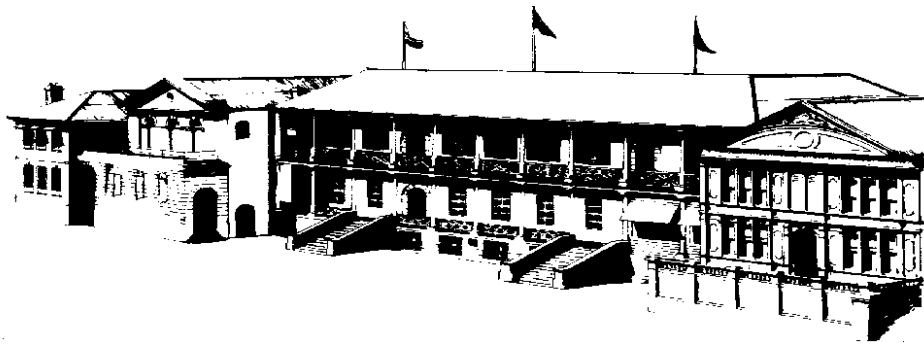




**NEW SOUTH WALES**



*Legislative Assembly*

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**FIFTY-FIRST PARLIAMENT  
SECOND SESSION**

**OFFICIAL HANSARD**

**Thursday, 15 October 1998**

# LEGISLATIVE ASSEMBLY

Thursday, 15 October 1998

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

**Mr Speaker** offered the Prayer.

## RESIDENTIAL TENANCIES AMENDMENT (SOCIAL HOUSING) BILL

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

### Second Reading

**Mr KNOWLES** (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [10.00 a.m.]: I move:

That this bill be now read a second time.

On Tuesday the Government introduced the Residential Tenancies Amendment (Social Housing) Bill to promote safe, secure and successful social housing strategies. The bill is about reform—reform which is focused on addressing crime, vandalism and other forms of antisocial behaviour. Department of Housing tenants are entitled to the quiet enjoyment of their premises. The overwhelming majority are responsible and considerate citizens. The Government has worked hard to provide improved housing services to all public housing tenants against a backdrop of neglect of the assets by past administrations and a \$200 million reduction in Commonwealth funding over the last two years.

Notwithstanding these difficulties, the Government has improved performance in property maintenance and the provision of client services. If this effort is to be sustained and the department is to continue its effort to provide quality services, it must operate in a manner that is financially sustainable. The department cannot afford to support tenants who cause damage to their housing or other property. Vandalism costs the department in excess of \$2 million a year, not to mention the significant staff time required to identify perpetrators, attempt to recover costs and take action against offending tenants. Antisocial and criminal behaviour in public housing is also costly for the department. It makes public housing a less desirable place for both applicants and tenants.

This, in turn, increases the number of requests for rehousing and increases the rejection of offers for housing in the affected localities. It diverts valuable staff and financial resources away from core housing provision and tenancy management. Concerted action must be taken to address problems of violence, crime and antisocial behaviour which directly, and indirectly, impact on all public housing tenants. We need a more effective means of addressing these problems, so that all other tenants are able to feel safe and comfortable in their homes.

The proposals contained in the bill are part of a wider package of reforms which I announced on 22 September to encourage successful tenancies in public housing. The package represents a balanced set of measures to make clear the rights and responsibilities of tenants, to encourage tenants to meet those responsibilities, and to enable effective action to be taken when people persistently or seriously breach their tenancy agreements. The bill responds to concerns about these issues raised by tenants and others. It will ensure that when other steps to address these problems fail the department can take effective action in the Residential Tenancies Tribunal.

The main focus of these amendments is to provide guidance to the tribunal in assessing cases involving crime, violence and antisocial behaviour in Department of Housing or other social housing premises. It is not proposed that the amendments will apply to the private sector. Crime, violence and antisocial behaviour are of particular concern to the Department of Housing because of its unique position as a large public housing provider and landlord. The Department of Housing is the largest landlord in the State, with responsibility for approximately 130,000 tenancies. Its core business is to provide tenancies to those in our society who are most in need.

Because of the demand for housing, the department is severely restricted in its ability to rehouse people in alternative accommodation. Relocating tenants to another dwelling if they experience problems with neighbours is costly in terms of staff resources and finances. In this context,

the department has a particular responsibility to act in the interest of tenants. These reforms will assist this task by properly and actively managing instances of antisocial activity, drug trafficking and violence occurring within its tenancies. While the reforms will be of particular importance to the Department of Housing, all social housing providers will have the benefit of their introduction.

This will mean that the Aboriginal Housing Office, the Office of Community Housing and local community housing organisations which register to provide housing will be able to manage their tenancies more effectively. It will also ensure consistency between social housing tenancies. These proposals have been developed in consultation with tenants and key groups such as Shelter New South Wales Co-operative Ltd, the Tenants Union of New South Wales and the Residential Tenancies Tribunal. This consultative process will continue through to the drafting of operating instructions to assist staff in implementing the amended provisions effectively and fairly. In addition, a full review of the amendments will take place within two years of their introduction.

I shall now outline the amendments addressed in the bill. The amendments relate to five main areas. First, a listing of matters which may be of relevance in considering the circumstances of the case is to be included in section 64 of the Act, to provide guidance to the Residential Tenancies Tribunal in assessing an application for an order terminating a tenancy. This proposal will ensure that the tribunal takes into account the circumstances of all affected parties when considering an application for an order to terminate a tenancy. This amendment will be particularly important in cases involving antisocial behaviour where balanced consideration must be given to the circumstances of the tenant, landlord and any neighbouring residents affected.

Second, the tribunal will be required to give particular weight to serious breaches that place persons or property at risk, or involve drug trafficking. When an order terminating a tenancy for a serious breach of this kind is granted by the tribunal, the tribunal will be required to make an order for immediate possession of the premises unless it would be unjust to do so. The Act will also be amended to specify that the manufacture and/or sale of illegal drugs on common areas and adjoining or adjacent property constitutes a breach of a residential tenancy agreement. This amendment will ensure that serious crimes and other activity which place people at risk are dealt with appropriately. The amendment will also signal that drug trafficking, from either residential premises or on adjoining

property, is a serious breach of a tenancy and will be dealt with accordingly.

It should be noted that if a breach is to be established under these provisions, physical proximity to the tenant's premises must be demonstrated. This amendment gives the tribunal the discretion to determine whether the evidence provided is sufficient to establish a serious breach. In relation to drug trafficking, it is expected that the tribunal would require a conviction or other evidence sufficient to establish that the breach has occurred. The third reform concerns damage to common areas and adjoining or adjacent property. Damage of this kind is to be specified as a breach of a residential tenancy agreement. This will ensure that damage to such areas can be dealt with in the same way as damage to the rental property itself. Once again, physical proximity to the tenant's premises must be shown if a breach is to be established under these provisions.

The next amendment concerns section 73 of the Act, and relates to warrants for possession. It is proposed to amend section 73 to ensure that attempts by a social housing provider to salvage a tenancy do not in themselves prejudice the provider's right to seek a warrant for possession of premises if those attempts fail. This amendment is intended to facilitate attempts by the Department of Housing and other social housing providers to salvage a tenancy. At the same time, it is recognised that a tenant may interpret an extended period of delay as an indication that the landlord will not be proceeding with a termination. To address these issues, the amendment will require that any delay must be the result of bona fide attempts by the provider to salvage a tenancy.

Finally, the bill will address the definition of rent rebate to be included in the Act to provide a basis upon which the tribunal can consider matters involving rent rebates provided by social housing providers. The tribunal's power will not, however, extend to inquiring into the granting, cancellation or revocation of a rent subsidy. This amendment recognises that the vast majority of tenants do not pay a market rent. It makes it clear that there is a system of rent subsidies which applies to the bulk of social housing tenants. I emphasise that these amendments will provide a balanced approach to addressing the key issues impacting on the quality of life of social housing tenants and the financial sustainability of social housing providers, particularly the Department of Housing. I commend the bill to the House.

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

**WATER LEGISLATION AMENDMENT  
(DRINKING WATER AND CORPORATE  
STRUCTURE) BILL**

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

**Second Reading**

**Mr KNOWLES** (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [10.10 a.m.]: I move:

That this bill be now read a second time.

The recent contamination of Sydney's drinking water supply raised some very serious questions about the protection of public health. So much so that the Government ordered an independent inquiry, headed by Mr Peter McClellan, QC, to assess both the causes of and management of the first and subsequent contamination incidents. As honourable members will be aware, the Government immediately took control of the situation following the failure by Sydney Water and relevant authorities to adequately inform the public of the initial outbreak of giardia and cryptosporidium in Sydney's drinking water supply.

Honourable members will be aware also that the McClellan inquiry has already produced two interim reports, the latter of which deals specifically with management. The first interim report concentrated primarily on the possible causes of the contamination. They remain the subject of investigation by the McClellan inquiry. It is McClellan's second interim report and its recommendations to which this bill relates. The second report identifies a number of important policy issues which need to be addressed to improve water quality management.

In particular, the second interim report has made a number of important recommendations in light of the contamination incidents, including a recommendation that the statutory powers of the Department of Health be strengthened and that the structure of the Sydney Water Corporation be reviewed. The legislative amendments proposed by the Water Legislation Amendment (Drinking Water and Corporate Structure) Bill address both of those issues.

In respect of the Health Department, the bill proposes amendments to the Public Health Act 1991 which will result in new penalties of up to \$1.1 million for a corporation for the failure of any water supplier to inform the public regarding the safety of

drinking water; the chief health officer with the Health Department carrying exclusive responsibility for the issuing of boil-water alerts in relation to any supplier of unpackaged drinking water; new regulatory powers for the Director-General of the Health Department; and the ability for health officials—on the director-general's authority—to inspect, sample or obtain information in relation to the quality of unpackaged drinking water.

Specifically, the bill proposes the insertion of a new Part 2A into the Public Health Act 1991 to deal with the safety of drinking water. This new part will apply to suppliers of unpackaged water, which includes Sydney Water and Hunter Water, local councils supplying water and persons who supply water as part of a commercial undertaking. New Part 2A includes also new section 10E, which provides that the Director-General of the Health Department may declare that the chief health officer has the exclusive function of deciding whether to issue a boil-water advice in relation to any supplier of drinking water.

The bill proposes also new regulatory powers for the Director-General of the Health Department. New section 10F allows a person authorised by the director-general of the department to enter the premises of any supplier of drinking water and carry out certain examinations and inspections, take samples of water, and require the production of records. New section 10G provides the director-general with the power to require a supplier of drinking water to carry out tests on water, or substances used in or produced by the treatment of water.

New section 10H provides the director-general with power to direct a supplier of drinking water to produce information concerning the quality of drinking water and the methods by which the water has been treated; and new section 10M allows for regulations to be made regarding quality assurance programs to be undertaken by suppliers of drinking water. In addition the bill proposes strict penalties for breaches of certain of the provisions in proposed part 2A.

The bill proposes amendments to the Water Board (Corporatisation) Act 1994, the Hunter Water Board (Corporatisation) Act 1991 and the State Owned Corporations Act 1989. The effect of these amendments will change the Sydney and Hunter water corporations from company State-owned corporations into statutory State-owned corporations under the State Owned Corporations Act 1989. The bill provides that when Sydney Water and Hunter

Water are established as statutory State-owned corporations, there will be no material disruption to the business of the corporations.

However, the proposed change will improve the ability of the portfolio Minister to direct the corporations and to access information in the public interest. Under the company State-owned corporations model, the portfolio Minister is not entitled to access information that does not specifically relate to the regulation of the operating licences of the corporations, even if such information is in the public interest. These proposed legislative changes ensure also that the boards of these corporations must take into account government policy in their decision making. As a result of the proposed changes, the portfolio Minister will have the power under section 20P of the State Owned Corporations Act to give to the boards of Sydney Water and Hunter Water directions that are in the public interest. However, this will need the approval of the Treasurer and will require consultation with the board of the State-owned corporation.

The recent contamination events have highlighted the need for these proposed changes, if the public interest is to be protected. Those events have also shown that in certain circumstances it will not be practical for the portfolio Minister to first consult with the boards of Sydney Water or Hunter Water before giving a direction in the public interest. Consequently, these proposed amendments enable the portfolio Minister to give a direction that is in the public interest without first consulting the relevant board if that is warranted on the grounds of urgency, public health or safety. In addition, section 29 of the State Owned Corporations Act will enable the portfolio Minister to access information that is in the public interest.

This bill is an effective and appropriate legislative response to the recent contamination of Sydney's drinking water supply and, more specifically, to the recommendations of the McClellan inquiry. The bill increases public accountability, as should be expected with such an important public utility. The priority of this Government has been, and will remain, to protect public health. This bill ensures that the most stringent measures are adopted to achieve this aim. I commend the bill to the House.

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

## **HOME INVASION (OCCUPANTS PROTECTION) BILL**

### **Second Reading**

#### **Debate resumed from 14 October.**

**Mr OAKESHOTT** (Port Macquarie) [10.17 a.m.]: I appreciate the opportunity to speak to the Home Invasion (Occupants Protection) Bill. The object of this bill is to protect occupants of dwelling houses from home invasion and its consequences. The bill declares that it is the public policy of the State that its citizens have a right to enjoy absolute safety from attack within their homes from intruders, sanctions the use of physical force by an occupant in defence against an intruder if the occupant believes on reasonable grounds that it is necessary to do so, and provides immunity to occupants from criminal and civil liability arising from anything done by them that is sanctioned under the proposed Act.

It is interesting that this bill now has fairly broad cross-political support. This proposed legislation has a history in this House longer than mine, and dates back to 1995 when bills were introduced by upper House member Mr Tingle and the coalition in this House under the title Home-Owners Defence Bill. Three years later I welcome the Australian Labor Party to the table. It is good that this issue now has cross-political support. The timing involved with this bill leaves us all a bit cynical about whether it will see the light of day or whether it is an election stunt and a good way to get a headline. However, it will be interesting to witness this legislation in practice through a test case to see how the lawyers' picnic unfolds.

It is fair to say that everyone involved in politics hears the concerns about home invasions. A wide range of community meetings in relation to crime have been held throughout New South Wales. I have attended several of those meetings and the honourable member for Oxley, who is also in the House, has attended several. The National Party candidate for the seat of Oxley, Andrew Stoner, is also very aware of this issue; it is of particular concern to him. I am concerned about the implementation of the bill as the answer to community concerns.

Although the public message and the principle of sticking up for ourselves when we are in our homes is admirable, the reality is that we will always have to rely on a test of reasonable grounds, which is an objective test based on community

standards. That is the precise definition of common law in this State. I am also concerned that the legislation is nothing more than window-dressing by the Government. It is a comfort bill that potentially does nothing other than provide a headline for both the Government and its new bedfellow, Mr Tingle. I am concerned that the legislation will merely create a lawyer's picnic. That is exemplified in clause 9, which provides:

Whether grounds are reasonable grounds for the purposes of section 6, 7 or 8 is to be determined having regard to the belief of the occupant, based on the circumstances as the occupant perceived them to be.

Clause 9 will potentially open a legal Pandora's box. The court will no longer deal only with the facts of reasonable self-defence, it will have to somehow deal with perceptions and decide whether an occupant had reasonable grounds to form a perception. This legislation calls for an objective test of community standards to be applied to a subjective individual situation. How does one test an individual's perception? Surely the events leading up to the home invasion, the family situation, age, potential weapons available, ethnic background and so on have to be taken into account.

Many of my colleagues have already highlighted the fact that the bill contains no definition of home invasion. For example, if someone were to arrive home during an intruder's visit, would that be considered a home invasion? The legal ramifications of such a circumstance are somewhat undefined in the bill. Despite these concerns I will not oppose the legislation. I hope it achieves what the Government's and Mr Tingle's headlines say they hope it achieves. I will be interested to see the first test case. I remain suspicious about whether the bill will ever see the light of day.

**Mr KERR** (Cronulla) [10.22 a.m.]: The House has waited for quite some time to debate the issues that this significant bill gives rise to. The shadow minister for police, the honourable member for Eastwood, first raised the prospect of this type of bill, and the honourable member for Gosford has been vocal about it, because of the tragedies that have occurred in this State. For some years the ability of householders to protect themselves during home invasions has been uncertain both in Australia and Britain.

On a number of occasions in the past, householders have been charged because police were of the opinion that unreasonable force had been used on a person invading a home. The Government did not initiate this legislation; it was introduced in

another place by the Hon. J. S. Tingle. The bill is unsatisfactory. The honourable member for Port Macquarie and the honourable member for Coffs Harbour have demonstrated that the bill falls a long way short of the purposes for which it was introduced. Clause 5 declares:

... it is the public policy of the State of New South Wales that its citizens have a right to enjoy absolute safety from attack within their dwelling-houses from intruders.

It should be the public policy of the State that citizens have the right to enjoy absolute safety from attack not only within their own homes but also within their businesses and anywhere else they may be. The honourable member for Albury related an incident that occurred involving one of his constituents. When intruders entered his constituent's home and one was shot, the home owner found himself facing charges. The charges were dismissed, but as the honourable member for Albury said, not without occasioning the home owner and his family considerable anguish and expense. Whether the legislation would have prevented that situation from occurring remains a moot point.

However, if the principle contained in the bill is good, it should be extended to a person's business. Many shop owners and taxidrivars have been placed in the same situation as home owners. A person's status in the home is now clearly relevant, despite the danger that poses. For instance, if a guest in my home were subject to a home invasion, under this legislation that guest would not have the same right that I would have to repel the intruder, despite the fact that he or she might be in as much danger as I. Despite the fact that it has taken a long time for the Government to introduce this legislation, it is unsatisfactory and will have to be revisited. The House ought to consider extending the legislation to business premises, and to household guests.

**Mr WINDSOR** (Tamworth) [10.26 a.m.]: Even though I believe the legislation can be improved, it is important that this form of legislation has been introduced. I congratulate the Hon. J. S. Tingle in the other place on initiating the legislation. I also congratulate honourable members of Parliament on both sides of the House on identifying the problems relating to the protection of home owners within their homes and their property that have been obvious to many of us for many years. For some time it has been recognised that this problem has to be dealt with. As a number of honourable members have pointed out, the legislation has some rough edges. However, I congratulate the Government on introducing it because it is a step in the right direction. We should consider it in that light and attempt to improve upon it if the rough edges prove to be a reality.

Those who live in isolation, as many country members of Parliament do, are always concerned about family safety. I know that people living in urban environments have the same concerns, but the ability to protect oneself and one's family when living isolated from neighbours is always paramount. I take the opportunity to reflect on a number of other matters in relation to law and order. I congratulate the honourable member for Dubbo, and the honourable member for Wagga Wagga on their work in relation to the law and order meetings that were held throughout country New South Wales—some urban environments also took advantage of the meetings—to raise people's concerns about law and order generally. I played a minor role in some of the meetings.

Those meetings and the community support they gained across the State have applied pressure to the Government to make this move, which was originally an initiative of the Hon. J. S. Tingle in another place. Both the honourable member for Dubbo and the honourable member for Wagga Wagga will be leaving this Parliament in the not too distant future. This initiative is partly due to the pressure from the law and order meetings they instituted. Only this week Mr Justice Spigelman and others have started to toughen the sentencing system, and that is a direct result of those law and order meetings. In conclusion, I support the legislation and thank the Government for introducing it. I thank honourable members from both sides of the House who have seen that there are problems in the community and that one way to address them is to toughen up the legislation and to give people some rights when they are in their homes.

**Mr WHELAN** (Ashfield—Minister for Police) [10.31 a.m.], in reply: I thank honourable members for their contributions to the second reading debate. I reiterate that the Government is pleased to introduce the Home Invasion (Occupants Protection) Bill. The bill will make the law of self-defence in the home clear and simple. The bill will apply the common law of self-defence—along with the defence of others or property—to occupants of dwelling houses. The bill is a further demonstration of the Government's resolve to stamp out home invasions. The Government has not been silent in the face of home invasions. Indeed, the bill builds on Government reforms by codifying and clarifying the law of self-defence in the home so that the people in New South Wales are apprised of their rights.

I emphasise that the proposal will not essentially alter the current law of self-defence as it applies either to occupants of dwelling houses or to

any other persons in this State. Rather, it will convert the current common law of self-defence to a statutory form for occupants of dwelling houses. Thus, the bill will retain the fairness of the common law position and effect greater clarity in the law by virtue of its codification. Several honourable members have questioned the terms used in the bill. In particular they have asked about the terms "dwelling house", "intruder" and "occupant". The term "intruder" is clearly defined. It is based on an unlawful entry by an intruder.

However, it also requires a belief on the part of an occupant that the intruder has committed, or is committing, a crime within the house. This belief is wholly subjective. The second element is necessary to contrast the horrific circumstances of home invasion with the circumstances of simple trespass. I am sure honourable members will recall an event that occurred in the United States of America on Halloween when two kids with Halloween masks knocked on a door asking for gifts of lollies and were machine-gunned. There is a distinction between a trespasser and a home invader. Occupiers liability is a very vexed area of the law and some certainty has to apply to it. This certainly will.

The definition of "dwelling house" encompasses any building or other structure within the same curtilage as a dwelling house. Similarly, the definition includes a building or structure whose use is ancillary to the occupation of the dwelling house. It should be noted also that the definition is inclusive and thus is flexible enough to cover other appropriate circumstances that may arise. Therefore, the definition of "dwelling house" is wide enough to cover the sorts of circumstances referred to, such as an intruder within a person's garage or a business attached to a house. The term "occupant" is not defined. It is strongly argued that the commonsense, everyday meaning of "occupant" includes a person who is simply physically present on premises. It can be contrasted to narrower terms such as "owner", "landlord" or "lessee". Any attempt to define "occupant" might artificially restrict the circumstances when the defence can be raised. In the unlikely event that there is perceived ambiguity in the term, it can be subject to judicial interpretation.

That leads me to the amendment that will be moved by the Opposition relating to the definition of "occupant" and its other amendment. I have not yet been able to obtain the advice of the Attorney General, but I have noted the amendments and from a personal point of view I can see no objection. However, it is not my bill; it is a matter for the Attorney. I ask the Opposition to accept an

undertaking by me that I will draw the Attorney's attention to the proposed amendments. The Government will make its decision in the upper House and if it agrees the Government will adopt the amendment moved by the Opposition in the upper House. If not, it will be tested in the upper House with all members, including those on the crossbench, making a decision about whether the bill should be amended accordingly. I give the undertaking that I will ask the Attorney to look at the amendments and he will advise the Opposition spokesman in the upper House of the Government's decision. I do not believe that there will be a difficulty with the amendments.

**Motion agreed to.**

**Bill read a second time.**

### **In Committee**

#### **Clause 3**

**Mr MacCARTHY** (Strathfield) [10.37 a.m.]: I move:

Page 2, clause 3. Insert after line 17:

*occupant* of a dwelling-house includes an owner, lessee and landlord of the dwelling-house and any person invited into the dwelling-house.

As foreshadowed during the second reading debate, the Opposition is concerned that the bill unnecessarily restricts itself to occupants of premises. Clause 5, to which I shall also move an amendment shortly, emphasises the policy of the State that people have the right to security in their homes. The Opposition believes people should have the right to safety wherever they are. The bill refers to occupants of homes, so the Opposition cannot take this provision as far as it would like.

The amendment extends the definition of "occupant" to make it clear that not just the owner of the home is the occupant but that anyone in the home with his or her permission—any other person who might normally and properly be there—is included in the definition of "occupant". I agree that there is an element of doubt, but the Opposition believes that the extension of the definition of "occupant" will clarify the situation for citizens. It would be absurd if I could defend myself in my home but a visitor to my home could not defend me in the event of a home invasion. I commend the amendment to clause 3.

**Mr WHELAN:** (Ashfield—Minister for Police) [10.40 a.m.]: Mr Chairman, I move:

That you do now leave the chair and report progress.

### **The Committee divided.**

#### **Ayes, 47**

Ms Allan	Mr Markham
Mr Amery	Mr Martin
Mr Anderson	Ms Meagher
Ms Andrews	Mr Mills
Mr Aquilina	Mr Moss
Mrs Beamer	Mr Nagle
Mr Clough	Mr Neilly
Mr Crittenden	Ms Nori
Mr Debus	Mr E. T. Page
Mr Face	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 Knight	Mr Watkins
Mr Knowles	Mr Whelan
Mr Langton	Mr Woods
Mrs Lo Po'	Mr Yeadon
Mr Lynch	<i>Tellers,</i>
Mr McBride	Mr Beckroge
Mr McManus	Mr Thompson

#### **Noes, 42**

Mr Armstrong	Mr O'Farrell
Mr Beck	Mr D. L. Page
Mr Blackmore	Mr Peacocke
Mr Chappell	Mr Phillips
Mrs Chikarovski	Mr Photios
Mr Cochran	Mr Richardson
Mr Collins	Mr Rixon
Mr Cruickshank	Mr Rozzoli
Mr Debnam	Ms Seaton
Mr Ellis	Mrs Skinner
Mr Glachan	Mr Slack-Smith
Mr Hartcher	Mr Small
Mr Humpherson	Mr Souris
Mr Jeffery	Mrs Stone
Dr Kernohan	Mr Tink
Mr Kerr	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

#### **Pairs**

Mr Carr	Mr Brogden
Mr Murray	Mr Schipp



**Question so resolved in the affirmative.**

**Motion agreed to.**

**Progress reported.**

**Adoption of Report**

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

That the report be now adopted.

**The House divided.**

**Ayes, 47**

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

**Noes, 43**

Mr Armstrong	Mr O'Doherty
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	Ms Seaton
Mr Glachan	Mrs Skinner
Mr Hartcher	Mr Slack-Smith
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
Dr Macdonald	Mr Windsor
Mr Merton	<i>Tellers,</i>
Ms Moore	Mr Fraser
Mr Oakeshott	Mr Smith

**Pairs**

Mr Amery  
Mr Carr

Mr Brogden  
Mr Schipp

**Question so resolved in the affirmative.**

**Motion agreed to.**

**Report adopted.**

**METHODIST CHURCH OF SAMOA IN  
AUSTRALIA PROPERTY TRUST BILL**

**Second Reading**

**Debate resumed from 13 October.**

**Mr HARTCHER** (Gosford) [10.58 a.m.]: The coalition welcomes and supports this bill. The bill seeks to incorporate in Australia the Property Trust of the Methodist Church of Samoa. The Methodist Church has a long history of representing large numbers of people in the Pacific islands from the time of the foundation of the Wesleyan Church in Tonga—the Wesleyan Church being well known as one of the great mainstays of the people of Tonga. The Methodist Church in Samoa has enjoyed a similar reputation, representing a very large number of the Samoan people. Many Samoans have come to Australia and have made a wonderful contribution to Australian life. The Methodist Church has been their mainstay here.

The doctrines of the church are based upon the teachings of the founder of Methodism, John Wesley, and his brother, Charles Wesley, and its services are conducted in the Samoan language. The church gives the Samoan community in Australia a focal point and a means of preserving its cultural identity, which might otherwise be lost. The church acts not only as a religious vehicle for the Samoan people, but also as a vehicle for the preservation of their language and culture. Accordingly, it plays an extremely important part in Australian society. It is estimated that 34,000 people, a significant number, are members of the Methodist Church of Samoa.

When this legislation was introduced in the Legislative Council, senior representatives of the church were present in the gallery to show their support. I understand that the Methodist Church of Samoa now has 11 synods throughout the world. It has a close sister church relationship with the Uniting Church in Australia, which, as honourable members would know, includes in its component parts the old Methodist Church of Australia. The Methodist Church of Samoa has been in existence since 1981, when it was established at Marrickville, and now has 19 churches throughout Australia. The coalition welcomes the bill. We are confident that

the Methodist Church of Samoa in Australia will continue to grow, continue to represent the religious and cultural aspirations of the Samoan people in this country, and continue to be a major vehicle for the preservation of the Samoan language.

**Motion agreed to.**

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

**PROTECTION OF THE ENVIRONMENT  
ADMINISTRATION AMENDMENT  
(ENVIRONMENTAL EDUCATION) BILL**

**Second Reading**

**Debate resumed from 16 September.**

**Mrs CHIKAROVSKI** (Lane Cove) [11.02 p.m.]: The Opposition believes that the Protection of the Environment Administration Amendment (Environmental Education) Bill is a genuine attempt by the Government to co-ordinate and facilitate quality environmental education for the community. The method of achieving this outcome is through the establishment of the New South Wales Council on Environmental Education. The bill provides for the membership of the council and defines its functions, matters which I will speak to later. The bill also dissolves the existing Environmental Education Committee.

Honourable members would be aware that the idea for this bill did not originate with the present Government. It was first introduced into this House, albeit in a somewhat different form, by a former Minister for Education and Youth Affairs—indeed a former member of the Liberal Party, the former honourable member for Davidson, Dr Metherell. Dr Metherell was, and I presume still is, a passionate advocate of the importance of environmental education. As part of his role as Minister for Education and Youth Affairs he introduced into the schools system a K-12 environmental education curriculum, of which he was very proud. The bill that he introduced was primarily focused on education in schools and therefore was much narrower in its scope than the bill now before the House. Dr Metherell's view, as stated in his second reading speech, was:

... there is no more important cross-curriculum initiative that we can take in education than the promotion of environmental education by the measures contained in this bill. I believe there is no better way to bring into focus in the minds of young children—and, indeed, more mature students, and finally the entire community—their joint responsibilities, their balanced responsibilities, to ensure that human development in

our society does not destroy the very natural systems upon which we all rely.

Dr Metherell's bill was supported by both sides of the House, with the former Minister for the Environment supporting its general propositions and the former Opposition spokesman on education, now Minister for Education and Training, stating that the introduction of an environmental education council was long overdue. That bill passed through the lower House but ultimately did not proceed through the upper House because, as honourable members would recall, Parliament was prorogued. In 1993 the honourable member for Manly moved a motion asking the Legislative Council to proceed with the bill. That motion was passed with bipartisan support. But the then Minister for the Environment, the honourable member for Gosford, made the point that in many ways the objects of the bill had been superseded by the establishment of the Environmental Education Committee under the auspices of the Environment Protection Authority.

The Metherell bill was not proceeded with in the upper House, not because, as the Minister for the Environment suggested in her second reading speech, of a lack of will on the part of the then Government but rather because the Government of the day regarded with great respect the work being done by the Environmental Education Committee. The then Government applauded that committee and its members for the work they were doing in advancing the environmental agenda in this State. The preservation of our environment for the future and the education of the community about the part it can play are matters of vital concern to all of us. Despite the somewhat hysterical attacks by and rabid assertions of Government members, the coalition is as concerned with the environment as the Government purports to be.

**Mr Fraser:** We are more concerned than the Government.

**Mr Jeffery:** We are true environmentalists.

**Mrs CHIKAROVSKI:** As the honourable member for Coffs Harbour and the honourable member for Oxley point out, members who represent country constituencies can claim to be true environmentalists because they interact with the environment in much more pro-active ways than members who represent city electorates. Having said that, certainly our city electorates face a number of environmental concerns as well. The history of this bill is an elegant and clear statement that coalition and conservative members on this side of the House have been and will continue to be the advocates for

the protection of the environment. We will not accept statements by the Government that we are in some way environmental vandals. It is simply untrue.

One of my most easily recalled childhood memories, which comes from the time when I lived in the United States of America, is an advertising jingle. The jingle was not advertising corn flakes or ice cream, it related to the environment. It is far too early in the day for me to inflict pain on the House by singing the jingle; I would clear the Chamber very quickly. However, the words of the jingle are, "Please, please, don't be a litterbug 'cause every little bit hurts." That was my earliest encounter with environmental education, more than 30 years ago I might add. To this day the advertisement continues to have an effect on the way I interact with my environment.

Here in New South Wales, indeed across the country, thousands of organisations are committed to educating our community about how they can assist in the preservation of our environment. Such groups and individuals work in both the public and private sectors, some are attached to large public or private institutions, and others are small voluntary organisations working closely with their local communities. All share a common aim—to raise awareness about the precious nature of our world and what we need to do to ensure that the world is preserved for future generations. Whether it is a large-scale community action program, such as Clean Up Australia or the even larger scale program of Clean Up the World run by Ian Kiernan, the educational programs devised by the many industry groups whose businesses impact on the environment and are now positively seeking to ensure to minimise that impact, or the education programs run in schools to teach the next generation their responsibility towards the environment, all have a role in making a positive contribution towards progress.

The difficulty is that so many groups, companies, educators, government departments and individuals are involved in this process that inevitably there has been a duplication of effort and perhaps an inefficient use of the resources available in this area. The bill seeks to co-ordinate that effort in a more formal way. By requiring the development of a three-year statewide environmental education plan, it is hoped that some of the unnecessary duplication of the past will not be repeated and that a more focused and targeted approach to the delivery of environmental education can be achieved across the community.

The bill establishes an 11-member council. As I have already indicated to the Government, the Opposition will seek in Committee to add two additional members to the council. I am conscious of the consultation process that has taken place both through the green paper and the expressed view that an 11-member council would be more effective than a larger council. Having said that, I believe that an appropriate chair would be able to quite successfully manage a larger council. Therefore we will press on with our suggested amendments. One of the additional representatives on the council will be from the Environment Protection Authority. As the bill currently stands, it is not envisaged that the chair of the council would be from the Environment Protection Authority, and we will seek to amend that in Committee. The second additional representative would represent the interests of the recreational users of public land.

The bill currently provides for the council to be chaired by a representative of the EPA—and the Opposition will move an amendment in regard to that—with a representative of government departments and agencies within the administration of the Minister for the Environment; two representatives of government departments and agencies within the administration of the Minister for Education and Training, one of whom is to be from the TAFE Commission; a representative of government departments and agencies within the administration of the Minister for Urban Affairs and Planning; a representative of government departments and agencies within the administration of the Minister for Agriculture, and the Minister for Land and Water Conservation; a representative of community-based organisations concerned with the protection of the environment, chosen from a panel of nominees provided to the Minister by the Nature Conservation Council of New South Wales.

The bill provides also for the council to have a representative of professional organisations concerned with environmental education, chosen from a panel of nominees provided to the Minister by the Association for Environmental Education or by the Australian Association for Environmental Education Incorporated, or by any other body that in the opinion of the Minister is a professional organisation concerned with environmental education; a representative of local government authorities or associations chosen from the panel of nominees provided to the Minister by the Local Government and Shires Associations of New South Wales; a representative industry chosen from panels of nominees provided to the Minister by peak industry employer organisations; and a representative

of the universities in this State, chosen from a panel of nominees provided to the Minister by the New South Wales Vice-Chancellor's conference or any other body that, in the opinion of the Minister, has replaced the conference.

It is perhaps no surprise that the constitution of the council favours the bureaucracy, as government departments nominated play a substantial role in providing environmental education. More importantly, it is probably within the area of government delivery of environmental education that there is likely to be the largest duplication of delivery, and therefore potentially the greatest savings and efficiencies of delivery will be achieved. That having been said, there is a genuine concern that if this new council is to operate effectively it should not feel constrained by any government or bureaucratic agenda. Therefore, the Opposition will move an amendment in Committee which will ensure that the chair is properly qualified and truly independent.

The qualifications sought will include appropriate environmental education expertise and management skills to ensure that the chair has sufficient authority to guide the council in its important task of preparing plans that will deliver measurable outcomes in environmental education. The Opposition believes also that the Government should include on the council a representative of organisations involved in the recreational use of public land in particular. For some reason, this Government has the belief that those who seek to enjoy our natural environment are amongst the most destructive intruders of that environment.

Horse riders are being forced out of national parks, and access for the elderly has become almost non-existent as motor vehicles are more frequently banned. Yet those are the people who are most concerned with the preservation of their environment. They have an integral role in educating not only their own groups but the public at large about the proper and safe way to interact with our environment to ensure its ongoing existence. As this group numbers literally millions and is well represented by numerous organisations, the Opposition believes it is vital that they be included on the council. The Opposition also wishes to pursue another key amendment to provide that, in order for the effectiveness of the council to be assessed, it should be reviewed after three years. In foreshadowing this amendment, I shall quote another member of this House who spoke in a previous debate:

In Committee I shall propose an amendment to provide for a sunset clause, so that after three years, the Minister of the Government of the day will be able to review the legislation, the operations of the council and trust, the strength of established connections with various educational institutions, and how purposeful the council has been in achieving its basic objective of furthering environmental education throughout our schools. The amendment provides that after a three-year period the Minister will review the operations of the Act and report to both Houses of Parliament as the final arbiter.

Very sensible suggestions indeed! I am delighted that the Minister for Education and Training is in the Chamber today because it was his suggestion at the time. The sentiments as expressed by the then shadow minister in relation to the Metherell bill are equally applicable today. Therefore, I would assume that the Minister will negotiate with his colleague the Minister for the Environment and persuade her to accept the logic of the argument now as he was trying to persuade the House to accept the logic of the argument when the previous bill was introduced.

**Mr Aquilina:** She is not as easily persuaded as Terry Metherell.

**Mrs CHIKAROVSKI:** That is because the Liberal and National parties are always parties of conscience, consideration and concern. We always take on board the concerns of the Opposition. As we keep saying, we are here to help!

**Mr Rozzoli:** That is more than I can say for members on the other side of the House.

**Mrs CHIKAROVSKI:** That is true. The members on the other side of the Chamber are always reluctant to negotiate, as the honourable member for Hawkesbury has just pointed out. In order for the community and the Parliament to have confidence in the council it is imperative that its effectiveness be reviewed and assessed dispassionately. I would therefore urge the Minister for the Environment to accept this amendment. Like the Government, the Opposition believes that environmental education should not be confined to schools. Indeed, we agree that, like other learning experiences, it should be a lifelong process.

It was therefore appropriate that the Minister, in her second reading speech, acknowledged the role for community groups in that process. She reiterated the Government's commitment to provide \$500,000 to those community groups for environmental trust funds, because it is important that they are able to continue to deliver community education and are facilitated in that role. I have had the opportunity to meet with a number of these many and varied groups. It is unfortunate that the honourable member for Georges River is not in the Chamber; I am sure

she would support my acknowledgement of the Oatley Flora and Fauna Conservation Society Incorporated, with whom I met recently.

That group advised me of the extensive lecture and familiarisation programs that it runs in its local area. Indeed, there are a number of groups in my own electorate, including the Lane Cove Bushland Society. That group is absolutely committed to preserving the beautiful remnant bush that exists in my electorate. We all know that groups like these operate mainly on goodwill and the hard work of many volunteers. It is hoped that under this bill the new council will recognise their efforts and acknowledge the truly magnificent contribution they make in protecting our environment.

Before I conclude, I would ask the Minister for Education and Training to clarify one point for me. Concern has been expressed to the Opposition that this council will determine the curriculum for environmental education in schools. I understand that there is no suggestion that the council will undermine the role of the Board of Studies in determining curriculum. The Board of Studies will continue to prepare and approve the K-12 environmental curriculum. The council may seek input into that process, but will in no way be in a position to determine curriculum.

There are concerns that if the council becomes the determining body for the curriculum it may not have the sound educational values it should have and be as well geared to schools as it should be. I ask the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs to clarify that aspect. We can give our children no greater gift than ensuring their future and educating them, and indeed the whole community, about how we can preserve that future, which is an obligation on all of us individually and particularly members of Parliament. I hope that the bill will facilitate in a most practical way the delivery of that education. Subject to the amendments the Opposition has circulated, I commend the bill to the House.

**Mr AQUILINA** (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [11.21 a.m.]: As the Minister for the Environment indicated in her second reading speech, this bill finally delivers a coherent framework on which environmental education can be undertaken by all those with a role to play in this important field. I congratulate the Minister and wish her well with this legislation. This is the third time in recent years that a Minister has attempted to have legislation of this nature enacted. I participated in debate on the two previous occasions.

The former education Minister Terry Metherell introduced a bill to provide for environmental education in New South Wales. I supported him and was most disappointed that the bill did not become an Act. Later in the term of the coalition Government, in 1992, I also supported another bill being championed by Tim Moore, the then Minister for the Environment. I was very pleased to offer Opposition support on that occasion. I was equally disappointed when that bill also did not become an Act. I am very happy now as the education Minister to support the legislation brought forward by the Minister for the Environment on this crucial phase of education within schools and indeed within the community.

This framework is critical not just in ensuring that environmental outcomes are achieved in the most efficient manner but also in providing proper guidance for those developing programs that will be used to educate the community in protecting the environment. As the Minister pointed out, environmental education is now much broader than just those activities conducted in schools. Good examples of environmental education can also be found in TAFE colleges and in adult education settings.

For environmental education to be effective it must embrace every section of the community—people at workplaces, in shops, in manufacturing and primary industries, in government offices, home owners and members of clubs. Whoever we are, wherever we live or work, we all share in this important community responsibility. My portfolio has the special responsibility of ensuring that an excellent environmental education is provided for the young in our schools and for youths and adults involved in training and further education. There is clear evidence that we are getting environmental education right and that within each new generation of students there is a greater commitment to protecting the environment.

The bill provides for a single structure within government to support environmental education. By bringing together all the key players and focusing their efforts on developing a co-ordinated plan for action within all sectors, for the first time environmental education will be approached with the rigour it requires. The bill will deliver important outcomes for environmental education programs in schools. Not least will be an improvement in the way curriculum resources are developed. No-one would dispute that there are many fine school-based resources in existence. It is also clear that there can be better co-ordination of the development of new resources and adequate support for teachers in using them.

For the benefit of the honourable member for Lane Cove, I note the difference between the development of resources and the development of curriculums. It is critical that all agencies developing materials for use in schools do so knowing what resources are already available, what teachers need in the way of quality resources, and what support will be necessary to ensure that teachers are well positioned to use these resources. I am sure that bringing together the key players in the way provided for in the legislation will result in positive outcomes with the quality of materials and the level of uptake by teachers.

As mentioned by my colleague the Minister for the Environment, an environmental education bill passed through the lower House with bipartisan support in 1992 but then was stalled under the previous administration. I have already referred to that. It was unfortunate but not surprising as the earlier bill had too narrow a focus. The bill focused entirely on environmental education within the formal sector, in particular schools. The earlier bill was developed without the benefit of extensive consultation. The bill we are currently debating has been the subject of extensive consultation since the green paper "A new Approach to Environmental Education in NSW" was released in 1997. I had pleasure in co-releasing it with my colleague the Minister for the Environment.

More than 300 people attended a workshop as part of the consultation and 110 submissions were received. What this Government's proposal achieves that previous proposals such as the Metherell bill did not is a proper recognition of the need for linkages between every sector of activity in environmental education. The same narrowness of approach that considered environmental education should occur only in informal education settings was reflected in the partisan implementation of environmental education by different government departments.

The then Department of School Education set up its own ministerial advisory committee on environmental education, MACEE, which reported to the Minister, while the Environment Protection Authority had its own environmental education committee to advise the Minister for the Environment. In many ways there was a duplication of effort with both groups seeking to do good work but analysing issues separately and advising their Ministers independently. The current bill has overcome this issue by developing a strategy for a single structure in government to support environmental education. It provides for a statewide, cross-sectoral, three-year plan for environmental education. The plan will set objectives for

environmental education in New South Wales and avoid the duplication and wastage which occurs when different sectors develop similar plans independently.

The bill enables the Department of Education and Training to be given a clearer role and purpose and provides a structure for its programs and objectives to be defined in a community and global context. My department will welcome the bill for precisely that reason. I am proud of the fact that the New South Wales Department of Education and Training is a leader in Australia in its support for and contribution to environmental education. Since 1997 the department has taken responsibility for representing Australia in the Organisation for Economic Co-operation and Development environmental and school initiatives project.

One of the programs supported by New South Wales on behalf of schools throughout Australia is the Eco-Schools program, a strategy whereby schools communicate with each other internationally through email, sharing their environmental programs and offering solutions to each other on common environmental problems. New South Wales schools have been very willing to take part in the learnscapes project. This major initiative commenced in 1997 and is now being trialled in 18 schools throughout the State. Learnscapes are places where a learning program has been designed to permit students to interact with their environment. These places may be natural or built, interior or exterior. They may be in schools or near schools and may relate to one or more of the eight key learning areas.

Peel Technology High School and Harwood Island Primary School have installed wetlands, constructed outdoor classrooms, planted rainforest gardens and developed a host of other hands-on projects to support environmental education programs and all the key learning areas. I acknowledge the financial support offered by the Minister for the Environment to assist the schools in developing these worthwhile projects. The concept of a learnscape has raised much interest overseas and OECD countries including Japan, Austria and the United Kingdom have sought further information from New South Wales on the project. During the term of this Government the Board of Studies has issued guidelines to its writing teams and syllabus advisory committees requiring them, where practicable, to incorporate environment education into their revised syllabuses.

I take this opportunity to respond to comments made by the honourable member for Lane Cove about the writing of the curriculum. The Board of

Studies is responsible for the curriculum and will maintain that responsibility. The environmental education unit within the department's curriculum support unit is revising the 1989 environmental education curriculum support statement K-12. I look forward to the council being able to provide to schools and to the Board of Studies the resources and materials to support the curriculum. The new document to be released in 1999 will take into account the developments in environmental education since the Rio de Janeiro conference of 1992 and the publication of Agenda 21.

The document will be more user friendly than the existing 1989 document and will encourage principals to develop a whole-of-school approach to environmental education. The document will promote the significant benefits for schools of adopting environmentally sustainable practices. Wise use of water, energy and materials leads to savings that can be redirected to other curriculum priorities. I am proud to say that the department, because of its appropriate use of energy, has already achieved savings of approximately \$3 million and is now able to direct those funds into other worthwhile educational projects.

Schools are increasingly choosing energy-efficient products, such as recycled paper, energy-efficient photocopiers and heat-sensitive light switches in classrooms. Many schools have also begun to experiment with solar power, both as an energy alternative source and as a teaching resource. Brewongle Field Studies Centre in western Sydney has set up a variety of solar experiments which schools have duplicated on their own sites. TAFE New South Wales, acknowledging the now co-ordinated and comprehensive structure of the Department of Education and Training, has recently developed a draft environmental strategic plan. The plan, which is currently being circulated to stakeholders for comment, provides for the integration, co-ordination and implementation of ecologically sustainable practices across TAFE and, beyond TAFE, eventually across schools.

Schools have benefited by developing a deeper understanding of environmental concepts from government employees. At the same time they have contributed to catchment management, land repair and agency data collection. One example of that is the close relationship between schools and the Department of Land and Water Conservation. I thank the Minister for Agriculture, and Minister for Land and Water Conservation for the work he has done. I also thank his predecessor, the Hon. Kim Yeadon, who did an incredible amount of work in establishing the close relationship between schools

and his department. That is an excellent example of how close co-operation between two departments works for the benefit of the environment. That co-operation has resulted in a number of dynamic programs, including Streamwatch and Landcare.

New South Wales schools also support a number of national programs such as Waterwatch, Saltwatch, Airwatch, the Globe project, communicating over the catchment, and Landcare Australia. The establishment of the New South Wales Council on Environmental Education will strengthen the relationships between government agencies and schools. It will also promote similar relationships with non-government agencies. A best practices document published by the Department of Education and Training exemplifies the broad range of effective environmental education programs currently operating in New South Wales schools, and I shall outline one or two of them.

Stanford Merthyr Infants School has a strong link with the community, especially because of its success with the beautification of nearby farms and parks. The school also has a recycling program and a shade-house propagation project. Mount Riverview Public School at Blaxland has developed its own environmental audit plan consisting of paper recycling, composting, class gardens, energy reduction, the minimisation of packaging, can recycling and playground management. In addition, the school propagates native species and contributes to catchment management by polishing the water before it leaves the playground and enters Blue Mountains streams.

Lewisham Public School has developed a permaculture garden in an inner-city neighbourhood and a green school community space for use by the school community. Kingscliff High School has produced a student guide to total catchment management using the Tweed River as its case study. The school also won the 1997 New South Wales Landcare Award and has put forward a proposal to the Environmental Youth Forum for South Pacific and Asia Nations. Maitland High School links its school curriculum with the work of government and non-government agencies. Programs include water monitoring, catchment studies, budget surveys, murder under the microscope, recycling and worm farms. Metford Public School has adopted a structured total environment approach to its programs to enhance the school's local environment. Priorities included school ground improvements, family tree planting days, recycling and bush regeneration. [*Extension of time agreed to.*]

Kelso High School has its own wing dedicated to the teaching of environmental education. In 1996

school representatives visited Malaysia and shared their know-how in water monitoring with schools in the Penang district. The school has a long list of programs, including Platypus and Frogwatch, a number of Internet projects including Oz Green and Globe, wetlands rehabilitation, native plant rehabilitation and sustainable farming workshops. The school works closely with a number of outside groups including Landcare, Charles Sturt University, the Environment Protection Authority, the Department of Agriculture, local farmers and Bathurst City Council.

The Department of Education and Training also supports environmental education through its 20 field studies centres and two zoo education centres. I was delighted recently to be able to visit the Penrith Field Study Centre and note the outstanding work being performed there. More than 45 teachers and 21 clerical support staff run the State's field studies centres. Again I emphasise the outstanding work of these centres. Earlier I was asked by way of interjection whether I took credit for the Penrith Field Study Centre. I do not because the work is carried out by personnel at that centre. However, the Government can take credit for providing the funding to enable that field study to operate efficiently. Schools in Sydney's west acknowledge the work of that centre and are grateful for it.

The Zoo Education Centre at Taronga Park is extremely popular with schools, with more than 80,000 schoolchildren visiting the centre each year. The Minister for the Environment is responsible for the administration of Taronga Zoo, and I congratulate her on the work she is doing. The zoo centre offers environmental programs to support schools' curriculum studies but has particular programs relating to endangered animals, sustainability, ecosystems and adaptation. Western Plains Zoo also offers similar programs, including early morning zoo walks. Taronga Park has a mobile zoo, which visits isolated areas of the State, bringing selected zoo animals to schools and institutions that cannot travel to Sydney or Dubbo. In 1998 environmental education is a priority in New South Wales schools. It is mentioned specifically in the department's Agenda 98 in the context of developing environmental awareness, understanding and action in students. The goal for 1998 and beyond is for schools to develop greater student involvement in caring for the environment.

TAFE colleges teach a variety of courses in environmental management. Those courses include ecological studies, environmental awareness, environmental practice, land vegetation, waste management traineeship and the Clean Waterways

program. Environmental principles have also been incorporated into such industry areas as construction, printing, office management, and chemical and process industries. A two-year action plan has been prepared by TAFE to support measure 2.12 of the national greenhouse strategy which is entitled "Training for key professions-occupations".

The developments within my portfolio are well aligned to the initiative before the House. I am pleased to support the bill and the programs introduced by the Minister for the Environment. The bill will ensure that the high-quality work being undertaken in environmental education by schools, TAFE and adult community education facilities, which has resulted from the strong commitment of the Government to environmental education, can be expanded to a range of non-formal education settings. The bill establishes the framework for a comprehensive and thorough community-wide approach to environmental education. Again I congratulate the Minister on drafting the bill and acknowledge the work of officers of both her department and mine in the consultation process that has culminated in this bill.

I acknowledge that for a long time the need for environmental education has received bipartisan support, particularly from members on the crossbench. I congratulate the honourable member for Manly on the work he did in relation to earlier Government legislation. I recall particularly the meaningful contributions he made to the debate on the legislation that was ushered through this House in 1992. I hope and expect that support for the Government's proposal and for the work being done by the Minister for the Environment will now translate into full support for the bill.

**Mr FRASER** (Coffs Harbour) [11.40 a.m.]: I voice several concerns about the legislation. First, I do not believe that the membership of the proposed council is balanced or that the council has sufficiently wide representation. The Minister's office advised me during discussions that the council, which is proposed to have 11 members, does not need to be expanded or it will become unworkable. If industry bodies are not represented on the council that will set the agenda for environmental education in New South Wales, a co-operative approach involving government, industry and the community to the protection and enhancement of our environment will not be achieved.

For too long regional New South Wales has, unfortunately, been the whipping boy for Sydney's environmental problems. To a large extent, Sydney's



environmental problems are beyond repair because of what has happened in the past. I do not condemn anyone for that. In the past many industrial and urban development practices were followed with the best of intentions, and their effect on the environment were perhaps not taken into consideration. Even now some practices, particularly agricultural practices, may not be in the best interests of the environment. However, a balance must be struck to ensure that people of the metropolis of Sydney have food on their tables. All the foodstuffs that come to Sydney from country areas—whether it be vegetables, beef, lamb, or anything else—is produced by destroying the natural environment and putting in place a system of cultivation and farming.

Over the years government departments, instead of being farmers' friends and working co-operatively with them, have been enforcing regulations passed by this House without fully understanding the restrictions those regulations placed on farmers. Members of Parliament pass judgment on problems that are identified in Sydney, but those who are affected live in rural and regional New South Wales. A headline of an article on the front page of today's *Coffs Harbour Advocate* reads, "Carr to face protest". The Premier will visit Coffs Harbour on the weekend, and the article says that landowners are upset about a range of State Government controls that they claim unfairly restrict their ability to manage.

Government departments are not telling Coffs Harbour farmers that they want to assist them to enhance their properties to improve future production. Government departments are telling farmers that they want to restrict the farmers' ability to make a living from their properties and to generate produce that is needed badly by the community at large. The people of Coffs Harbour, for example, cannot eat all the bananas produced in the region, but that resource is needed for the economic growth and survival of Coffs Harbour. As the Minister would be well aware, in the past arsenic was recommended to get rid of beetle borer on bananas. It has now been found that arsenic causes damage to the environment, and therefore it is no longer used. Farmers are now faced with the residual problems resulting from the use of arsenic, and they are forced to spend money to resolve those problems.

The farmers, who were directed by New South Wales Agriculture to use arsenic to get rid of beetle borer because it was damaging the industry, now want to get rid of the substance because of the residual problems it is causing. A system should be

put in place to ensure that farmers and the wider community understand the future ramifications of steps that are taken now. That can be done by ensuring that all players are consulted. I do not believe that the objects of the bill will be achieved by the council. Schedule 1[9] inserts new section 27, which provides in part:

(1) The Council has the following functions:

- (b) to co-ordinate the preparation of State-wide 3-year plans for environmental education . . .
- (i) describe the proposed contributions of individual public authorities (other than local government authorities), the local government sector, community organisations and industry to environmental education . . .

However, the council will comprise one industry representative and the remaining members are to be bureaucrats from various government departments. That means that the bureaucracies will force their opinions onto the one industry representative. Perhaps a member of the Australian Mining Industry Council—for example, Joan Robertson—should be appointed. In the past the Mining Industry Council has done a wonderful job of educating the public about environmental concerns in the mining industry. Perhaps a representative from the forest industry—for example a member of the Forest Protection Society—could be appointed to the council. The society has published a magnificent booklet called "Trek", which it distributes to schools.

The booklet teaches children about the importance of caring for the environment to preserve it for future generations and the importance of ensuring that the New South Wales regional environment is productive. I urge the Minister to appoint representatives from those bodies to the council, so that they are given an opportunity to provide input into environmental education and to expand their already glowing environmental education programs. The programs are going well. People are taking note of them, and schools and schoolchildren are being educated by them. Those bodies will be taking instructions from a council that will be run by bureaucrats. That will not provide the basis for a system of co-operative responsibility.

The Government claims that in the past it has consulted with the Coffs Harbour community about Bongil Bongil National Park and Solitary Islands Marine Park, but those who are responsible for those reserves have been ministerial appointments. At one stage 300 people turned up to a public meeting about Bongil Bongil National Park. The input of the people at that meeting has been ignored. The groups living in a nearby commune seem to have had more

input into the plan prepared by the National Parks and Wildlife Service. That plan is now available and the people are again in uproar because the promised consultation was merely window dressing. That form of consultation is: "We will tell you what we are going to do; we will listen to what you say, but we will ignore it."

I ask that the Minister accept the amendment to be moved by the shadow minister, the honourable member for Lane Cove, which provides that the chairman of the committee should be a person who does not have a role in regulation, administration or the fining of people for environmental degradation. If there is to be true co-operative education on environmental matters, the position of chairman should be given to a person who will impartially oversee the council and make sure that true consultation and community input takes place. That will make the council truly representative. If the public is to have confidence in the council, it is imperative that industry groups be represented. Mining and forestry industries could also be represented.

The present system is completely regulatory and severe penalties are imposed for degrading the environment. For example, people who drop cigarette butts in the street can be fined \$1,000 under the Protection of the Environment Operations Bill. The problem cannot be solved by simply imposing penalties. We need to take a co-operative approach to educating the public. The legislation does not go that far, and the legislation put forward by Tim Moore, Terry Metherell and the honourable member for Manly did not go that far. If the Government wants industry and the community to respect the process, they must be completely involved.

The Government cannot set up an elite council with non-specific guidelines that will dictate to the community at large. The Government must give the community a genuine opportunity to participate in and to be proud of what it is doing. All members would be familiar with Clean Up Australia Day. Members of the community put on rubber gloves and boots and pick up rubbish that other people have left lying around, anything from car bodies to used syringes. The whole community is involved in that project because it is community-driven; the community owns the project. The community should also own environmental education. It should be given the opportunity to participate fully.

I ask the Minister to take those concerns on board. I also ask her to accept the amendment proposed by the honourable member for Lane Cove

so that the council will at least be seen to be impartial. I further ask the Minister to consider allowing other industry bodies currently involved in education programs—that is mining and forestry bodies—to be represented on the council so that their worthy programs can be expanded. Although I support the bill, I do so with extreme caution and with the warning that it could divide industry, the Government and the community yet again rather than lead to a true education program with the full community co-operation.

**Dr MACDONALD** (Manly) [11.51 a.m.]: I support the bill. It is good legislation, but it could be better. For some years I have taken an interest in this legislation. The House would be aware that in 1992 the legislation achieved bipartisan support, but fell off the program at the end of that year. In 1993 I was involved in its resurrection and reintroduction. The legislation has a history of co-operation and bipartisanship. I draw to the attention of the House and the Minister two matters that should be addressed on the basis of the following principles. Environmental education will only be as good as the council and the environmental education plans behind it. If the council and the plans are not right, environmental education will fall apart. Contrary to the proposed amendment, which provides that the chairman of the Council on Environmental Education should be elected, I would argue that the chairman should be an independent person drawn from the ranks of a university academics. Such a chairman would provide the council with further strength and independence.

I reject the need to have industry representatives on the council, as argued by earlier speakers from the other side. I believe one representative should come from the Parents and Citizens Associations of New South Wales, and I understand such an amendment may be moved in another place. The success or otherwise of the legislation will depend upon whether there is a reputable and respected council. Environmental education plans are the essential building block of the legislation. The legislation would be strengthened if the public had access to, and the ability to comment on, the draft environmental education plans. That is flimsily provided for in new section 27(3), which merely states:

The first environmental education plan is to be submitted to the Government no later than one year after that substitution.

Where is the opportunity for the public to comment? It is not a revolutionary suggestion. Plans are often circulated for public comment. If the public is not permitted to comment, the result may be a lack of

confidence in the plans. I would like the public to have access to the plans and to be given the opportunity to comment. Provision should be made to codify and independently assess the non-education sector of environmental education plans. A process to vet industry contributions to environmental education is needed. There is absolutely no doubt that environmental education will be distorted if it is heavily weighted in favour of industry.

The process to vet industry contributions could be achieved either by enshrining a specific principle in the objects of the bill or amending new section 27(1)(b), which measures materials against specific criteria and is especially concerned with matters such as ecologically sustainable development. The development of environmental education programs both in the schools and throughout the community has my support. Schools are certainly fundamental targets, but local government and tertiary education institutions should also be targeted. If the plans are not right and the council does not get it right, the value of the legislation will be lost. I congratulate the Government on introducing the legislation, but I ask the Minister to take on board the matters to which I have referred.

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

## **UNLAWFUL GAMBLING BILL**

## **RACING ADMINISTRATION BILL**

## **GAMBLING (TWO-UP) BILL**

### **Second Reading**

**Debate resumed from 24 June.**

**Mr R. W. TURNER** (Orange) [11.59 a.m.]: The Opposition will not oppose the bills. I note from the second reading speech that the aim of the bills is to overcome the shortcomings of the Gaming and Betting Act 1912 in dealing with prohibitions against unlawful gaming, betting and wagering within New South Wales. The aim of the bills is to prohibit, in the public interest, certain forms of gambling; to prevent the loss of public revenue that is derived from lawful forms of gambling; and to deter criminal influence and exploitation in connection with gambling activities. These bills are part of a legislative package that has involved rewriting the Gaming and Betting Act 1912 into a modernised form. The Minister said in his second reading speech:

The Gaming and Betting Act 1912—which is to be replaced by these bills—is the principal legislation dealing with prohibitions against unlawful gaming, betting or wagering in

New South Wales. The Gaming and Betting Act is now more than 85 years old, and it is acknowledged as having shortcomings, being an effective instrument to enable detection of, and subsequent action against, serious unlawful gambling activities.

All honourable members would agree that a lot of things have changed since the implementation of the Gaming and Betting Act. That legislation was introduced a long time before the advent of TAB, email, Internet gambling and other new technology. The Opposition supports the bill, but I am certain that it will need to be amended from time to time as new technology is introduced and as there is an increase in illegal gambling. Once we identify the shortcomings in the bill we will need to amend it in the future. The Minister said:

The Act has been amended many times, often in a piecemeal fashion. These bills address that situation and also take the logical step of separating the criminal prohibitions from provisions dealing with the administration of racing and the regulation of two-up.

Two-up has been brought into the modern age. Now that it is legal will it retain the same mystique? On Anzac Day one always felt a bit naughty when playing a game of two-up. Authorities turned a blind eye but they no longer have to do that. Two-up has now been legalised, although some provisions have to be observed in relation to that game. I wonder what will happen to that game in the future. The Minister also said:

The Unlawful Gaming Bill introduces several reforms. The first and most important of these is a new offence, which the bill inserts into the Crimes Act, for conducting an unlawful gambling operation. This offence is designed to target the activities of organised criminals who seek to undertake larger scale and more sophisticated unlawful gambling activities.

Other important reforms include provisions for proceedings for certain offences to be dealt with . . . by a District Court to the Local Court . . .

The provision in this legislation which will enable police to issue on-the-spot infringement notices will free up the court system and bring New South Wales into the 1990s—into the new millennium. The objects of the Racing Administration Bill include ensuring the integrity of racing in New South Wales and ensuring that certain betting activities by licensed bookmakers are conducted properly. I am concerned about the future of bookmakers in country areas with the advent of the electronic transmission of betting. We may see their demise and the demise of some country racing tracks. It would be a shame if that occurred. It would not be the same if we did not have bookmakers at licensed tracks—whether it be in Sydney or at a small racing track in the bush. I am sure that all honourable members have attended

picnic races. If we did not have bookmakers present at those events to assist us in placing a 50¢ or \$1 bet on a horse it would not be the same. I hope that the licensed bookmakers, as we know them today, survive this electronic age. They may have to make some adjustments but I hope that, for the sake of racing, they will always be there. The Minister said in his second reading speech:

The Racing Administration Bill also introduces new provisions enabling the Minister to authorise licensed bookmakers to conduct electronic betting via the Internet, pay TV or other on-line telecommunications systems.

That would give bookmakers an opportunity to increase their scope in relation to bookings and turnover. The Minister also said:

The final bill in this package of three bills is the Gambling (Two-up) Bill. The objects of this bill are to legalise the conduct of games of two-up on Anzac Day.

Broken Hill has certain exemptions. A licensed premises can conduct two-up games all year round, but in New South Wales two-up can be played only on Anzac Day. One of the icons of Australia is the ability to play a game of two-up on Anzac Day. I note that, in the case of licensed premises, any profits derived from playing that game must go to a charity. If the game is played at any other premises no entry fee is to be charged. No additional fee will be charged other than the standard entry fee to a racetrack. No fee will be charged for anyone participating in a game of two-up. The Opposition welcomes most of these changes to the legislation. I said earlier that further changes will be necessary when we identify anomalies in the Act.

The Opposition does not oppose this legislation; it welcomes most aspects of it. I place on the record that I hope these changes and any other changes to country racing are acknowledged by the Minister. People in my electorate of Orange are concerned about a number of factors. Often when race clubs conduct a race meeting there is inclement weather, very few people turn up to the meeting and the club loses money, but TAB always does well because of TAB betting. I welcome the recent injection of funds into some race clubs, but we must be mindful of country racing in the future. I hope that race clubs can adjust as a result of these changes to the legislation and that the racing industry is healthy for many years to come.

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [12.07 p.m.], in reply: I thank the honourable member for Orange for his contribution to the debate on the Unlawful

Gambling Bill, the Racing Administration Bill and the Gambling (Two-up) Bill. As has been observed in debate on this legislation, the measures in the Unlawful Gambling Bill include: the prohibition of certain forms of gambling; measures to prevent the loss of public revenue from illegal gambling; and measures to deter and penalise criminal involvement in gambling activities. The Racing Administration Bill will assist in ensuring the integrity of racing. Most honourable members would be aware that we have had a raft of legislative changes in the administration of wagering in this State and the racing industry, including the privatisation of the TAB.

The Racing Administration Bill will also assist in the proper conduct of betting activities by licensed bookmakers; minimise the adverse effects on the community of legalised forms of gambling; and protect a source of public revenue. For its part, the Gambling (Two-up) Bill will maintain the current framework regulating the playing of this game and will also better position the Government to minimise any potentially harmful effects on individuals and families arising from the legal conduct of this game. I will be moving some amendments to these bills in Committee to clarify the operation of the Unlawful Gambling Bill and the Racing Administration Bill.

The consultation process involving this package of bills has been a long and complex one. In my view we have arrived at a position that is good for bookmakers and the racing industry. As I said in my second reading speech, this package of bills could have been introduced without going through that consultation process, but it would have needed to be amended at a later date. This legislative package is good for people in Broken Hill. They already have a two-up facility, which is safely ensconced in the Musicians Club, which I have visited on several occasions. This legislative package is also good for the Government and for the people of New South Wales. Much of the rationale for this review and reform exercise was canvassed in my second reading speech on the package of bills. It is not necessary for me to repeat those words, suffice it to say that the key findings of the task force which carried out the review of the 1912 Act provide cogent reasons for the reform of the legislation. The Government accepts the conclusions of the task force. It stated:

The 1912 Gaming and Betting Act is no longer an effective instrument—

as was alluded to by the honourable member for Orange—

to enable the detection of, and for effective action to be taken against, large-scale operators who engage in serious unlawful gaming and betting activity; and

The Act has demonstrated that it does not work as a serious deterrent to those who employ even only moderately sophisticated techniques to evade detection.

The task force commented that it is principally because of these factors that the interrelationship between unlawful gambling activities and organised criminal activity has been able to continue in New South Wales over many years. The Government accepts the view of the task force that the matters requiring close attention include the removal of impediments to the gathering and presenting of evidence sufficient to launch prosecutions in respect of suspected unlawful gaming and betting offences, and a bolstering of the deterrents to such activity. For these reasons and others, which include the anachronistic nature of many of the provisions of the Act, the Government firmly believes that the 1912 Act should be repealed and replaced with legislation which better reflects the realities of unacceptable gaming and betting practices in New South Wales at the close of the twentieth century.

The Government conducted extensive consultation on the package of bills. In my time as the Minister for Gaming and Racing and as the Opposition spokesman no other package of legislation has been the subject of such extensive consultation. The Government's task force, which conducted its review during 1994 and 1995, included all agencies, such as the New South Wales Police Service, the Minister for Police, the New South Wales Crime Commission, the Attorney General's Department and the Department of Gaming and Racing, which co-ordinated the process of these bills. The task force took into account the national competition policy and the findings of the Wood Royal Commission into the New South Wales Police Service, and relevant provisions are contained in the bills. Modern and technically sophisticated gaming devices have made the current 1912 Act unworkable. New penalty levels were included in the current legislation to reflect the seriousness of any offences committed on interactive gaming and Internet wagering.

At the general meeting of the Registered Clubs Association on Monday the Leader of the Opposition announced that if the coalition were elected he would introduce legislation to ban Internet gambling in general, to render Internet gambling debts unenforceable and to criminalise the actions of Internet service providers who facilitate Internet gambling. For the past two or three years this Government has been involved in the

development of a national approach to these matters. Separate and distinct policy issues arise relating to the development of Internet gaming as against Internet wagering. In terms of Internet gaming, such as virtual casinos, New South Wales has participated in a State and Territory gaming Ministers forum, which released a draft national regulatory model for interactive home gambling products on 23 May 1997. Since then, Queensland, the Northern Territory and the Australian Capital Territory have introduced legislation similar to the model.

This Government has deferred action pending the findings of the Independent Pricing and Regulatory Tribunal's gaming inquiry and also to benefit from the experience of other jurisdictions. The Government has adopted this approach to ensure that the relevant issues are fully canvassed and that any action that may be taken is, in a measured and considered manner, in the best interests of the people of New South Wales. The Leader of the Opposition was wrong when he publicly stated in a forum at Tweed Heads that the Carr Government was about to legalise this activity. With respect to Internet wagering, betting on racing and sport, this Government has been participating in a national working party on interactive wagering—in fact, it has been driving it. Draft legislation introduced on 24 June 1998 incorporates provisions for Internet wagering regulation identified by the working party as potential courses of action.

These provisions are aimed at protecting the racing industry, government revenue streams and the interests of the consumer. If left unaddressed there are real concerns that New South Wales punters will be exposed to unlicensed operators in the unregulated environment of the Internet. This legislation does not expand the range of wagering products available to New South Wales punters. It merely provides the capacity for the Minister to extend to the Internet traditional betting facilities with licensed bookmakers. Electronic betting will be subject to authorisation by the Minister, as is the case with current bookmaker telephone betting arrangements. Such authorisations will include appropriate licence conditions to address integrity, underage gambling and harm minimisation considerations.

The second proposal of the Leader of the Opposition—to render unenforceable debts incurred in the course of Internet gambling—is unnecessary. Clause 56 of the Unlawful Gambling Bill updates existing provisions, making agreements relating to unlawful gambling unenforceable. In relation to the third proposal of the Leader of the Opposition—the notion of criminalising the behaviour of Internet

service providers—at best he is being mischievous and at worst he does not understand. The role of Internet service providers in the provision of consumer access to the Internet has been canvassed extensively in the context of on-line content regulation and objectionable material. This approach has been bypassed as a viable means of regulation. It is now widely recognised both in Australia and overseas that it would be unrealistic to expect Internet service providers to be aware of all material accessed through their service.

The modern approach, as is being promoted by the Commonwealth Government, involves harnessing the co-operation of the Internet industry and developing a feasible self-regulatory regime. Accordingly, while the proposals of the Leader of the Opposition are probably well intentioned they nevertheless fail to take into account the technological and commercial realities of the information revolution. This Government's approach represents a more considered and balanced solution to these difficult issues. I could imagine Detective Sergeant Collins tracking down these Internet service providers in the Caribbean or Spain. The Kyle report from the United States of America Senate and the USA gaming association have determined exactly what has been determined here: if anything is to be achieved in this area it has to be done at a Federal level.

All of the other States and Territories and the Victorian and New South Wales Ministers for Gaming and Racing, who are of a different political persuasion, have been effectively driving the legislation to that end. The United States of America already recognises that the Internet service providers the Leader of the Opposition talks about work out of places such as the Caribbean and Spain. People such as Christopher Skase live in those places because our laws are unenforceable there. Maybe when Detective Sergeant Collins is in the Caribbean tracking these people down, he might find Christopher Skase and bring him home. That would save the Commonwealth a lot of money. I make light of this because I do not think anyone at the conference who knows about the Government's work in this area took the Leader of the Opposition seriously.

There will be a period of implementation. I take on board the statements of the honourable member for Orange about the likely impact on various sections of the gaming and wagering industry. During my time as Minister I have made certain that monitoring mechanisms are in place. Several of my predecessors did not put mechanisms in place to monitor ongoing situations and situations that could arise out of legislation. I have said on

several occasions that although in theory legislation is passed through this Parliament, when it goes out to the marketplace it is an entirely different situation. As I indicated previously, I will be moving amendments in globo to the Unlawful Gambling Bill and the Racing Administration Bill. I commend the bills to the House.

**Motion agreed to.**

**Bills read a second time.**

**In Committee**

**The TEMPORARY CHAIRMAN (Mr Clough):** Order! The Committee will deal first with the Unlawful Gambling Bill.

**Clauses 7 to 43**

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [12.20 p.m.], by leave: I move Government amendments Nos 1 to 6 in globo:

- No. 1 Page 7, clause 7, lines 3 and 4. Omit all words on those lines. Insert instead:
  - (i) is exhibited by the holder of an amusement device dealer's licence or amusement device seller's licence (within the meaning of the *Liquor Act 1982*) or by the holder of a dealer's licence or seller's licence (within the meaning of the *Registered Clubs Act 1976*), and
- No. 2 Page 7, clause 7. Insert after line 12:
  - (i) the possession, keeping, use or operation of a gaming device in the circumstances referred to in section 200 of the *Liquor Act 1982* or section 123 of the *Registered Clubs Act 1976*.
- No. 3 Page 8, clause 8, line 27. Omit "pay TV or other on-line telecommunications". Insert instead "TV or other on-line communications".
- No. 4 Page 9, clause 8. Insert after line 10:
  - (5) To remove any doubt, subsection (3) does not operate to impose any criminal liability on any person other than the person making the bet as referred to in that subsection.
- No. 5 Page 11, heading to clause 10, line 9. Omit "**with unlicensed bookmakers**".
 

Insert instead "**in New South Wales with bookmakers acting illegally**".
- No. 6 Page 28, clause 43. Insert after line 16:
  - (2) In exercising any power conferred under subsection (1) or under section 40(2)(d) or 41(1)(e), a police officer may direct a relevant

person to provide such assistance as may be reasonably required by the police officer to enable the officer to access any information contained in the matter or thing that has been seized, searched or detained. A *relevant person* is any person whom the police officer believes on reasonable grounds to be in charge of (or otherwise responsible for) the matter or thing that has been seized, searched or detained.

- (3) A person to whom any such direction is given must comply with the direction.

Maximum penalty: 50 penalty units or imprisonment for 12 months (or both).

- (4) A police officer may give a direction under subsection (2) only if the police officer has reasonable grounds to believe that information relating to any gambling activity prohibited by or under this Act is contained as encrypted data in the matter or thing that has been seized, searched or detained.
- (5) A person is not guilty of an offence under this section if the person proves:
- (a) that the person had a lawful excuse for not complying with the direction, or
  - (b) that the person was not otherwise capable of providing the kind of assistance required by the direction.

The amendments to the Unlawful Gambling Bill are the result of advice received during the extensive consultation period on this bill and its cognate bills, the Racing Administration Bill and the Gambling (Two-up) Bill, which were introduced on 24 June. Amendment Nos 1 and 2 correct an oversight in that certain references in the Liquor Act and the Registered Clubs Act were mistakenly omitted from the provisions of the Unlawful Gambling Bill, which lists lawful reasons for possession of a gaming machine. The amendments were proposed by the Liquor Administration Board. Such instances include the possession, in prescribed circumstances, of a gaming device for therapeutic, education or cultural purposes, and by a licensed poker machine dealer or seller.

Amendment No. 3 improves the description in the bill of the telecommunications technology that is, or may be, used in connection with electronic gaming and wagering. The Internet industry has suggested the change so that there will be no doubt that on-line communications technology currently in development will be covered by the legislation. Amendments Nos 4 and 5 relate to clarifying the operation of subclause 8(3) and clause 10 of the bill to ensure that it is understood that the provisions are mutually exclusive. Clause 8 applies only to persons in New South Wales wagering on racing events by electronic means—for example, by Internet or any

other on-line communication systems—with operators that are not licensed for that purpose by a State or Territory of Australia. Clause 10 applies to persons betting with bookmakers operating illegally within New South Wales.

Amendment No. 6 relates to the circumstances in which relevant information may be stored on a computer device in an encrypted form. In such circumstances the proposed amendment will provide a police officer with the power to direct a relevant person to disclose the information, but only if the police officer has a reasonable belief that the person has the requisite knowledge about the computer system. The amendment was proposed by the royal commissioner in his report on the Police Service and by enforcement agencies consulted on the bill.

**Mr R. W. TURNER** (Orange) [12.30 p.m.]: The amendments adjust the legislation to make it more workable and they clarify the legal liabilities and obligations of bookmakers. Only police officers with expertise in this area will be involved in issuing infringement notices. Thoroughbred, harness and greyhound racing should continue to be attractive forms of gambling. Illegal gambling should be eliminated as much as possible so that government revenue from legal forms of gambling is maximised. Provisions in relation to electronic technology bring the racing industry into the 1990s, and as this technology has more and more effect on civilisation more amendments may be required to block avenues for illegal gambling. Legal gambling should be made more friendly and attractive for those who partake in gambling as an enjoyable entertainment. Racing should be administered as well as possible in the interests of gamblers and should not be available for use by illegal operators. People throughout the State should see that this is the case. The coalition supports the amendments.

**Amendments agreed to.**

**Clauses as amended agreed to.**

**The TEMPORARY CHAIRMAN (Mr Clough):** Order! The Committee will deal now with the Racing Administration Bill.

**Clauses 16 to 30**

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [12.32 p.m.], by leave: I move Government amendments Nos 1 to 4 in globo:

- No. 1 Page 11, clause 16, lines 7 and 8. Omit "pay TV or such other on-line telecommunications system".

Insert instead "TV or such other on-line communications systems".

No. 2 Page 17, clause 27, lines 15 and 16. Omit "pay TV or other on-line telecommunications". Insert instead "TV or other on-line communications".

No. 3 Page 20, clause 30, line 10. Omit "pay TV or other on-line telecommunications". Insert instead "TV or other on-line communications".

No. 4 Page 20, clause 30. Insert after line 20:

- (4) The regulations may exempt any person, or class of persons, from the operation of subsection (3) in such circumstances, and subject to such conditions, as may be specified in the regulations.

#### **Amendments agreed to.**

#### **Clauses as amended agreed to.**

**Unlawful Gambling Bill and Racing Administration Bill reported from Committee with amendments, and cognate bill reported without amendment, and report adopted.**

### **POLICE SERVICE AMENDMENT (SPECIAL RISK BENEFIT) BILL**

#### **Second Reading**

#### **Suspension of standing orders agreed to.**

#### **Debate resumed from 14 October.**

**Mr TINK** (Eastwood) [12.34 p.m.]: The Opposition supports the Police Service Amendment (Special Risk Benefit) Bill, the object of which is to amend the Police Service Act 1990 to provide a basis for calculating the special risk benefit that may be paid in relation to a police officer who is not a contributor to the Police Superannuation Fund and who dies or who is retired as a consequence of being hurt on duty so as to take account of the police officer's life expectancy immediately before being hurt on duty. Being hurt on duty means being injured in such circumstances as would entitle the police officer to compensation under the Workers Compensation Act.

That has to be read against section 216(3) of the Police Service Act, which it amends. It provides that the special risk benefit and hurt-on-duty benefit are limited to a situation in which a police officer was required to be exposed to risks to which members of the general work force would normally not be required to be exposed in the course of their employment. In the 1995 election campaign the

Australian Labor Party promised this change to the law and 3½ years later it is now before the House. The Police Association of New South Wales is very keen for the legislation to be passed and I do not want to delay it one day longer than is necessary. The Opposition has agreed to deal with the matter expeditiously. The Secretary of the Police Association, Peter Remfrey, wrote to me on 14 October 1998 stating:

I write in respect of the above Bill which was introduced into the Legislative Assembly this morning.

As discussed this morning, this legislative amendment is regarded as significant by the Association and represents the culmination of years of lobbying and months of negotiations. We believe it will remove the anomalies and inequities that exist between officers employed before and after April 1998 with regard to Workers Compensation.

The purpose of this correspondence is to urge you to assist in having this Bill fast tracked through the parliamentary processes. You will appreciate that any delay could have the effect of denying an individual member the enhanced compensation provided by the proposed amendments. Any assistance in this regard would be much appreciated.

After a delay of 3½ years we do not want to delay the legislation. The Leader of the Opposition and the Leader of the National Party have been involved in discussions and are also keen to see this matter dealt with. I pay tribute to the Hon. M. J. Gallacher in relation to this matter. He chairs the relevant backbench committee and for many years was a member of the Police Service. He served in many parts of New South Wales as a detective. I shall read onto the record part of a letter which Peter Remfrey wrote to Mike Gallacher, also on 14 October:

Dear Michael

I write in respect of the above Bill which was introduced into the Legislative Assembly this morning.

The purpose of this correspondence is twofold. Firstly, on behalf of all police in NSW I wish to acknowledge your longstanding support for legislative reform of Police Workers Compensation, particularly as it applies to those employed after 1st April 1988. Your commitment to raising this issue has contributed to the fact that we now have a Bill before the Parliament which is acceptable to the Association.

The letter goes on to urge expedition. It is appropriate to reflect on the very important work that Mike Gallacher does in this Parliament, in particular in the Opposition and assisting me in dealing with police issues. As a longstanding member of the Police Association his personal contribution to the welfare of rank and file police has been recognised by the secretary of the association in that generous but well-deserved way.



It would appear that the legislation is not retrospective, although I would be happy to be corrected by the Minister. The bill amends section 216(2), but it would appear that Jacki Forsyth and David Carty's parents will not be covered under the legislation. Therefore, I seek an assurance from the Minister that they will be accommodated within the spirit of this legislation. I understand that Sergeant Ray Smith, who died tragically on the F3, was appointed before 1998, as were Senior Constable Spears and Senior Constable Addison, who both died at Crescent Head a few years ago in tragic circumstances. The existing provisions automatically apply to them, but I seek an assurance that the Forsyth and Carty families will not be disadvantaged because the legislation is not retrospective.

I place on record the antecedent legislation. The Opposition disagrees with the Minister's comments, reported in the *Sydney Morning Herald*, that the changes will reverse legislation introduced by the former coalition Government almost a decade ago. That is not the case. That legislation was introduced in 1987 by the Unsworth Government. Indeed, a number of bills were introduced, including the Police Regulation (Special Benefits) Amendment Bill. That bill was introduced in this House on 17 November 1987 by the then Minister for Industrial Relations and Minister for Employment, Mr Pat Hills, and appears on page 16,075 of *Hansard*. It passed through the Legislative Assembly on 19 November and the Legislative Council on 25 November 1987, as appears on page 17,355 of *Hansard*.

Because the matter appears to be in dispute I have tracked back with precision and put on record the antecedent legislation. Schedule 1 to the Police Service Amendment (Special Risk Benefit) Bill amends section 216 of the Police Service Act 1990. That section was a rewrite of an earlier edition of the Police Service Act which contained the same special risk benefit provisions in sections 115 and 116 of the original Act. Section 115 later became section 216. In turn, the Police Service Act 1990 was a rewrite of a number of pieces of legislation, including the Police Regulation (Special Benefits) Amendment Act 1987 No. 221, which clearly sets out the arrangements in the principal Act now sought to be amended.

Clause 3 of the Police Regulation (Special Benefits) Amendment Bill 1987 sets out the special risk benefit that applies when a member is hurt on duty. The antecedents are clear. The legislation came into force in April 1988 after the Greiner Government was elected but before the House

resumed. Therefore, I correct the record: this is Labor legislation that is now being amended. With those comments, the Opposition supports the bill and asks that the Forsyth and Carty families not fall by the wayside but receive the benefits of this legislation. The Minister and I disagree on many things, but not on this.

**Mr WHELAN** (Ashfield—Minister for Police) [12.45 p.m.], in reply: I thank the honourable member for Eastwood for his contribution. He and I are as one on this issue, and I am sure he is aware that the Government is mindful of the anomalies within this legislation. However, it is essential that the legislation be passed, notwithstanding the present anomalies. I give him an assurance that the benefits he has sought will flow on to those families referred to. Where anomalies now exist the Government makes ex gratia payments, but I am considering a proposal to make a payment as a matter of right rather than a government handout. That right is deserved. I understand that Senior Constable Addison was appointed before 1988, but I shall not go into the specifics of those who were appointed after 1988. I agree with what the honourable member for Eastwood said about the general principle. This morning I received a letter dated 14 October from Peter Remfrey, Secretary of the Police Association of New South Wales, which stated:

Dear Minister

I write in respect to the above Bill which was introduced into the Legislative Assembly this morning.

The purpose of this correspondence is threefold. Firstly, on behalf of all Police in NSW I wish to acknowledge the fulfilling of your promise for legislative reform of Police Workers Compensation for those employed after 1st April 1988. As discussed this morning, this legislative amendment is regarded as significant by the Association and represents the culmination of years of lobbying and months of negotiations. We believe it will remove the anomalies and inequities that exist between officers employed before and after April 1988 and you are to be congratulated for your commitment to this initiative.

Secondly, I take this opportunity to urge you to assist in having this bill fast tracked through the parliamentary processes. You will appreciate that any delay could have the effect of denying an individual member the enhanced compensation provided by the proposed amendments. Any further assistance in this regard would be much appreciated.

Finally, I would like to place on record the Association's appreciation for the work undertaken by the various members of the Ministerial Working Party. In particular, the assistance of Janet Taverner and Chris Spangaro from the Police Ministry as well as the work of your Jason Clare has been instrumental in ensuring the successful resolution of this long standing problem. I would be pleased if you would pass on to them our gratitude for their involvement.

I record those appropriate thanks in *Hansard* and take this opportunity to give my thanks also. I thank the honourable member for Eastwood, who consented to the matter being brought forward notwithstanding insufficient time being permitted to comply with the standing orders. I appreciate his co-operation. The bill is being rushed through the Parliament to avoid any further anomalies in the event of another police officer being hurt before the bill receives assent. It is pleasing that although the issue has been outstanding for 10 years, it is now being resolved.

**Motion agreed to.**

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

*[Mr Acting-Speaker (Mr Clough) left the chair at 12.48 p.m. The House resumed at 2.15 p.m.]*

**PETITIONS**

**Governor of New South Wales**

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

**Ryde Hospital**

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

**Land Tax**

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

**Land Tax**

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

**Kings Cross and Woolloomooloo Policing**

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

**Surry Hills Policing**

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

**East Sydney and Darlinghurst Policing**

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

**Kings Cross Policing**

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

**Mattara Lodge**

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

**Same-sex Relationship Rights**

Petition praying that same-sex relationships are accorded the same status, rights and benefits as heterosexual relationships, received from **Ms Moore.**

**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.**

**Northside Storage Tunnel**

Petition praying that plans to construct a storage tunnel from Lane Cove to North Head be abandoned, and that the allocated funds be used to find a long-term sustainable solution to sewage disposal, received from **Dr Macdonald.**

**Manly Cove Foreshores**

Petition praying that the Manly Cove foreshores be protected, and that the Manly Council policy that limits the height and scale of any Manly Wharf development be respected, received from **Dr Macdonald**.

**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 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**.

**On-site Sewage Management**

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

**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**.

**QUESTIONS WITHOUT NOTICE****SYDNEY WATER SUPPLY CONTAMINATION**

**Mr COLLINS:** My question is to the Premier. How can he condone his Treasurer's decision to withhold documents on the Sydney water crisis when he promised, in February 1995, to ensure ministerial accountability to the Parliament? Given revelations today that his Government knew about the threat of a cryptosporidium outbreak 18 months ago but did nothing about it, will he now instruct his Treasurer to release the remaining documents and stop the cover-up?

**Mr SPEAKER:** Order! Before I give the call to the Premier I wish to remind members that in the past two days the Chair has been compelled, because of persistent unruly conduct, to dispense with the services of two members. The Chair's tolerance is at an end. I will name any member who seeks to behave in like manner today.

**Mr CARR:** That question came from someone who, as Minister for Health and shareholder in Sydney Water, said to the people of this State, "Cryptosporidium wasn't around then"—referring to his period as Minister. He would have us believe that cryptosporidium was invented in the laboratories since the change of government.

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

**Mr CARR:** There is, I acknowledge, considerable scientific talent available to this Government, but I give the House the categorical assurance that cryptosporidium was not invented by us.

**Mr Collins:** Stop the cover-up.

**Mr CARR:** The Leader of the Opposition says, "Stop the cover-up." The letter he referred to, which is the basis for his question, has been in the public domain for one month. What a triumph for the research skills of the Opposition! That letter was referred to, discussed and canvassed in the second McClellan report. What a great research undertaking by the Leader of the Opposition, to ask a question today about a letter that has been in the public domain for months, and which was discussed in the second report of the McClellan inquiry!

**Mr Collins:** On a point of order. The question asked the Premier specifically to explain why he will not release all the documents, not just some of them.

**Mr CARR:** As my ministerial colleagues said before question time yesterday, not today but yesterday, 20,000 pages of documents have been released relating to water contamination, but the Government will not, on the basis of legal advice, release an estimated 20 per cent of documents that would undermine its chance of defending the interests of the taxpayers of this State in the legal actions that have been foreshadowed.

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

## LICENSED BOARDING HOUSES

**Mr WATKINS:** My question without notice is to the Minister for Community Services. What is the Government doing to protect people who live in boarding houses?

**Mrs LO PO':** The honourable member for Gladesville is one of the many members of this House who is concerned about people who live in boarding houses. I am pleased to advise the House and those in the community concerned about the many problems surrounding the care of people with disabilities that the Government has agreed to a series of new measures that will cost \$66 million. The measures will, I have no doubt, greatly improve the lives of many hundreds of people with disabilities who are living in this State. We should never lose sight of the fact that when we use the rather cumbersome phrase "people with disabilities" we are probably talking about the most vulnerable people in our community.

It is because of that vulnerability that we have an additional responsibility to treat such citizens with true compassion. I am sure that every member of this Parliament would wish every citizen the opportunity to live life to the fullest. To many of these citizens, homelessness is a real fear. I know that every member of this House, particularly the honourable member for Manly and the honourable member for Bathurst, have deep compassion for people with disabilities, and wish to see the long-term, serious problems surrounding the licensed boarding house industry solved.

The Government has decided to offer alternative living arrangements for the 300 or so people with the highest needs. We will be mindful to keep friends together and we will consult with friends and families throughout the relocation process. Some of the alternative accommodation may already exist, some will be acquired and some will need to be built. The remaining residents who do not require such an intensive level of daily care will remain in the licensed boarding house system, but significant changes will occur. Under the changes that were approved by State Cabinet earlier this week boarding house operators will be responsible for accommodation, laundry services and nutritious food.

The Government will be responsible for providing additional appropriate support services for the occupants, which will include a mix of personal care services, supervision and behaviour management programs. For the first time ever a Government—a Labor Government—will provide

the long-needed funding that will enable the boarding house sector to do the job that has been expected of it for many years. If any boarding house proprietors see this as a financial bonanza on the horizon, I caution them not to get too excited. As part of the new arrangements they will be expected to provide considerably higher standards of accommodation and food than many of them provide at present. There will be no excuse for boarding house owners not to maintain the highest standards of cleanliness and other services.

The industry should not think that it will be immune from prosecutions in the future. If people in the industry fail to meet these standards, I will come after them. Over a three-year period, beginning immediately, this Government will allocate more than \$66 million in order to achieve this program of reforms. The money will be spent, first, on relocating residents with the highest needs from boarding houses to other accommodation providing the appropriate level of care; second, on the capital costs of alternative accommodation; and, third, on support services for residents remaining in boarding houses. I believe that all honourable members would agree that this expenditure is more than justified on humanity grounds alone.

## SYDNEY WATER PUBLIC RELATIONS REPORT

**Mr HARTCHER:** My question without notice is directed to the Premier. How much taxpayers' money was squandered on this public relations report on the media management of the Sydney water crisis? Given that the report advised "the issue is quickly fading into the past", will the Premier now demand a refund?

**Mr CARR:** Apart from a reference to a medical specialist I am not sure how I can help the honourable member. I am sure that a range of medical options are available to him at this point. If the honourable member directed his question to the Minister responsible for Sydney Water, he might get a response.

## LITERACY STRATEGY

**Mr SULLIVAN:** My question without notice is directed to the Minister for Education and Training. What is the status of the Government's literacy strategy?

**Mr AQUILINA:** I am proud to say that no government in the history of New South Wales has done more than the Carr Government to lift the literacy standards of our young people. Our \$200

million literacy strategy is the most comprehensive and extensive strategy ever undertaken, not just in this State but across the nation. It is a long-term strategy.

**Mr SPEAKER:** Order! I place the honourable member for Ku-ring-gai on three calls to order.

**Mr AQUILINA:** The strategy provides for 400 extra specialist literacy teachers, and includes the world-renowned basic skills tests for year 3 and year 5 and the new English language and literacy assessment for year 7 students. It will see the introduction of a new English test for all year 10 students as part of the School Certificate. It has seen the introduction of the new kindergarten to year 6 English syllabus, returning grammar to the English syllabus—the Premier is justifiably proud of that initiative—with a renewed emphasis on traditional grammar and spelling. It has also seen extensive additional professional development and training for the State's teachers as well as new and additional curriculum resources. I am pleased to report to the House today that, even at this early stage, the strategy is delivering.

**Mr Merton:** Well done!

**Mr AQUILINA:** Today I can release the results of this year's basic skills tests that was undertaken by 125,000 year 3 and year 5 students. I am pleased and proud to receive the endorsement of the honourable member for Baulkham Hills. These results show that students identified as having poor literacy skills are benefiting from the Government's targeted \$200 million literacy strategy. Their skills are being lifted and their learning has improved. The results show that the statewide literacy strategy's intervention programs to assist students are working. They show that the number of students at the bottom of the literacy scale identified as requiring additional assistance is the lowest it has been in five years—down to 15 per cent from 18 per cent for year 3 literacy, which was a legacy of the former Government—and down to 9 per cent from 12 per cent for year 5 literacy. Conversely, the results show also that the percentage of students demonstrating acceptable literacy standards is the highest it has been for five years: 85 per cent of year 3 students and 91 per cent of year 5 students are achieving an acceptable standard in literacy. Teachers and schools have achieved this result through targeted intervention strategies such as reading recovery—an initiative of this Government—to address any problems early.

With the introduction of the reading recovery strategy and improvements to the basic skills testing

program, it is now possible to monitor targeted student literacy levels from year 1 through to year 3 and year 5. Of the more than 1,600 students in year 1 who participated in the reading recovery program at 180 schools in 1996, as many as 1,059—that is 65 per cent—demonstrated acceptable literacy skills in their year 3 basic skills test this year, while the remainder are continuing to receive extra support. That means that more than 1,000 students with poor literacy skills who may have slipped through the system—who in the past would have been basically ignored and allowed to go through the system illiterate—have now been helped and have adequate literacy skills. There is evidence also that literacy and numeracy skills of students have improved to higher levels of achievement as the students have moved from year 3 to year 5.

The results also reveal that of the students in the lowest literacy skill level in year 3 two years ago, more than 94 per cent have now progressed to competent and higher levels of literacy and numeracy, with 20 per cent moving to the highest levels. Of the remaining 6 per cent, the vast majority have shown improvement but will continue to receive additional assistance to ensure that they attain acceptable standards. These results clearly show that the targeted intervention programs in the literacy strategy for low-achieving students is lifting those students' skills and giving them a better start in life.

Our literacy strategy is a long-term strategy, but I am pleased that already positive results are being achieved for the students who need it most. The basic skills testing program is an important tool for schools and the Government to assess what students can do and to assist in monitoring student progress over time. Critically, it provides parents and teachers with detailed information with which to plan teaching and learning strategies. It is through this information that targeted programs for students needing additional assistance are being developed, implemented and are working. From the start of next week all parents of year 3 and year 5 students will be sent detailed reports on the performances of their children in these tests.

Teachers and principals will also receive reports on students' results to enable them to make well-informed decisions about literacy programs for individual students and schools. The Government also uses the results to assess students' achievement levels and to assist in making decisions about the allocation of resources and in targeting programs to the areas of greatest need. Once again, it is proof positive that the Carr Government's commitment of \$200 million to the literacy strategy is making a vital difference to students in need.

### PERIODIC DETENTION EVASION

**Mr COCHRAN:** My question without notice is directed to the Minister for Corrective Services. Why has there been no attempt to find a driver who has not turned up for his periodic detention for 10 months after being sentenced for killing two people and maiming two others in a car accident? Why is it that in this case the victims are being punished while the driver has escaped scot-free?

**Mr DEBUS:** I am advised that the offender referred to by the honourable member for Monaro was sentenced by Lismore District Court to two years periodic detention to commence on 20 December 1997. He attended that weekend, but failed to attend subsequently. The Department of Corrective Services acted at once, issuing the three breach notices required by the legislation and applying to the District Court for cancellation of the offender's periodic detention order in February on the basis of three unapproved absences. However, the District Court did not list the cancellation hearing until five months later.

On 3 and 4 August, Department of Corrective Services officers appeared in court to prosecute the detainee, who failed to appear. I am told that at that time the court issued a bench warrant for his apprehension. I will not comment on the original sentence of periodic detention imposed on this offender by the courts. For whatever reason, that was the sentence imposed. Under the law as it applied at the time of the offence the court imposed upon this heinous offender a sentence of periodic detention, and only the court could revoke it. This sort of case illustrates precisely the way in which offenders have abused the processes of the courts. That is why several months ago this Parliament adopted my legislation, which will take such cases out of the hands of the courts, where they are subject to a lengthy delay, and will place them in the hands of the Parole Board.

**Mr SPEAKER:** Order! The Minister has been asked a question. Members will listen to the answer in silence.

**Mr DEBUS:** Unlike the courts, the Parole Board will be able to act within a matter of days in most cases and immediately in urgent cases, ensuring that offenders, such as this offender, who fail to comply with periodic detention orders will serve out their sentence in full-time custody. The package of measures I introduced several months ago will also ensure that offenders unsuitable for periodic detention are more effectively screened at the presentencing stage. Regulations will be

introduced to set eligibility criteria so that courts can screen out offenders who are unlikely to comply with the strict requirements of a periodic detention order.

Factors to be regarded will include whether offenders have a major alcohol or drug problem, a psychiatric problem or medical problem which may prevent them from attending periodic detention. Detainees will be in no doubt that if they fail to comply with these requirements they will be back in prison serving the remainder of their sentence in full-time custody. Also, in June the Department of Corrective Services introduced a computer system that enables the department to automatically breach detainees who fail to attend for their detention.

**Mr SPEAKER:** Order! I remind the honourable member for Gosford that he is on three calls to order. He is well aware that he should not interrupt the Minister.

**Mr DEBUS:** Even the self-appointed Queen's Counsel opposite understands that I am not in a position to retrospectively change the sentence of a court.

*[Questions without notice interrupted.]*

### MEMBER NAMED

**Mr SPEAKER:** Order! I name the honourable member for Miranda for persistently and wilfully refusing to conform with the standing orders.

**Mr WHELAN** (Ashfield—Minister for Police) [2.44 p.m.]: I move:

That the honourable member for Miranda, Mr Phillips, be suspended from the service of the House.

**Mr SPEAKER:** Order! The honourable member for Miranda has been named. He is entitled to be heard in silence for five minutes.

**Mr PHILLIPS** (Miranda—Deputy Leader of the Opposition) [2.44 p.m.]: I have had the pleasure of serving in this House for almost 15 years.

**Mr SPEAKER:** Order! The honourable member for Miranda has been named because of his constant interjections. Other members who consistently interrupt will be treated in the same way.

**Mr PHILLIPS:** I have served in this place for almost 15 years, and I have served under a number of honourable Speakers. At first those Speakers may

have had some difficulty coming to grips with the emotion and banter of this House. But after a while they came to grips with monitoring the difference between total disruption and healthy banter in this House. After 3½ years of constant censure motions against Mr Speaker relating to the clear bias of his decisions on many occasions—

**Mr SPEAKER:** Order! The honourable member for Miranda is entitled to speak for five minutes. However, he should not reflect on the Chair, particularly when certain matters have been decided by the House. The honourable member may continue.

**Mr PHILLIPS:** The number of members on this side of the House who have been ejected compared with members on the other side—

[*Interruption*]

That is a typical example. With gross disruption and banter across the table why do you not name that Government member? That is an example of what goes on in this Parliament. Let us look at the figures. A total of 69 members from this side of the House have been ejected by Mr Speaker; one member from the other side has been ejected. Yet Mr Speaker allows Government members to interject and comment across the Chamber and takes only lenient action against them. If we wanted to look at the statistics of how many times Mr Speaker has called Government members to order compared with the number of times he has called Opposition members to order, I am sure we would find the number would be equally out of balance. Mr Speaker has a responsibility to all members in this Chamber, to absolutely every one of us. During a boring, longwinded answer, with the Minister not coming to grips with the issues raised in the question, all I was doing—

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

**Mr SPEAKER:** Order! I will not hear a point of order while the honourable member for Miranda is speaking.

**Mr PHILLIPS:** All I did during a boring, longwinded answer was to engage in banter across the Chamber. There was no major disruption, no major outcry in the House. That is all it was, the normal banter of this House. Yet Mr Speaker does not eject me for one day. He does not say, "I have had enough, I need to get control of the House, the member can leave the Chamber for a little while and come back later." Mr Speaker decides to name me—but name me for what? Is it for merely engaging in

general banter across the Chamber? If that is the standard Mr Speaker is setting in this House, then he has a responsibility to apply it to every member of the House. The statistics and facts to which I have referred show that he does not.

The only defence Opposition members have are a few words, and under Mr Speaker they have fewer and fewer words. We can ask questions but the Government Ministers can speak for as long as they like when giving answers. The only thing we have to protect ourselves is banter across the Chamber, and Mr Speaker cannot even get the feeling of that. The clear bias in the numbers in this Chamber reflects very badly on the Speaker. His inability to rise to the occasion, to differentiate between banter and outright disruption is an indictment of his ability as Speaker.

**Mr SPEAKER:** Order! The honourable member for Wakehurst will remain silent.

**Mr PHILLIPS:** I am extremely angry and disappointed with the way in which Mr Speaker has handled this matter. In relation to being named—  
[*Time expired.*]

**Question—That the honourable member for Miranda be suspended from the service of the House—put.**

**The House divided.**

**Ayes, 47**

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

**Noes, 44**

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

**Pairs**

Mr Hunter	Mr Brogden
Mr Mills	Mr Schipp

**Question so resolved in the affirmative.****Motion agreed to.**

**Mr SPEAKER:** This being the first occasion on which the honourable member for Miranda has been suspended during this session, the suspension will be for two days.

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

**Mr Clough:** There now being only two members of the Opposition remaining in the Chamber I foreshadow the following motion:

That those members who have walked out be deemed to be in contempt of Mr Speaker and be considered to be excluded from the service of the House today.

**Mr SPEAKER:** The appropriate time to move such a motion is at the conclusion of question time.

**QUESTIONS WITHOUT NOTICE**

*[Questions without notice resumed.]*

**PERIODIC DETENTION EVASION**

**Mr DEBUS:** I conclude by saying that because of the amendments to the periodic

detention legislation that were initiated by the Government, the Department of Corrective Services will now receive a range of new powers which will be deployed to prevent offenders from flouting the justice system in the same manner as the offender whose behaviour I have been discussing.

**POLICE UNDERCOVER  
ASSUMED IDENTITIES**

**Mr THOMPSON:** My question without notice is to the Minister for Police. What is the Government doing to address the issue of assumed identities in undercover police work?

**Mr WHELAN:** I commend the honourable member for Rockdale for his contribution to the police committee of the Parliament. Those honourable members remaining in the Chamber would be aware that sometimes police have no choice but to get down to the same low level as the criminals they are chasing. That means meeting criminals on their own turf and beating them at their own sinister games. To do that the use of false names and documents such as birth certificates and passports is essential. Undercover police and technical staff, surveillance officers and protected witnesses often require assumed or false names.

At present, the creation and use of the necessary documents is unregulated. In fact, the agencies and officers who issue false identities are liable to prosecution. In his final report Justice Wood recommended legislation to regulate the issue of false documents such as birth certificates, driver's licences and passports. The Government will adopt and implement these recommendations. That will mean that law enforcement agencies will be able to get documents and records in assumed names for use in a policing operation.

Only prescribed law enforcement agencies will be able to obtain such documents. They include the New South Wales Police Service, the Independent Commission Against Corruption, the Police Integrity Commission and the New South Wales Crime Commission. The National Crime Authority, Australian Federal Police and the Australian Security Intelligence Organisation also require such New South Wales documentation when investigating Commonwealth offences committed in New South Wales and conducting joint operations with New South Wales agencies. Assumed names are essential for these investigations. I repeat that sometimes police have no choice but to get down to the same low levels as the criminals they are chasing. Therefore, the National Crime Authority, the Australian Federal Police and ASIO will also have access if they comply with the new laws.



The laws will not apply to Commonwealth documents such as passports and Medicare cards and to tax file numbers. At present access is co-ordinated by the Australian Federal Police. The AFP has advised that in the meantime these informal arrangements will continue. However, New South Wales believes that the Commonwealth should pass its own laws. The Premier has written to the Prime Minister seeking an intergovernmental approach and Commonwealth legislation. The importance of reciprocal Commonwealth legislation should not be understated. Passports, Medicare cards and tax file numbers are important documents for undercover operatives. Indeed, access to those documents can decide the success of an operation. The documents also reduce the chance of an officer's true identity being revealed. I plead with the Commonwealth Government to act quickly.

Assumed identities may only be used for law enforcement purposes, and officers who misuse an assumed identity in any way will face criminal action. The legislation will impose strict internal accountabilities. A permanent and secure register will be established within each law enforcement agency. Each register and related documents will be audited annually by an independent officer appointed by the chief executive officer. The protection afforded by the use of assumed identities is extended to the giving of evidence in court. Therefore, officers will be permitted to make an application to the court to give evidence in an assumed name, code name or pseudonym. The legislation will be reviewed after 12 months. The Carr Government is committed to ensuring that police and other law enforcement officers have all the tools they need to fight crime.

#### **NORTH COAST FOREST NEGOTIATIONS**

**Mr ARMSTRONG:** I address my question to the Minister for Regional Development, and Minister for Rural Affairs. Given the concerns raised by the Clarence Valley forest resources action group about the impact of government forest policy on regional employment stability, does the Minister support the Government's decision to involve green groups but exclude Aboriginal, mining and farming representatives from the direct negotiation on the future of north coast forests?

**Mr WOODS:** I remind the Leader of the National Party—he knows this full well—that the question is the same as that asked of and answered by the Premier yesterday.

#### **WORLD WHEELCHAIR BASKETBALL CHAMPIONSHIPS**

**Mr NAGLE:** My question is to the Minister for the Olympics. How will government transport arrangements for the EnergyAustralia Gold Cup be used to improve the staging of the 2000 Olympic Games and Paralympic Games?

**Mr KNIGHT:** The EnergyAustralia Gold Cup—the men's and women's world wheelchair basketball championships—will be held at the State Sports Centre at Homebush Bay from 23 October to 31 October. The event is the world's premier wheelchair basketball event. It will be the seventh men's and the third women's world championships and the first time the men's and women's championships have been hosted together. The Australian men's team, which is ranked number one in the world after its fantastic gold medal win at the Atlanta Paralympic Games, will compete against 11 other nations. Our women's team, which is ranked number four in the world, will be one of eight women's teams competing. In all, there will be 240 athletes, accompanied by 80 team officials, in Sydney for the event.

In June this year the Olympic Roads and Transport Authority, ORTA, called for tenders for the provision of bus services for athletes, assistants and officials for all teams competing in the gold cup. The contract was awarded to the State Transit Authority of New South Wales. I congratulate the STA on its success and also on its ongoing commitment to improving services for people with disabilities. The gold cup will involve a package of wheelchair-accessible transport arrangements which are unprecedented in size and quality in Sydney. The 15 buses involved will need to be specially modified to meet the needs of the athletes, including the removal of up to 18 seats from each bus.

Drivers are being provided with special training sessions to familiarise them with the travel routes and the protocols of dealing with the athletes, team officials, chairs and other equipment. Arrangements for the gold cup event will provide a transport service of the quality that elite athletes deserve. As important as that task is, the transport operation for the gold cup will have a value beyond the event itself: it will provide ORTA and other groups involved in the staging of the Paralympic Games with valuable experience in meeting the needs of athletes with disabilities. Further, not only will the gold cup provide lessons in athlete

transport; games organisers will also pick up lessons on the movement of people with disabilities in general.

Too many people make the wrong assumption that only the Paralympic Games require accessible transport. Accessible transport will also be an important feature of both the Olympic and the Paralympic Games, as many people with disabilities are certain to be spectators and will require a transport system which enables them to travel to events as conveniently as possible. ORTA, the Olympic Co-ordination Authority, and other agencies gained a great deal of experience at this year's Royal Easter Show in providing facilities and services at Homebush Bay for people with disabilities. The gold cup will build on that experience. In particular, the OCA will provide a free special access shuttle bus service for spectators travelling between Olympic Park railway station—itsself the most accessible railway station in Sydney—and the State Sports Centre.

I encourage as many people as possible to come to the gold cup event. Increasing numbers of people are realising what an exciting sport wheelchair basketball is. Anyone who saw the scenes associated with the Australian men's team win in Atlanta will also realise the commitment, energy and skills the competitors bring to the game. With tickets for preliminary rounds priced at \$5 and finals at \$10 the competition will be great value. I urge everyone who enjoys high-quality sport to take the opportunity to attend.

#### LOCAL GOVERNMENT ASSOCIATION PRESIDENT ELECTION

**Dr MACDONALD:** Is the Minister for Local Government aware of a plot being hatched by Liberal Party councillors to overthrow Councillor Peter Woods at the upcoming local government conference?

**Mr E. T. PAGE:** Unexpected as that question is, I must say that I am aware of such a conspiracy. Members in the Chamber would be well aware that two years ago the honourable member for Georges River undertook a disastrous campaign to affect the elections at the last voting session of the Local Government Association. That got a lot of adverse publicity. There is no doubt that she was instrumental in helping Councillor Woods from Concord to be elected as the ongoing president of the Local Government Association.

**Mr Moss:** Is she at it again?

**Mr E. T. PAGE:** No, the last effort was so bad that she has been excluded. I have information that a meeting was held on 4 February of this year at Ku-ring-gai council chambers with a group of well-known Liberal Party functionaries to talk about the Local Government Association elections this October. The chairman, Councillor Richard Geddes, the former mayor of Ku-ring-gai who was defeated by one of his own Liberal Party confreres, opened the meeting. He confirmed that the meeting was to organise a change in the presidency and composition of the executive committee of the Local Government Association. At the meeting it was emphasised that it was imperative to remove Councillor Peter Woods from office prior to the next election and to prevent the continued abuse of that position, particularly in the lead-up to the Sydney 2000 Olympics.

It was said that an effective organisation must be developed to ensure the election of Liberal and Liberal-minded councillors at the next local government conference. It was essential to obtain a list of both Liberal and Liberal-minded councillors and seek the genuine support of Riley Street, the headquarters. It was said also that there was inadequate communication within the Liberal Party and that the assistance of regional presidents was important to streamline effective communication. It was said that to convey to councillors the political activities of those within the Local Government Association executive, a newsletter would be distributed to highlight how imperative it is to obtain an increased Liberal representation on the Local Government Association and ensure the removal of Councillor Peter Woods as president.

Councillor Richard Geddes stressed the importance of the support of the National Party councillors and further indicated that the Hon. Duncan Gay, MLC, had agreed to further attack both Peter Woods and the Labor Party publicly. That is proof of intervention in the Local Government Association by the National Party and the Liberal Party. I assure honourable members that in the time I have been Minister I have done nothing to impinge upon the integrity of the Local Government Association and the Shires Association. I deplore this intervention into a democratic organisation which should determine its own future. At that meeting the following resolution was passed:

That this meeting request the State Director—

of course, this is the State director of the Liberal Party—

as a matter of urgency to direct the Regional Presidents—

that is the regional presidents of the Liberal Party—

and the State Members of Parliament to call and co-ordinate a meeting with a view to the appointments of delegates to the Local Government Association Conference of 1998

I agree with the sentiment expressed in the question that there is a conspiracy. In my view it is an unwarranted, outside intervention into a democratic organisation which should be left to determine its own future. The shadow minister, members of Parliament or I should do nothing to affect what happens at that important election in Coffs Harbour next Tuesday and Wednesday. As I have said, I deplore this intervention and hope that delegates at that conference take note and cast their votes accordingly.

### RURAL HEALTH SERVICES

**Mr BECKROGE:** My question without notice is directed to the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs. Will the Minister advise the House what the Government is doing to help people who live in rural and regional New South Wales receive improved access to health services?

**Dr REFSHAUGE:** New South Wales is rightly proud of its world-class health care system. Our teaching hospitals offer some of the most highly specialised medical treatments available anywhere. The Government wants to ensure that everyone in the State has access to these services, no matter where they live. To make that possible the Government funds the isolated patients travel and accommodation assistance scheme, IPTAAS. This year the Government will provide an extra \$400,000 for patients who need to travel from country New South Wales to receive specialist medical care in larger centres. IPTAAS is an important part of ensuring patients from rural communities receive financial help with travel and accommodation costs.

I am pleased to say that this year the funding for IPTAAS has increased from \$6.2 million to \$6.6 million. Last year some 30,000 patients benefited from this non means-tested scheme, which helps patients who need to travel more than 200 kilometres one way for specialist medical care. This year the increased funding will help an extra 2,000 patients. Families across the State from Cobar to Coffs Harbour, Grafton to Gulgong and Brewarrina to Broken Hill will all benefit. I know the honourable member for Broken Hill will welcome the announcement, as will the honourable member for Bathurst and the Minister for Regional Development.

The funding will also provide for flexibility so that people experiencing financial hardship within the scheme's 200-kilometre limit can be covered by the scheme. I am sure that the honourable member for Bathurst will appreciate that. The program provides assistance towards economy travel costs or, if a private vehicle is used, a mileage allowance is provided. Benefits of up to \$30 per night are paid towards accommodation costs. The additional funding will help ensure that people in remote rural communities have access to the full range of specialist medical services in the city. The Government is continuing to build up health services across the State. At the same time it is committed to helping rural patients by ensuring that they are not disadvantaged financially if they need to travel long distances to receive specialist medical care.

### Questions without notice concluded.

### NORTH COAST FOREST NEGOTIATIONS

#### Privilege

**Mr ARMSTRONG** (Lachlan—Leader of the National Party) [3.15 p.m.]: Earlier today I asked a question of the Minister for Regional Development, and Minister for Rural Affairs. In his response he said it was the same question that I asked of the Premier yesterday and it had been answered. It is not the same question because in yesterday's question there was no mention at all of the Clarence Valley forest resources action group and the impact of government forest policy on regional employment stability. My question yesterday was simply:

Does the Premier claim that the negotiation process for the regional forest agreement is fair, when he has arbitrarily excluded Aboriginal, farming and mining communities from discussions and is only negotiating with green pressure groups? How does he justify isolating every interest group from the process except those he once described as "ravenous timber wolves . . . who growl menacingly"?

The Minister for Regional Development, and Minister for Rural Affairs has sought to evade the question and, in doing so, has misled the House. I would like it recorded in *Hansard* that the Minister has misinformed the House.

**Mr SPEAKER:** Order! The comments of the Leader of the Opposition do not constitute a matter of privilege. He is aware that the Chair has authority only in relation to the asking of questions that are in a similar form. The Chair has no authority in relation to the way a question is answered. A Minister is entitled to answer a question in any way he wishes.

**BUSINESS OF THE HOUSE****Order of Business**

**Mr WHELAN** (Ashfield—Minister for Police) [3.17 p.m.]: I move:

That standing and sessional orders be suspended for:

- (1) the following speaking times for the motion for urgent consideration, as determined by the House, to be:

Mover	10 minutes
Member next speaking	10 minutes
12 members	5 minutes each
Mover in reply	5 minutes

- (2) the taking of private members' statements after the conclusion of the motion for urgent consideration.

**Dr Macdonald:** What about my matter of public importance?

**Mr WHELAN:** The standing orders provide that at 4.15 p.m. debate on the disallowance motion would automatically conclude. Whichever urgent motion the House votes to debate, at 4.15 p.m. the House deals with private members' statements. The honourable member for Manly will not be disadvantaged because he can speak to his matter of public importance next week.

**Mr SPEAKER:** Order! That decision will be made by the Chair.

**Mr WHELAN:** I understand that, but I am giving the honourable member for Manly an opportunity to put that matter to you for your consideration. Likewise, the disallowance motion will carry over to next week.

**Motion agreed to.**

**BILL RETURNED**

The following bill was returned from the Legislative Council with an amendment:

Public Sector Management Amendment (Council on the Cost of Government) Bill

**CONSIDERATION OF URGENT MOTIONS****Sydney Water Supply Contamination**

**Mr COLLINS** (Willoughby—Leader of the Opposition) [3.18 p.m.]: This motion is urgent because the truth about Sydney's water crisis is slowly beginning to emerge. As documents are being made available in another place the truth is

beginning to emerge, as is the extent of that cover-up. The sensitivity of the Government is perfectly understandable.

**Mr Nagle:** On a point of order. The Leader of the Opposition is debating the substance of the motion, not why his motion is urgent. He should give reasons why his motion should receive priority.

**Mr SPEAKER:** Order! The Chair always extends a degree of latitude when members commence to give reasons why their motions should receive priority. However, if the Leader of the Opposition continues in the present vein I will uphold the point of order.

**Mr COLLINS:** The matter is urgent because the people of this State are entitled to have access to all the documents and all the information contained in those documents. The Government is deliberately holding up the matter and perpetrating a cover-up. That cover-up must end now, this afternoon. This Parliament must make a stand now, on behalf of the people of New South Wales, who have a right to have access to all the facts—not simply to those facts and documents which the Government wants to eke out at its convenience.

**Mr Clough:** On a point of order. My understanding is that the matter is before the court to determine whether this information can be revealed. The matter is therefore sub judice.

**Mr SPEAKER:** Order! On my reading of the proposed motion, the matter is not sub judice. The Leader of the Opposition may continue.

**Mr COLLINS:** The people of this State are entitled to know why the Government, until yesterday, refused to release a report which 18 months ago warned that Sydney was facing a cryptosporidium disaster of exactly the kind that occurred recently. It is only a matter of time before that happens. The forms of this House are being abused again. The clown opposite, the Minister for Transport, and Minister for Roads, is about to take a point of order for the third time in a row. This is orchestrated disruption which he has put together, and you are condoning it, Mr Speaker.

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

[Interruption]

**Mr SPEAKER:** Order! The Minister for Transport, and Minister for Roads will resume his seat. The Chair will not hear his point of order because of the manner in which he has behaved.

**Mr COLLINS:** The Government has obviously known about this problem for some time and is trying to hide that—

**Mr Whelan:** On a point of order. My point of order is that the standing orders—which the Opposition introduced in this Parliament—provide specific guidelines. It was never intended that a member be allowed to argue the substance of the debate during his five-minute address to the Parliament. The purpose of an urgency debate is merely to establish the priority of the motion.

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

**Mr COLLINS:** The fact that four Government members have tried to block even a discussion about whether this matter is urgent shows how easily this Government is rattled by any sense of accountability. It shows how vulnerable the Government is and the lengths to which it will go to hide the truth from the people of this State. The matter is urgent because the people of New South Wales are entitled to all the facts. The Government has been caught red-handed, and it knows it.

**Mr Whelan:** On a point of order. The Leader of the Opposition must assert to the House why his motion should receive priority. He continues to go into the substance of the debate, which he is not permitted to do. He should be asked to resume his seat.

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

*[Time expired.]*

### Bank Branch Closures

**Mr IEMMA** (Hurstville) [3.25 p.m.]: My motion should have precedence because there is nothing more important than public confidence in our State's financial institutions. There is nothing more important that underpins the operation of our State's economy, its economic wellbeing and its social cohesion—

**Mr Hartcher:** On a point of order. As the Leader of the House said, the standing order relates to the establishment of priority. The honourable member for Hurstville is now referring to what underpins the State's economy. That is certainly an appropriate matter to raise after the House makes its decision on priority, but it does not relate to why the honourable member's motion is more urgent than the motion moved by the Leader of the Opposition. I

am reluctant to interrupt the honourable member, but I ask that he be brought back to the leave of the motion presently before the House and to state why his motion should be given priority over the motion moved by the Leader of the Opposition.

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

**Mr IEMMA:** The priority is that the public confidence in the most important institution in our society is ebbing away. Bank closures are taking away people's confidence in being able to—

**Mr Armstrong:** On a point of order. The honourable member for Hurstville is required to establish why the matter he wishes to raise is urgent, and there must be a demonstrable timetable in establishing that urgency. The honourable member is now canvassing an opinion on the matter of the State's economy. The economy is constant within our society. Clearly, he has in no way attempted to establish the fabric of an argument that would give cogency to his proposition that a discussion on the economy requiring opinion only is urgent. The honourable member is grossly out of order and does not understand the standing orders of this place.

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

**Mr IEMMA:** This matter is of the utmost urgency and importance. The number one priority issue that is going on at the moment is the closure of bank branches all over the State. This is ebbing away public confidence in our financial institutions. Nothing could be more important or more urgent than the closure of banks and the withdrawal of banking services.

**Mr Armstrong:** On a point of order. The honourable member for Hurstville was trying to establish a point of urgency on the economy. He has changed his tack entirely and is now trying to indicate to the House that he wishes to debate the urgency of the matter of the closure of the State's privately owned banks. I ask the honourable member to indicate to the House the purpose of his presentation.

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

**Mr IEMMA:** This motion deserves precedence. It is of the utmost importance that this House debates it.

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

**The House divided.****Ayes, 43**

Mr Armstrong	Ms Moore
Mr Beck	Mr Oakeshott
Mr Blackmore	Mr O'Doherty
Mr Chappell	Mr O'Farrell
Mrs Chikarovski	Mr D. L. Page
Mr Cochran	Mr Peacocke
Mr Collins	Mr Photios
Mr Cruickshank	Mr Richardson
Mr Debnam	Mr Rixon
Mr Ellis	Mr Rozzoli
Ms Ficarra	Ms Seaton
Mr Glachan	Mrs Skinner
Mr Hartcher	Mr Slack-Smith
Mr Hazzard	Mr Small
Mr Humpherson	Mr Souris
Mr Jeffery	Mr Tink
Dr Kernohan	Mr J. H. Turner
Mr Kerr	Mr R. W. Turner
Mr Kinross	Mr Windsor
Mr MacCarthy	<i>Tellers,</i>
Dr Macdonald	Mr Fraser
Mr Merton	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 Clough	Mr E. T. Page
Mr Crittenden	Mr Price
Mr Debus	Dr Refshauge
Mr Face	Mr Rogan
Mr Gaudry	Mr Rumble
Mr Gibson	Mr Scully
Mrs Grusovin	Mr Shedden
Mr Harrison	Mr Stewart
Ms Harrison	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 Brogden	Mr Hunter
Mr Schipp	Mr Knight

**Question so resolved in the negative.**

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

**The House divided.****Ayes, 48**

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

**Noes, 42**

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

**Pairs**

Mr Hunter	Mr Brogden
Mr Knight	Mr Schipp

**Question so resolved in the affirmative.****BANK BRANCH CLOSURES****Urgent Motion****Mr IEMMA** (Hurstville) [3.39 p.m.]: I move:

That this House:

- (1) condemns the proposed closure of Commonwealth Bank branches in New South Wales and, generally, closures by banking institutions in the State;
- (2) notes the hardship this will bring to local residents, particularly older people, at a time when banks are listing record bank profits and fees;
- (3) notes the trend of bank closures in New South Wales, averaging one each week, and the impact these closures are having on small communities including those in the Hunter, Illawarra, central west, riverina, north coast and Sydney suburbs;
- (4) supports the steps taken by the Government to assist consumers through initiatives such as the establishment of new credit union branches; and
- (5) calls on the Federal Government to immediately finalise its year-long branch closure inquiry to guarantee banks are required to meet the appropriate service needs of their customers.

I seek the support of this House to send a clear message to banking institutions in this State that their customers have had a gutful of their penny-pinching bank closures, especially when penny pinching is the last thing banks need to do. I seek the support of this House in condemning the Howard-Fischer Government for its continued inaction in the face of 10 bank closures nationwide each week, almost half of which are in New South Wales. These closures, affecting thousands of people across New South Wales, are nothing more than an exercise in unadulterated greed and cost cutting, when bank profits are at record levels. The House must recognise that those who reap the rewards from the community have a moral obligation to put something back into the same community. Those who profit should not also plunder.

Today this House must take the unprecedented step of condemning the banking sector in an effort to place pressure on banking institutions to reverse their closure plans. This Government supports the rights of consumers, including local councils, to take their business elsewhere if they believe that a bank is not serving their needs or the needs of the local

community. Given the current high level of consumer complaint, I urge the Commonwealth Bank to reconsider its decision to close branches in Carlton, Penshurst and Lalor Park—decisions which were announced in the last few days. The Government is particularly concerned for older consumers in these areas who will have difficulty going elsewhere to access their bank accounts.

Bank closures right across the State are taking a heavy toll on vulnerable and small communities across the State and are adversely impacting on older people, the infirm, the disadvantaged, those with small children and those who have difficulty obtaining access to transport. These closures are particularly heartless, given the record profits being recorded by banks, with the Commonwealth Bank listing a profit of \$1.09 billion last financial year and the imposition of numerous new fees on customers. The Government has no difficulty recognising good management practices that lead to profitability. However, good management practices strike a balance that leads to an obligation to the community and that obligation in turn ensures that profits are balanced with community service.

Community service reaps greater profits. The banks have tested the goodwill of the people of this State and, quite frankly, the people have had enough of being used and abused by the banking sector. It is not difficult for a bank to establish a good community relationship. However, when that relationship is broken by greed and poor decisions it is difficult to rebuild. Banks will find that, as a result of continuous closures, customers will not be willing to deal with them on a broader level in the future. In recent times the New South Wales Government moved, via its credit care program, to assist rural and regional communities supplement the closure of local bank branches with the establishment of credit unions, but the Federal Government sat on the sidelines and did nothing.

The Federal Government has been continuing its inquiry into the rural banking sector—an inquiry which has lasted more than a year. In that time the State Government has conducted rural banking forums in rural and regional areas to assist local communities address their concerns. The State Government has assisted regional communities by seeking their views for submission to the Federal inquiry. The Federal Government has not acted. The Commonwealth Bank—the bank that recently performed poorly in a survey on queuing times in bank branches—is about to close branches in southern and western Sydney. Given its broad customer base and its continued closure of branches, it is no wonder that its customers are having to wait the longest.

Over the past year banks have not only cut the number of branches; they have continued to cut the number of agencies, thus further reducing the opportunity for face-to-face financial service to customers. There are now 1,899 bank branches in New South Wales and that number will soon be substantially reduced if the banks continue down their current path. That figure is down from the 2,080 branches that existed in New South Wales at the beginning of last year. The Commonwealth Bank closed 116 branches nationwide over the past financial year, while the ANZ closed 175 branches. It seems that the Commonwealth Bank is trying to catch up with the appalling record of the ANZ and it may well exceed the figure achieved by the ANZ by the end of the year.

The Australian Consumers Association was quoted in the *Daily Telegraph* on 15 September this year as asking just how the banks could justify closures as cost cutting after racking up billion dollar profits. Well might that question be asked! I do not expect hard-headed business people to take a cut in profits per se, but I expect them to make sound, long-term business decisions that take into account the views of their customers. That did not happen at Penshurst. Over the past few years the Commonwealth Bank at Penshurst has been sending most of its business and customers to Hurstville, the justification being that it has to close Penshurst because it does not have a customer base or a business base. If the Commonwealth Bank had bothered to try to shore up the Penshurst branch rather than try to shaft it, it would not have had to make that decision.

A long-term view would indicate that smart business practices take into account the level of dissatisfaction with the banking sector. Just as the community has turned away in recent years from the banks towards private mortgage lenders, those same consumers could turn away from banks for other traditional services. Banks are focal points in many communities. The local branch and the manager have represented the bedrock of regional and rural communities and in many suburbs in larger centres. The community has relied on the branches for a variety of services, but it seems that the Federal Government is prepared to let that level of community interaction wither on the vine. The profits speak for themselves. Banks do not have to increase fees and charges to realise cost recovery. Bank branches are suffering at the hands of bean counters who cannot justify their claims. How can the Federal Government sit on its hands and watch people in the community working their guts out to make a living being betrayed by their local banks who are claiming that they are not in a position to support the branches?

Yesterday the residents of the Sydney suburb of Lalor Park showed the Commonwealth Bank their fury. They appeared in large numbers outside that branch to voice their anger at the planned closure of that branch. The protesters were the sorts of people that one would not normally find in a protest group—generally older residents; men and women who felt compelled to take a stand and make themselves heard by the members of this Government. This House now sends their message to the bank and to Canberra. Today I read with interest an article in the *Daily Telegraph* concerning a resident in Lalor Park who now has to take a weekly taxi ride to Seven Hills to gain access to face-to-face banking. Not all consumers have the capacity to queue for minutes at an automatic teller machine, nor do they have the visual capacity to read the instructions on those ATMs, let alone the ability to make a full transaction using such a machine.

It is absurd for the Commonwealth Bank to state that it will leave an ATM at Lalor Park. We have only to look at the article in the *Daily Telegraph*, which refers to the statements of that disabled former Commonwealth bank customer, to establish that he could not reach the ATM as he was in a wheelchair. What a telling response to the statement made by the bank that it will leave ATMs in those areas where branches have been closed! It seems that the banks have been taking their customers for granted. The residents of Lalor Park, Penshurst, Carlton and many other suburbs across the State have become victims.

It is the responsibility of this House to emphasise that the duty of the banks and their primary regulators, the Federal Government, is to serve the community and not just reap the billions of dollars of profits that they make each year from people living in the suburbs and regional communities. This House must condemn the actions taken by the banks, in particular the Commonwealth Bank, as utterly unconscionable and send the strongest possible message to the banks that local communities will not stand for this any longer. In 1997-98 New South Wales lost the most bank branches in the nation. One hundred and ninety bank branches were closed. Given the impact on all electorates and all communities, that is something we cannot allow to continue. This motion will send the strongest possible message to the banks.

**Ms FICARRA** (Georges River) [3.48 p.m]: There is bipartisan support for this motion of condemnation. I have lived in Penshurst for more than 30 years and I have banked with the Penshurst branch of the Commonwealth Bank. I have now had my account automatically transferred to Mortdale, as



have all account holders at Penshurst. Last Monday night I supported the mayors at Hurstville, Kogarah and Rockdale to organise a protest rally at Penshurst Returned Services Leagues Club. The room was crowded. It was filled with 450 residents, mainly senior citizens, who had used the banking facilities at Penshurst. The three St George councils have been leading the charge. I congratulate Councillor Mick Frawley from Hurstville, Councillor Graeme Stass from Kogarah and Councillor Kent Johns from Rockdale. Not only the Penshurst and Carlton branches of the Commonwealth Bank have been closed; according to the annual stocktake of the Reserve Bank of Australia, which was released last week, more than 500 bank branches have closed in the past year.

New South Wales has borne the brunt of the shift from traditional banking. On average in 1997-98 banks have closed 10 branches a week, more than in any other previous year. Banks have closed one in five branches in the past five years and numbers have plunged from more than 7,000 branches in 1993. Two-thirds of the closures took place in metropolitan areas, with 309 branches shut down as well as the 197 rural branch closures. Banks also cut the number of agencies for the first time in years, further reducing face-to-face financial services for customers.

As the honourable member for Hurstville said, it is not only disabled people who cannot reach automatic teller machines. Many senior citizens have never used ATMs, EFTPOS or internet banking. Incredibly, a senior manager of the Commonwealth Bank told me that the bank would assist in Penshurst by training senior citizens in the use of internet banking, EFTPOS and ATMs. That is an example of the lack of sensitivity amongst banking managers. They do not understand. In the St George area there is a high non-English speaking background population who do not know how to use such facilities, and often rely on their children to assist them.

There is also an issue of security for businesses. Many small business operators who now cannot bank at a local branch do not have an assistant to mind their premises while they do their banking elsewhere. The issue of security also arises if business operators transport large amounts of money to bank at a branch in another suburb. The Commonwealth Bank has said that customers from Penshurst can bank at Mortdale or Hurstville and customers from Carlton can bank at Kogarah. My electorate office is in Hurstville and I know how difficult it is to find a parking space in Hurstville or Kogarah. My electorate is lobbying for more parking

spaces and a commuter car park to free up the council car park areas. It is difficult to find parking spaces at Hurstville, which is a very busy shopping centre. The State Government needs to build more car parking facilities at Kogarah, a busy commercial centre close to St George hospital. A person can drive around for half an hour trying to find a car parking spot in Kogarah.

Senior executive officers of the Commonwealth Bank and other banking organisations have not had to do what they are recommending senior citizens do. In one case a senior citizen had to travel to Hurstville and stand in a long queue. After three-quarters of an hour in the queue the senior citizen was feeling faint and was given a chair to sit on while waiting. It is a crazy situation. The bank branches at Westfield shopping centre, Hurstville, and Forest Road, Kogarah, are already busy. The banking organisations have no sensitivity. I echo the sentiments expressed in the *Daily Telegraph* editorial of 15 October, which stated:

... there is a balance between accountability to shareholders and the responsibility of providing a service to customers in both metropolitan and regional areas. This justification in the face of near-record profits by the major banks is difficult to accept.

The Commonwealth Bank profit last financial year was \$1.09 billion and this year the Commonwealth, ANZ, Westpac and NAB expect profits of between \$5 billion and \$6 billion.

The closures have ruptured rural communities and touched off protests.

In the past two days more than 500 people have protested against the closure of suburban Commonwealth branches at Penshurst, Carlton and Lalor Park. Blacktown, Hurstville, Kogarah and Rockdale Councils and the Local Government Association have threatened to boycott the bank.

The editorial continued:

The voices of protest deserve to be heard. Otherwise accusations of blind avarice levelled by angry customers will find their mark.

Those accusations certainly will find their mark. The Local Government Association, LGA, in opposition to the Minister for Local Government—who referred to me in an unkind manner during an answer he gave in question time—is supportive, and I support what the LGA is attempting to do. An article in the *Leader* of 15 October, which quotes Councillor Peter Woods, stated:

The Local Government Association of NSW is threatening unprecedented action against the major banks with an ambitious plan to establish its own bank using the infrastructure and revenue of councils across NSW.

In the St George area Councillor Mick Frawley is taking the lead by writing to all councils around Australia in support of the LGA. As immediate past president of the Australian Local Government Women's Association, I have written to the national President, Councillor Lorraine Wearne and the New South Wales President, Councillor May Hudson. I have urged them to join in the LGA proposal to get all councils around Australia to tender out their banking business, as Hurstville City Council will be doing shortly, or to join with Councillor Peter Woods and the LGA movement in pooling their resources. The councils throughout Australia hold resources in excess of \$4 billion. With a high percentage of councils currently banking with the Commonwealth Bank, the National Australia Bank and Westpac, the major banks stand to lose hundreds of millions of dollars. The article continued:

The president of the Local Government Association of NSW, councillor Peter Woods will call on the organisation's 84-member councils to consider the plan in his presidential speech at the association's annual conference in Coffs Harbour.

The article stated that in response to a motion supported by hundreds of people at a public rally at Penshurst RSL club on Monday night Councillor Woods said:

A formal working party would be formed to oversee the establishment of financial services operated by councils and encourage credit unions to join the venture to strengthen the offensive against the major banks.

Local government and local communities are leading the charge in giving banks the flick. The movement is possible because local government councils have the financial reserves. People are sick of banking organisations increasing charges and closing services. They are sick of being treated with contempt. I am sure that they would like to see local government councils, with the co-operation of the credit union associations, take these banks head on. I compliment Senator Marise Payne, who, before entering Parliament, was the public affairs manager of the association that oversees credit unions. Being a country lass from the Southern Highlands she realised that credit unions should take up the business that banks are removing from local communities.

I support the efforts of Councillor Peter Woods and the mayors in the St George region. All of the major banks are to be condemned for their insensitive attitude to our communities. They are hurting senior citizens. All honourable members would remember the Commonwealth Bank Martin Place money boxes and passbooks that we had in primary school. Senior citizens have contributed to

making the Commonwealth Bank and other banks great financial institutions. Those senior citizens are now being tossed aside and told to cope as best they can. It is not good enough.

**Mr AQUILINA** (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [3.58 p.m.]: With my colleagues on the Government and Opposition benches, I express outrage on behalf of my constituents at the action by banks in closing their branches. We have already heard substantial comments from honourable members about the heartless actions of the Commonwealth Bank in closing its Lalor Park branch. Lalor Park is basically a Department of Housing area that caters for elderly residents. These residents have contributed a lifetime of hard work to their community. They would like to be able to go to their local shopping centre and carry out all their shopping needs and banking transactions. For most of them their banking transactions amount to a fortnightly cashing in of their pension cheque. They like to shop and bank locally to support their local community. They would like to think that their local community also supports them.

The Commonwealth Bank has told them that it does not want their business any more and that the pensioners of Lalor Park can go elsewhere. It is just not good enough for the bank to tell the people of Lalor Park that this is the way they are going to treat the elderly. It is not good enough for the New South Wales regional manager to write back in flowery terms and basically say that profits come before people, the bank is sorry, but the number of transactions at the Lalor Park branch of the Commonwealth Bank have fallen below their magic line and it has to close the bank.

I wrote to Mr Dick Perkins, General Manager, New South Wales on 22 September. I pointed out to him in no uncertain terms that Lalor Park has a large number of elderly residents or pensioners who reside in Department of Housing accommodation and that many of those elderly people will be forced to travel to Blacktown for their banking transactions. As is stated in today's *Daily Telegraph*, many of those people will need to travel by taxi. How much will that take out of their fortnightly pension cheques? It is not good enough to tell them to use an ATM.

Many elderly residents have difficulties with their sight, and many have difficulties using computers and ATMs. There is nobody to help them or show them. The honourable member for Hurstville mentioned Rodney Rammers, who is a

good friend of mine. Because he is in a wheelchair, ATMs are too high for him to use; they are not accessible for the disabled. The bank is treating vulnerable people with total disregard. Last year the Commonwealth Bank made a profit of \$1.09 billion, and this year it is expected to make a profit of \$5 billion. Yet it will not keep open a branch which caters to residents and local businesses—even after the council spent about \$300,000 to beautify the shopping centre for local residents. That is sheer nonsense.

I had just finished reeling from that news when I received advice last week that the National Australia Bank is to close its branch at Riverstone. We have gone from the ridiculous to the sublime! Riverstone is earmarked by the Minister for Urban Affairs and Planning for a major release of rural land. About 5,000 homes will be built in the Riverstone area in the very near future, but the National Australia Bank wants to close its branch. What absolute nonsense! When I meet with the manager of the Riverstone branch of the National Australia Bank tomorrow I will tell him to his face what I had no hesitation telling the *Blacktown Advocate* this week. This is sheer lunacy.

That is not good business practice. In 10 years the banks will want to open a branch in Riverstone, but in the meantime they will have driven out many of the shopkeepers, they will have sent a number of people broke and they will have driven out many members of the community who want to shop in Riverstone. I strongly support the motion. It is sheer hypocrisy on the part of the National Australia Bank, the Commonwealth Bank or any other bank to close down their branches. It is about time they remembered that they are not in business only to make a profit; they are there to provide a service to people. They would not exist today if not for the patronage of these people in the first place.

**Mr GLACHAN** (Albury) [4.03 p.m.]: Once upon a time banks in this country used to provide service and loyalty to their customers, and their customers repaid that service and loyalty in kind. When people like me left school they became customers of the bank their father had used, and it was generally expected that they would stay with that bank for the rest of their lives. That is no longer the case, because young people today shop around for the best advantage. They realise that loyalty no longer means much to the banks, so we cannot expect it to mean much to the customers.

At one time in my electorate there were two branches of each of the major banks in the main street, with the exception of the State Bank. Because

of takeovers over the years, there is only one branch of each of the main banks in the main street of Albury. Banks have closed in outlying towns like Culcairn, Walla Walla, Henty and Holbrook. Banks that have been in those districts for generations, and have made good profits from their loyal customers in those districts have repaid that loyalty by closing their branches.

We could not blame the people of those small isolated country areas if they were to get together and encourage credit unions and building societies to set up business in their towns. Walla Walla is a small town, with only about 200 residents. Its last bank closed some time ago and they have been left without any banking facilities at all. It is quite some distance from the nearest banks in Albury, so residents have been left in a desperate position. The members of the community got together and encouraged the credit union to open a branch in Walla Walla, and as far as I am aware the credit union is doing good business, and its business will continue to grow. The banks cannot complain if credit unions and building societies take over more and more of their business.

Banks claim that their shareholders are demanding more profits. I know quite a few people who hold shares in banks, and I have not heard one of them ask for more profit. In fact, what they want from the banks is not only a reasonable return on their investment, but service for them and for other customers. Banks seem to have forgotten that good business is built on service; it is not simply ripping out as much profit as you can while you can. That does not pay in the long term. I am concerned about the banks' cry that their shareholders are demanding more profits. I think the profits are going to the senior executives of the banks, whose salaries are totally out of proportion.

Banks bring in chief executives and managers from other countries who remain for short periods; they do not become Australians in a permanent sense. I object to the fact that when they return to their own countries they take with them huge amounts of money which they have made at the expense of the customers and shareholders of the banks for which they worked. Henty, in my electorate, is a good solid country town. Following the closure of banks in that town some leading citizens got together and encouraged Bendigo Bank Ltd to establish a community bank in Henty. The people of the town have contributed money towards it, and have secured premises and appointed a manager. The Bendigo Bank will provide the management expertise for this community bank, which will benefit the people of the district of Henty.

I attended a public meeting with 300 people who pledged their support to the Bendigo Bank to establish the bank in partnership in Henty. I believe that partnership will work well, and I would advise other communities to look around and seek partners to establish banks that they will own and that will serve them and their communities for many years to come. I support the motion. The banks have lost their way. They are setting up problems for themselves in the future. They cannot expect their customers to be loyal to them if they are not loyal to their customers.

**Mr WOODS** (Clarence—Minister for Regional Development, and Minister for Rural Affairs) [4.08 p.m.]: There are some certainties in this debate. The first is that banks are closing and have been closing for a few years now; this is not new. The reason they give for closing is quite explicit: "The only thing we have to do is provide profit for our shareholders." They have been making that straightforward statement for some time. That statement implies that they do not have any responsibility to the public interest, the national interest or their customers. As they say, they only have a responsibility to make a profit for their shareholders. How do we fix this problem, which is harming many people in country and suburban areas? It is not in the national interest.

Governments have a greater responsibility than simply to make business decisions such as the banks are making. The banks have made it clear that they will not change their decision. The power to change the way in which the banks are acting lies in the hands of the Federal Government. It grants licences and it has the power to put conditions on the licences. The Federal Government claims that with the sell-off of Telstra it will have power to impose regulations to account for community interest. If the banks will not serve the national interest, the public interest of their consumers in rural and regional areas, the Federal Government has the power to act.

The Opposition supports the motion, part of which calls on the Federal Government to finalise its year-long bank branch closure inquiry and to require banks to meet the appropriate service needs of their customers. If the Federal Government does not take action to ensure that banks keep their branches open to service country and suburban people, it will be interesting to see whether members opposite support a motion condemning the Federal Government for not taking action in the same way that they now support this motion asking for action from the Federal Government.

The continuing closure of banks in regional New South Wales during a period of record profits indicates how out of touch the banks continue to be with community attitudes and the consumer needs of New South Wales. I recall talking about three years ago to a bank that was closing branches in my electorate. In the same year it had made \$1.2 billion profit, was buying a bank in the United States for \$1 billion, and was paying 100 or 200 people \$1 million a year in wages. That is not in the national interest, the public interest, or the interest of Australians. The central point is that the banks are making business decisions that are not in the interests of the people of this nation and the people of New South Wales. The Federal Government has the power to fix the situation and should fix it. However, the Federal Government continues to sit on its hands in relation to this issue while the access of regional, rural and urban consumers to banks dwindles to frighteningly low levels.

The constituents of the National Party have been reminding National Party members loudly and clearly that Telstra has a responsibility to provide rural services. We will see whether their colleagues in Canberra listen over the next three years. Similarly, banks have a responsibility to provide important services, and the means to do so, given the recent \$200 million windfall when the Federal Government abolished non-callable deposits in accordance with recommendations of the Wallis report. It will be interesting to see where the Opposition stands on this issue in the end. Opposition members are the champions of economic rationalism. They promote deregulation of the rice industry and the dairy industry. They support their Federal colleagues on the breaking down of Medicare. Banks across New South Wales are closing, creating hardship, and the Federal Government has the power to stop this process. [*Time expired.*]

**Mr MERTON** (Baulkham Hills) [4.13 p.m.]: About three minutes ago I found myself in a unique situation: I agreed with the Minister for Regional Development, and Minister for Rural Affairs. For once he made a lot of sense. He referred to banks departing from most areas of regional New South Wales, rationalising branches and leaving many communities without banking facilities. Customers are told that they can use automatic teller machines. They key in a number and hope and pray that they will get a response. Many people, like me, do not understand how those machines work.

A machine will never be a substitute to a person who is seeking financial advice or the

assistance of a bank manager in relation to all the functions banks have provided for the people of Australia. Some years ago the bank manager in a country town was in a position of responsibility and was widely respected as a community leader. There has been a dramatic change. I make it clear that this is not a reflection on the calibre of the individuals who work for banks. Unfortunately, they are being put behind the shield of head office, where all the decisions are made. People in the local areas are then asked to implement the decisions.

Not only have bank branches disappeared; the power of bank managers has been greatly eroded, to the extent that they are just faces giving details of bank policies. Bank staff know that they are only sales managers for head office policy. In the search for the almighty dollar banks have rationalised their activities. Many ordinary Australian families do not have a bank. Australians are full of ingenuity. They have worked out a solution by giving banks the flick. That is why so many people are joining the secondary mortgage market and going to Aussie Home Loans, RAMS Home Loans Pty Ltd and Wizard Mortgage Corporation Ltd. Every week more people are turning to alternative banking facilities.

The Minister for Regional Development, and Minister for Rural Affairs lost me when he blamed the coalition for the problems. History shows that that is completely untrue. The Labor Party reflects a jaundiced or sanitised view of history. But a fact that will never go away is that it was the Keating Government that sold the Commonwealth Bank. It was done under a Labor Prime Minister. I know that Labor members do not like to hear that. Ever since that time there has been rationalisation. The coalition was accused of doing many things but we reacted because we were following the crowd. Labor was leading the charge and running the show in that respect.

Opposition members agree that Australians are worse off since the banks started closing branches throughout New South Wales. The closures average one a week but the impact of the closures on small communities is calamitous. I know the impact on the community in a country town when the local sheriff's office is closed down. When a bank is closed people wonder what will go next. They lose the manager and all the infrastructure. The banks should realise that their banking licence carries a responsibility to provide a basic service for people in the suburbs and in country towns. I am afraid that the rationalisation that has taken place in country towns will continue into the suburbs. Banks will be very hard to find. That is not good enough. The

licence carries responsibilities, and banks should provide decent facilities for all Australians.

**Mr GAUDRY** (Newcastle) [4.18 p.m.]: I am sorry that the honourable member for Baulkham Hills did not have more time to speak. He was building up to completely support the motion moved by the honourable member for Hurstville. He was condemning the proposed closures, noting the hardship, and noting the weekly trend of bank closures across New South Wales, in particular the impact in regional and rural New South Wales and suburban New South Wales. He almost congratulated the Carr Government on the decisions it has taken. I note that he did not call upon the Federal Government to finalise the banking inquiry and get the banks to have not only a profit motive but also a people motive—a social compact to protect and develop rural and regional communities and provide the service that they deserve. They should be interested only in making a profit.

An article in the *Australian Financial Review* of 27 August clearly outlined the direction of the Commonwealth Bank. The article pointed out that the forecasts were conservative and on the basis of a six-month profit of \$602 million the Commonwealth Bank would far exceed the \$1.2 billion projected for 1997-98. The Minister for Education and Training pointed to projections for a profit of as much as \$5 billion profit. The article showed that the Commonwealth Bank will make that profit because it plans to slash 2,000 members from its work force over the next two years. Banks, particularly those in rural and regional New South Wales, are examined regularly and if they are not profit leaders they will be closed down and the services moved elsewhere. Rural communities are told that electronic banking is available, which is all very well for those who are computer literate. However, that does not help the elderly, those without access to transport or those who prefer the personal services they have enjoyed in the past.

In the past three years 25 bank branches in the Hunter have closed. These include the National Australia Bank in Aberdeen, Westpac, the ANZ and the Commonwealth Bank in Beresfield, the Commonwealth Bank in Dangar, Westpac in Denman, the National Australia Bank in Gresford, Westpac in Jesmond, Westpac in Long Jetty, the Advance and St George banks in Mayfield the Commonwealth Bank in Merriwa, the Commonwealth Bank in Mount Hutton, the Advance Bank in Muswellbrook, the Commonwealth and ANZ banks in Newcastle, Westpac in Rutherford, the Commonwealth Bank in Stockton, the ANZ in Stroud, St George in The Junction, St George in

Wallsend, the Commonwealth in Waratah, Westpac in West End, and the ANZ at Wingham.

Those closures have all been driven by the profit motive. The banks could not care less whether branches are breaking even; the branches will not continue to service customers in those areas. At one stage in Hunter Street there were Commonwealth Bank branches at Dangar and Perkins streets in Newcastle West and the main branch at the top of town. Now there is only one left. The Commonwealth Bank says that customers can go to The Junction or to the top of town. Banks used to take pride in customer services but now their first priority is profit. The Federal Government must conclude its inquiry and take into consideration the views expressed by the New South Wales Government in its submission. It must work with the banks and establish licence protocols to ensure the provision of rural services.

The New South Wales Government has said that bank community education programs are a necessity, particularly for the elderly, to educate the public on electronic banking and new services. Federal funding should be increased to establish credit union branches. Many people are voting with their feet and are moving away from banks to other institutions. Who can blame them when banks believe that profit is more important than people? The Commonwealth Bank used to be called the people's bank. It certainly is not that now. It is profit-driven and could not care less about providing services to people in isolated communities.

**Mr SMALL** (Murray) [4.23 p.m.]: History will show that what has happened to banks in recent years is sad. The first bank in Australia was the Bank of New South Wales, which is now called Westpac. Members of my family have been clients of that bank for many years. My grandfather was the manager of the Bank of New South Wales and retired at Goulburn. My father started at Grafton and ended up back at Grafton after having spent his life working in the bank. My brother John did exactly the same thing. My sister spent three years in the bank and I spent 12 months in the bank as a learning experience. My daughter Robyn also spent several years working in the bank.

Unfortunately, because banking can now be done electronically, many branches have closed. The Bank of New South Wales originally identified the need for a lending institution to assist the farming community, business people and wage-earners. Other banks followed suit. I am concerned about the many banks that have closed in the Murray electorate. The Wakool shire has its offices in Moulamein. Some 10

to 15 years ago it was under pressure to move to the larger town of Barham. However, the councillors wanted to retain the offices in Moulamein. The Murray shire wanted to retain the services in the small town of Mathoura but the branches closed and both those towns are now without a bank. The shires tried to do the right thing but to no avail.

Urana, Wentworth and Dareton also do not have banks; even branches in Jerilderie, Berrigan and Moama have closed. Today there are very few bank managers and many transactions of lending institutions are now directed to head office in Sydney. Managers used to be able to approve loans but are no longer able to do so. That is having a detrimental effect on rural communities throughout New South Wales. However, automatic telling machines are excellent facilities for members of Parliament, who travel around and who are able to make deposits or withdrawals. They are a real asset.

For 13 years I lived in the residence of the Bank of New South Wales at Deniliquin. Only about 18 months ago I needed a new chequebook and asked the young female teller for one. She asked me to identify myself, which was a shock because I am the local member and had lived in Deniliquin all those years. I was required to produce my licence. I asked her whether she had lived in the town very long. She indicated that she had lived there only a few months so I did not feel so bad. Banks no longer provide the personal service that is enjoyed so much by the elderly, who prefer dealing personally with managers or bank staff. Credit unions have become more prominent. Previously shires could not bank with credit unions but, fortunately, legislation has been put in place to ensure that they can now do so. I support the motion.

**Ms MEAGHER** (Cabramatta) [4.28 p.m.]: I support the motion. I am thrilled to have the opportunity, on behalf of the vast majority of my constituents, to bag the banks. People often complain to me about the rough treatment they receive in banks and the excessive fees and charges they are subjected to. During this debate members have said that banks are putting profit first and people last. I will go one step further and say that banks are putting profit first and treating people like cattle. Three years ago a branch of the Commonwealth Bank in my area closed, and another branch closed recently on 25 September. When I go into the main branch of the Commonwealth Bank in my area, I can wait for as long as 40 or 50 minutes for a teller, and I understand that is a common occurrence throughout western Sydney. It is an absolute disgrace and is causing a great deal of

angst in the local community. This week the local newspaper in my electorate, the *Fairfield City Champion*, published a timely letter from Mr Rod McLeod. I should like to share that letter with the House. It is under the heading "Banking on our patience", and it reads:

I am writing to make people aware that the Fairfield branch of the Commonwealth Bank is suffering serious delay problems with its customer service.

My wife visited the bank last Tuesday and had to wait 40 minutes in the queue before she was served.

It was a particularly long queue and perhaps the bank had also failed to get casual tellers in.

Considering the wait, people were amazingly patient, although some were starting to get a bit toey about it.

Why do this to the customers and close the Fairfield West branch? The situation has got a lot worse since that branch closed on September 25th.

I wrote a note to the bank saying "shame on you".

I left my name and address but it hasn't got back to me.

The bank should have a close look at its customer service. It seems it has insufficient tellers on busy days.

The editor's note reads:

We approached the Commonwealth Bank for a reply, but received no response at the time of going to press.

I can offer a response to Mr McLeod. I asked the manager of the Commonwealth Bank to explain why there were so few tellers on a day when the queue was going out the door and down the street. The manager told me that staffing decisions are not made at a local level but at head office level, that there was some whiz-bang formula to the whole thing, and there was nothing he could do. I consider that to be totally unsatisfactory. But the customers of the Commonwealth Bank have little choice. If they close their accounts with the bank and try to go to one of the other big four banks, they will receive similar service. There is very little choice in banking for the average punter. People are being charged excessive fees to use their accounts and are being given very little return on their investments. Basically they are being handled in a rough manner.

I congratulate the honourable member for Hurstville on moving the motion. By doing so he has drawn to the attention of members a campaign that is taking place in his area which was initiated by the Mayor of Rockdale City Council, Kent Johns, who decided to take on the Commonwealth Bank by withdrawing the council's business from the bank. Kent Johns has encouraged other councils to support

the campaign. It is fantastic to hear about local communities standing up to corporate giants and demanding better service. The local community is most displeased that the Canley Vale branch of the Commonwealth Bank has closed and that the branches of the Commonwealth Bank in Fairfield are to close. I commend the motion to the House.

**Mr O'FARRELL** (Northcott) [4.33 p.m.]: I support the motion, and in so doing express my concern that the honourable member for Lakemba was not able to contribute to the debate. I know that he is a strong supporter of his constituents on this issue. As far back as two months ago he expressed to me the desire to move a motion on this matter in the House. Banking is meant to be a service industry. It is one of those industries that deals with people daily. The theme of the debate thus far has been that banks have lost their sense of service. The fact is that no-one should believe that greater efficiency and economic rationalism are inimical to service. At the end of the day, an enterprise will not survive, it will not be efficient, and it will not operate economically or rationally if it loses the people motive. I join with members on both sides of this House who have expressed concern that banks have lost their way and lost the service ethic that they are supposed to offer people.

In my electorate of Northcott, residents of Beecroft have suffered the loss of the Westpac bank, the National Australia Bank and Citibank. Thornleigh residents have lost all their banks—that is, the Commonwealth Bank, the Westpac Bank and the St George Bank. One has only to walk around Thornleigh, an area that is well known to the Minister for Urban Affairs and Planning, to see that the shopping centre is literally decaying. No-one goes to Thornleigh if they can go to another shopping centre where they can do their banking as well as their shopping. That has been the impact of the closure of those banks. As other members have said, the effect of bank closure is greatest on older people and young mothers who have children and babies in prams. They find it difficult to get around to different neighbourhoods to do their banking as well as their shopping.

It is particularly difficult for the people in my electorate, because in the past few years bus services in the area have been reduced so much that cross-regional routes are difficult to find. An elderly person or a mother with young children would find it very difficult to travel between neighbouring suburbs to do the banking. For some time the banks have been trying to encourage people to use electronic banking services. That is fine. However, yesterday morning my credit cards were stolen. I

spent half an hour on the phone notifying the bank that the cards had gone. I suppose the good news was that as it was around 9 o'clock people would not have had the chance to spend up too much on my credit cards. If the banks are serious about improving efficiency and trying to sell the benefits of electronic banking, the system must be improved.

The honourable member for Cabramatta referred to delays in teller services in her local bank. If those delays are experienced with electronic banking, the banks have lost the plot again. Not so long ago we were all encouraged to use automatic teller machines or ATMs. We were told they would increase the services available to people. Some people suggest ATMs were put in place to reduce the number of staff in banks. Not long after most of us got used to using ATMs, and most of us made significant use of them, the banks introduced fees on the use of ATMs. Banks get it both ways: they reduce the level of service, they then introduce new services and raise their rates.

With regard to bank fees and charges, I opened an account with a bank when I took out my mortgage. The thing that appealed to me was that the bank promised never to introduce fees. Of course, three years later fees were introduced. Turnaround times for the crediting of cheques have increased. If a service is in the interest of the customer, it takes a long time; if it is in the interest of the bank, it takes a very short time. The same applies to credit cards and interest rate adjustments. If interest rates are increased, the new rates apply the next day; if interest rates are decreased, the new rates apply 30 days later. Service has disappeared.

The Hawke Government presided over the deregulation of the Australian financial system and implemented the Martin report in 1983. The Keating Government, despite making a solemn pledge not to sell the Commonwealth Bank—a pledge which it made during the election campaign in which the current member for Clarence first stood for Federal Parliament—immediately sold the bank when it was elected. Any opportunity that the Federal Government had to use the Commonwealth Government as a bulwark against further bank rationalisation was lost when the Keating Government sold the remaining 50 per cent of the Commonwealth Bank. I support the increased use of credit unions, and I acknowledge the actions of the Howard Government in giving credit unions permission to use a greater number of services. Last year credit unions were given greater access to the use of cheques and the like. It is only through that sort of activity that banks will receive real competition.

*[Debate interrupted.]*

## BUSINESS OF THE HOUSE

### Private Members' Statements

**Mr WHELAN** (Ashfield—Minister for Police) [4.38 p.m.]: I indicate for the benefit of members that private members' statements will follow this debate. I have discussed the matter with the Leader of Opposition business, who has indicated that the 4.15 p.m. rule should apply. I advise members to discuss individual arrangements with their respective Whips.

## BANK BRANCH CLOSURES

### Urgent Motion

*[Debate resumed.]*

**Mr THOMPSON** (Rockdale) [4.39 p.m.]: The notion that banks care for people has finally and conclusively been shown to be a sham. Banks do not care for anyone. They are relentless and unconscionable in their pursuit of profits—not only reasonable profits but mammoth and, in my view, obscene profits. Banks are obscene because of the methods they use to accumulate more and more at the expense of the people. In recent years tens of thousands of jobs have been shed by banks and hundreds upon hundreds of bank branches have been shut down to increase already massive profits. Banks in Australia and, indeed, worldwide have taken advantage of the rapid development of information transfer technology to reshape their distribution and service delivery networks to cut operating costs and, in their view, increase operating efficiency.

At first blush it appears that bank branches in rural and remote communities have borne the brunt of those closures because they normally serve a relatively small population and hence have smaller turnovers than branches located in cities and larger towns. But there is evidence that metropolitan areas are also adversely affected. People are fed up with losing local services and local jobs. Figures from the Australian Bureau of Statistics show that during the 1990s, 40,000 jobs have been lost in the finance industry and 1,400 bank branches have been closed in the past five years, 500 in the past year alone. These days, access to the financial system—and for most people that is a bank branch—is properly regarded as an essential service. Salaries and wages are no longer paid in cash; they are credited directly to individual bank accounts. Pensions are also part of the direct credit system.

That is why I maintain that workers and pensioners consider their access to banks to be essential. From the record of the past few years, it is obvious that such access is regarded by banks as



optional. They are virtually unregulated and they simply do not care. Lost jobs are gone forever. It is no wonder that bank workers are concerned about job security. The impact of job losses and branch closures on local communities all around Australia has been far-reaching. People are distressed and angry at the loss of jobs, the loss of bank branches and the removal of banking services. That situation indicates the total lack of an industry plan to deal with the impact that the restructure of the banking or financial industry is having on people's lives. In July this year the Finance Sector Union released the results of a public opinion poll it had conducted.

In summary, the opinion poll showed that 74 per cent of people do not believe that branch closures are necessary for keeping costs down for customers; over 80 per cent believe electronic banking should not replace people's jobs; 71 per cent believe that service has decreased since the banks started closing branches and retrenching staff; 81 per cent believe that the Federal Government should require the banks to have a social charter; 67 per cent believe that the Federal Government should prevent further branch closures; and 89.5 per cent believe that the Federal Government should make banks maintain current banking service levels.

Clearly, the banks have been blithely pressing on with their rationalisations or restructures without any genuine consideration for the human consequences: the effect on their employees and their customers. The actions of the banks have had an enormous impact on individuals, communities, suburbs and towns. Although the Commonwealth Bank has been in the news of late, all the banks are involved in sacrificing staff and services in the name of ever-increasing profits. I compliment the initiative of local councils in the St George area for putting the public spotlight on bank closures in Carlton and Penshurst. In referring to the proposed closure of the Commonwealth Bank branch at Carlton, the Mayor of Rockdale City Council, Councillor Kent Johns, said on 21 September last:

This branch closure will cause great inconvenience to the residents and businesses of Carlton, especially those who use traditional banking services.

Walking away from customers that have supported the Bank over the years is causing community concern and reflects a lack of sensitivity on the part of the Commonwealth Bank.

There are a lot of local issues that have not been addressed.

The Carlton Branch is a busy branch. Adequate parking nearby means that busy people can park and walk in safety to the branch to do their banking. This is an especially important consideration for the elderly and for businessmen and women depositing cash.

Customers will now have to travel further to the Commonwealth Bank's adjacent branches in Kogarah and Hurstville which do not have appropriate parking facilities. Customers will have to queue longer to get the service they have today which makes it difficult for busy people to do their banking quickly, especially on busy days.

It is very clear from talking to the residents of Carlton that the Commonwealth Bank's strategy of replacing its bricks and mortar distribution network with an electronic one is failing to meet the needs of many of its loyal customers.

I wholeheartedly support the motion moved by the honourable member for Hurstville.

**Mr SMITH** (Bega) [4.44 p.m.]: As a member representing a rural electorate I would like to bring to the attention of the House the dramatic effect of bank closures on country areas. There are a number of small towns in my electorate. It is very much a retirement area. It would be easy to lose count of the number of bank branch closures in small towns up and down the coast in my electorate. Three that come to mind are Bermagui, Cobargo and Merimbula. When my electorate extended into what is now the electorate of the honourable member for Monaro, who I know has been fighting hard to prevent bank closures, both the Commonwealth Bank and the National Bank in Bombala closed. Credit unions, such as the Horizon Credit Union in Bermagui, have stepped into the breach in some of the smaller towns.

Although the Government has extended the scope of operations of credit unions, such as those relating to cheque facilities, they still are not able to fulfil all the requirements of their customers. A number of small towns have not been able to secure the facilities of credit unions and have totally lost any kind of banking facilities. Trade in country areas has never been as bad as it is now. The wool and cattle industries are in a slump. The dairy industry was recently deregulated, resulting in increased supermarket prices. All these factors have a dramatic effect on small country towns. Not only do they lose banking facilities but they also lose employment in already depressed local economies. When people cannot bank in their local town, they move to the next biggest town do both their banking and shopping.

It is a double whammy: banks close, and employment and commerce are lost. People move to bigger centres to do their banking. At the same time they shop in the bigger supermarkets such as Woolworths and Coles, and the smaller independent supermarkets miss out. I notice that the motion particularly mentioned the Commonwealth Bank. One of the problems about the Commonwealth Bank was probably created by the Keating Government. I

remind members opposite that it was under the Keating Government, a Labor Government, that the Commonwealth Bank was privatised. The Labor Party is now screaming about bank closures. The simple fact is that a banking system involves customers as well as shareholders.

A couple of weeks ago the former Managing Director of GIO Australia claimed on television that banks have gone too far. They have the wrong policy. If they do not look after their customers their shareholders will get nothing. The public has had a gutful not only of the Commonwealth Bank but of all the banks. Banks close their branches and every time automatic teller machines are installed, people are encouraged to use them because it enables the banks to employ fewer staff and increase their profits. But customers are then charged for using that facility. It has gone too far.

The banks have to understand that the most important part of their business is customers, not shareholders. Their shareholders will make a profit if their customers are satisfied. The Commonwealth Bank is holding its annual general meeting next week. I understand that shareholders are trying to get people to attend the meeting to protest not only because of the closures, but also because the bank is offering its managing director one million shares at no cost as an incentive to deliver a profit to the shareholders. I have no problem with people being rewarded for a job well done, but there comes a time when the shareholders must re-examine the employment packages of some of the heads of major institutions and say, "Enough is enough."

**Mr TRIPODI** (Fairfield) [4.49 p.m.]: I support the motion moved by the honourable member for Hurstville. I agree with most of the things that have been said in debate on this motion. It is no mystery that, for the last 20 years, since the deregulation of banks, the most favoured and highest performing shares on the Australian Stock Exchange are bank shares. They pay high dividends and make enormous capital gains. Profitability in the banking industry is high and will remain high. Banks enjoy a favoured position. Bank shares are the only shares that one can buy that practically have a government guarantee. Banks do not often go under, because the Government is always watching out for them. It is not as though the banks need help. They organise and sell their products but they always have a government guarantee behind them, backing them up if they make a mistake.

These high rates of return are not unconscionable simply because they are being achieved by the banks extracting higher fees and

paying lower interest rates to depositors. Taxpayers are taking all the risks for the profits being made. Bank chief executive officers are running around this country parading as though they are champions in lifting and maintaining profitability when banks are the only institution listed on the Stock Exchange as having a government guarantee against failure. Banks can take risks and extract profits and they know that the government will always be there. What has been occurring in many banks is cost shifting. A lot of these supposed savings are not savings. When banks close a branch they effectively shift the cost of banking onto the consumer. They reduce their costs because they can close a branch, employ fewer staff, pay less rent and other outgoings, but increase the costs to their customers.

Customers then have to go to another branch and wait much longer for services. The waiting times at banks are exploding. I will refer later to some of the problems that are occurring in my local area. The waiting times for people who want to do their banking are increasing all the time. This is the effect that bank closures are having. It is not just that people no longer have banks close to them; staff from the closed branches are not being transferred to neighbouring branches as they should be. People are incurring more costs. They have longer waiting times and are having to pay to transport themselves to neighbouring bank branches. Customers are subsidising the increased profits of the banks. It is difficult for suppliers of a particular service to enter the banking industry because it is so highly regulated.

Earlier mention was made of the deregulation which has enabled credit unions to enter the market, but that is not enough. The banking industry is a licensed market; there is a barrier preventing other banks from entering that market. That minimises the choice that consumers have which, in turn, shifts the costs of running a branch onto depositors and consumers who have no choice but to continue using those services. There is an enormous assumption in the policy of the banking industry that new technology can be assumed by customers, which should result in a cheaper and more efficient banking service. But that is not the case. Technology cannot be taken up by everyone. It cannot be taken up by the elderly. They find it difficult to embrace new whizz-bang banking technology.

There is an enormous language barrier in my electorate of Fairfield. People in my electorate cannot operate automatic teller machines because they do not have a good understanding of the English language. Honourable members might know that when one goes to an automatic teller machine in

Europe one has an immediate choice of languages. At least Europe is providing a decent service. In Australia we do not have a choice of languages at those banking terminals. So people have to incur the cost of waiting simply because banks do not have technology which is relevant to the community that they are supposed to be serving. Age and language barriers, important aspects in this equation, have impacted on consumers affected by these closures. *[Time expired.]*

**Mr MOSS** (Canterbury) [4.55 p.m.]: It is appropriate that this Parliament debate this issue at this time. We must condemn the wholesale closure of bank branches around this State, in particular the closure of Commonwealth Bank branches. I am surprised that members of the Opposition attempted to stifle debate. Members of the National Party opposed the introduction of this debate. Nowhere in New South Wales are people more disadvantaged from bank closures than in rural areas. When a bank closes in a country town customers are disadvantaged. That can have a disastrous effect on the economy of a rural region. I am glad that I am able to speak in debate on this motion as I wish to refer to the bank closures in my electorate.

During the past 18 months three Commonwealth Bank branches have closed. If we take into account the new section that is to be included in the Canterbury electorate as a result of the recent redistribution, four branches have closed—in Belfield, Strathfield south, Canterbury and at Dulwich Hill railway station. It was said earlier in debate that the Commonwealth Bank is not interested in small customers. That is true. I support the comments made by the honourable member for Cabramatta. She said that these days bank customers are treated like cattle. On pension day there is a great deal of congestion at the Commonwealth Bank at Campsie, one of the few branches that is still open. Pensioners line up in the street just to collect their pension cheques.

These days people in Campsie are saying, "The local Commonwealth Bank in Campsie has been held up on numerous occasions but nobody has ever got any money because nobody bothers to serve them." That is a joke but there is an element of truth in it. It is not the fault of bank staff. Staff numbers at the Commonwealth Bank in Campsie have not increased substantially, despite the fact that a number of the branches surrounding that bank have closed in recent years. Banks are concerned only about loans, investments and business. It is little wonder that pensioners are being mugged in their homes for keeping money in tins under their beds.

There are just no services in many local suburbs. The banks try to justify their move by arguing that additional services are now available. But apart from credit cards that carry exorbitant interest rates and phone banking that carries high bank charges, ATMs are the only additional service that banks have provided in recent years. We can withdraw money from an ATM machine, but we cannot determine the denominations that we want. The machine dictates what money we receive. Furthermore, we cannot deposit cash, cash a pension cheque or acquire a new cheque book at an ATM. The honourable member for Hurstville pointed out that anyone who is blind or disabled cannot access an ATM. When the four branches in my region closed over the past 18 months to two years the pain that was felt could not have been any greater than in Canterbury. Three community meetings were held at which complaints were lodged.

An appeal was lodged with the local council which, to its credit, said it would look favourably at supporting another bank if it desired to open in place of the bank that had closed. Unfortunately nothing has happened and the suburb has collapsed. Since the bank closed in Canterbury we have seen the closure in the shopping centre of a liquor store, a dress shop, a butcher shop—the only butcher in the shopping strip—and the newsagent has had to relocate in that shopping centre. Only last Saturday when I was walking through that shopping centre I noticed a sign in another shop window indicating that that business was about to close. Another problem is being experienced through this closure of banks. *[Time expired.]*

**Mr McBRIDE** (The Entrance) [4.59 p.m.]: New South Wales continues to face bank closures. In fact, 190 branches have closed in the past year—that is almost four closures a week. The people of New South Wales are desperate for a solution from an inactive Federal Government. It continues to ignore the plight of the community. The Federal Government rewards banks for closing branches. It must act immediately and require banks to fulfil their responsibility to provide branch services. Entire communities have been left without bank branches, and the Federal Government is not assisting people facing this plight. The Federal Government continues to facilitate banks making huge profits but it fails to require them to improve services. It sits idly by while bank services decrease at a massive rate.

The people of New South Wales have had enough of being denied basic services by the Federal Government. They are sick of being ignored by the

banks while the Federal Government facilitates their profit-making at community expense. Yesterday in Lalor Park more than 150 angry residents protested against the closure of their local Commonwealth Bank. Other honourable members have referred to the Commonwealth Bank. The Commonwealth Bank was part of the public system. After privatisation the bank was required to compete in the financial markets in the same way as other private banks. The criticism that has focused on the Commonwealth Bank is unfair because it is merely catching up to the situation adopted by other private banks throughout Australia.

The Commonwealth Bank has closed 222 branches, more than 66 per cent, in the past three years. According to the Reserve Bank of Australia, in the last financial year 520 banks were closed by Australian banks, a rate of 10 closures per week. The justification for the closures is that bank boards are answerable to shareholders, and branches that do not turn a profit are not sustainable. What really gets up the noses of ordinary citizens of New South Wales, and throughout Australia, is that banks are saying it is not about services to the community, it is about profits to the shareholders.

I have not been to a bank shareholders' meeting, so I do not know what the shareholders think. My pecuniary interest disclosure shows that I do not hold bank shares. Bank branches provide services to communities throughout country, metropolitan and regional New South Wales. When travelling through country New South Wales in my role as Parliamentary Secretary for Roads I see examples of the impact of bank closures. I listen to the local communities who tell me about the problems they experience from the closure of Roads and Traffic Authority services and so on. But in every country town there is a real issue about banks. This is also an issue on the central coast.

During the past three years Westpac, the Commonwealth Bank and the State Bank have closed their branches at Long Jetty. These closures have had a real impact on the Long Jetty shopping area. Aged and retired people comprise approximately 27 per cent of the local population. The bank closures are an attack on ordinary, working-class Australians. The Commonwealth Bank recently closed its branch at Killarney Vale. The Entrance peninsula, the most highly populated section of the Wyong Shire Council, now has bank branches at only The Entrance and Bateau Bay Village.

My mother-in-law, Mollie Day—whom I really love—is 82 years old. She is also my neighbour.

She originally held an account with Westpac at Wyong. When Westpac moved she opened an account with the St George Building Society, which subsequently amalgamated with the Advance Bank and became the St George Bank, and it then moved. Now she is forced to go to Westfield at Tuggerah if she wants the banking services she had in the past. She had banked with Westpac most of her life but she was forced to change. She now has to travel out of her community, four or five kilometres from where she used to bank. At 82 years of age she cannot be taught how to use an automatic teller machine—she has trouble using a television remote control. Bank closures are an attack on ordinary, aged Australians. Something has to be done about the situation. I am glad that debate on this urgent motion is taking place today. [*Time expired.*]

**Mr IEMMA** (Hurstville) [5.04 p.m.], in reply: Today marks the 12-month anniversary of the Commonwealth Government's announcement of its inquiry into bank closures. One year on and we have seen no action, no recommendations, no intervention, no regulations about not just a State crisis but a national crisis. In the past three years 1,400 bank branches have closed and 40,000 jobs have been lost from that industry. However, the bank closure inquiry is no closer to being finalised, no closer to making recommendations and no closer to formulating a plan of action to halt this trend, which has become a national crisis.

As all speakers in this debate have said, this crisis is affecting all communities, from metropolitan areas through to regional and rural areas. The trend comes against a backdrop not of falling bank profits or banks struggling in a competitive environment. It comes against a backdrop of the biggest bank profits in our history. It comes in an environment created by the banks, an environment they wanted. The banks wanted deregulation and the banking sector opened up to greater competition. They said that it would lead to innovative and improved services and a jobs revolution. That claim was put to the Campbell inquiry and put by the banks at every State and Federal inquiry over the past 20 years.

The bank representatives said, "Take the shackles off and we will give you a jobs revolution. Take the shackles off and we will give you technological innovations and improved services that will put banking in this country at the forefront of finance industry services." Instead, we have seen a national crisis in employment with 40,000 jobs lost, communities torn apart and people feeling a sense of alienation and anger. That feeling has exploded in places such as Lalor Park and Penshurst in the past few days.

At the forefront of all is the bank that most Australians had come to regard as a pillar of strength in this country: the Commonwealth Bank. This has not come about simply because of a decision by the Keating Government many years ago for the bank to be sold and privatised. Before becoming a members of Parliament I was an industrial officer with the Commonwealth Bank Officers Association. The trend to reduce the level of service, reduce staff numbers and attack staff conditions had begun when the bank was fully publicly owned.

The irony of the situation was a joke among CBOA officers. Despite the bank at that time in the early 1980s being 100 per cent nationally owned, the Commonwealth Bank was the worst employer. It treated its employees badly and was always attacking staff conditions. It tried to abolish subsidised housing loans and maternity leave for female staff, which ultimately led to the first strike by Commonwealth Bank staff in the mid-1980s. The trend was there then, and it is no surprise that it has continued at a greater pace ever since the bank was sold. The Commonwealth Bank is now regarded with contempt by the people of Peshurst, Narwee and Peakhurst where the bank has withdrawn its services, and by people right across the State and nation.

Finally we have had something to say about it to send a clear message to the management of the Commonwealth Bank and other banks. Those organisations no longer care about customers or about providing services or jobs. They are a cartel, worse than the oil cartels that tried to screw the western economies in the mid-1970s. They act in a harsh and unconscionable manner. It is time for regulatory intervention at a national level to halt this process.

**Motion agreed to.**

### **BILL RETURNED**

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

Road Transport (Driver Licensing) Bill

### **PRIVATE MEMBERS' STATEMENTS**

#### **HERITAGE RETIREMENT VILLAGE, PADSTOW**

**Mr IEMMA** (Hurstville) [5.11 p.m.]: I support the proposition that the Retirement Village Industry Code of Practice Regulation needs to be

amended to give proper protection to retirement village residents. I do so because of a dispute that has arisen in a retirement village in Padstow Heights, in the electorate of my colleague the honourable member for East Hills. He has become involved in the issue on behalf of some of the residents of the village, his constituents and my constituents who have relatives resident in the Heritage Retirement Village in Padstow Heights. The dispute resulted in court action taken on behalf of the residents by the Department of Fair Trading. The residents lost that court case and are now faced with financial ruin.

The residents are aged and infirm. Some of them are in their nineties. At a time when they do not need financial worries and when they should be able to spend their remaining years in peace and quiet, they are the losers in a protracted legal battle that has its origins in 1993. They may be financially ruined because they may have to pay an extraordinarily large sum of back-money for outgoings at the retirement village, \$4 million in defamation damages, and up to \$300,000 in legal fees associated with the court case. I refer to a letter which the management of the nursing home, a company called Overton Investments Pty Ltd, has forwarded to many of the residents. It states:

If you do not understand that this is what you did on 27 February 1997—

referring to the legal action—

you should speak to your solicitor. Those damages are estimated to be at least in the vicinity of Four Million Dollars (\$4,000,000) for which you may be liable.

This company is prepared to settle the proceedings against you on the following basis:

1. You pay the total outstanding balance stated in your most current statement, raised for the month of September 1998, within seven days of the date of this letter;
2. You will pay the current levy of contributions to outgoings, as struck by Overton from time to time, in accordance with your contract;
3. You will pay any shortfalls incurred and notified to you in accordance with your contract and abide by the terms of your contract;
4. You agree to refrain from making any adverse comment as to the administration and management of the Village and will do all things to restore and maintain the goodwill of the Village and the positive perception of the Village by the broader community;
5. You agree to the current draft budget for the operation of the village for the 1998/1999 financial year, as proposed by the company;
6. You consent to judgement being entered against you in the current proceedings.

In consideration of you doing all of the above, the company will . . .

2. Not claim from you the legal fees incurred in relation to the reference. Those legal fees are estimated to be in the vicinity of One Hundred and Fifty Thousand Dollars (\$150,000) to date and are likely to be Three Hundred Thousand Dollars (\$300,000) by the conclusion of the reference.

That letter was sent to aged and infirm residents. This dispute started after the presentation of the 1992-93 budget at the village. There was no further budget after that budget was approved. The residents continued to pay the monthly maintenance contributions as determined in 1992. This continued without any further budgets being presented and without the residents knowing that the individual contract would be enforceable against them—that the individual contract overrode the industry code regulation. The industry code of practice regulation must be strengthened and given retrospective application to protect the residents of this village. The strict adherence and strict entitlement of management to recover ought not to be at the expense of the wellbeing of the residents of this village. The same situation could occur in other retirement villages.

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.16 p.m.]: The matter raised by the member for Hurstville appears to be serious. The way in which owners of retirement villages conduct themselves has been of concern for some time. I shall pass on the remarks of the honourable member to the relevant Minister as a matter of urgency.

#### **SOUTHERN HIGHLANDS AND SOUTHERN WOLLONDILLY SCHOOLS**

**Ms SEATON** (Southern Highlands) [5.17 p.m.]: I refer to the need for additional high school facilities in the southern highlands and the southern Wollondilly area. The southern highlands has two excellent high schools: Moss Vale High School and Bowral High School. Each school has approximately 1,100 students. The Renwick site at Mittagong is owned by various State government departments. It has been earmarked for the future Mittagong high school. However, despite several requests from me to the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs a budget has not been set out or allocated for that high school. In addition, there is no timetable indicating when the high school might be commenced—not even when the planning will be commenced.

This issue is a source of disappointment in my community. In particular, the Mittagong community

is anxious about the future use of the Renwick site and the possible high-level density that may occur. Water quality is also an issue, and I shall meet community representatives on that issue in the near future. We need certainty and an answer from the Minister about the plans for the school. I also refer to the need for a new high school in the southern Wollondilly area, a matter that was raised late last year by my colleague the honourable member for Camden, Dr Kernohan. She highlighted the fact that the Government has identified the need and made a promise, but that it has yet to be fulfilled.

I was asked to attend Picton High School with Councillor Voncina. A number of teachers from the high school demonstrated the overcrowding at the school. The enrolment level is now 1,191 and it is projected to be between 1,340 and 1,350 by 2000. I have toured the high school and I thoroughly agree with the teachers and my colleague the honourable member for Camden that the site is absolutely choc-a-block. I am told that access to the sports field is rationed and that there is really little area for expansion to accommodate the projected enrolment for 2000. The enrolments at the primary schools, even at the kindergarten level, are increasing.

For example, in the past three to four years enrolments have increased at the kindergarten level from five to 12 at Yanderra, from 46 to 60 at Luddenham Holy Family Primary School, from 58 to 67 at Picton Primary School, and from 63 to 74 at Tahmoor. In the future plans relating to high schools must be based on statistical information. This week I have written to the Minister on behalf of the Mittagong, northern villages and southern Wollondilly communities. I have requested that he conduct a full demographic study of the catchments of both shires. We should be able to make informed plans about the high school needs that have to be met. In 1996 a demographic study was conducted at my request because of my assertions relating to the need for a second Bowral primary school. Unfortunately, the Minister has not publicly released that demographic study despite many requests from me. I can only speculate that the reason it has not been released is that the Government does not want anyone to know about the information it contains.

This study is two years old and is probably out of date. It is time to start again, to have a clean slate, to do a new demographic study that includes the northern villages in both the Wollondilly and southern highlands areas so that we can see exactly what the need is and make proper plans. Unfortunately, it has been a slightly self-fulfilling prophecy: when it was demonstrated that there was a need for high school facilities in the Wollondilly area, that was used as a reason to build high schools beyond that area. Therefore, students from

Wollondilly have had to travel long distances. It is high time that the needs of residents of the Wollondilly and Mittagong areas are recognised and firm plans undertaken to establish local high school facilities so that the students and families do not have to travel long distances by bus or car to schools. I urge the Minister to ensure that a demographic study is made of the need for high school facilities in the Wollondilly to Mittagong area. [*Time expired.*]

### CRIME PREVENTION

**Mr McBRIDE** (The Entrance) [5.22 p.m.]: I assure the community of Wyong shire that the Government is working across a range of areas to provide better policing, improved crime prevention and greater levels of community safety. The Government has created tougher sentencing and has increased penalties. For example, a mandatory life sentence is the penalty for horrific murder and large-scale drug dealing. The maximum penalty for break and enter when a house is occupied has been increased from 14 to 20 years imprisonment. The maximum penalty for possession or publication of child pornography has been increased from one to five years imprisonment, and from five to 12 years for assaulting a police officer.

Regarding Crown appeals, while sentencing is ultimately a matter for the courts, the Government has endeavoured to promote acceptable sentencing outcomes against lenient sentences. Furthermore, last Tuesday the Government announced support of the Court of Appeal decision to introduce sentencing guidelines for criminal actions. This was a landmark decision by the Court of Appeal and has enormous ramifications on sentencing procedures and also on people who were disappointed about sentences imposed for violent crimes. Regarding victim impact statements, under the Victims Rights Act 1996, the Government introduced a charter of victims rights which gives victims, including the family members of homicide victims, an expanded role in the sentencing of convicted offenders.

In 1995 the Government toughened the Bail Act by extending restrictions on access to bail for those charged with violent offences such as murder. The Government brought in the Drug Misuse and Trafficking Amendment (Ongoing Dealing) Act to strengthen drug laws by creating a totally new offence for commercial drug dealing. Under this new law dealers who within 30 days engage in three or more acts of supplying any prohibited drug, other than cannabis, will face up to 20 years gaol. The Government has instituted a wide range of legislative and procedural reforms to improve

efficiency and reduce delays in our criminal courts. That is a major initiative in response to community concerns.

New police powers and knife laws—the toughest in Australia—have been introduced as part of the Government's comprehensive attack on knife offences and street crime. These new laws are designed to reduce the number of knives in public, to make the community feel safer and to prevent young people from becoming victims of crime. The Government has already made it an offence to sell a knife or knife blade to a person under 16 years of age. Under the new legislation it is now an offence, punishable by a fine, to carry a knife in public places or schools without reasonable excuse.

People must realise that crime prevention requires a whole-of-government approach. To combat alcohol-related crime the Government has recently conducted a comprehensive review of late trading hours in licensed venues. Regarding alcohol consumption in public places, the Local Government Act grants local councils the power to establish alcohol-free zones to allow the community to use public areas without interference from irresponsible street drinkers. The Liquor Act and the Registered Clubs Act were amended to provide new measures for harm minimisation and responsible service of alcohol from October 1996.

The Government has increased police numbers and is ahead of schedule in fulfilling its election commitment to achieve a police strength of 13,407 by 1999. The restructure of the Police Service has resulted in the placement of more police at local area commands, the front line of community policing. Better police resources and smarter policing are commitments of the Government. I can testify to the effect they have had on the central coast. On 23 March, following campaigning by local members of Parliament, Operation Groenlo commenced and ran for three months. That operation by police officers declared war on repeat offenders and on street and party crime.

The campaign has been so successful that the operation is to be further expanded. Two teams have been established, one for the Tuggerah Lakes patrol and the other for the Brisbane Waters patrol. To date there have been 552 arrests and 1,692 charges laid by that task force. The Carr Government is tough on crime throughout this State, including the central coast. However, crime prevention requires a partnership between the State, local government and the local community. Wyong Shire Council and the community should work co-operatively with the Government to deal with crime in its community.

Since November 1994 police numbers in the Brisbane Waters patrol have increased by 29 to 196, a 17 per cent increase; in the Tuggerah Lakes patrol police numbers have increased by 37 to 154, a 32 per cent increase. I understand the situation will continue to improve. [*Time expired.*]

### CHERRY INDUSTRY

**Mr ARMSTRONG** (Lachlan—Leader of the National Party) [5.27 p.m.]: I inform the House of an extraordinary set of circumstances which occurred last summer in the Young district. At one time Young was renowned as the largest cherry producing area in the world and is still the major cherry producing area in Australia. An extreme heatwave literally cooked many of the cherries on the trees and resulted in a much-reduced crop. More importantly, the value of the crop was dramatically reduced. On 14 October a constituent wrote to the Premier explaining the dilemma. The letter stated:

Mr Carr,

I understand that you are busy, and have Ministers to look after matters such as this. I am writing to you personally, because I have always found you to be fair and understanding when dealing with matters concerning natural disasters.

I purchased a property with an orchard three years ago.

The first year the orchard was leased out to a contractor by the previous owner.

The second year I worked the orchard myself with the aid of a contractor for spraying etc. Due to inexperience and gullibility I was touched by an agent. We also have a dry land orchard and the fruit was small because of the drought.

This resulted in a loss for the year.

Last year after getting everything in order, we had the week of extreme heat which resulted in my crop being cooked on the trees. The remaining fruit was damaged and almost all was unsaleable. I experienced another big loss.

I am now faced with having to walk off the property if I can't get some assistance to get the crop off. We have had an excellent year seasonally and we expect a good crop.

It would be a shame to give it all away. I have expended all avenues I can at present.

The banks have been good to me but can go no further. My creditors are wanting their money and I can understand that. I am not the only one in this situation but most have enough equity to carry them over for another year. As a new starter I do not have that luxury.

If I could have some assistance to get me through this season and into next year I will be able to save the property and set my family up for the future.

Mr Carr please make an exception. I will be forever grateful.

Yours sincerely,

That is a genuine heart-felt letter. I know from my experience as a Government Minister, and I have been told by the Minister for Agriculture and others, that schemes for rural assistance and for natural disaster do not cover extreme heat damage to horticulture. Recently I have consulted with insurance companies and determined that there is no insurance available if a heatwave strikes crops. I have asked the insurance industry to develop a code that will enable producers to insure against heat damage as they can against rain and flood. At the moment they are totally uninsured for heat damage. My main concern is that a number of producers in the Young district have been rendered technically unviable by last year's dramatic loss.

The Minister for Agriculture, and Minister for Land and Water Conservation is well aware of this. I thank him for coming into the Chamber. I assure him that if the Government can come up with a one-off assistance program for producers affected by the extraordinary happening last year it will have bipartisan support. I appreciate the work that he has done and the effort he has made. This is an occasion of genuine need by genuine people in an industry that provides an enormous amount of employment, not only in the Young district but also in the markets.

Cherries are a feature horticultural product in supermarkets and fruit stalls. They are a great attraction for interstate and overseas visitors. Cherry production is a good industry and an old one. New South Wales grows cherries well. Now many genuine people through no fault of their own, due to exceptional circumstances under extraordinary conditions, are in financial distress and in many cases they will be forced out of the industry. Again I ask the Government to show compassion and to respond to the cry of the affected producers. The Government will have the support of the Opposition in any action it takes to assist them.

**Mr AMERY** (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [5.32 p.m.]: I thank the Leader of the National Party for raising this very serious matter. Many of his constituents in the Lachlan Valley and particularly in Young are being hurt. In June I responded to a similar plea in this House on behalf of the growers of Young. I mentioned then that heat damage is not included in the Commonwealth-State natural disaster relief arrangements as a prescribed eligible event, which is defined as any one or a combination of natural phenomena such as bushfire, cyclone, earthquake, flood and storm.

I sympathise with the Young growers in their dilemma. The quarantining of particular events has



always been difficult. New South Wales Agriculture has stated that assistance eligibility, if expanded, would include other events such as rain at harvest time, an event that may cause equally severe losses. Heatwaves affect other industries. In 1995 losses of more than \$60 million were caused to New South Wales winter crops by frost damage and \$3 million of losses were incurred by stone fruit producers and vineyards. Last year some sections of the Riverina citrus industry also suffered damage due to heat, as did wine vineyards in the Hunter and the Murrumbidgee Irrigation Area. The livestock industry suffers the loss of newborn lambs in severe cold snaps.

With the joint State and Federal arrangement there is difficulty in quarantining the situation at Young and treating it differently from losses suffered in other areas from other events. I appreciate the fair way in which the Leader of the National Party has presented this matter. The letter he read to the House was very distressing. I will continue to try to find a way to assist the people affected. The honourable member, being a former Minister for Agriculture, would be aware that the major problem for the Rural Assistance Authority would be quarantining losses caused by excessive heat from losses incurred by other industries so that we do not open the gates. I will continue to investigate the matter and will respond more fully in future.

#### CASULA POWERHOUSE ART EXHIBITION

**Mr LYNCH** (Liverpool) [5.34 p.m.]: I draw the attention of the House this afternoon to the work of the Casula Powerhouse Art Centre and some of the exhibitions it has recently held. The Casula Powerhouse Art Centre by now is a very well-known regional arts centre which has established a statewide reputation for the excellence and significance of its displays. In addition to having large statewide exhibitions, the powerhouse is committed to exhibiting local artists. The exhibitions are significant for the local community because they raise the prominence of local artists and affirm the legitimacy of the artistic concerns, aspirations and expressions of the people of south-west Sydney.

The first exhibition I shall mention is entitled "Devotion". It is currently on display and will remain on display until 18 October. It was opened on 12 September 1998 by the Minister for Information Technology, and Minister Assisting the Premier on Western Sydney. The purpose of the exhibition is to display a range of works by artists who live or work in western Sydney. There was no attempt to make it a comprehensive survey but three

curators, Melissa Cater, Mira Martic and Maud Page, selected an area of interest through which western Sydney artists could be exhibited.

Mira Martic chose an area that is simply described as the religious. She has put together an extraordinary array of religious artefacts and paintings. They include Ukrainian paintings, Muslim religious calligraphy by Afghan artist Ali Sidiqi, a massive representation of a cross from the Lithgow Catholic Church, an elaborate design on the floor in a Hindu tradition, and Aboriginal art. One of the most interesting items was a Byzantine iconic depiction of the Blessed Mary MacKillop, the founder of the Brown Sisters of St Joseph. It was a fascinating use of a Byzantine style to represent a very Australian Catholic figure—in the best traditions of a multicultural society.

The next exhibition I mention is a photographic exhibition by Paulo Corsino. He came to Australia in 1995 as a refugee from East Timor. This was his first solo exhibition. The exhibition was opened on 10 July by a representative of the Timorese community, Agio Pereira, and me. The best way of summarising the exhibition is to quote a document he wrote, which reads in part:

I took those photos to express my feelings on how I survive the oppression experienced by me and others as a refugee and how isolated I feel leaving my loved ones behind . . . *Wait, Hope and Dream* [the name of the exhibition] is what we have all been through. Waiting for peace and freedom, Hoping to return home and Dreaming life as it was before. An East Timorese woman prays across the sea to the people she left behind. She prays from a cold lonely beach and hopes one day to return home to see her family again, she waits for freedom, hope is alive . . . and one day, maybe soon, it will become a reality, she dreams to live in peace.

The third exhibition I shall mention is entitled "Coptic Martyrs". It was the first solo exhibition of a Lurnea artist, Samih Louka. The exhibition was officially opened on Thursday, 20 August, by Ms Anne Loxley, the public art co-ordinator of the Sydney Olympic Authority. Special guest speaker was Father Marcos Tawfik, a Coptic priest from St George Coptic Church at Kensington. I also participated in the formalities associated with the opening of the exhibition. It is primarily a display of Coptic icons. Some other works are not specifically religious but they are very much in the Coptic style.

Many Coptic icons are usually on display at St Dimiana Church at Punchbowl and at St George Coptic Church in Kensington. The non-religious items were interesting. For example, one painting could be described as the Opera House in Coptic style. Another painting showed a traditional Egyptian drink seller in traditional garb selling a

drink to a woman in a deck chair overlooking Sydney Harbour and the Sydney Harbour Bridge. Once again, this was an interesting melding of an old tradition and a newer tradition—the essence of multicultural Australia.

The final exhibition I draw attention to is the 1998 Liverpool Art Society annual exhibition. It was officially opened on Friday, 21 August, by Councillor Alex Sanchez and Margaret Beadle from the society. The society has existed for a comparatively short time but it is doing very good work in developing exhibitions as impressive as this one in such a short time. It is a real declaration of the talents and capacities of the people who live in western Sydney and an affirmation of the legitimacy of our artistic aspirations. [*Time expired.*]

### RYDE TRANSPORT

**Mr PHOTIOS** (Ermington) [5.39 p.m.]: Today I raise arguably one of the most important transport issues affecting the people of Ryde. It is my firm conviction as a community-based member for that area and a longstanding resident of Ryde, that what the community needs is an integrated transport solution to the transport problems in Sydney's north-west. That means building on the coalition's commitment, embraced by the current Government, to the Parramatta-Chatswood CityRail loop. The coalition supports the project in principle and I am absolutely committed to it. Added to the matrix should be an important road-based solution—construction of the M2 missing link. The Government needs to bite the bullet on the M2 missing link. It has let the people of Ryde down by talking of the project without providing a firm commitment. I call on the Government to sign off on the construction of the M2 missing link—an important tunnel bypass linking the M2 at Ryde with the Gore Hill Expressway at Lane Cove.

In that regard, today I want to release on behalf of the Government the Roads and Traffic Authority of New South Wales document "Link Between M2 and Gore Hill Freeway: Tunnel and Financial Feasibility Study". The results of this important study have not been released by the Government. I draw attention to the report today because it conclusively paves the way for the immediate construction of the link. The study details the six options to which the Government must give serious consideration. Their costs range from \$353 million to \$437 million. The report, interestingly enough, commits the Government to another tollway solution for Sydney's transport system. I quote from page 83 of the report which notes under the title of "Economic and Financial Viability":

This report provides an economic and financial evaluation of six M2-Gore Hill Freeway options which would link the M2 by 3.5 km of freeway and tunnel to the Gore Hill Freeway east of the Pacific Highway. For the main cases, a \$2 toll is assumed.

That makes clear that the Government's solution is a tollway solution. Whilst I recognise the inevitability of a tollway solution, I put on record that the Roads and Traffic Authority and the Government in its secret not-yet-released report come to the same conclusion. I am, however, troubled by the conclusions and options of the report because some of them suggest a toll as high as \$3, payable for travel in both directions. On behalf of the coalition parties, I want to say that we would reject that option out of hand. If John Watkins wants a \$3 toll, Michael Photios wants a \$2 toll, and no more. If John Watkins wants a no tunnel solution and a secret report, Michael Photios wants a public and transparent report along with the recommended solutions. It is in that vein that I release formally on behalf of the people of New South Wales this secret Government agenda.

**Mr ACTING-SPEAKER (Mr Gaudry):** Order! In a private member's statement a member may raise an issue of importance to the member's electorate. The member for Ermington intimated he was about to release a report. That would be outside the leave of a private member's statements. Speaker Rozzoli ruled:

The type of matter raised in a member's capacity as a shadow minister would generally be outside the spirit of a private member's statement.

**Mr PHOTIOS:** As a resident of Ryde and a local, community-based member of Parliament, I am concerned that the people of the north-west of Sydney get the missing link, and that they get it now. We want the Government to commit to providing that missing link. My challenge to the Minister, who has attended the House and heard my address, is to give us our missing link, to save us from constraints on our roads and to avoid serious accidents. The report concludes that there would be a one-third cut in serious accidents if the project were to proceed. [*Time expired.*]

**Mr SCULLY** (Smithfield—Minister for Transport, and Minister for Roads) [5.44 p.m.]: The honourable member for Ermington ought to be expressing his concerns to Bruce Baird, who is now a Federal member of Parliament and, I understand, a candidate for the ministry of the Federal Government. Why did the previous coalition Government, in which the honourable member for Ermington was a Minister, build the M2 without

providing the connection? That is a serious question, and it has not been answered by Liberal and National members of this House, particularly the honourable member for Ermington, who is pretending now to be the Minister for Roads.

I am addressing the question because the M2, which allegedly was built at no cost to government, cost the taxpayers of this State \$225 million. That is a privately owned tollway. I have said that whilst the Government will explore a way in which it can build the missing link, a link not put in place by the previous Government, it must be done in such a way that it will be at no cost to government. A task force chaired by the honourable member for The Entrance has had extensive consultations with a number of councils. Not surprisingly, none of those councils wants a stack in its local area. All of those councils want the tunnel situated outside their areas. A number of options have been assessed.

**Mr Photios:** Where would you put the tunnel?

**Mr SCULLY:** I repeat: the tunnel must be built at no cost to government, and it has to be built in such a way that it will have the maximum level of community support. The honourable member has pretended that he and the coalition do not have any history on this issue. His party has a great deal of history on the matter. The honourable member for Lane Cove and the honourable member for Ermington were Ministers in the previous Government and obviously were privy to Cabinet meetings that approved the M2. The M2 proposal did not provide for construction of the missing link. What a stunt by the honourable member! The report was made available to members of the task force who were assessing the options.

I have just received advice that the Hyder report is already on public display at councils and thus is available for any of the honourable member's constituents to read. What a stunt master! He complains to the House that the Government has been secretive about a report that is already on public display. Why did he not see to it that the M2 east link was built when his party was in government? [*Time expired.*]

#### **NUTT ROAD, LONDONDERRY, ELECTRICITY SUPPLY**

**Mr GIBSON** (Londonderry) [5.46 p.m.]: I speak about a family in Nutt Road, Londonderry. The family has immediate concerns about their personal safety due to electrical shocks received from many electrical appliances in their home. They fear electrocution and even a fatality. They went to

the extent of buying a large number of rubber mats to place in front of sinks and tubs and in the bathroom to help ensure their safety. Early in 1998 they engaged the services of an electrician to find out why they had so many power surges, causing light bulbs to blow and burning out motors of refrigerators and electrical appliances and the elements of frypans and toasters. Appliances virtually exploded before their eyes.

An electrician engaged to inquire about the viability of installing a reverse-cycle airconditioner advised the family that a three-phase power cable would first have to be connected to their property. However, the three-phase cables had not been laid in their section of the street. The electrician also discovered that the wiring to the house was old and damaged. The family inquired of Integral Energy about a three-phase connection. Houses at the end of the street and in almost all other parts of the suburb had that type of connection. The cost was discovered to be beyond their means; thousands of dollars were involved in laying the appropriate cables. The problem became worse: family members were receiving shocks from appliances in many parts of the home. Anything that conducted electricity was found to be dangerous.

The family was quoted a price of \$2,355 to lay the cables. The family contacted my office, and I contacted the Minister for Energy, and Integral Energy. Family members were concerned not only about their safety but also about the expense involved in laying the three-phase cable. Honourable members should bear in mind that frypans and jugs were blowing up when the family went to use them. In the kitchen \$17 light bulbs with a lifespan of two or three years were blowing in six or seven weeks and ordinary light bulbs costing \$4 each were blowing almost daily. The refrigerator, which was less than two years old, twice blew its motor without apparent reason. A seven-week-old four-horsepower blow dryer used by the family to dry long-coated dogs also blew its motor. The motors of a number of other electrical appliances used by the family also blew out well before their normal life span.

The Minister and Integral Energy were made aware of the case. However, after spending many days out at Londonderry Integral Energy staff finally tracked down the problem and worked out a solution. Work will start on Monday and the good news for the family members is that after next Monday they will not have to worry about bulbs blowing, appliances in the home blowing up or their children being electrocuted. The family will also not have to worry about the \$2,355 quote given to them by Integral Energy. My understanding is that

Integral Energy will cover that amount, costs that the family can ill afford. Fortunately, the hamlet of Londonderry already had three-phase cabling installed. I thank the Minister and Integral Energy for examining the problem and for acknowledging that the problem was the result of an oversight by Integral Energy in the early days. The problem has been solved to everyone's satisfaction.

### RURAL HEALTH SERVICES

**Mr CRUICKSHANK** (Murrumbidgee) [5.51 p.m.]: I speak on a matter that affects my electorate and every other electorate west of the ranges, that is, health services. Rural electorates are missing out badly, be it doctors, hospitals or therapists. That appalling situation would not presently prevail if people used their commonsense and were genuine in their endeavours. The area west of the ranges is being subjected to a conspiracy of neglect—

**Mrs Chikarovski:** By the Labor Party?

**Mr CRUICKSHANK:** Unfortunately, I must be fair and say that it is as a result of the Federal Government, the State Government, health Ministers, doctors, and the grip that the Australian Medical Association has on the medical profession and on governments in this country. Some would claim that statement is unfair, but if that is not the case why does every State in Australia have laws that prevent doctors from practising in Australia unless they have been trained at an Australian medical school? Narrabri has one doctor for 4,700 patients yet Bondi has one doctor for 400 patients. Something is seriously wrong with the system if doctors with provider numbers cannot practise in Narrabri, Griffith or other rural areas because of some constitutional inhibition. One might ask: what about the Hippocratic oath? I have heard that doctors in Sydney can earn \$150,000 to \$200,000 per annum. A surgeon I know can pick up \$400,000 a year on his way to work merely by working at the base hospital.

Money is not the answer yet the AMA, in collusion with the Federal Government, claims that doctors need more money and should be given a cash grant or some incentive to go to western New South Wales. That is rubbish! The AMA acknowledges that there may be a shortage of doctors and has said that it will send overseas doctors to practise in country areas. Those doctors are not terribly welcome in this country because the AMA and the laws of the States have done a fairly good job of ensuring that the community is aware that doctors who are not trained in Australia must be

a bit suspect. Honourable members know that that is not true but it is an attitude of the general public, and the AMA has done nothing to water down that concept.

Overseas doctors can only practise in Australia for two years and then they must return home. They can poke and prod Australian patients and administer all kinds of medication but at the end of two years they are told that they are not good enough and must return home. Why would experienced doctors want to leave their practice in a foreign country, and perhaps even their families, and come to Australia to practise for only two years merely to help us out? The AMA is trying to convince the public that it is trying to help when it is not. It will be 15 years before a medical school is up and running and producing doctors in Wagga Wagga, Orange or any other country town and, therefore, nothing is being done to alleviate the present problem. These measures are devised by governments with the assistance of the AMA. A doctor once told me, "Adrian, leave it alone. We like the system just the way it is." That illustrates the stranglehold the AMA has on medical practice in New South Wales.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [5.56 p.m.]: I confirm what the honourable member for Murrumbidgee has said. I spend a great deal of time in the country and the major complaint I hear from councils and the major item for consideration at regional and annual conferences is the lack of medical services. Rural communities in New South Wales and the rest of Australia should not have to put up with that. A fairly simple solution has been suggested in many forums I have attended, that is, the Federal Government should allocate Medicare numbers on a regional basis. That suggestion has been rejected by the medical profession and by the Federal Government.

It seems reasonable that if an area is in need and Medicare numbers are allocated to that area, a junior doctor or an overseas doctor accredited under the Australian system should have the opportunity to take up that position. The AMA has suggested that that amounts to conscription, but that is baloney. If Medicare numbers are available for such medical practitioners, they should be able to make the decision about where they wish to work or set up practice and for how long. If the solution was adopted rural communities that have been deprived of medical services would at last have adequate health services. I commend the honourable member for raising this issue.

**FAIRFIELD CITY MAYORS**

**Mr TRIPODI** (Fairfield) [5.58 p.m.]: I bring to the attention of the House the excellent performance of two people, a former mayor of Fairfield, Councillor Anwar Khoshaba, and the current and recently elected mayor, Councillor Chris Bowen. Councillor Anwar Khoshaba arrived in Australia in 1970 with his wife, Athour, and four-month-old son. Although he held a diploma certificate in building, Anwar's first job in Australia was on bulldozers. Most migrants to this country who are highly qualified find themselves working at the bottom end of the labour force. They are never able to achieve their full potential and make their full contribution because this country fails to acknowledge their qualifications and intelligence.

Anwar Khoshaba falls into that category. He later worked as a machine operator and then as a carpenter for the Public Transport Commission, which is now known as the State Rail Authority. He eventually became a union delegate. Anwar joined the Labor Party in 1974 and for the past eight years has been the Smithfield branch senior vice-president. He is a State and Federal conference delegate and also campaign manager for the Minister for Transport, and Minister for Roads. He was elected to Fairfield City Council in 1991, served two terms as deputy mayor, in 1992-93 and 1994-95, and was elected mayor in September 1997. He has served on most council committees, including the environmental management committee, the traffic committee, the public works committee, the priority and direction committee and the community development and recreation committee. He is also the chairman of the multicultural advisory committee.

Councillor Khoshaba serves the Assyrian Church as an adviser, and he was special adviser to the Assyrian Australian National Federation. I honour Councillor Khoshaba for his contribution to the community. He is a wonderful example of a successful Australian immigrant. Anwar has just completed his term as mayor of Fairfield, and the city is much better off as a consequence of his contribution. That contribution and his story, like that of many other immigrants, is worth drawing to the attention of the House.

I honour also the youngest mayor of Fairfield City, Councillor Chris Bowen. He was elected to that position only recently. He has served on Fairfield City Council since his election in 1995. Since that time he has served on all of the council's standing committees. He has served as chairman of the community development and recreation

committee, and was chairman of the Fairfield town centre management committee for 1997-98. Chris was educated at Smithfield Public School and St Johns Park High School.

Chris Bowen graduated from the University of Sydney as a Bachelor of Economics and won the Australian Transport Officers Federation prize for best industrial relations student in his final year. He is currently employed as an industrial officer for the Finance Sector Union of Australia. Chris and I have many parallels. We are both young. I am the youngest Government member and he is the youngest mayor of Fairfield. We were both born and raised in Fairfield, we both have economic degrees and we have both worked in the union movement. Chris is doing a wonderful job, and we know that he will be able to deliver a lot for the people of Fairfield in the coming year.

**Mrs Chikarovski:** And be the next member for Fairfield.

**Mr TRIPODI:** Probably. His community activities have included service as a noncommissioned officer of St John Ambulance Australia and as a member of the Fairfield-Liverpool Office of Labour Market Adjustment Steering Committee. He has been a member of the Australian Labor Party since 1988. We both joined the ALP at a very young age. Chris was 15 when he joined the party, and I have known him since then. He has been an active member, and was my campaign director when I was elected to the Parliament in 1995. It is wonderful that young people are holding such representative positions in the Fairfield local government area.

As I said, I am the youngest Government member; the second youngest government member is the honourable member for Cabramatta in the Fairfield local government area. Fairfield city now has its youngest mayor. All of us, including Anwar Khoshaba, are about 30. It is representative of the Fairfield LGA, which has a very young population and a large immigrant population. I congratulate Councillor Bowen on his election as mayor and on his record. We know that he will deliver a good result for Fairfield.

**LANE COVE SEWER CONNECTION**

**Mrs CHIKAROVSKI** (Lane Cove) [6.03 p.m.]: Although the honourable member for Cronulla had intended to be here during my speech, his absence may cause me some difficulty. My claim that I live in the best part of Sydney will send the honourable member into a frenzy. Unfortunately

there is an ongoing problem in part of our beautiful suburb that adjoins the Lane Cove River. A section of Burns Bay Road has now become known as the unsewered pocket of Lane Cove, as 14 residential premises along that part of the road have yet to be connected to the sewer. This problem is not new; I have raised it previously in this House.

The sewer line has been laid and is available for connection to these 14 homes. However, it has not been connected. I do not want to incur the wrath of the House by using props, but I have a photograph which explains the problem. The sewer line is now available for connection to those 14 homes but they cannot get the connection from the home to the sewer line. In one instance it is a matter of a 30-centimetre connection; in others it is a number of metres. However, the distance is not huge. The sewer line was available for connection in January, when the problem could have been resolved.

There has been a discussion about how much it will cost to connect those houses to the sewer, and it has been agreed that it will cost on average about \$7,000 per house. At present the house in the photograph is connected to a septic tank. When the sewer line was installed the pipe connecting the septic tank to the house was damaged. The report dated 12 January stated:

In general contractors have done a good job. A terracotta sewer pipe was cracked at point of entry to septic tank during the work. Temporary repair was okay.

Nine months later, the house is still not connected to the sewer. The temporary work involved putting some silicone around the pipe, but that has not been satisfactory or sustainable. Consequently, the sewer line from the house is now leaking, presumably into the Lane Cove River. These constituents in my electorate of Lane Cove have a real concern that the reason they have not been permitted to connect to the sewer is the ongoing dispute about the cost of the connection. There is an ongoing dispute as to why they are required to pay \$7,000 while residents in other parts of Sydney have not been required to pay anything.

Sydney Water has had so much bad publicity about its inept handling of the water crisis that to now punish these people in this way makes it look the greatest fool possible. The Minister responsible for Sydney Water has an obligation to ensure that these people do not suffer any health risks. Clearly, if the septic tank is no longer properly connected to the house and sewage is flowing out there is a health risk. The Minister has an obligation to stop

Sydney Water from being vindictive and unco-operative. He must ensure that these 14 homes are connected to the sewer line urgently. It is nine months since the sewer line was available for connection; nine months later these people are still waiting.

They cannot get contractors to connect their houses to the sewer until they get permission from Sydney Water. It is a travesty, considering that distances of between 30 centimetres and only a matter of metres are involved. Sydney Water needs to come to the party. If it wants to resolve the issue about the cost it can do so later. It should at least allow these houses to be connected. It should stop playing games with these people's lives—games that have continued for some years. Let these residents have what all other residents in Sydney expect as part of Sydney Water's normal services, that is, a proper sewer connection. Sydney Water has had so much bad publicity it should be reasonable in this instance and avoid more publicity. I ask the Minister for Local Government to convey these concerns to the Minister responsible for Sydney Water and ensure that these homes are connected. The residents would like to enjoy this Christmas in peace.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [6.08 p.m.]: I will raise this matter with the Minister responsible for Sydney Water. I assume that the honourable member for Lane Cove did not have the courtesy to tell the Minister that she would raise this matter today, as she did not make a statement to that effect. If she had done so, either the Minister would have been in the Chamber or he would have given me a response to allay the honourable member's concerns.

**Mrs Chikarovski:** I only found out about it this afternoon.

**Mr E. T. PAGE:** I had intended to raise that matter. If this is such a dramatic problem in the honourable member's electorate, why did she not find out about it until this afternoon? She now joins the long list of coalition members who have raised such problems, about which the coalition Government did nothing for seven years. The coalition Government had seven years to fix these problems but it did nothing. The honourable member said that this matter is urgent.

**Mrs Chikarovski:** On a point of order. The Minister is not allowed to mislead the House. In terms of what I said—

**Mr ACTING-SPEAKER (Mr Gaudry):** Order! No point of order is involved.

**Mr E. T. PAGE:** The honourable member for Lane Cove joins the long list of coalition members who have raised problems that could have been fixed during the seven years that the coalition was in government. The honourable member failed to mention that this Labor Government laid the sewerage pipe. Only a technical hitch is preventing these houses from being connected to the sewer. For seven years she did nothing about it. She pretends to be devoted to her constituents. She says this is a terrible problem, but she only found out about it this afternoon. She could not even get the Minister to come into the Chamber to provide me with a response so she could tell her constituents what the score was. She is grandstanding. She does not want to solve the problem. In seven years she did nothing to solve it, and now she says that the Government has done less than nothing. She has betrayed her constituents.

### LAND TAX

**Ms MOORE** (Bligh) [6.10 p.m.]: Land tax is an issue that causes serious concern to many of my constituents and other citizens of this State. Although public outrage and objections to land tax assessments have forced the Government to amend its ill-conceived tax by passing the Premium Property Tax Act, 0.2 per cent of home owners are still discriminated against. Many of those people are my constituents. Tax on a home is wrong in principle, and should be completely abolished. Yet the Government has denied any legislative protest by cancelling private members' mornings for the remainder of the session.

Since 1990 I have fought consistently to get Labor and coalition governments alike to reform land tax legislation. I have been contacted by devastated home owners and investment property owners statewide, not only within my electorate. I have heard distressing stories from elderly pensioners who have had to sell the homes in which they have lived all their lives because of an arbitrary tax that is beyond their control. If they cannot afford to pay, their only option is to leave a legacy of debt to future generations. Families on modest incomes, not only those on high incomes, are being hit with land tax bills. For example, a one-income family that has lived in Woolwich for 21 years is now faced with a land tax bill of \$20,000. The family will be forced to sell the home because it cannot pay. The family would need to earn an extra \$41,000 gross per annum to foot the bill.

Since land tax on the family home should never have been imposed in the first place, there should be no liability to pay in any year. My bill

would remove retrospective land tax on the family home, but the Government has denied me the opportunity to present that legislation. In response to public pressure, the Government has now indexed the exemption threshold to a percentage change in land value, yet it has failed to increase the threshold to an appropriate level.

Before indexing, the threshold had not been increased since 1990. My bill would give property owners a starting exemption of \$320,000 from 1999, which takes account of property valuation changes over the last eight years. The coalition's Land Tax Legislation Amendment (Protection of Private Homes) Bill fails to increase the threshold on investment properties in any form. In the early 1990s the former coalition Government opposed my repeated efforts to increase the threshold, which proves that the coalition is not committed to serious reform.

With land valuations increasing exponentially, increasing numbers of property owners are liable to pay the tax, which will have disastrous effects on property investment. The flow-on effects are obvious. The Treasurer has not bothered to make the connection, so I will spell it out. Property investors either foot the bill themselves, and thereby lose so much money that other forms of investment become more attractive, or they pass on the tax to their tenants in increased rents. Property investment in lower cost accommodation becomes less viable as land tax bills increase, with increasing pressure to replace it with more expensive accommodation which has a greater return.

The fact that 95,000 people are currently on the Department of Housing waiting list demonstrates the severity of the shortage of affordable housing. Land tax disincentives to property investment, particularly in affordable accommodation, makes that situation far worse. Land tax also affects low-income earners. Land tax passed on to tenants in increased rents affects disadvantaged families. A single parent living in the family home is being asked to leave because her former husband, who no longer lives in the home, cannot pay the land tax bill on the home, which is being treated as an investment property. This flies in the face of Government assurances that the land tax funds will provide welfare and services for those on lower incomes. The Government gives with one hand and takes away with the other.

If democratic parliamentary process had been followed by the Government, I would have today introduced my Land Tax Amendment (Exemptions and Rates) Bill. My bill would remove land tax

from principal places of residence, increase the tax-free threshold to \$320,000 in 1999 and index it thereafter, and reduce the rate of land tax payable to 1.65 per cent. I planned to introduce a bill today to remove a tax that should never have been imposed: a tax on the family home. No-one in this Parliament can pretend to be ignorant of the public outrage about this arbitrary and discriminatory tax. It was rushed through by the Government at the time usually reserved for private members' statements in order to circumvent protest. It was undemocratically imposed, regardless of citizens' views or their ability to pay.

The private member's bill I was denied the opportunity to introduce today would have reduced the rate of land tax payable, to provide further relief to property owners who are affected by escalating land values, and would have thereby contributed to the provision of low-income accommodation. I condemn the Government for failing to take a responsive and responsible approach to land tax reform, and for protecting its blunders by manipulating the parliamentary process for its own political ends. I challenge the coalition to look beyond short-term election prospects and concentrate on effective reforms to land tax that this State desperately needs. I ask the Minister for Local Government, whose constituents also have serious concerns about this issue, to raise my concerns with the Treasurer.

#### **SHOPFRONT THEATRE FOR YOUNG PEOPLE CO-OP LTD**

**Ms FICARRA** (Georges River) [6.15 p.m.]: I raise the concerns of the Shopfront Theatre for Young People Co-op Ltd regarding a proposed project—Ambush—to be located near Hurstville shopping centre. The project will specifically target young people from the St George area, specifically those from non-English speaking backgrounds, who do not make use of traditional community facilities and who congregate around the memorial square in Hurstville. It is anticipated that the Ambush project will operate over a nine-week period on 22 and 29 October; 5, 12, 19 and 26 November; and 3, 10 and 17 December between 2.30 p.m. and 5.00 p.m., culminating in a big event on 17 December. Hopefully, lots of young people will participate in the project.

I congratulate Anthony Hook, the senior youth arts worker of the Shopfront Theatre for Young People, on his work in organising the project, which will consist of activities and workshops culminating in the key event on 17 December. The workshops will involve youth arts workers and professional

artists teaching young people music, creative art, photography, juggling, videoing, dance and movement, martial arts, and so on. One of the main issues facing society and local government is the congregation of young people in public open space. This project will go a long way towards dispelling the public perception of such gatherings. The project will highlight cultural diversity and the skills and talents of young people in the St George area, and promote cross-cultural awareness.

The Ambush project is an outdoor multi-arts project developed and performed by young people in collaboration with professional artists and youth arts workers. It explores issues of cultural identity in the context of public space. The project is funded by the Sydney Casino Community Benefit Fund and the New South Wales Ministry for the Arts.

The aim of the project is to work with young people through arts, to explore the issues of and prejudice against youth who congregate in public spaces, and are perceived as ethnically based gangs. Six weeks of consultation and planning has taken place with young people, youth workers, police and businesses, all of whom support the project.

Various sites in the St George area were considered, and the memorial square was chosen as the venue for the project. The square is a popular location for young people who use public space. It has a performance area and is conducive to a project such as this. Young people like to hang out in Hurstville, particularly in the area close to Westfield Shoppingtown. It is anticipated that the local beat police and various businesses around the memorial square will become involved in the project. I thank the Hurstville Chamber of Commerce and its President, Mr Sam Nasser, for their support for the project. The key event to be held on 17 December will highlight the diverse skills and talents of the young people in the Hurstville area.

The project is an opportunity for those young people to express in a positive way their cultural identity with regard to an issue of importance to them. I believe the project will contribute to community harmony and assist in alleviating some of the problems faced by the young people who use the public space at the memorial square. The Ambush project will also work in conjunction with existing youth programs, such as the "drop in" service at The AV, which is run by the YouthZone Youth Service. I congratulate Hurstville City Council on supporting this project. The Ambush program is conducted by Shopfront Theatre for Young People, which has more than 20 years experience working with youth in the St George area.



For this project Shopfront Theatre for Young People employed two youth art workers who have experience working with young people in a variety of situations, and also employed professional artists who have experience working with young people. I congratulate Hurstville police, particularly the youth liaison officer, Constable Jackie Cairns, and the community liaison officer, Senior Sergeant Rick Simpson, and the centre manager of Hurstville Westfield, Paul Swerdlow, together with the Mayor of Hurstville City Council, Councillor Mick Frawley, on being supportive of this overall project. It will create a different perception of the value of youth in our society.

### LIFEJACKET SEA SAFETY

**Mr SMITH** (Bega) [6.20 p.m.]: On Saturday, 7 August, a 16 foot runabout boat with four people on board departed from Wagonga Inlet at Narooma. Those on board were going out for a day's recreational fishing with a local resident at the helm of the boat. On that day the seas were extremely high with a swell of some four metres. As the boat passed the breakwater concerned local people tried in vain to alert its occupants that it was unsafe to negotiate the bar at the exit from Wagonga Inlet. Those on board probably could not hear the warnings. The result of their determination to go fishing in the open sea regardless of prevailing sea conditions resulted in the boat overturning and two of the four people aboard drowning.

Rescue organisations and larger local charter craft were required to carry out a rescue in dangerous conditions. Over the next few days volunteers were involved in the distressing task of trying to locate the bodies of the two drowned men. That was not the first accident that has claimed a life at the Narooma bar, and it is certainly not the first boat accident in my electorate in which bars and bad weather combine to cause death or injury. Each bar is an integral feature of popular local towns. A large proportion of the tourist population comes to the coast for holidays and frequently the highlight of that trip is the time spent fishing from a small boat in the ocean.

Even experienced locals sometimes get into trouble navigating unpredictable seas, but at least their local knowledge helps them to decide whether it is safe to take out the boat. Many tourists do not know or even inquire about which channel they should follow at a particular bar. Accidents of the kind that happened at Narooma on 7 August have a devastating impact on the families of those who lose their lives and a major effect on the town's economy because of the resultant publicity.

There is no way to legislate to stop the stupidity of certain individuals determined to follow a particular course of action. However, I am sure the House is aware that it is compulsory to carry life jackets for everyone on board a boat. It is time to make it compulsory to wear those jackets when crossing bars to the open sea at locations recognised as having a history of accidents, regardless of weather conditions. Concern may be expressed about what constitutes a dangerous bar. This can be resolved by consultation with the Waterways Authority, the police and, most importantly, with local voluntary emergency service organisations and other interested community groups.

If those organisations agree that for safety reasons a particular bar should be designated as dangerous, the Government should regulate to ensure that the wish of the people is complied with and the wearing of life jackets is made compulsory. It must be remembered that volunteer rescue personnel put their lives at risk unnecessarily when called on to rescue people who have acted irresponsibly. It has been indicated to me that a life jacket worn by a person trapped under a capsized boat could endanger that person's life. That would be a most unusual situation as a person is more likely to be thrown clear of a capsized vessel.

A similar view was expressed after the introduction of legislation that made it compulsory to wear seat belts in motor vehicles. At that time a number of people quoted numerous circumstances to demonstrate that wearing a seat belt would be a disadvantage. Statistics have proved that wearing seat belts saves lives. I am sure that wearing life jackets—particularly when crossing bars that have been designated dangerous—would also save lives. The Minister may be concerned about how he could enforce such a regulation with limited resources. My answer would be that even though resources may be limited, if the community accepts the regulation, the compliance and ultimate enforcement would be achieved mainly by community pressure.

### CRONULLA SEWAGE TREATMENT PLANT

**Mr KERR** (Cronulla) [6.25 p.m.]: I bring to the attention of this House once again the delay in the upgrading of the Cronulla sewage treatment plant. This year's budget provided for that upgrading at an estimated cost of \$85 million up to 2001. The amount allocated for 1998-99 was \$16.5 million. Of course, honourable members are well aware that during the last State election campaign both major parties promised to upgrade the treatment plant. The coalition was prepared to spend \$135 million on that upgrading work. Of course, at that time Sutherland

Shire Councillor Genevieve Rankin was most vocal about water quality around Cronulla.

The former coalition Government inherited a totally unsatisfactory situation with respect to sewage treatment. It should be remembered that in the late 1970s funds had been put aside by the then Water Board for sewage treatment in Sydney. Premier Wran said, "That might be a problem, but it is not a priority." Between 1976 and 1981 that Government was able to function without imposing tax increases by raiding those statutory reserves on the advice of David Hill. The chickens have finally come home to roost! The sewage outfalls were completed and I was able to complete the study on Bate Bay, which attempted to trace the causes of existing problems. That study revealed that upgrading the sewage treatment plant was a priority and a necessity.

Despite that, the Government still has not commenced any work on the upgrade. I have raised this matter in this House a number of times, as has the shadow minister, the honourable member for Gosford. In the lead-up to the 1995 election we had poo marches and all sorts of things. Strangely, those tactics are absent at this point in time. It would be extraordinary if trucks started moving and work on the upgrading commenced in early 1999, just before the next State election! Fancy that! That would be a funny thing to happen after 3½ years. Of course, Sydney Water is in a fairly parlous situation given the recent contamination of Sydney's water supply and the extra funding that will have to be made available. It would be a pity if money were not spent on upgrading the Cronulla treatment plant to tertiary treatment level.

I know that Sutherland Shire Council would be prepared to expedite any development application or response that is required. The Government should have acted urgently in response to this matter some years ago. Bate Bay has some of the most famous beaches anywhere. The water in Gunnamatta Bay has shown signs of deterioration and recent Beachwatch reports have revealed that the quality of our waterways is totally unsatisfactory. Every weekend lifesavers will risk their lives unnecessarily because of contamination in the water. It is nowhere near good enough. It is about time the Government honoured the promises it made in the 1995 election. Three and a half years is far too long to wait for action on a problem that required urgent action nearly three years ago.

**Mr E. T. PAGE** (Coogee—Minister for Local Government) [6.30 p.m.]: I am disappointed that the honourable member did not give notice that he intended to raise this matter. If he had done so, I certainly would have taken the trouble to endeavour to obtain an answer for him. He stated he has been seeking a resolution of this problem for some time. He said he raised the matter in the Parliament. However, I would be prepared to wager that there was a seven-year period when he did not raise the matter. When the coalition was in government it did nothing about the sewage problem in his electorate. The honourable member talked about the length of time the problem has existed. It was a problem for the seven years the coalition was in government, but not a frankfurt was spent on it.

All of a sudden the level of sewage in the water is a danger and a health risk to his constituents and those who swim in the beaches around Boat Harbour during the summer. But for seven years everything was quite all right. He did not raise this problem in Parliament during those seven years because he was prepared to let the coalition Government, of which he was a member, do nothing about it. But now it is a big deal. The coalition could have spent hundreds of millions of dollars when it was in government to fix a problem that was obviously of concern to the honourable member. It was not a problem for seven years. Before the last election, when the coalition thought it would not win, it promised \$135 million to fix the problem.

The coalition would not have spent a farthing of that money if it had won office, because it had not spent anything on the water quality problem during the previous seven years. One wonders about the veracity of this member. He is whingeing about what is supposed to be a major health issue in his area, but by his silence and inactivity he did nothing about it for seven years. He was quite prepared to allow the problem to exist. This Government has allocated funding and it has plans. On our previous record of addressing sewage problems in major parts of Sydney, there is no doubt that we will address this problem as we have promised. The Government will not be like the honourable member for Cronulla: do nothing for seven years then complain about it.

**Private members' statements noted.**

**House adjourned at 6.32 p.m.**

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