innocent, without keeping the information. He stressed that the Teachers Federation is all for carrying out the process of disciplining teachers who do the wrong thing, but there must be an adequate time frame in which all these types of things are investigated and conclusions reached. I will give the detail of one teacher who said:

I am currently employed as a casual teacher with the Department of School Education. Recently, I have experienced an extremely distressing situation where my basic human rights have been denied. I believe the procedures established and undertaken by the Department of School Education are largely responsible for this distress.

Nine weeks ago, an allegation was made that I engaged in improper conduct, including conduct that could amount to improper conduct of a sexual nature with a student. The allegation was found to have no substance whatsoever. There was no further investigation required and no further action taken. Despite this, the stress placed on myself and my family throughout the period of the investigation was enormous. The physical, emotional and psychological damage to myself, my husband and, indirectly, our children, can be attributed to the unfair, irresponsible and inadequate policies of the Department of School Education. An outline of the procedure taken within my school and by the Case Management Unit will provide enough evidence to suggest that changes need to be made in order to protect innocent people.

On August 29, 1997, the relieving principal of the high school informed me that an allegation involving improper conduct of a sexual nature had been made against me. Under no circumstances was the relieving principal permitted to divulge any information regarding the allegation. I was not given any idea of what the alleged misconduct involved, or when it took place. I was not even notified of the time frame within which the investigation would take place. Yet, although I was left without any understanding of what had happened, I was deemed a low enough risk to continue teaching my classes. This was extremely difficult. In essence, I was expected to perform as a teacher in an environment where I felt threatened by an accuser whose identity was kept from me. I felt unsafe and harassed.

I was advised to retain the confidentiality of this allegation for investigative purposes. This left me feeling further isolated as I felt I could not call on the support of those who knew and trusted me within the school. Thus, an ostensibly protective system designed to maintain a safe environment for children was denying a totally innocent individual her right to natural justice.

The view of the Teachers Federation is that all cases should be investigated, but within a time frame that is fair to all parties involved.

REGIONAL FOREST ASSESSMENT

Mr COCHRAN (Monaro) [6.32 p.m.]: I speak on behalf of the residents of Bombala and Eden and the surrounding district, particularly those who have been involved in the hardwood industry for the 11 years I have represented the area. Today in the Parliament the Premier made an extraordinary statement that follows on from a statement he made in October 1995, claiming that his forest policy was creating jobs in the south-east forests. I am alarmed and angry that he should come into this Parliament and say in such a hypocritical way to a community that has been rendered destitute by the forest policy of this Government that it is benefiting in some way from the decisions made by the Premier and the Cabinet. Members of the hardwood industry in the south-east forests and throughout New South Wales engaged in the regional forest assessment process, believing it would be a scientifically based argument, one that would put an end to the dispute within the south-east forests and other places, and that would have some long-term benefit to the industry. They put their heart and soul into it, putting faith in the process, believing that both sides would honourably meet their commitments.

The RFA process is doomed to failure. It is considered by all of those in the forest industry to be nothing more than a farce. The considered opinion of those in the industry is that they have been let down, not only by the Construction, Forestry, Mining and Energy Union, particularly Gavin Hillier as a representative of the forest workers, but also by the Forest Products Association and Colin Dorber. The fact that the Premier is now making a determination to declare national parks in areas that are still under consideration by the RFA process is a true indication that he has no regard whatsoever for the process. I commend the honourable member for Ballina for raising these issues tonight.

The outcome of the RFA process has not been finalised. The declaration of national parks in those areas is threatening the jobs of even more workers. In October 1995 in this Parliament the Premier gave an undertaking that 450 jobs would be created in the softwood industry in Bombala to replace jobs lost in the hardwood industry. This promise has not been fulfilled. The Australian Labor Party and the unions were forced to choose between loyalty to their traditional supporters, the workers of this country, and the extreme end of the green movement. They

chose the extreme end of the green movement on the basis that they need the votes in the cities. It is an indictment on a party which once had grassroots support from the workers of this country, something they have now denied themselves.

The RFA process has not taken into account the social and economic impacts on those in communities such as Bombala and Eden. Any claims that the forest policy of this Government is a success are false. It is an absolute failure. The communities of Bombala and Eden have undergone extreme suffering. I challenge the Premier and Minister Yeadon to come to Bombala and Eden and for the Premier to make the same statements in those areas that he made in the House today: that jobs have been created. The fact is that jobs are being lost in extraordinary numbers. There is heartache in those communities: shops are closed, there is an air of destitution, people are feeling a great deal of pain. Without any compassion from this Government they do not hold any hope that the Premier or Minister Yeadon will visit them.

People in those areas live under constant threat of sabotage of their equipment, which is a regular event and causes further cost to the operators in insurance premiums. For the Premier to claim some success of his policy is most unjust and hypocritical. I ask the Minister at the table, the Minister for Mineral Resources, and Minister for Fisheries, to extend my invitation to the Premier and Minister Yeadon to come to both Bombala and Eden and explain what they intend to do to create jobs in the absence of the jobs the Premier promised in October 1995. We need jobs and economic development, but we are not getting them from this Government.

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [6.37 p.m.]: As I said earlier to the honourable member for Ballina, this matter is currently being worked through. It is pointless to grandstand and carry on in the middle of a process that is so close to finalisation. The Government is doing the right thing by all the people of New South Wales. This is the sort of nonsense that comes out of the mouth of the honourable member for Monaro that does a disservice to his constituency. It ought to be drawn to the attention of the House that twice tonight there has been grandstanding on a number of issues, rather than normal private members' statements. It is a terrible abuse of what this Parliament is about. The Government is addressing the problem. No-one can accept the half-truths and the nonsense that comes from the honourable member.

AUBURN ELECTORATE WORKERS TRIBUTE

Mr NAGLE (Auburn) [6.39 p.m.]: I have now been a member of this Parliament for 11 years. I would like to acknowledge publicly those who have been an integral part of my support, who have manned the polling booths, who have sold and bought raffle tickets, and who have always been there to advise me and to help me along the road. I echo the sentiments expressed earlier by the honourable member for Monaro. We cannot achieve success unless we have a dedicated team working with us. Tonight I acknowledge some of the people who have assisted me. I refer first to my close and good friend Councillor Chris Cassidy, a councillor on Auburn Council, a man of integrity and honesty and a public defender and lawyer. I refer also to Chris' wife, Janette, a schoolteacher. I mention my friend Councillor Bob Murray and his wife, Judy. Bob and Judy have frequently performed babysitting duties for members of our young family. I mention Councillor Pat Curtin, the former mayor of Auburn, who was only recently defeated. It was a shameful day that some councillors on Auburn Council removed him as mayor.

I mention also Pat's wife, Barbara. I mention Councillor Rhonda Donaldson and Anthony. These people have all been a part of the Australian Labor Party for 10 years and more—the length of time that I have been a member of this Parliament. I do not have time to mention everyone, but I shall mention some. I thank people in the Regents Park branch of the Australian Labor Party for their advice, friendship and kindness. That includes the President, Charlie Kensie, my good friend Max Barton, and Des Ryan. I thank John and Helen Le Mottee, John Day, Earl Sharpe, Rafael Valia and Wal and Jean Mueliger for their support. Wal is not well at present, but he and Jean have always been present at elections, putting things in envelopes, licking envelopes, putting stamps on them and posting them.

In the Berala branch I acknowledge John and Noelene Donnellan. John is the president of the branch, and is a solicitor and a selector for Western Suburbs Rugby League Football Club. I acknowledge also Don Dartnell, Joan Hourigan, Len and Mary Dernley and a former member, Edna Fox. They have all been great supporters. I could refer to the names of many people but I wish to refer in particular to those who have been in the party for over 10 years and who were part of my preselection process. In the Lidcombe branch of the party I acknowledge President Malcolm Burns and his wife,

Pat, also Pat Gavan, Frank McGlynn, Tom and Dot Baldistone and Davie Eagleson. They have been members of the Australian Labor Party for a long time. Pat, Dot and Frank now have life membership of the party. I acknowledge also the Secretary, Caroline Staples, and her husband, Martin Byrne. All those people have worked for years in the Labor Party.

In the Auburn branch, at which Councillor Chris Cassidy is Chairman, I refer in particular to my good friend Barbara Perry, who scrutineered during my preselection and made her presence known when some of my opponents became rowdy. I acknowledge Barbara's husband, Michael Perry, Mehmet Tok and three people who are no longer members of the party but who are Labor supporters—Paul and Ron Aktas and Savas Demercilier. In the Birrong branch I mention those stalwarts and life members of the party Bill and Billie Jennings. We need more Bill and Billie Jennings in the Labor Party. I thank both Bill and Billie for all the work they have done over the years. I refer also to David and Judy Blake—David is a councillor on Bankstown council—President Bob Burns and Frank Maher.

I do not have the time to refer to every member. In the Sefton branch I acknowledge Kath and Roger Bowman—Roger is a former mayor—Mick Simpson, Councillor Helen Westwood, Ray Wheeler, Max Reed and a former member of the Bass Hill branch, Bill Lovelee. In the Yagoona branch I mention my good friend and adviser Vic Herman, Councillor Grant Lee, a great supporter and my campaign director, Melva Lee, Bob and Chris Holderness, Jim Wilson, Jack Shannon and Tom Shourel.

In the Berala west and west Auburn branch I acknowledge Jack Shanley, Mavis Druce and those great supporters who stayed in the area for 10 years, Peter and Olive Cox. Peter, the former member for Auburn, no longer lives in my electorate. I mention also the former Chairman, Mr Garcia. I thank my parents, Veronica Ellen Nagle and Hylton Joseph Nagle, who are both deceased, for their love, kindness, affection, support, help and generosity. I mentioned them in my maiden speech when my mother was alive, although at that time my father was deceased. I place on the public record the names of all those decent Australians. [*Time expired.*]

GREENACRE COMMONWEALTH BANK CLOSURE

Mr STEWART (Lakemba) [6.44 p.m.]: On behalf of my Greenacre constituents I raise concerns

about the decision by the Commonwealth Bank of Australia to close its Greenacre branch on 2 October this year. I raised this issue in this House on 10 September after receiving notification from the CBA of its intention to close its Greenacre branch. I add that that notification was given to me as a fait accompli. I raised this issue at the time in the belief that the CBA—a bank borne out of the people and the substance of New South Wales and Australia as a whole—would review its decision to close its Greenacre branch. At the time I also mentioned that a delegation had been organised to meet with Mr Dick Perkins, the CBA's New South Wales customer services general manager, in an effort to convince the CBA that its decision to close the branch at Greenacre was ill-founded and in need of drastic review.

On 14 September a delegation comprising the honourable member for Bankstown, Mr Doug Shedden; the honourable member for Auburn, Mr Peter Nagle; the Federal member for Blaxland, Mr Michael Hatton; Bankstown city Mayor at that time, Mr Kevin Hill; Bankstown's Deputy Mayor, Ms Helen Westwood and I met with the CBA. At that meeting, which lasted for a long time, a strong case was put forward—which was supported by Bankstown council's professional consultant on urban planning, Mr Martin Hill, to look at the future commercial viability and sustainability of the Greenacre and Yagoona shopping centres.

Yagoona, which was targeted for closure, has also had its branch of the CBA closed. Council was in the process of making significant improvements to the infrastructure of these shopping centres that would add to the viability and strength of the CBA branches at both shopping centres. The CBA's general manager, Mr Dick Perkins, was non-committal about any reversal of the bank's decisions to close its Greenacre and Yagoona branches, but he formally agreed to review the CBA's closure decision in light of information conveyed to him by those in attendance at the special delegation.

It is disappointing to note that, despite the excellent arguments put forward at this meeting—I commend Bankstown council for its input in this matter—the CBA paid only lip-service to this most important issue. As a result the CBA, in ruthless contempt of the 22,000 people who reside in the Greenacre area and the hundreds of local businesses, closed the doors of its Greenacre branch on 2 October. Since its decision we have learned of other CBA closures in the Hurstville region and rumours about dozens of proposed bank closures in shopping centres throughout metropolitan Sydney and regional New South Wales. I note that many

closures have already occurred in regional New South Wales, starving those areas of a much-needed banking service. After raising this matter in the House I received a letter on 10 September from the Commonwealth Bank, signed by the head of group corporate relations, Ms Jill Lester, in which she states:

The Bank faces numerous economic and commercial realities which impact upon . . . banking services.

The only reality that the bank is facing these days is its pursuit of profit. It does not care about people. That is clear from the closure of its branches throughout New South Wales and Australia. The letter goes on to point out the detailed trend analysis of the bank in Greenacre, thus proving the need to close it down. Mr Perkins had no real demographic understanding of the area when we met with him. It was clear throughout our meeting with him that he was not aware of the needs of the people and the trends in the area. Despite those facts, the bank has closed and the CBA has not reviewed its decision. The letter also points out that people in Greenacre can use the postal agency, in the form of Australia Post.

What a ridiculous situation when the Howard coalition is closing down post offices willy-nilly throughout Australia! Greenacre post office is one of the post offices earmarked for future closure. I and the people of Greenacre will fight against that closure. Where do the people of Greenacre go now, in particular elderly constituents and the disabled? Are they supposed to take advantage of the services provided in Punchbowl, Lakemba, Bankstown and Roselands? They cannot physically get to those places. They have been left for dead by the CBA—a bank that no longer cares about the people who have patronised it for many years. I condemn the CBA for taking this decision. I will continue my fight. [*Time expired.*]

Mr DAVID WAINSTEIN

Mr KINROSS (Gordon) [6.49 p.m.]: I speak on behalf of a constituent, David Wainstein, who has serious concerns about his treatment at the hands of the police, a law firm, a real estate firm or property company for whom he previously acted and a number of other agencies, including the Office of the Legal Services Commissioner. Mr Wainstein is present in the gallery. His treatment was the subject of press coverage in the *Daily Telegraph* on Wednesday, 27 August, 1997 and he was honoured with citizenship coverage on the front page of my local paper, the *North Shore Times*, on Friday, 24 January, 1997, just before the annual citizenship ceremony at the Bicentennial Park in my electorate.

The article stated, "Time to celebrate, family forges future". However, Mr Wainstein's future was anything but happy.

Mr Wainstein has contacted me and my office on many occasions and has outlined a number of concerns about his treatment, which he has best described as "corporate violence". I will not traverse the details because they already appear in the public media, other than to say that they relate to the acquittal of Mr Wainstein on a charge relating to an alleged bomb threat. It is no easy task to thoroughly deal with the voluminous material that he has provided in the limited time available to me. Mr Wainstein was suffering from clinical depression at the time of the charge. His employment with DTZ Bayleys was terminated, and concerns were also raised by a number of employees.

It is not my task to decide the merits of the charge other than to say I am impressed by Mr Wainstein's forthrightness, articulateness, clarity and determination. Although he was acquitted of the charge he did not receive legal costs. As an example of the true altruism of the man, Mr Wainstein is not here because of grievances against the parties I previously mentioned. He is here so that others do not encounter the same misfortune that he did. His misfortune relates to a number of issues. Section 81 of the Justices Act, an issue that Mr Wainstein did not directly raise with me, provides that an informant and the prosecution having lost their case and having it dismissed can have costs awarded against them.

I ask the Minister for Fisheries to ask the Attorney General to review section 81 of the Justices Act so that as an unsuccessful party to a case the police prosecution should pay the successful party's costs. No costs were awarded in this case. Under the tight regime of section 81 an application must be made at the time of the hearing. Subsequent to the court case there was an attempt at mediation. To be fair to the other party, this morning I spoke to the solicitors for DTZ Bayleys. One of the legal practitioners suggested that we would lay charges against a parliamentary employee who acted in the same manner as Mr Wainstein had. I think not.

People who suffer from clinical depression need understanding. Mental illness should not be treated as a crime. Accordingly, we should be vigilant about the way we consider such matters. If the police had considered the statements given by Mr Wainstein and tested the motives of the other employees to establish the bona fides of their statements, probably no charges would have been laid. In any event the charges were dismissed. [*Time expired.*]

GUN LAW REFORM

Mr CHAPPELL (Northern Tablelands) [6.54 p.m.]: I have recently been contacted by numerous constituents who live in close proximity to the New South Wales-Queensland border. They are residents of New South Wales but have a postal address which bears a Queensland postcode. Their concern relates to the implementation of the New South Wales gun laws over the past 12 to 18 months. For want of full knowledge and continuing advice from the Firearms Registry on behalf of the Government, they have now fallen outside the law. I have alerted my colleagues in the electorates of Barwon, Lismore and Murwillumbah who may have constituents in the same situation, and those living in the Victoria-New South Wales border areas may also be affected.

When the Firearms Registry was proceeding through the long and tortuous process of advising firearms owners and licensed shooters of the implementation of the new law, for some reason people who had a postcode address outside New South Wales dropped off the list. They did not receive the follow-up information which had been promised earlier. For many of these people their media coverage comes from interstate. For instance, in the Tenterfield area, particularly to the north-east, residents receive Queensland television and radio broadcasts and Queensland newspaper coverage. They get virtually no media coverage from New South Wales. An early advice which they received from the Firearms Registry stated:

It is specifically requested that you do not attend your local Police Station to renew or re-apply for a licence and register firearms held by yourself or on behalf of a business or club until you receive further written advice from this office.

No further advice was received. People who lived in the border areas with a Queensland postal address never received any further advice. They have attended Tenterfield police station, stating that they are not licensed and wanting to know how to register their firearms. The Tenterfield police are confronted with the problem that these New South Wales residents are clearly holding firearms outside the legal conditions that currently apply in the State.

On 17 September I wrote to the Minister for Police, but I have not yet received a reply. Because this issue is still being raised with my office, and further contact has been made to my office over the past few days, I wrote again today and advised the Minister's office that I would be making this private member's statement to ask that the matter be reviewed. It is not just a matter of these residents being slack. I am sure some people throughout the State were slack in attending to their responsibilities

under the new legislation. These residents were specifically told not to do anything until they were contacted. No-one ever got in touch with them, and they have been put in a most invidious position.

In fairness, the Minister should review the cases of those who live in the Queensland, Victorian and South Australian border areas. They could be informed by advertisements, or follow-up letters if a previous address was registered, that they have three months to comply with the law. This matter has a degree of urgency. Certainly a matter of equity is involved. By acting in accordance with instructions, these residents have ended up outside the law. I appeal to the Minister to consider the circumstances of this matter in good faith, to alert police in the border area police stations that there is a genuine problem that the Minister needs to attend to and to resolve the matter in the residents' favour as quickly as possible.

Private members' statements noted.

SENATE VACANCY**Joint Sitting**

Mr ACTING-SPEAKER (Mr Mills): I report the receipt of a message from the Legislative Council agreeing to meet the Legislative Assembly in the Legislative Council Chamber on Wednesday, 14 October 1998, at 11.00 a.m., to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator Belinda Jane Neal.

[Mr Acting-Speaker (Mr Mills) left the chair at 7.00 p.m. The House resumed at 7.30 p.m.]

METHODIST CHURCH OF SAMOA IN AUSTRALIA PROPERTY TRUST BILL

Bill received and read a first time.

Second Reading

Mr WHELAN (Ashfield—Minister for Police) [7.01 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 23 September and the second reading speech appears at pages 7780 and 7781 of *Hansard* for that day. The bill is in the same form as introduced in the other place. I commend the bill to the House.

Debate adjourned on motion by Mr Slack-Smith.

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

**Debate called on, and adjourned on motion
by Mr Fraser.**

**LOTTERIES AND ART UNIONS
AMENDMENT BILL**

Second Reading

Debate resumed from 23 September.

Mr SLACK-SMITH (Barwon) [7.32 p.m.]: The aim of this bill is to amend the Lotteries and Art Unions Act 1901 to legalise the social game of housie, subject to such games being conducted as set out by the Act or in regulations made under the Act. All over New South Wales the game of housie has been a most popular and sought after pastime for many of our senior citizens, especially in church groups, retirement villages and places where elderly people get together. It is not a huge money-spinner but it is a game which gets people together and which many people enjoy. The Opposition does not oppose the bill.

Currently the Act allows games of housie to be conducted for charitable fundraising purposes and as a form of social entertainment for members and guests of registered clubs only. That is rather unfair. In Wee Waa the Catholic church used to run housie every Monday night. It was very popular and people of any denomination could come along, put a few cents in and have an enjoyable evening, and there was a social interaction between the elderly. But it is sad that permits should be required for members and guests of registered clubs.

For many years games of social housie have been conducted in many communities. On the whole, these games are organised purely as a form of entertainment or a social pastime and, although some non-profit organisations run social housie games, they do so only to raise a small amount of money to cover the costs and finance their activities. Given the apparent public acceptance of social housie as a harmless pastime, law enforcement officials have been reluctant to enforce the law. They see groups of people getting together and having an enjoyable time, not making huge amounts of money. Law enforcement agencies or police have had to turn a blind eye because they can see that no illegal activity is being carried out, only people having a good time. They have been most tolerant.

The bill seeks to remove this conflict by legalising social housie, but requiring that it be conducted in accordance with the Act, which is fair enough. That is, it will essentially legalise and regulate something that already happens. The object of the bill is to amend the Lotteries and Art Unions Act 1901 and to enable social games of housie to lawfully occur without the need of a permit and to provide for the conduct of such games in accordance with the Act and any regulations made thereunder, thereby minimising opportunities for improper conduct. The amendments emphasise the importance of ensuring the integrity and fairness of social games of housie for the protection of the public.

Accordingly, in social housie games no charge is to be levied on participation in the game nor on entering the place where the game is being held. The operation of sections in the Lotteries and Art Unions Act dealing with the falsification of records, misappropriation, and fraudulent conduct are to be extended to cover social games of housie conducted under the amendments. The amendments are not intended to create a new form of gaming, but to legalise the current operation of social housie games.

Therefore they provide that games are not to be conducted on licensed premises or the premises of licensed clubs. Moneys invested in the game are to be applied only towards prizes or expenses involved in the conducting of the game or, in the case of games conducted for a non-profit organisation, towards the purposes of that non-profit organisation only. Provision is made for the power to make regulations both limiting the value of prizes that may be awarded in games of social housie and governing day-to-day conduct of these games. The Opposition has consulted with the Registered Clubs Association and does not oppose the bill.

Mr FRASER (Coffs Harbour) [7.36 p.m.]: I speak in support of my colleague the honourable member for Barwon. This is really a tidy-up piece of legislation, and it is very important, especially on the north coast. The north coast has a large number of nursing homes and hostel-type facilities, all of which have a hall. Although the residents have access to games at registered clubs, they like to run their own social games. As they get older and cannot get around very well, the social games are becoming more prevalent. Housie is a popular pastime for residents of the Catholic Care for the Aged, Osnam Villa, St Joseph's hostel or the Masonic Village in Coffs Harbour.

It is ridiculous that in the past those residents have lived in fear of prosecution. The games are

held for the benefit of the people within those communities. They allow those people the opportunity to socialise. This amendment was obviously necessary to tidy up the legislation. I commend the Minister for introducing it and ensuring that people can legally play social games of housie. In the old days of Apex we used to run housie games, giving away coat hangers and all sorts of small items that people liked to play for. The prizes got a little bigger than that, with cash prizes being introduced and the clubs taking over conduct of the games.

This amendment takes the game back to fulfilling its original intention, that is, as entertainment for crowds of people such as the elderly and holiday makers. These games give players the opportunity for social discourse and at the same time provide them with an opportunity to entertain themselves and enjoy an activity that they would not otherwise be able to enjoy legally. I support the honourable member for Barwon. I congratulate the Minister and assure him and the House that this legislation will have positive benefits on the north coast of New South Wales. I support the bill.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [7.40 p.m.], in reply: I thank the honourable member for Barwon and the honourable member for Coffs Harbour for their support of the bill. I acknowledge the contribution of community members who have participated in the review process. They have been many and varied. As I acknowledged in my second reading speech, many members from both sides of the House have been confronted with the dilemma that elderly people, in the main, have been denied the opportunity to participate in this most harmless pastime.

I must relate one of the funny incidents that I have heard about in the years that I have been in this Parliament, particularly as shadow minister and then as Minister. Someone complained about some pensioners playing a game of housie on Good Friday. The lady complainant had strong religious beliefs that the game should not be played on Good Friday. Little did she know when she lodged her complaint that the playing of housie in the circumstances in which these pensioners were playing the game was illegal. Imagine three or four large police getting out of their vehicle and stomping into the East Lambton progress hall in the Hunter and ordering these people to desist from playing housie. Of course, the police exercised a

great deal of commonsense in the circumstances. But that is the sort of ludicrous situation that can arise under the present law.

Each of the pensioners playing the illegal housie game could have been brought before the court and been fined up to \$5,100 for playing this harmless game of housie. The amendment bill provides the important reform to the Lotteries and Art Unions Act provisions which are quite ludicrous, to say the least. It will make lawful the conduct of social games of housie without the need of an authorising permit, subject to certain controls in the public interest. The amendment bill will legalise a relatively harmless gaming activity occurring in the community. Quite obviously there is a significant proportion of aged people in the electorates of the honourable member for Coffs Harbour and the honourable member for Port Macquarie. Those senior citizens would like to take advantage of the game that is provided for under this amending bill.

I want to clarify that there are three distinct circumstances in which people can play housie, or bingo. The first is cash housie, which has been the domain of charities since time immemorial. More recently, larger housie games have been organised to raise very important funds for major charitable organisations and undertakings, such as a helicopter for the Surf Life Saving Association and facilities and equipment for the Police Citizens Youth Club movement. Those activities have certain controls on them. Sometimes the games are played in registered clubs and at other times in halls, but under very strict conditions and according to certain criteria.

Then we have club bingo, played not for cash but for goods. Recently, I increased the cash price from \$15 to \$30. Unfortunately, since the 1983 and 1984 amendments successive governments have allowed the games to be conducted in registered clubs for amounts of money that did not reflect the values of the day. They failed to provide a review mechanism. I have put in place a mechanism that from time to time will allow for review of these activities in the light of realities and the reasonableness of sums of money that are offered as prizes in these activities. It was put to me recently that \$15 was not realistic in today's terms.

The third type of game is the one being addressed by this amendment bill. The spirit of debate on this measure has been most co-operative, and throughout the reform process there has been unanimity of opinion. A Federal member by the name of Bob Baldwin just lost his seat. He went around the Hunter frightening people about this

activity. This rebounded on him because I had the opportunity to go to Maitland Leagues Club and a few other places and tell local people what the realities are, that all I was trying to do was prevent people from being fined up to \$5,100 for playing what was obviously a fairly harmless game. Bob Baldwin was trying to make out that I would stop people playing housie in registered clubs throughout New South Wales.

With all due respect, while there was some confusion about the consequences of an article written by Frank Walker in the *Sun Herald*, everybody else from both sides of the House took a mature attitude and inquired of me. But Bob Baldwin, not to be deterred by the facts, paraded the length and breadth of the Paterson electorate stirring up fear and engaging in nothing but mischief. He is now without a seat, and this matter is part of the reason for his demise. I did not play politics when I addressed the 400 people assembled at the Maitland Leagues Club. I told them that this was not an issue. I told them what I was trying to do. I gave them a leaflet, and I walked out of the club. A lot of people were disenchanted with Bob Baldwin. He attempted to make an issue of a measure to overcome an anomaly that had been recognised by honourable members on both sides of the House.

After I made my second reading speech someone asked me what resources would be made available to ensure compliance with the legislation. There will be no additional resources to ensure compliance with the legislation. We will not have public servants running round aged people's homes and ensuring they comply with the legislation. Under my administration and the administration of former Minister Anne Cohen the procedure has been to investigate complaints when they are laid. That has worked fairly well. At present, the Department of Gaming and Racing's compliance program relating to minor community gaming activities is complaint driven. We will not have public servants harassing elderly people and others taking part in a social game. The fact is that complaints that have been lodged in the past are the reason for this legislation being before the House.

Some have queried the need for this degree of accountability. We do need accountability and simple guidelines for the organiser of social games of housie to address concerns about the awarding of prizes as well as the inability to lawfully conduct the game. Some have asked about the need for guidelines. Like anything else, there is always someone who will want to do the wrong thing. So, in addition to the investigation of complaints, the department's compliance program includes education through brochures and the conduct of seminars or

workshops. So, as public servants move about the community, they will draw these matters to attention.

The brochure will be an important educational tool. Honourable members from both sides of the House have approached me about this matter. The honourable member for Coffs Harbour mentioned the Masonic homes and other aged homes. In my own area the Frank Whiddon homes at Redhead have recreation rooms for this activity. The department will produce a brochure giving advice on the conduct of social games of housie. It is anticipated that the brochure will be circulated to all persons or organisations that currently hold permits to conduct fundraising housie games, and to the more than 800 organisations on the database maintained by the Council of the Ageing.

In addition, the information will be included in two of the department's publications. The liquor and gaming bulletin will probably be seen by a few but more would notice the charities bulletin, which I have introduced. There is no intention to implement an ongoing compliance program that specifically targets social games of housie. A quick cost-benefit analysis would indicate that any other methods of ensuring compliance would not be cost-effective. Nevertheless, it is appropriate to establish a regime that provides guidance for persons and organisations so that they may confidently conduct social games of housie. In order for the law to be effective sanctions must be provided. However, not every breach of the law will be prosecuted. Only in the worst of cases when somebody has really tried to do the wrong thing will a prosecution occur.

There is no way that people in these voluntary organisations commit offences deliberately. That has been my experience over the years I have been involved with the charities legislation. The breaches in such cases are always of a trifling nature. Often people in groups become vexatious and complain about somebody. The breach more often than not is inadvertent. It may have caused no harm and may be of such a nature that a mere caution or reprimand will suffice. In the past very rarely have prosecutions for such breaches been proceeded with. Before deciding to prosecute the following matters will be taken into account: the probability of guilt; the seriousness of the offence; the likelihood of repetition; any mitigating circumstances; and legal advice. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

**PUBLIC SECTOR MANAGEMENT
AMENDMENT (COUNCIL ON THE COST OF
GOVERNMENT) BILL**

Second Reading

Debate resumed from 23 September.

Mr PHILLIPS (Miranda—Deputy Leader of the Opposition) [7.52 p.m.]: On 27 September 1995 at the launch of the Council on the Cost of Government the Premier stated:

The success of the council will be measured by its ability to identify the significant issues and areas that can lead to real and substantial savings in the cost of government.

It is clear that since then the council has been an unmitigated failure because it has been unable to meet the performance criterion set down by the Premier. Yet now we are being asked to support an amendment bill which will see the continuation of the council for a further two years instead of its being dissolved on 13 October 1998. The Opposition opposes the legislation. The Council on the Cost of Government has been nothing more than a personal indulgence for one of Labor's greatest supporters while Labor was in opposition, Professor Bob Walker. The Council on the Cost of Government has become Bob's very own sheltered workshop. In the face of Professor Bob Walker's well-known partiality to the ALP, in 1995 the Premier tried his utmost to claim independence and objectivity for the Council on the Cost of Government by stating:

The council is to provide independent advice, and report directly to me through Professor Walker.

To maintain this charade the CCG was initially established in the now infamous Public Employment Office, which was headed up by the equally notorious Mr Ken Cripps, another so-called independent who was a close and personal friend of the Premier. The Public Employment Office was known throughout the public service as the house of cronies. From the outset the CCG has been nothing more than a taxpayer-funded political apologist for the Government's financial ineptitude.

Following an Independent Commission Against Corruption inquiry and the subsequent abolition of the Public Employment Office the Government, under pressure to make the CCG perform, was forced to relocate it to the Premier's Department to give it some much-needed direction and accountability. Since that time the Council on the Cost of Government has dropped all pretence of independence in its undertakings. Rather, the CCG has become a political crisis management tool for

the Carr Government. For example, in 1996, following the backdown by Andrew Refshauge and Bob Carr on the health restructuring, the CCG was called in to deflect growing media concerns about lost savings and to cobble together a dubious savings package to offset the \$134 million in losses as a result of the policy backflip.

Another example of the CCG being used as a political diversion was during the ICAC Semple affair when the Premier asked the CCG to investigate the management of the Department of Community Services in an attempt to diffuse growing media speculation in relation to the Premier's sacking of the Director-General of the Department of Community Services, Mr Des Semple. The Council on the Cost of Government and Professor Bob Walker have been used as nothing more than political storm troopers for the Carr Government—diverting adverse media attention from the Government during its many political crises.

Of real concern to this Parliament is the way in which the Carr Government has used the CCG to usurp the role of the Public Accounts Committee and in so doing reduced the public accountability of the State's financial management. The CCG has carried out reviews which would have been more appropriately carried out by the Public Accounts Committee. For instance, the review of the New South Wales Totalizator Agency Board Hungarian experience and the review of the WorkCover Authority should have been exposed to proper parliamentary scrutiny rather than the friends of the Premier—that the Council on the Cost of Government surely represents—conducting an internal inquiry.

The question must be asked: what has this council done in 3½ years to contribute to the better performance of the Government of New South Wales? What has the council done in 3½ years to justify the enormous sums it costs to operate the organisation? From the Opposition's analysis, by the time of the next election the cost to the taxpayer of maintaining this unproductive organ will have increased by 67 per cent since 1995. The screaming irony is that this body was meant to be responsible for cutting excessive expenditure in the public sector. But the empire has grown. It gets worse! Where do these increased costs come from? I have no great pleasure in reporting to the House that the CCG has fallen victim to the age-old bureaucratic malaise of empire building. It has caught the very ailment it was trying to cure. The Hon. Carl Scully, while Minister for Small Business, told the House back in 1995 that the new CCG "will be supported

by a small secretariat". Furthermore, the Premier said during his inaugural address to the council in 1995:

In future the office will . . . require a core staff of only 15.

The chairman's press release of 27 September 1995 stated:

The Council on the Cost of Government will set an example on public sector savings by reducing its staff from 35 to 15 . . . by reducing staff numbers by 20 the council was meeting the Government's objective of improving efficiency in agencies so that they will deliver better frontline services.

However, the 1998-99 budget papers reveal that in the last financial year the CCG had a staff of 25, 10 more than originally planned. It gets worse. About two weeks ago while reading one of four papers, the *Australian Financial Review*, I was shocked to learn that the CCG has already pre-empted the passage of this legislation by seeking to employ two additional senior executive service staff on three-year contracts at a total additional cost of \$300,000 per annum.

Professor Walker should be called to account for this blatant and arrogant empire-building exercise. Also, there are still major concerns at the secrecy revolving around the quantum of payouts made to Mrs Walker in relation to her hasty departure from the New South Wales public service. The scent of controversy concerning Professor Walker's role as the chairman of the CCG seems to follow him. Questions still remain over the appointment of Mr Steven McDonald as General Manager of the CCG because at the time of his appointment he was one of Professor Walker's students at the University of New South Wales. The Premier may choose to explain this to the Parliament given that it comes under his responsibility and he cannot even be bothered to introduce his own amending legislation. It is yet another example of the contempt with which the Government treats this Parliament.

Two senior public servants will now assist the CCG. I hope they take more interest in the council's activities than the two senior public servants who are currently members of the council. The fourth report of the CCG notes that the Secretary to the Treasury and the Director-General of the Cabinet Office only attended two and one of the six CCG meetings respectively. The fifth report saw a marginal improvement in their attendance, with them attending three and four of the six meetings respectively, but they were still the worst attendees of the eight CCG members. Their attendance is merely a reflection of the disinterest and lack of respect these senior bureaucrats hold for the work of the CCG.

The Premier should take the roll at the next meeting to ensure that his senior bureaucrats show a greater interest in containing the run-away expenditure that has occurred under this Government. The council's own charter requires it to review cost savings and efficiency in the public sector. Surely one of the most damning indictments of this Labor-created white elephant is the fact that the current budget papers do not provide for any savings in the budget sector.

One must ask what the CCG has been doing if it cannot actually quantify real savings in a budget of more than \$24 billion. Surely after almost four years of government it should be able to point to some hard savings and real achievements. In the council's first report to Parliament in June 1996 the CCG was critical that there had been a 19 per cent real increase in the cost of providing public services in New South Wales between 1987-88 and 1994-95. However, total current outlays have increased by almost 20.6 per cent in the four years that this Government has been in office.

What has the CCG achieved for its outlays? Given that its stated mission is to ensure the achievement of the Government's goal of lowering the cost of running public sector operations, can there be any greater evidence of its lack of performance than this blow-out? The cold, hard facts for the CCG are that it has been treated with contempt by the Premier and the Treasurer and that it is nothing more than a tokenistic attempt by a spendthrift Labor Government at displaying some veneer of fiscal responsibility. The council's external members, notwithstanding their good intentions, are being used by the Premier and the Treasurer to satisfy their political agenda rather than having a real commitment to reform in order to make savings in the way in which the public sector operates.

Expenditure under the current Carr Government has increased to such an extent that it is totally unsustainable. Expenditure blow-outs have increased to such an extent that the international rating agency Standard and Poor's has raised its concerns over the "sloppy management" style of the Carr Government. Labor's economic development policy published in 1995 promised that there would be no growth in expenditure beyond an adjustment for inflation. In view of the massive increase in current outlays of 20.6 per cent, what use has the CCG been in restraining expenditure? It has been an unmitigated failure.

What public statements or reports did the CCG make in relation to the inefficiencies, waste and mismanagement associated with the installation of safety screens in taxis, the botched redundancy

program undertaken by the Department of Agriculture, the rapidly increasing debt of the rural health boards as noted by the Auditor-General in his last report, the \$50 back-to-school allowance and the M4 and M5 toll cash-back scheme? The reason for establishing the CCG was to provide practical initiatives whereby government could obtain savings in public sector outlays.

While the CCG initially identified the potential for enormous savings, this raised expectations that were never capable of being fulfilled. The CCG has since been at pains to justify its lack of performance—an inability to provide government with a practical means of harnessing or securing these highly speculative savings. In all of the CCG's five reports there has been an obvious lack of quantitative data. For a much touted reform tool, the CCG, on its own admission, has resorted to blaming the public sector it was meant to reform for its own lack of performance. For example, I shall quote from the fifth and final report of the CCG as follows:

The Council has a major role in identifying problems, but, usually it must rely on others to implement the changes and realise the benefits. The public sector is made of many organisations and interests, and the incentives to pursue reform can be counter-balanced by incentives to resist change. Hence, there is a need for strong leadership and this includes informing and explaining what is to be achieved.

Are these the gems of wisdom that the public is paying \$3 million a year for? After almost four years and \$11 million the public should be entitled to receive more than a statement of the bleeding obvious. Another little gem from the management gurus of the CCG is also contained in the fifth report as follows:

Section One, commences with a discussion of current and needed changes in financial management, which has been an area of strong interest to the Council since its establishment in October 1995. The early work of the Council sought to identify trends in expenditure. However, due to lack of good management information systems, this exercise was largely unsuccessful.

This is another admission of failure from Professor Walker. Is it any wonder that the Opposition does not support the extension of the CCG and its costly expansion into yet another mini-bureaucracy? Surely after four years, five reports and at least 30 meetings of the council we could have expected more than this bureaucratic waffle from a university professor who stood supposedly as the protector of good management when the Labor Party was in opposition. On any objective analysis of the performance of the CCG since its establishment the council has been a comprehensive failure. Far from

supporting any move to extend its existence for a further two-year term, the coalition will abolish the CCG should it be elected to office in March 1999.

The coalition acknowledges the need to restrain public sector expenditure, but the CCG experiment has been a failure. In the four years of the Carr Government expenditure has risen to grossly unsustainable levels, given the tightly constrained revenue streams in New South Wales. The coalition will replace the CCG with a traditional subcommittee of Cabinet that will review government expenditure. As has been demonstrated time and again, real change and real savings must be driven from the top. The coalition has noted that already the Premier has stripped the CCG of some of its functions in the corporate services area and transferred those to the corporate services reform committee in the Premier's Department—another committee! Furthermore, a Collins coalition government will reinstate the fiscal rigour and discipline that has been absent during the term of this expenditure-out-of-control Labor Government. The coalition opposes the bill.

Ms HARRISON (Parramatta—Minister for Sport and Recreation) [8.10 p.m.], in reply: I thank the Deputy Leader of the Opposition for his contribution.

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

The House divided.

Ayes, 45

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

Noes, 41

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

Pairs

Mr Carr	Mr Armstrong
Mr Clough	Mr Beck
Mr Debus	Mr Brogden
Mr Knight	Mr Collins
Mr Murray	Mr Slack-Smith

Question so resolved in the affirmative.

Motion agreed to.

Bill read a second time and passed through remaining stages.

**ROAD TRANSPORT (DRIVER
LICENSING) BILL**

Second Reading

Debate resumed from 23 September.

Mr SOURIS (Upper Hunter—Deputy Leader of the National Party) [8.21 p.m.]: I lead for the Opposition on the Road Transport (Driver Licensing) Bill and indicate at the outset that the Opposition will not oppose it. The bill is part of unifying legislation that all States will introduce to achieve national licensing uniformity. It is a welcome development in issues such as driving licences and road laws, penalties, the portability of demerits, and the portability of the status of licences. We need to overcome the practice, which in the past has remained unchecked, of drivers being able to

flout individual State laws in relation to their present licence or present demerits by having multiple licences and enjoying the benefit of there being no portability of the demerit system. For those reasons the legislation is welcome. The overview of the bill reads:

The objects of the bill are:

- (a) to enable the establishment of a system for licensing drivers that will be part of a nationally consistent scheme for driver licensing and to provide necessary powers for the making of regulations about issuing licences, renewal of licences, cancelling, varying and suspending licences, licence classes, qualifications for licences, testing and other related matters, and
- (b) to provide for the establishment of a demerit points system for the suspension and cancellation of licences that is intended to be part of a nationally consistent demerit points system, and
- (c) to provide for learner and provisional licenses in a way that is consistent with the treatment of other licences . . .

The bill also seeks to ensure that all licences, including interstate and overseas licences, are surrendered before a New South Wales licence can be issued. That will ensure that a driver can have only one licence. Having had the benefit of some briefing notes from the Minister, and having consulted with industry associations and with the Victorian Minister, my understanding is that the New South Wales position remains essentially unaltered. That is indicative of the fact that for many years New South Wales has been a leader in licensing and the demerit points system. I believe New South Wales was one of the first States to introduce such a system, which will now be unified through national legislation. I ask the Minister to address in his reply the matter of licence fees, about which I am concerned. I seek an undertaking from him that as a result of this legislation licence fees will not be increased or adjusted so as to adversely affect any particular licence category. Although I am aware that the Minister is empowered to fix licence fees, I seek an indication of the number of years for which the licence fee regime will apply.

I take this opportunity to comment briefly on the double demerit points system, which has now been in operation for about a year. The system started its life as a trial. After a short trial the Minister in a press release expressed concern that the system would not become so completely regular as to lose its sensitivity and its ability to act as a deterrent in the way that was initially intended. The Minister has announced that the double demerit points system will now be regularly applied. I believe that will lessen to a considerable degree the surprise that was associated with the first trial of the

system. Since the first trial immunity to the system has increased. Despite the fact that the double demerit points system was well publicised, over the recent long weekend the number of bookings for offences increased dramatically. That shows that drivers are now becoming more and more immune to the double demerits system.

Preventive measures rather than increased forms of punishment should be relied upon to act as deterrents. I encourage the Government to continue the campaigns that have been implemented in the past, especially with regard to the three most important issues of road safety: speed, fatigue and alcohol. I also encourage the Government to continue to come up with novel approaches to those campaigns, and to assist in prevention by providing a greater degree of visible policing. Policing is not strictly in the Minister's portfolio, but I suspect that he would have a strong liaison with the Minister for Police to ensure a greater visibility of policing to calm road traffic.

On the eve of the double demerit points system which was instituted over the recent long weekend, I drove to Sydney via the F3. On my journey I passed five locations where police were waiting in their cars to entrap speeding motorists by radar. I travel along that road at least four times a week, and in my opinion all of the locations are well known to motorists who use the road regularly as being entrapment areas rather than black spot areas. Generally speaking, they are on long stretches of road which usually roll gently downhill. They have no curves or dangerous sections, they usually have three lanes, and they are obviously areas where police are highly successful in entrapping motorists.

In my view the police presence should be at black spots to prevent accidents. Catching speeding motorists does not necessarily stop accidents, if it is done on the safest part of the F3. Each of those police cars could easily cover 400 to 500 kilometres a day. Five police cars, therefore, could be on the road for the equivalent of five times that distance, that is, 2,500 kilometres of active policing. That would have a far greater influence on lessening the speeds of motorists than waiting at well-known areas of entrapment.

Under the proposed national scheme for unrestricted licence holders there will be a three-tiered system of licence suspension. I support that proposal because the present scheme, which is essentially a one-tiered scheme, involves a degree of inflexibility and a degree of graduation and accumulation of offences. It will now be possible to have varying penalties for demerits ranging from

between 12 and 15 points in one step, 16 to 19 points in another step and 20 points or more in the final step. That is a welcome enhancement of the system and is supported by the Opposition. I again ask the Minister for Transport, and Minister for Roads to answer the questions I have posed. With those remarks I offer the Opposition's support for the bill and commend it to the House.

Mr IEMMA (Hurstville) [8.31 p.m.]: The Road Transport (Driver Licensing) Bill provides a modified licensing scheme for New South Wales that reflects national agreements and a consistent approach to licensing. One of the main policy changes relates to the demerit points scheme. The change will be in the way demerit points are managed. In broad terms the scheme is unchanged in that for full licence holders action is taken against a driver if 12 or more points are accumulated over a three-year period. However, it is proposed that a driver who accrues 12 or more points within three years will be faced with licence suspension rather than licence cancellation. That means that at the end of the suspension period the driver can start driving again on the same licences, whereas currently a driver must attend a motor registry to get a new licence. Nothing is to be gained from subjecting a driver or the Roads and Traffic Authority to the unnecessary complication of applying for a fresh licence.

The suspension period will be graded according to the number of points in excess of the limit. For example, 12 to 15 demerit points will result in a three-month suspension; for 16 to 19 demerit points the suspension will be four months; and for 20 or more demerit points the suspension will be five months. Currently the suspension period is almost always fixed at three months. A driver will be able to elect to be placed on good behaviour for a fixed period of 12 months instead of incurring a suspension. In some respects that resembles the current arrangement under which a driver can elect to take a probationary licence rather than incur a non-driving period. When a person on a good behaviour period completes 12 months without incurring two or more demerit points, that person will then be able to continue to drive without the two demerit points restriction. That is, the points limit will revert to 11. Currently, at the end of the probationary period the driver must attend a motor registry to get a new unrestricted licence.

If, during the period of the 12 months good behaviour, a person incurs two or more demerit points the licence is suspended for a period which is double the initial suspension period. That is, six, eight or 10 months. That contrasts with the current

arrangement under which a person on a probationary licence incurring two or more demerit points has his or her licence cancelled for six months. There will be a change in the way points are treated when a person is disqualified by a court from driving. The demerit points on a person's record when disqualified by a court from driving will remain active, whereas the RTA currently voids the points that person had against his or her current points total.

The new approach is much tougher. The demerit points suspension action will be in addition to a period of disqualification imposed by the court. In this case the licensee will be ineligible to apply for a licence until both combined sanction periods, the court disqualification period and the demerit points suspension period have expired. That will remove the current opportunity for drivers to elect to take minor offences to court, where often they are disqualified for a short time, to avoid demerit points action being taken, because that results in their demerit points total being zero.

The bill requires both interstate and overseas licences to be surrendered before a New South Wales licence is issued. Currently, licences issued in other countries are returned to licensees when New South Wales licences are issued. That initiative supports the national policy of one person one licence, a principle aimed at preventing drivers avoiding penalties by using more than one licence. The national scheme has a formal system of review rights for customers under which they can apply to have certain decisions reviewed both internally and externally. Currently, New South Wales drivers have the right of appeal to the Local Court against RTA decisions. That right will continue pending a possible extension of the jurisdiction of the Administrative Decisions Tribunal. These are welcome changes and I fully support the bill.

Mr JEFFERY (Oxley) [8.36 p.m.]: The objects of the Road Transport (Driver Licensing) Bill are important. The first is to enable the establishment of a system for licensing drivers that will be part of a nationally consistent scheme for driver licensing and to provide necessary powers for the making of regulations about issuing licences, renewal of licences, cancelling, varying and suspending licences, licence classes, qualifications for licences, testing and other related matters. The second is to provide for the establishment of a demerit points system for the suspension and cancellation of licences that is intended to be part of a nationally consistent demerit points system, and the third is to provide for learner and provisional licences in a way that is consistent with the treatment of other licences.

Mr Fraser: Author!

Mr JEFFERY: The author is the Parliamentary Counsel. It was important to read the objects of the bill into the record because the bill is groundbreaking legislation. The honourable member for Murray will shortly confirm that many people live in Victoria and work in New South Wales and vice versa. The same applies in northern New South Wales and Queensland. The bill is another stage in the process of reforming the Australian land transport sector and complements national legislation. The reform process began in 1991-92, when the coalition Government was in office. The process has achieved considerable success in the operational areas of vehicle registration and driver licensing, and in establishing uniform charges for registration of heavy vehicles across all Australian jurisdictions.

The legislation deals with a uniform driver licensing scheme. It goes without saying, as the shadow minister said, that the Opposition supports legislation that will establish a national system of driver licensing that will allow for the efficient transfer of driver information records and the transfer of demerit points between jurisdictions. Australian legislation should provide for a harmonious driver-licensing system that allows for a person to complete all the preparatory requirements for licensing in one State and be eligible for an equivalent licence in another State or Territory. We should have legislation that allows the transfer of relevant and accurate information about drivers between jurisdictions. I am pleased to see that the chairman of the Staysafe committee is in the Chamber. I am sure that he will make a valuable contribution to debate on the legislation.

Mr Scully: He is one of the finest chairmen ever.

Mr JEFFERY: He is one of the finest chairmen ever. Hear! Hear! New South Wales is the only State in Australia that has compulsory carriage of a driver's licence. It might not always be convenient to carry a licence—for example, when going fishing. It is not uncommon for a driver, having taken the licence out of a wallet, to put it into a shirt pocket, zip it up and forget about it, and for it then to go into the washing machine.

Mr Fraser: But they are plastic these days, so it wouldn't be damaged.

Mr JEFFERY: They are sometimes damaged. If one has to carry keys to start and drive the car, surely one should also have to carry a licence. I know that other States and Territories disagree with

this approach. I am not sure whether they will continue to disagree, but New South Wales should safeguard the requirement for compulsory carriage of a licence. In the past 10 days I have been pulled up for breath analysis, which I passed with flying colours. I was also asked to produce my driving licence.

Mr McBride: Where were you pulled up?

Mr JEFFERY: At Kempsey. They do an excellent job at Kempsey.

Mr McBride: What day was it?

Mr JEFFERY: It was twice in 10 days, Saturday and Sunday. The ongoing work of the Staysafe committee in examining the issues involved in driver licensing has confirmed the desirability of the compulsory carriage of a driver's licence. I am sure the Minister will agree with me. He is aware of electronic licensing, and I am sure he has had discussions with the honourable member for Londonderry about it. Staysafe considered it. One cannot have electronic licensing without compulsory carriage of the licence. Electronic licensing is just around the corner. It is a technological advance that has been taken very seriously in the United States of America and Europe. It has also been taken very seriously by the New South Wales Staysafe committee.

I am concerned that the Minister has not responded to a large number of recommendations. I have been a member of the Staysafe committee for 11 years. I do not know whether the Minister knows that Staysafe 37 exists. I urge him to get hold of it and read it. He should take it to bed. It would be good night-time reading for him. Staysafe 37 concerns new drivers who do not appear to have been considered and who are not reflected in the legislation. When will the Minister respond to that report? It has been more than a year since it was tabled in this House. He is silent on it. I need only remind him that Staysafe 37 reflects the best practices from around the world for licensing for new drivers. It is a report for our young people in the community, for our provisionally licensed drivers who unfortunately suffer high risks on our roads. It is good, practical and commonsense stuff.

My biggest concern with the legislation is its heavy reliance on regulations. As I read through the bill I can see that the substance is spelled out by regulation and not by statute, and that worries me. I want a commitment from the Minister that when he introduces each driver-licensing regulation he will comply with the true spirit of the Subordinate

Legislation Act and provide a regulatory impact statement. I know that the trick in introducing national legislation is to use the loophole of national law. The Minister will say it is national law, that it has been argued and debated in the House, and that we do not need a regulatory impact statement. That is not on.

I want the Minister's guarantee, on behalf of the Carr Government, that he will provide a regulatory impact statement as he introduces each driver-licensing regulation. I am also concerned, as is the honourable member for Londonderry, about unlicensed drivers. Anecdotal evidence suggests that the number of people caught driving while unlicensed is approximately one in 20. In some places the figure is as high as 20 per cent. Unauthorised driving is an issue of concern to road safety and licensing officials throughout Australia. During private members' statements tonight the honourable member for Londonderry mentioned the problems being experienced in the Northern Territory when tribal elders order young, unlicensed teenagers to drive community vehicles. Convicted traffic offenders often decide to risk it and drive under suspension or cancellation of licences in New South Wales.

Travelsafe, the New South Wales Staysafe committee's Queensland counterpart, has launched an inquiry into unlicensed driving. South Australia's new road committee is conducting an inquiry into driver licensing and education, which also includes unlicensed driving. It is of concern not only in New South Wales, but right across other Australian States and Territories. The figure for unlicensed driving in New South Wales is estimated to be between 2 and 4 per cent. Staysafe has heard of police operations that indicate that unlicensed driving and unregistered vehicles go hand in hand. The rate may be 15 per cent, or as high as 20 per cent in some areas.

These concerns all reflect the need for the Government to systematically approach driver licensing and to recognise that the system cannot be tinkered with here and there. That is what the Minister has to face up to. That is the issue Staysafe has been examining in depth. This bill is a step towards a consistent, harmonious, national approach to driver licensing, and it is a step I support. The Minister needs to give some guarantees and to recognise the fundamental issues in driver licensing that this bill does not begin to address. I would like to mention the alternative to licence suspension. The previous speaker referred to licence suspension and demerit points, which is set out in the bill—12 to 15 demerit points, three months suspension; 16 to 19 demerit points, four months suspension; 20 or more

demerit points, five months suspension. Clause 16(8) states:

A person who incurs at least 12 demerit points within the 3 year period ending on the day on which the person last committed an offence for which demerit points have been recorded against the person may, within 21 days after being served with a notice of licence suspension by the Authority, notify the Authority in writing that he or she elects, as an alternative to undergoing the suspension, to be of good behaviour for a period of 12 months from the day on which the licence would otherwise be suspended.

That is a commonsense provision. People are given a second chance but if they breach the good behaviour alternative to suspension they face an added penalty. Clause 16(9) states:

If a person who makes an election in accordance with subsection (8) incurs 2 or more demerit points during the 12 months' good behaviour period the Authority must give the person a notice suspending the person's driver licence, commencing on a day specified in the notice, for twice the period that would have applied to the person under this section if the person had not made the election.

This is national and ground-breaking legislation that deserves the support of all honourable members. I ask the Minister to consider the areas of concern I have raised this evening. I realise that under the Interpretation Act the Minister—

Mr Scully: Will have to answer.

Mr JEFFERY: The Minister will not only have to listen, he will have to act. Should the Minister not take action, I assure the House that the new member for Oxley will take up this matter with the new Minister under a coalition government after March 1999. He will remind the new Minister of this contribution and of the need to make sure that the legislation works.

Mr McBRIDE (The Entrance) [8.51 p.m.]: I support the bill. I shall refer to a number of comments made by the honourable member for Oxley. I am not sure whether the honourable member for Oxley will be given another opportunity to speak in the House, and I wonder whether I should not now reflect on the honourable member himself and on our association during the time we have both been in the Parliament. The honourable member for Oxley indicates that there may be another opportunity for reflections on his glorious past in this House, so I shall leave that until a later date. The Road Transport (Driver Licensing) Bill is the next element of the development of the national road transport law. It will assist the Government to honour commitments made in the 1991 and 1992 heads of government vehicles agreements.

It will also contribute to the Government's commitments made in the 1995 heads of government national competition policy and related reforms agreements. During the current Minister's administration there has been an acceleration of the development of a number of major issues involving road transport and the roads of this State and I congratulate the Minister on that. Last Friday night I had the opportunity of attending a major business launch at the Finnmores transport establishment at Greenacre. Ron Finnemore, the Australian national head of the road transport forum, said during his speech that the current Minister has made a greater contribution to New South Wales road transport than any other Minister in the history of this State. It gave me great pleasure to point out that I was the Minister's parliamentary secretary, and I enjoyed basking in his reflected glory.

Mr Scully: Tell us exactly what he said. I'd like to hear all of it.

Mr McBRIDE: That would take a long time, so perhaps I should do so on another day. Those comments were made by a leader of the Australian road transport industry at a major launch by one of this country's biggest transport businesses, which has a fleet of some 2,900 vehicles. Mr Finnemore pointed out that a number of issues that were outstanding during the seven years of the coalition Government had been addressed by the current Minister in the past 18 months or two years. He recognised those moves as of major importance to this State and to the nation.

The bill will enable the establishment of a system for licensing drivers that will be part of a nationally consistent scheme for driver licensing. It will include necessary powers for the making of regulations for the issue of licences; renewal of licences; cancellation, variation and suspension of licences; licence classes, qualifications for licences; testing and other related matters. It provides for the establishment of a demerit points scheme for the suspension and cancellation of licences that is intended to be part of a nationally consistent demerit points system. Those associated with the industry and those who have served on the Staysafe committee would appreciate the importance of that aspect.

The bill provides for learner and provisional licences in a way that is consistent with the treatment of other licences. It is designed to make

other savings and includes transitional provisions. The bill makes consequential and other amendments to certain Acts. This bill is very important in that the licensing system and the demerit points system will become part of a national system, thus avoiding cross-border issues that are well known and have been referred to by other speakers in the debate. Some people have used cross-border differences as a means to avoid penalties, which has resulted in a lack of road safety and increased unsafe conditions on the road.

Anyone who is familiar with the transport industry will be aware that different State regimes have enabled drivers to avoid demerit systems, and that drivers have been able to operate under licences from different States. That has led to unsafe practices throughout the transport industry. The national forums of the trucking industry support the new licensing scheme. There are major policy differences between the national driver licensing scheme and current laws in New South Wales. At present when a person has been disqualified by a court the Roads and Traffic Authority voids whatever points that person had against his or her record and does not take separate licence cancellation action. The RTA's action was based on the view that the court had considered the person's driving record and number of demerit points accrued when determining the penalty it imposed.

Under the proposed national scheme the demerit points on a person's record when disqualified will remain active. A demerit points suspension action will be in addition to a period of disqualification imposed by a court. In this case the licensee will be ineligible to apply for a licence until both combined sanction periods—that is the court disqualification period and any demerit points suspension period—have expired. This will remove the opportunity for drivers to elect to take minor offences to court, under the jurisdiction of which they are often disqualified for a short time, in order to avoid demerit points action and having their demerit points totally zeroed. This scheme is designed to deter repeat offenders.

With respect to the surrender of interstate and overseas licences, the current New South Wales scheme requires drivers transferring licences issued in other Australian jurisdictions to surrender their interstate licences before a New South Wales licence will be issued. However, licences issued in other countries are returned to licensees when New South Wales licences are issued. Under the proposed national scheme both interstate and overseas licences will be required to be surrendered before a New South Wales licence will be issued. This initiative

supports the implementation of the national policy of one person, one licence and has been included to prevent drivers from using their old interstate or overseas licences to circumvent the demerit points scheme.

Representatives from the Staysafe committee and the people involved in the transport industry would know that this dodge, which has been going on for years, has led to unsafe practices on our roads. Motorists who drive irresponsibly should lose their licences. A provision to waive the surrender requirement for overseas licences has been included in the legislation to cover situations in which the licence forms part of a general identification document issued by the person's previous country of residence. For instance, a South African licence is only one part of a document that contains a number of South African identification items and must be retained by a person to allow him or her to return to South Africa in the future.

Under the current scheme New South Wales drivers have the right to appeal to a Local Court against Roads and Traffic Authority decisions. Under the proposed national scheme a formal system of review rights enables customers to apply to have certain decisions reviewed both internally and externally. The Administrative Decisions Tribunal Act 1997 provides a potential mechanism for internal and external review, and the Roads and Traffic Authority is consulting with the Attorney General's Department on the possible inclusion of traffic law in the tribunal's jurisdiction. It is proposed that the national regime for internal and external review not be adopted in New South Wales until matters of review are further considered by the Attorney General. In the meantime, customers will continue to enjoy the appeal rights that they currently have.

Mr Scully: Which are pretty lousy.

Mr McBRIDE: Those matters can be dealt with under the review. In conclusion, this bill and other matters relating to road transport in New South Wales that have been brought before the Parliament are designed to improve the efficiency of the industry and transport throughout New South Wales and Australia, but most importantly they are designed to improve road safety. Road safety is a major issue for the whole community. I congratulate the Minister on his efforts on behalf of road safety in New South Wales and Australia. I encourage him to continue in his role as leading transport Minister in Australia.

Mr SMALL (Murray) [9.02 p.m.]: Mr Speaker—

Mr Scully: You tell everyone what a great bloke I am.

Mr SMALL: The Minister for Transport, and Minister for Roads is most anxious to get worthy praise. It is important for us to achieve uniformity throughout Australia in relation to vehicle licensing, road rules and signage. As a member of the Staysafe committee I am pleased that the Minister for Transport, and Minister for Roads introduced the Road Transport (Driver Licensing) Bill. We must establish uniformity in driver licensing. Over the past few years Staysafe committee members have had meetings with Federal committees around Australia to try to achieve that uniformity. We had hoped that uniformity would be achieved much more quickly, but it has taken a long time to get this far. This legislation is only the first step.

At present the many different coloured signs in Victoria and New South Wales cause confusion for drivers travelling interstate. Recently a constituent of mine held a licence in both Victoria and New South Wales. When he applied to renew his New South Wales licence the Roads and Traffic Authority established that he also held a Victorian licence. He was probably trying to protect himself in the event that he lost either one or other of those licences. In the past people received a fine and lost points in one State but were still able to drive in another State. That problem has now been resolved and the loss of points applies equally in every State in Australia. The constituent to whom I referred earlier was told that he could not continue to hold two licences. I contacted the Roads and Traffic Authority and tried to identify which licence he would be able to retain as he is a resident of both Victoria and New South Wales. He lives for six months in each State.

Mr Scully: Did you believe him?

Mr SMALL: The constituent to whom I am referring is a surgeon. The Roads and Traffic Authority came up with the right answer. It said that it would depend upon what the electoral roll determined as being his place of residence. New South Wales was identified as his place of residence and my constituent had to forfeit his Victorian licence. There are loopholes in the legislation and this bill will ensure uniformity in driver licensing. Is the Minister able to advise me whether a licence is renewable for a period of one year or five years? The only thing I can find in the legislation is a reference to penalty points. The bill provides for a maximum of 22 penalty points, and there is the equivalent of a heavy fine of \$2,200, or \$110 for each penalty point. I will endorse that provision if it achieves uniform legislation in Australia.

Earlier, the honourable member for Oxley said that people in the border regions of New South Wales were experiencing problems. Victoria has cheaper third party or green slip costs. New South Wales adds a \$100 road tax to that cost. Police and the Roads and Traffic Authority are aware that an enormous number of New South Wales residents are registering their vehicles in Victoria because it is so much cheaper. However, after a period of 90 days it is illegal for people to maintain such registration. I will be glad when we finally achieve uniformity in this area. I hope that this legislation will lead to similar vehicle registration costs in each State. If not, people will continue to break the law.

Will each State subscribe to different licensing costs, different periods within which each vehicle is to be licensed and different colours for drivers' licences? New South Wales has done an excellent job by including photographs on drivers' licences. Licence classifications are listed as follows: R for a motor cycle, 1A for a normal car, 1B for a small bus seating up to 30 adults, 2A for a public car, 2B for a public vehicle, 3A for a light truck with two axles and weighing up to 15 tonnes, 3B for a heavy rigid truck, 4A for a light bus with seating capacity for over 30 adults, 4B for a heavy and rigid bus, 5A for a vehicle with three axles, a light articulated truck and a combination vehicle weighing up to 24 tonnes, 5B for a heavy articulated vehicle, and 5C for a road train.

A person has to have a class A licence for at least 12 months before he can receive a rigid truck licence. A person who has a rigid truck licence, which might have a bogie axle or drive, has to wait another 12 months to receive an articulated truck licence. That is difficult for somebody who has driven vehicles for a long time. I am sure that the Minister for Transport, and Minister for Roads and the Roads and Traffic Authority have, as I have, received requests when a family member has died and a son has wanted to take over the business. I believe that if it is shown that that person is capable of going from a rigid truck licence to a semi or articulated truck licence the 12-month period should be reduced. I ask the Minister whether those areas will remain the same with uniformity in Australia. If the Minister cannot answer that question now, I ask him to look into the matter.

In other States a person is allowed 24 hours to produce a licence, but in New South Wales a person receives an on-the-spot fine if he is not carrying his licence. During the past eight to 10 years I have raised the matter of drivers being supplied with more than one licence, which is an issue I would like the Minister to consider. For example, a primary

producer may be harvesting and the header may break down. A primary producer does not normally carry his wallet with him when he is working on a property. However, he may put his licence in his utility or truck. On many occasions a primary producer may have a breakdown and may have to drive a vehicle straight into town to try to get parts and he may not have his licence with him.

I have asked on many occasions for a primary producer, or somebody with a need, who has several vehicles to pay extra to secure a second licence because of his working conditions. On each occasion my requests have been declined. In New South Wales drivers must produce their licences immediately. However, if they were allowed 24 hours for production a problem would not arise. If a person with several vehicles is harvesting or irrigating and has a breakdown it is extremely difficult for him to produce his licence immediately. A number of constituents have approached me about this matter and I would like the Minister to give consideration to people paying extra for a second licence.

If people throughout the nation had 24 hours to produce their licences that matter would not arise. Last year, over Easter or thereabouts, the Minister for Transport, and Minister for Roads introduced a system of double demerit points, which is worthy of praise. For the first time people who were caught speeding or who were fined received double demerit points in an attempt to save lives. The Staysafe committee and honourable members are concerned about saving lives. What will happen with a national scheme with respect to double demerit points on a broad-brush basis? This legislation provides for the loss of 12 demerit points over a three-year period, as exists now. However, will the State still be able to impose double demerit points? Will it have to occur nationally? Will we not be able to do it at all?

If the Minister wishes to save lives there should be flexibility or uniformity. I ask the Minister to consider this matter. I am pleased to support the Road Transport (Driver Licensing) Bill. I look forward to national road signage throughout Australia. The Deputy Leader of the National Party, the shadow minister for transport, and shadow minister for roads, may have mentioned that in New South Wales a disabled person can park in parking areas without paying meters or for longer periods than stated at parking spaces. However, in Victoria that is not the case. I understand that a disabled Albury individual was fined \$40 for parking in a space in Victoria without paying the parking fee. The system that operates in New South Wales does not operate in Victoria. Perhaps that situation can be made uniform.

Mr GIBSON (Londonderry) [9.16 p.m.]: I support the Road Transport (Driver Licensing) Bill. It has been a pleasure to work closely with the Minister for Transport, and Minister for Roads. He has achieved a lot and brought many things forward that had been lagging for quite some time. This legislation will provide national uniformity, consistency and efficiency that New South Wales has not had in the past. It would be remiss of me if I did not say that I have criticised the national road rules, mainly because it has taken some 10 years to achieve uniformity. Honourable members have heard about the introduction of national laws for a long time and at last we are starting to see some progress.

I am one of many members who represents the Staysafe committee in this Chamber. I firmly believe that most accidents and deaths that occur on the road can be avoided and should not happen. Honourable members must not forget that in 1982, 1,400-odd people died on New South Wales roads. Last year, our best year, only 574 people died on our roads, which is a magnificent effort. One must take into account that there are some 2.2 million more drivers on the roads today than in 1982. As we move into the national sphere, honourable members must remember that New South Wales probably leads the country as far as road safety and dealing with road trauma is concerned. New South Wales does not lag behind; other States have to catch up with us.

The Staysafe committee first mentioned double demerit points and put up a package. That package was simply that the committee should not only look at double demerit points but should tell the people of New South Wales that if it is sincere about road safety and about saving lives halving fines will be looked at. I have no doubt that a future government—whether it is this Government after the next State election, which I imagine it will be, or whether it is a coalition government—will look at decreasing fines. No matter what a government does with road safety it cannot win because of the public perception. Honourable members who have been on the Staysafe committee longer than I know that revenue has never been mentioned—it has not been mentioned at any meeting that I have attended.

However, as soon as something to do with road safety is introduced the general consensus of the community is that it is another way for the Government to rake in some revenue because of a deficit it may or may not have. One day a government will look at this matter. Members of the Staysafe committee would like to reduce some of the fines by half to show people that they are sincere about road safety. This wide-ranging and

important bill has been extensively debated in the Chamber tonight. Any bill that relates to the saving of lives of children, pedestrians and old people on the roads is important.

Hopefully, as a result of this bill, another area the authorities will look at will be tolerances, which is an important aspect of road safety. The Staysafe committee has examined tolerances many times. It has talked about speed tolerances with the New South Wales Police Service, the Roads and Traffic Authority and everyone else connected with road safety. For example, every day a driver travels at 70 kilometres per hour on a road with a 60 kilometres per hour speed limit. Every day the driver exchanges waves with a police officer. After three or four weeks, all of a sudden the driver gets booked by the same police officer, because police work on tolerances.

A few weeks ago the Staysafe committee visited Western Australia, which has a 13 kilometres per hour tolerance. If the Western Australian Government decided on a 60 kilometres per hour speed limit, the police raised it and used a tolerance speed limit of 73 kilometres per hour. From the aspect of road safety, it is hard to work out why accidents are happening. Although the Government thinks there is a 60 kilometres per hour speed limit, all of a sudden the speed limit is 73 kilometres per hour. While the committee was there the Western Australian Government dropped the tolerance from 13 kilometres per hour to 9 kilometres per hour. It discovered that litigation is being brought in the United States of America and in other countries by people who have been involved in accidents in which the police have allowed the offenders to travel over the signposted speed limit because of the tolerance factor. The police and governments have then been involved in litigation, and there is no doubt that will happen here.

With national consistency and uniformity perhaps we will also get national uniformity on tolerances. Last year at Kogarah there were too many bookings in a 60 kilometres per hour zone just prior to Christmas. The police decided not to station more police in the area but to increase the speed limit, to lift the high jump bar. Instead of a 60 kilometres per hour speed limit, they took it upon themselves to make it an 80 kilometres per hour speed limit. So over the Christmas period drivers were travelling at 80 kilometres per hour. After Christmas and the New Year a driver who travelled in that area at 80 kilometres per hour was booked, but the driver did not know why. With national consistency and uniformity drivers will know exactly what the speed is. It is a crazy situation that a driver

can be booked in one State for driving two kilometres per hour over the speed limit and in another State can drive 13 kilometres per hour over the speed limit without getting booked.

This bill will give consistency, uniformity and efficiency, which is needed for road safety. New South Wales is not lagging behind other States in road rules, it is leading the way. The Staysafe committee has talked for a long time about a 50 kilometres per hour urban speed limit in this State. At the moment councils can implement a 50 kilometres per hour limit if they want to. As the honourable member for Murray said, the committee has held a two-day meeting here with representatives from every State, the Federal Government and the New Zealand Government. The first resolution passed by all of the States after that two-day meeting was for a 50 kilometres per hour urban speed limit.

I am certain that as soon as national uniformity is introduced one of the first laws to be implemented will be a 50 kilometres per hour urban speed limit. The good and simple reason for its introduction is that the 50 kilometres per hour speed limit is the only strategy that will work. The doubling of fines and demerit points will not break the speed culture of the next generation. The 50 kilometres per hour speed limit will break the speed culture of the next generation. From the time that people are born to the time they get behind the wheel of a motor car they will know not to speed where people live. As soon as national uniformity is introduced and a 50 kilometres per hour speed limit is implemented we will see a magic drop in the road fatality statistics, as happened when random breath testing and seat belt legislation were introduced.

Mr HAZZARD (Wakehurst) [9.25 p.m.]: The Opposition does not oppose the Road Transport (Driver Licensing) Bill. As a former chairman of the Staysafe committee, and having served on the committee for three years, I wish to make a contribution to the debate on this bill. This is not a new initiative. Some Government members implied that the Minister for Roads has miraculously brought about uniform traffic laws. For some time uniform traffic laws have been the subject of efforts by members on both sides. Between 1991 and 1995, particularly between 1992 and 1995 when I was chairman of the Staysafe committee, a number of meetings were held with committees around the country, including the National Road Trauma Committee, to try to bring about uniform road safety laws. People who work in the road safety area acknowledge that vital basic uniform driver licensing provisions are crucial.

Obviously this legislation is welcome, although I would not go so far as to say that I personally support it. I do not oppose it but I do not support it because a number of issues have not been addressed in this legislation. If this uniform legislation works, there will be opportunities to move towards uniform legislation in some other areas, particularly those that cause trauma and grief on the roads. Drink-driving is one obvious area. On a rough estimate, throughout all the Australian States 30 per cent of all motor vehicle fatalities and injuries are caused by drink-drivers and another third are caused by speeding. There is no question in my mind that the move to uniform provisions will advance the cause of road safety.

I refer to the recent comments of Chief Justice Spigelman on sentencing guidelines. Once again, whilst the sentencing guidelines have been mooted this week as being an initiative of this Government and the Chief Justice, I remind the House that for some months the Leader of the Opposition has been talking about grid sentencing, which is exactly the same as guideline sentencing. It comes as no surprise that the judiciary has been listening to the pronouncements of the coalition—there have been no pronouncements or initiatives from the Government about guideline or grid sentencing. This is another initiative that has come about from the Opposition benches and been adopted by the judiciary. One suspects that if guideline or grid sentencing can be introduced on a uniform basis throughout Australia, as is the intention with this driver licensing program, a lot more will be achieved in terms of road safety outcomes.

On the issue of demerit points and the licensing of drivers in various States, as a practising solicitor I was aware for many years of the practice of drivers losing their licences in one State and heading off to get a licence in another State. Obviously a lawyer would advise clients against doing that. Nevertheless, limitations that arose from insular licensing systems in other States meant that opportunities existed for drivers to cheat on the system. This legislation goes some way towards addressing that inequity and to that extent it is certainly worthwhile. The provision that demerit points remain active when a court disqualifies or suspends a licence worries me a little. I am not sure whether that is entirely fair; perhaps the Minister can address this in his reply, particularly as he is now talking to a learned member of the bar—the honourable member for Auburn—who may be able to assist him. I ask the Minister to clarify this possible inequity in the system.

The bill provides that demerit points remain active when the court disqualifies or suspends a

driver; in other words, a series of Roads and Traffic Authority demerit points remain current. Admittedly at the moment they disappear, but I am not sure that that is fair. The honourable member for Auburn, a learned member of the bar, could confirm that a court would take into account the number of demerit points on a person's licence when considering what penalty to impose. To that extent the legislation allows for double penalties, because whilst the points may not be terminated or continued magistrates generally take a person's traffic record into account when imposing a penalty. I would appreciate the Minister clarifying that for the drivers of this State, but if that is not easily done he may be able to talk to me about it later.

In regard to the various licensing regulations, about which the honourable member for Oxley expressed concern, I agree that the sting is in the tail of this legislation. We will not know what will happen until we see the regulations. Of course, there is an extensive list of the sorts of regulations to be introduced. Proposed subsection 20(2) states:

Without limiting the scope of regulations under subsection (1), the regulations may:

The proposed section cites a host of things which may happen, but does not provide for the reversal of demerit points. Perhaps the Minister can clarify whether that is an envisaged aim. As a lawyer and as a member of Parliament I have been involved in instances in which two drivers have the same name and one driver may accumulate demerit points for offences which he did not commit. I am told that the regulations do not provide for the reversal of wrongly attributed demerit points.

Mr Scully: If they are wrongly recorded?

Mr HAZZARD: Yes, if they are wrongly recorded they cannot be reversed. However, that may be covered by one of the regulations which I have not yet seen.

Mr Scully: It's all bull, mate.

Mr HAZZARD: The Minister records that as being a matter of substance of which he is already aware, and I thank him for that.

Mr Nagle: On a point of order. In the highlands of New Guinea it is called gamon.

Mr HAZZARD: Otherwise known as bull. If that is the case, and I address this comment to the Minister and his advisers, as the honourable member for The Entrance said, the appeal processes are only to a court, because the Government has not worked

out the processes. If that is what the advisers are gleefully nodding their heads about, it is not satisfactory. As a lawyer I faced a situation in which a 17-year-old boy had a list of demerit points on his licence. He lost his licence and his only recourse was to appeal to the court, and pay legal fees between \$400 and \$600, with consequent inconvenience. A clear system should be laid out in the regulations to allow for a simple expeditious reversal of demerit points.

I want to ensure that another simple issue is included in the regulations regarding organ donations. A gold licence, which states "Donor A", does not allow additional information to be included on a uniform basis. I see that the advisers are looking a bit concerned about that. If that is the case I remind the Minister that donor organisations would like to see us all noting on our licences that we will donate our organs in the event of our untimely death. That is a major missing aspect of the legislation. I ask the Minister to think about that and consider whether the bill should be amended in the upper House to include it.

The Minister may be aware that in 1993 I visited Michigan as Chairman of the Staysafe committee. I saw a system which I am sure will become the system for licences in this country. That is, instead of having the basic plastic licence—which we think is a wonderful move towards the twenty-first century compared with the former paper licence—parts of the United States of America and Europe have licences which contain information. They are not just laminated photo licences but are, in effect, smart cards. When police finally get the computers that the Carr Government has failed to put into police vehicles which were recommended by Staysafe as a major initiative in 1994—

Mr Jeffery: And as a private member's motion as well.

Mr HAZZARD: Yes, it was recommended as a private member's motion before the House. When police finally get computers in their vehicles they will be able to do quick checks on people rather than waste time undertaking radio checks. There does not appear to be any proposal in the regulation under proposed section 20—perhaps the Minister can clarify this—to move to a smart card type of licence; that is, an electronic licence with a chip which contains a person's full record and other information. A police officer could swipe the card and obtain a driver's full record while at the roadside. I ask the Minister to advise whether proposed section 20 or any other part of the legislation allows for a twenty-first century type of licence.

If the legislation needs to be amended I suspect we are heading towards the lowest common denominator. That is one of our biggest problems. The honourable member for Londonderry said that in 1982 New South Wales lost 1,400 people as a result of drink-driving—in fact, 1,267 people died. However, largely as a result of Staysafe, the introduction of random breath testing and legislation on the prescribed concentration of alcohol, that number has significantly decreased. When we start looking at uniform laws throughout Australia the danger is that we end up being the lowest common denominator. I attended committees and meetings with Ministers in 1992 to 1995 and the reason we did not progress far was that we arrived at the point at which New South Wales road safety initiatives would have to go backwards. I ask the Minister to make sure that the regulations and provisions of the Act are not the lowest common denominator but the highest. I ask the Minister to consider electronic licences, amongst other things, and I thank him for the good work he is doing on this legislation.

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [9.40 p.m.], in reply: Finally, the very valuable contributions from both sides of the House have concluded. I thank the Deputy Leader of the National Party and the honourable members representing the electorates of Hurstville, Oxley, The Entrance, Murray, Londonderry and Wakehurst for their positive contributions, reinforcement and support of a very important initiative by the Government in endeavouring to reach uniformity on a number of aspects in respect of driver licensing. I point out that uniformity does not include novice licences, because each jurisdiction has quite different aspects in terms of novice driving. Whilst there may be a day when we reach uniformity, there is obviously a fair bit of resistance from other jurisdictions. Each of us has different ways of handling novice drivers.

I think I will just have to agree to disagree with the honourable member for Upper Hunter. I will be concerned about, and will keep an eye on, the possible problem of immunity to double demerit points. However, over the last 12 months we have conducted a trial and have found that there has been a 22 per cent reduction in fatalities. That has been achieved through significant community awareness of double demerit point penalties and through drivers acknowledging that those penalties changed their behaviour whilst driving. There were four deaths in the October long weekend this year, and six deaths in 1997. There has been a slight reduction in the number of fatalities, although the police did make a number of bookings.

In response to the concerns of the honourable member for Oxley, I am advised that there will be a

regulatory impact statement in respect of the regulation, based on national regulations which have been agreed to some extent. The honourable member for Murray spoke about compulsory possession of licences. New South Wales is the only State or one of the few States that has a requirement for compulsory possession of licences. I would continue to support that measure. I think it is an important part of regulatory management and for police enforcement to require people to have licences. I would say to the honourable member's constituents that if they are operating farm machinery, trucks and other vehicles in carrying out their responsibilities when running a farm and a property and want to go to town during the day, I cannot see any problem in them having that licence in a pocket rather than in a wallet. To me that is not a problem, although I am sure it might present small inconvenience to a few people.

The honourable member for Murray raised a question about uniform costs for light vehicles. My predecessor, the Minister for the Olympics, assisted in the enormous achievement of adopting uniform heavy vehicle registration charges throughout Australia. The honourable member, as a farmer, and many of his constituents would be very familiar with the benefits of uniform heavy vehicle charges across Australia for the freight industry. I think the honourable Wal Murray might have started the process. Uniform charges addressed terrific discrepancies across Australia and made an important contribution to the road freight industry. Governments throughout Australia could look at that measure.

Each State government charges its motorists differently and disburses that revenue differently. The Commonwealth collective fuel tax is spent wholly on the roads, as is the weight tax. In the State jurisdictions only parts of the fuel and weight taxes are allocated to roads. Other jurisdictions levy registration payments for different purposes. It is not so much a matter of comparing apples with apples but of accepting that there the different jurisdictions are horses for courses. A lot of work has to be done to achieve uniformity, but that is not to say that we should not try. It took a long time to achieve uniform heavy vehicle registration charges, but in the end we did it. There is no reason that we should not work towards it.

Mr Hazzard: What about novice licences?

Mr SCULLY: I told the honourable member that this measure does not deal with novice licences. The honourable member for Upper Hunter showed

me an article concerning an invalid. I am advised that parking permits for the disabled allow such people in New South Wales to be exempt from non-residential pay parking meter requirements. A non-resident disabled person who parks a vehicle in a street where there is a pay parking meter is exempted from the requirement to pay, but across the border in Victoria that exemption does not exist. There is not uniformity yet. I like to think that that is one proposal that road and transport ministers around the country should have on the table.

That makes a lot of sense, particularly when there are cross-border anomalies. People with a parking permit for disabled access ought to have the same rights across the border. New South Wales authorities are more expansive about people's rights, free parking and pay parking meters, whereas authorities in Victoria, where the fine is about \$50, are appalled by such an idea. I am happy to progress that idea in the appropriate forums. One-, three- and five-year renewal periods will continue. A good driver will receive a five-year renewal period. The honourable member for Upper Hunter mentioned fee structures. I do not envisage those structures will change. There is no suggestion that licence fees will alter.

The honourable member for Wakehurst thought he was in a courtroom; he seemed to be presenting questions to the bench, and I am happy to answer a few of them. The difficulty is a court can clear demerit points, notwithstanding there may be large numbers of them, and then disqualify a driver for a period less than the demerit points would have attracted. In certain circumstances individuals with a large bag of demerit points have managed to abuse the system with a soft judicial outcome. There is nothing wrong with a concurrent suspension period, but a bit of judge-shopping, a short licence cancellation, and a clearing of demerit points can make all the difference in ensuring that a driver is back on the road.

Mr Hazzard: Will this be concurrent?

Mr SCULLY: I understand it would be, subject to some advice. I am happy to come back to the honourable member for Wakehurst on that point. The preliminary advice is that it could be concurrent. However, I will have to check that advice. The principle is to avoid abuse, indulge in judge-shopping, clear demerit points and then go back on the road after a short disqualification. This measure is an attempt to deal with that. I am advised that correction of wrongly recorded demerit points is an administrative matter. Whilst an appeal

is not yet available to the Administrative Decisions Tribunal, if colleagues ever have a problem and find that the Roads and Traffic Authority is not prepared to listen to a reasonable case, they should bring it to me and I will deal with it, as I would have in that case. If the record of another person by the same name has demerit points wrongly recorded on it, the record should be rectified. That is the way to deal with it.

Mr Hazzard: I did actually write—

Mr SCULLY: If it is still a problem the honourable member can bring it to my attention. I think I have touched on most of the matters that members spoke about.

Mr Hazzard: What about electronic licences?

Mr SCULLY: There is nothing in these provisions that would preclude the use of modern technology. We are actually in the middle of preparing specifications for integrated ticketing, and we have received an expression of interest in electronic tolling. All sorts of exciting technological developments are occurring with smart cards, credit cards with microchips, and transponders with smart cards inside them. There is no reason why we cannot use those sorts of technology, possibly for licences as well, as we move into the next century.

Mr Hazzard: This allows that?

Mr SCULLY: It would not preclude it. I thank all those who have contributed to this worthwhile step towards uniformity.

Mr Hazzard: What about the donation of organs?

Mr SCULLY: I understand that this legislation allows for a measure of uniformity, even though there may be differences in each jurisdiction. The move is to allow for that provision on licences around Australia.

Mr Hazzard: So that could happen under this legislation?

Mr SCULLY: Yes. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

HOME INVASION (OCCUPANTS PROTECTION) BILL

Second Reading

Debate resumed from 24 September.

Mr HARTCHER (Gosford) [9.51 p.m.]: If ever there was an example of political opportunism it is the Government's response to this bill. This bill was introduced in 1995, almost four years ago, in the Legislative Council by the Hon. J. S. Tingle. The Premier at the time declined to support the bill and, in one of his rhetorical flourishes in this House, in answer to a Dorothy Dix question from the honourable member for Bulli he said:

Before the previous election I promised on behalf of Labor that if elected to office we would tackle the scourge of home invasions. I made that promise because everywhere I went in New South Wales people expressed the view that home invasion was a growing menace.

That is what the Premier said on 31 May 1995. His only response was to raise the penalty for unlawful entry. The Premier this afternoon, in one of his theatrical displays, spoke about raising the penalty for bungee jumping and about being tough on bungee jumping and on the causes of bungee jumping. What did we get from him on home invasions in 1995? It was nothing but a pathetic, weak, opportunistic response to a Dorothy Dix question that he was going to be tough on home invasion and tough on the causes of home invasion yet, typical of the Premier, he did nothing. When the bill was introduced in the Legislative Council by the Hon. J. S. Tingle the Premier expressed his opposition to it. That bill, which sought to extend the right of self-defence, was opposed by the Premier and his minions. Accordingly, the Attorney General said in the Legislative Council on 8 May 1997, when this very bill was introduced:

The Government opposes the Home Invasion (Occupants Protection) Bill.

What is the title of the bill now before the House? It is the Home Invasion (Occupants Protection) Bill. So the Government opposed this bill. The Attorney General went on to say in May 1997:

But at the end of the day the Government has taken the view that there are aspects of the bill which are unnecessary—

that is, people protecting themselves in their own homes find it unnecessary—

and, I must say with great respect, dangerous, and that therefore the bill ought to be opposed.

Further on in his speech the Attorney General said:

... the Government has formed the view that the common law on self-defence operates satisfactorily and fairly.

What has happened in the past three years? Nothing, except that the effluxion of time has brought polling day closer. All that has happened since 1995, when the Premier used those brave words in opposing the bill, is that polling day has come closer and closer, and the Government is aware that judgment is about to be pronounced upon it by the people of New South Wales. The Government is frightened of that judgment and is anxious to go to the people of New South Wales in line with the Premier's promise of 31 May 1995 and claim that his Government has done something. The Attorney General went on to say on 8 May 1997:

The test that the bill, even as amended, proposes should apply to dwelling houses is unbalanced. It could legalise the use of grossly disproportionate violence.

So the 1995 bill was said to be legalising the use of grossly disproportionate violence. What has changed in 1998? The Government has suddenly decided that the bill does not authorise the use of grossly disproportionate violence. The Government has succumbed. It has succumbed, not to any belief; it has succumbed to popular and public opinion. The Attorney General went on to say about this very bill:

There are other difficulties when one notes that the requirement for proportionality of response is removed whenever the occupant believes on reasonable grounds that the intruder might use physical force against any person in the house. Accordingly, even if the intruder has used no force at all, if the occupant believes the intruder might use any physical force, the occupant is justified in using any level of force against the intruder.

In other words, according to the Attorney General, a person in a home who believes that someone is going to kill him or his family, could not take any action; he would have to wait until the intruder tried to kill him or his family. In other words, if you are in your home late at night, and someone breaks into your home, and you think, "Oh my God, we are all going to be murdered", you have to wait until the intruder tries to murder you, according to the Attorney General, before you can defend yourself. That was the Government's position in 1995 on protecting the citizens of New South Wales. Those are not my words; those are the words of the Attorney General, who is now struggling to hold on to preselection. This was the attitude of the Government that said it was going to try to protect the people of the State. It opposed the legislation. The Attorney General went on to say:

The term "occupant" is not defined. Presumably, the bill would allow a person physically present in a dwelling-house for even a brief period of time to act in the way contemplated by the bill. I am advised by the honourable member that clause 11 will be omitted from the bill by way of amendment.

Mr ACTING-SPEAKER (Mr Gaudry): Order! The honourable member for Wakehurst is aware of the standing orders relating to members conversing with those in the public gallery. He will resume his seat.

Mr HARTCHER: Yet the Attorney General did not agree that persons lawfully present in a house are entitled under the bill to protect themselves. The Attorney General said:

The limitation is set at nine months from the date of the alleged offence. That provision is arbitrary and contrary to general policy.

What does the present bill state? It provides a limitation of nine months from the date of the offence. The Attorney General further said:

By clause 15 and schedule 1 the bill imposes a statutory obligation on courts to award a certificate as to costs to the defendant in the event of acquittal. That provision lacks justification.

What does the bill now provide? It provides for people to recover their costs and medical expenses—a provision which three years ago the Attorney General said lacked justification. The Attorney General went on to say in this powerful speech denouncing the Home Invasion (Occupants Protection) Bill, which of course the supine, lazy, slovenly members of the Government supported in caucus and in the Parliament:

A particular area of concern regarding the provisions of the bill is domestic violence situations. The breadth of the bill could be misused by a person in circumstances where the defence of self-defence would not currently be available because of the requirement of proportionality.

What the Attorney General was saying was that a woman who was being battered in her home could not use legitimate self-defence. It is set out in black and white. The Attorney General was denying victims of domestic violence, overwhelmingly women and children, the right to self-defence. That is what the Government wanted in respect of that legislation. Yet at the same time in the Legislative Assembly another bill was introduced dealing with the same issue, the Home Owners Defence Bill 1996, which was introduced by the member for Gosford. The Home Owners Defence Bill sought to ensure that the right of self-defence, no matter where it was exercised, was codified in law and was set out in a simple legislative framework. The

Government opposed that bill, saying that it was unnecessary and that the common law of self-defence was all that was required. Not only did it oppose the home invasion bill; it opposed the ordinary right of self-defence being codified by this Parliament.

The chronology of the two bills is interesting. The Home Invasion (Occupants Protection) Bill was introduced in the Legislative Council in 1995. In September 1996 the Home Owners Defence Bill was introduced in the Legislative Assembly by the member for Gosford and read a second time. The member for Gosford referred to Mr Tingle's bill, and said that it would be supported by the Opposition. He challenged the Government to support his bill. On the same day in the Legislative Council there was a vote to suspend standing orders to restore Mr Tingle's bill to the list. The Government opposed the suspension of standing orders.

A month later in the Legislative Assembly the second reading debate on the Home Owners Defence Bill was resumed and the Minister for Local Government indicated that the Government would oppose the bill. The debate on the bill was adjourned and on 14 November 1996 the second reading debate was resumed. The bill has not been debated since. For two years the Government has allowed it to sit on the backburner in the Legislative Assembly and has refused to allow it to be debated. The Premier said, "If elected we will be the scourge of home invasions." Yet two bills, one in the Legislative Council and one in the Legislative Assembly, languished for two years while he did nothing.

In May 1997 there was another attempt to debate Mr Tingle's home occupants protection bill. The Opposition and crossbenchers in the Legislative Council forced it on the Government. The Government voted against debate being resumed. In a speech in Committee after the bill had been amended the Attorney General indicated that the Government would still oppose the bill. This bill was amended by the Hon. J. S. Tingle to meet the concerns expressed by the Government. Notwithstanding that, the Attorney General still opposed the bill. While there had been consultation with his department, he still would not agree to the bill. On 22 May 1997 he said:

Speaking generally, the Government does not consider the amendments moved by the Hon. J. S. Tingle will create a satisfactory final bill. I do not resile from the comments I made in my speech on the second reading when I dealt with a number of foreshadowed comments and made observations about them. Despite the fact that the Government does not accept the ultimate bill if the amendments are approved as being satisfactory, it is clear the amendments improve the bill.

The Government acknowledged that the amendments improved the bill yet it still would not accept the amended bill. However, in September 1998, some 15 months later, the Premier had the gall to announce in this place in response to a Dorothy Dix question asked by one of his spineless backbench—

Mr Watkins: Supine.

Mr HARTCHER: Supine and spineless. The honourable member for Gladesville describes himself when he uses the word "supine". He has but a short time to live in this Parliament. We enjoy his company and his witticisms as we await the judgment that will be pronounced upon him on 27 March 1999. It will be a good night. It will be the same judgment that was pronounced on David Hill, Belinda Neal and Kim Beazley. Labor members again and again will face that judgment on the night of 27 March. Not many people will miss watching television on that night.

The bill introduced by the Premier, desperate for a good news story, is defective. It allows certain rights to people when they are in their own home. They have the right to use deadly force to protect themselves and their families. But what happens to the taxi driver as he drives his cab and a knife is pulled on him? What happens to the shopkeeper whose shop is invaded by drug-crazed hoons with guns and knives who are anxious to take the proceeds from his till? What happens to the manager of the factory locking up his business at night, the business he slaved to build up over the years, when it is invaded by those same drug-crazed hoons anxious to get money for their next fix? The taxi driver, the farmer, the shopkeeper and the owner of a small business are not protected in their legitimate workplace. Not one will have the same statutory protection that this bill will give the home owner.

It is clear that the bill is defective. It is a classic knee-jerk attempt to get television coverage on a particular night. It is ill thought out and insufficient. It does not protect the tens of thousands of people going about their ordinary business. There is one area in urgent need of protection—that of taxi drivers. Despite the security screens they are attacked and molested night after night. Last week three were attacked on one night. Yet taxi drivers will not have the statutory protection that will go to a home occupant. Why not? Because the Government did not even consider it. The only protection available to taxi drivers is the confused law in relation to self-defence.

The Opposition supports the taxi drivers of this State. It believes that legislation should be

introduced similar to this legislation authorising taxi drivers to take all necessary measures for their protection and holding them immune from liability, both civil and criminal, if they do so. The Opposition supports the farmers of this State if they are attacked while going about their lawful business on their farms. The Opposition supports the shopkeepers of this State going about their lawful business if their shop is invaded and they are subject to real or threatened attack. The Opposition supports the owners of small business running their small businesses, the tens of thousands of them throughout the State. If they are subject to invasion or the threat of violence, real or perceived, they should be able to plead under the statutory codification of the law.

No such protections are envisaged by this bill. It is inadequate and unsatisfactory. The people of New South Wales cry out for a government that will look to their needs. This Government has failed in so many ways. It has not just failed in the area of criminal law; it has failed in many other aspects beside. The Opposition pledges now to owners of small businesses, owners of farms, shopkeepers and taxidrivers that it will protect them. It will ensure that they have the same statutory rights that apply to home owners. The Opposition does not oppose the bill. The coalition supported it in the Legislative Council; the Government did not. We supported the bill introduced by the member for Gosford in 1996; the Government did not. Consistent with its principles, the Opposition supports the bill now.

But we will go further: we will protect people in their shops, on their farms, in their factories, in their small businesses and in their taxis. That is the pledge we give to the people of New South Wales. The Government gives them nothing except political opportunism. The bill is adequate and defective. While the Opposition does not oppose it, it believes that the bill does not go far enough. Later we will seek to extend its provisions to ensure that people are protected not just in their own homes but in their workplaces as well.

Mr IEMMA (Hurstville) [10.09 p.m.]: Judging by the contribution of the honourable member for Gosford, honourable members would not want him defending them in any court case or representing them on any civil or criminal matter. The irony is that not only is the honourable member a lawyer; should coalition members ever sit on this side of the House the honourable member would represent Mr Hannaford, as Attorney General, in this place. The House has just heard a confused speech about the common law as it applies to self-defence. The honourable member said that people who are shopping, driving a taxi or walking down the street

who are approached by a drug-crazed hoon, or people on farms who are approached by someone with a gun, have no right to self-defence. He said that the only people who have a right to defend themselves are home owners, and he criticised the Government for introducing that. He said that people on a farm, in a cab or walking down the street, or women who are subject to domestic violence, have no right to self-defence.

The honourable member for Gosford has abolished the common law; according to him, it does not exist. I can imagine the honourable member telling people in his electorate office who used force when they were attacked while driving a taxi that the law does not apply to them. The only circumstances in which self-defence will apply will be home invasions. People driving taxis have no right to self-defence. What absolute nonsense! This bill clarifies the situation of common law in terms of self-defence of property through home invasion. It reduces the confusion about people's rights in circumstances in which they are subject to home invasion. Over the past few years crime has developed to the extent that people are not safe in their own homes.

The bill has been introduced because intruders have entered their homes and committed acts of violence against home owners, and people have been confused about their rights in those circumstances. People have not been confused about their right to self-defence when they are subjected to acts of violence while undertaking normal daily activities. However, confusion has arisen in terms of the right of people to act in their own home when they are subject to an intrusion. That is why Mr Tingle took up the issue in November 1995 and why this bill is before the House. The biggest complaint of the honourable member for Gosford seems to be that he did not think of it first. He whinged and whined about developments over the past three years, because he was not in a position to negotiate with Mr Tingle to bring the bill to fruition. That was his greatest criticism.

[*Interruption*]

Members opposite will not be sitting on this side of the House after 27 March because the honourable member for Gosford is plotting their election strategy, as well as trying to manoeuvre the leadership moves of the honourable member for Lane Cove and the Leader of the Opposition and giving them legal advice. Given what the honourable member for Gosford said, the honourable member for Wakehurst, who is also a lawyer, would never accept legal advice from the honourable member for

Gosford. I am sure the honourable member for Wakehurst has a fair dinkum law degree.

Mr Hazzard: Two!

Mr IEMMA: Excellent. The honourable member for Wakehurst should have led for the Opposition in this debate, instead of the honourable member for Gosford. The honourable member for Gosford, in a little performance, tried to whip up fear amongst employees in the workplace, people in small business, taxi drivers and farmers. Magically, centuries of law have given them a right to self-defence. However, that has gone straight out the window; it does not exist. The honourable member for Gosford will be a hero to all the cab drivers who knock on his door for legal advice. God help the cab drivers on the central coast who knock on his door! More power to the honourable member for plotting the coalition's election strategy. One thing that will guarantee an increased majority for Labor will be the coalition's election strategy run by the honourable member for Gosford.

Clause 6 codifies the existing law of self-defence for occupants of dwellings 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 and, 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. Clause 7 will ensure that an identical test applies to acts undertaken in defence of other people. Clause 8 codifies the position in relation to 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 was necessary to do what he or she did.

[Interruption]

I am pleased that the honourable member for Wakehurst is reading the briefing notes provided by the library, because he will make a much more intelligent contribution than the honourable member for Gosford. I am confident that the honourable member will do that. Again, the defendant must believe that the degree of force used was necessary. The belief must also have been based on reasonable grounds. It sounds very similar.

Mr Hazzard: It sounds like the common law.

Mr IEMMA: It does. I wonder why the common law does not apply to shopkeepers, farmers, taxi drivers and people walking down the street. Clause 9 codifies the interpretation placed on the element of reasonable grounds. It provides that the reasonable grounds requirement shall be interpreted with reference to the position and perception of the accused, not with regard to a completely objective analysis. Clause 10 codifies the onus of proof when self-defence, together with the defence of others or of 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 clarifies that a person will be immune from criminal liability for his or her acts, provided he or she acted lawfully in self-defence or in the defence of others or property. Clause 11(2) provides 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.

That will ensure that the matter is dealt with promptly after a person has been charged or other proceedings have commenced. Clause 12 clarifies that a person will be immune from civil liability for his or her acts, provided he or she acted lawfully in self-defence or in the defence of others or property. The bill clarifies the law and turns the judge-made law into a form of statute that the community wants. It builds on the initiative that the Government introduced by increasing the maximum penalty for intruding into a home knowing that people are inside from 14 years to 20 years. I support the bill.

Debate adjourned on motion by Mr MacCarthy.

ASSENT TO BILL

Assent to the following bill reported:

Harness Racing New South Wales Amendment Bill

House adjourned at 10.22 p.m.
