



NEW SOUTH WALES



Legislative Assembly

**PARLIAMENTARY
DEBATES**

(HANSARD)

**FIFTY-FIRST PARLIAMENT
SECOND SESSION**

OFFICIAL HANSARD

Wednesday, 21 October 1998

LEGISLATIVE ASSEMBLY

Wednesday, 21 October 1998

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

Mr Speaker offered the Prayer.

OLYMPIC ROADS AND TRANSPORT AUTHORITY BILL

Bill read a third time.

STATE REVENUE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second Reading

Debate resumed from 14 October.

Mr PHILLIPS (Miranda—Deputy Leader of the Opposition) [10.03 a.m.]: The object of this bill is to make miscellaneous amendments to the Accommodation Levy Act 1997, the Duties Act 1997, the Land Tax Act 1956, the Land Tax Management Act 1956, the Legal Profession Act 1987, the Pay-roll Tax Act 1971, the Stamp Duties Act 1920 and the Taxation Administration Act 1996. The bill provides exemptions from various taxes and clarifies ambiguous sections of existing legislation. The bill extends the application of the Accommodation Levy Act. The coalition opposed that legislation when it was introduced and is committed to repealing it. The bed tax, as the legislation is known, is a services tax introduced by the Carr Government. The coalition opposed the bed tax because of its narrowness of application and because the Government had selectively picked out a particular industry and a particular part of that industry to top up its ailing financial position.

Hotels and clubs—particularly clubs—are opposed to the extension of the accommodation levy. If the Government were prepared to work with the Commonwealth Government to accept the changes associated with a goods and services tax, there would be no need for the bed tax. Under a goods and services tax regime the bed tax would be scrapped and replaced by an overall services tax. That would be fair to all industries, particularly the ailing tourism industry, which has been disadvantaged in comparison with other areas of expenditure to which there is currently no services

tax applied. The coalition will not oppose this bill. However, it will move amendments in the Legislative Council seeking the deletion of the extension of the accommodation levy.

Mr KNIGHT (Campbelltown—Minister for the Olympics) [10.06 a.m.], in reply: I thank the shadow treasurer for his support of the bill. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

APPROPRIATION (1997-98 BUDGET VARIATIONS) BILL (No 2)

PUBLIC FINANCE AND AUDIT AMENDMENT (STATE ACCOUNTS) BILL

Second Reading

Debate resumed from 14 October.

Mr PHILLIPS (Miranda—Deputy Leader of the Opposition) [10.07 a.m.]: The objects of this legislation are to appropriate additional amounts totalling \$85,032,000 from the Consolidated Fund in adjustment of the vote "Advance to Treasurer" 1997-98 for supplementary charges made during the 1997-98 year for the ordinary annual services of the Government; to confirm the validity of certain payments of the kind referred to in section 28 of the Appropriation Act 1997 and section 24 of the Public Finance and Audit Act 1983; and to validate the financial reporting of certain authorities.

This bill retrospectively makes legal unlawful expenditure undertaken by the Government. It retrospectively allocates another \$85 million to balance this Government's books, the budget of the 1997-98 financial year. The Treasurer in another place said that this legislation rectifies a technical breach. This is no mere technical breach. As will be demonstrated in this debate, breaches such as this are serious breaches of the Constitution of this State. They are not innocent oversights but deliberate actions. The Government has chosen to thumb its nose at proper financial accountability to the people

of New South Wales. For those reasons the coalition has today referred these charges to the Director of Public Prosecutions for investigation and action.

It is the coalition's view that Ministers and senior public servants who have blatantly and repeatedly breached the Constitution Act and the Public Finance and Audit Act should be prosecuted or at least fined the \$2,200 per breach as set out in the original Act. The Premier, Bob Carr, and his Ministers should be expected to face the same legal consequences for their actions as any other citizen of this State. It would seem appropriate to include in this debate quotes made by the then Opposition finance spokesman, the current Treasurer. He said:

The Opposition will not support the retrospective aspects of the proposed amendments to the Public Finance and Audit Act, introduced into this Parliament.

He said also:

The Government is making a mockery of the law.

The then Opposition finance spokesman further said:

What other citizen could expect the Parliament to pass retrospective legislation to clear a breach of the law?

He said also:

How can they expect people to obey the law when the Government itself blatantly ignores it?

The above statements were made in response to the amendments sought to the Public Finance and Audit Act by the then Treasurer, simply because the Treasurer was late in submitting the 1993 public accounts to the Auditor-General. Yet at that time the then Opposition finance spokesman, the current Treasurer, believed there should be no retrospectivity, that there should be no pardon, and that the then Treasurer should be prosecuted for a late report. As I said, the position then taken by the current Treasurer related to a minor breach of a time provision. Let us compare the Treasurer's stand at that time with the stand taken with regard to the legislation before the House today, which is the responsibility of the same stickler for adherence to the strict provisions of the law relating to financial accountability in New South Wales.

The difference is that Michael Egan is now not in opposition; he is the Treasurer. He carries the full responsibility for ensuring compliance with the Constitution Act, compliance with the wishes of this Parliament, and compliance with the Public Finance and Audit Act. The breaches that the Government is today trying to retrospectively authorise relate to

more than \$3.2 billion in payments made unlawfully from the Consolidated Fund. It involves not one Minister, not two Ministers, but 18 Ministers, including the Premier. It involves breaches of not only the Public Finance and Audit Act but also the very heart of this State's democratic system of government: the Constitution Act.

These breaches are a direct attack on the budgetary processes that protect the citizens of this State. They challenge the fundamental basis of the relationship between the government of the day and this Parliament. The issue involves the Parliament's role in maintaining proper scrutiny over the Government's expenditure. As all members of this House will be aware, it is this Parliament, through the Appropriation Act mechanism, which allocates moneys to be spent on government programs as detailed in the budget estimates. The Government and its Ministers do not authorise those payments. This Parliament has a responsibility to the people to approve not only the Government's budget but also how it spends the money.

The State's budgetary processes contain sufficient flexibility to allow for unforeseen expenditure oversights. These unforeseen expenditure oversights or changes can be authorised through legislation or through the Treasurer's approval. No-one has problems with that process in principle. They are covered by provisions that have stood the test of time and protected the interests of the people of New South Wales. However, as exemplified by the bill before the House, the current practice of retrospectively validating payments that have been made already is a flagrant abuse of what Parliament envisaged its requirements for scrutiny to be. More importantly, the bill seeks to validate the illegal actions of 18 Ministers and senior public sector executives of 69 government departments for their deliberate breaches of the Act. It is not as though those breaches were just an oversight; the Auditor-General has warned about the breaches year after year.

The Government has been deliberately avoiding the scrutiny of this Parliament. Indeed, this has become one of the trademarks of the Carr Government. It is no coincidence that in another place the Treasurer is currently obstructing the will of the Legislative Council by his refusal to table documents in relation to the Sydney water crisis. This follows his refusal to table documents relating to budget cuts to the Department of Agriculture and the Department of Education and Training, and documents relating to the approval for the Sydney Showground redevelopment. The Treasurer's continued failure to allow parliamentary scrutiny of

government documents has resulted in the matter now going before the High Court of Australia and the Treasurer being once again suspended from the Legislative Council for five days for deliberately not following the will of the Parliament.

The actions of the Treasurer, those Ministers and the Government are in stark contrast to the actions of the previous coalition Government, which tabled in this Chamber, in accordance with the standing orders, extensive documents in relation to the M2 Motorway. There is a pattern in the arrogant behaviour of the Treasurer and his utter contempt for the Parliament and its right to expose the Government to scrutiny. He is prepared to condone \$3.2 billion of alterations to the parliamentary-approved budget program without the appropriate approvals, without following the process. That is financial incompetence; it is finances out of control. At the beginning of a financial year the Parliament ticks off the budget, every department and every Minister.

The people of New South Wales then know how their money is being raised and expended. However, the Government then allows its departments to do what they like. The Government has spent \$3.2 billion unlawfully. It has moved large sums of money from one department to another; it has moved sums of money from capital works to services. It has underspent on some programs that this Parliament felt were important, and it has spent money on other programs that this Parliament did not approve. What is the point of a budget coming before Parliament if this sort of financial irresponsibility is allowed to continue? This is not a minor breach of the Constitution Act and the Public Finance and Audit Act. It is a grave mistake to dismiss these criminal actions as mere technical breaches of some obscure financial Acts.

If we do, where does the abuse of executive power end? Where will the relevance of the Parliament in the budget approval process end up? Where will executive power end and where will the relevance of this Parliament end? As a fundamental plank of the Westminster system of government, these budgetary procedures have been honed and developed to protect the trust and confidence that the community can have in a government. The safeguards are not intended to obstruct the Government in its day-to-day business but to ensure discipline and accountability in the expenditure of taxpayers' money.

Is it any wonder that, after almost four years of warnings, the Auditor-General is so alarmed at the Government's actions that he has decided to

withhold his approval of its accounts? Let no-one misunderstand the seriousness of his decision. To the best of my knowledge—the coalition has researched this matter—this is the first time that an Auditor-General in this State has qualified annual reports for breaches relating to unauthorised expenditure. Can honourable members imagine the outcry from shareholders and the community if BHP or a major bank qualified their accounts because of unlawful actions? Criminal charges would be laid against the chairman or members of the board.

Mr Brogden: And rightly so.

Mr PHILLIPS: And rightly so, as the honourable member for Pittwater said. The chairman and the members of the board would be charged. They would lose their jobs because they would be voted out by the shareholders. The State Government, which is worth some \$25 billion, has been entrusted with the power to raise money from the community and to spend it, year after year. However, in spite of warnings from the Auditor-General, it has blatantly and repeatedly breached the Constitution Act and the Public Finance and Audit Act. Are those Acts meaningless? The Government and the Ministers stand condemned for bringing into this Parliament retrospective legislation to exonerate them from any prosecutions. The Opposition will not support the legislation; it will fight it all the way.

For almost four years the Carr Government has repeatedly and blatantly breached the Constitution Act and the Public Finance and Audit Act. The coalition will not support any legislation that seeks to retrospectively protect an individual from facing the legal consequences of his or her actions. For this reason the coalition will not support the effect of the amendments of this bill, which retrospectively exonerate the Premier and 17 of his Ministers from breaches of the Constitution Act and the Public Finance and Audit Act, breaches which the Government readily admits it has committed. The Government has Crown Solicitor's advice which confirms that such legislation is not available to ordinary citizens. Why should it be available to the Premier and his incompetent Ministers?

This is one instance of the Government not being allowed to use its numbers to circumvent the legal consequences of its actions. The Public Finance and Audit Act and the Constitution Act provide penalties of up to \$2,200 per breach; these are serious criminal matters. Today I have written to the Director of Public Prosecutions asking him to investigate whether criminal charges should be initiated. The coalition understands the constitutional constraints on blocking supply or refusing passage

of an appropriation bill. Accordingly, the coalition will not oppose the substantive clauses of the bill which authorise the appropriations.

However, the coalition will move an amendment in Committee to ensure that the Ministers and the public servants involved are not permitted to walk away from the criminal liability that they have incurred. The amendments will circumvent clause 9 of the bill, which attempts to validate the liability of officers and Ministers. One can understand that on occasions when running a large organisation breaches of Acts occur due to oversight with no ill intent and with no prior knowledge, and they are corrected. However, these breaches of the Acts are deliberate and repeated—or a range of departments and Ministers are out of control with their spending. I believe it is the former: deliberate and repeated breaches of the Act. The Auditor-General has finally taken a stand and has made it clear that he will not approve the annual reports of 69 departments until this matter is rectified.

The Auditor-General has repeatedly warned the Government in his annual reports to Parliament: in 1995 in volume 1, pages 21 to 27; in 1995 in volume 3, page 87; in 1996 in volume 3, pages 281 to 283; and in 1997 in volume 1, pages 57 to 59. The Auditor-General kept warning the Government that it was in breach of proper financial controls, the Constitution Act and the will of this Parliament. In spite of those warnings, the Government has continued to do as it pleases as an Executive Government, against the wishes of this Parliament, the Constitution Act and the Public Finance and Audit Act. The Opposition will move amendments to clause 9 of the bill in Committee.

Mr BROGDEN (Pittwater) [10.27 a.m.]: This is Khemlani-like legislation. It has been put forward by a government that has been forced to reveal its appalling lack of financial management—which it sought to hide—to the people of New South Wales. As the shadow treasurer said, the Treasurer has been brought to heel by an independent authority of this State—the Auditor-General—and has been forced to come clean on a massive cover-up of government finances. For instance, the bill highlights that government departments have been forced to dip into the Treasurer's advance. The Legislature, a department under the responsibility of Mr Speaker, has dipped into the Treasurer's advance to the tune of \$1.3 million, including \$230,000 for catering services.

Mr Knight: You had better declare an interest.

Mr BROGDEN: We should all declare an interest. I understand that today the Premier will use the catering services of this building for a media announcement. It will be interesting to see whether the Premier will attack the Parliament and you, Mr Speaker, for your administration of the catering services in an attempt to hide yet another one of the Government's areas of gross financial mismanagement. In the Premier's portfolio, \$1.45 million of the Treasurer's advance was spent on the Office of Information Technology. In the Attorney General's portfolio, information and management services have been forced to dip into the Treasurer's advance to the tune of \$12.5 million. Therefore, almost \$14 million of extra expenditure has been incurred in the area of information technology.

The tragedy of the bill is that it highlights the Government's poor management and planning in essential areas such as information technology. New South Wales should take the lead in this area, but it is lagging behind, as demonstrated by investment in other States, particularly Victoria. The bill raises other areas of concern. An advance of \$672,000 has been made to the Casino Control Authority. Why, in such an essential area of government administration, is the Casino Control Authority forced to dip into an advance to the tune of \$672,000? What is going wrong? Where is the management of these departments and the financial control by the Treasury? They are non-existent.

The culture within this Government is such that if a department runs out of money it approaches Michael Egan, who gives it the money. He sorts out the problems later by introducing legislation to appropriate an additional \$85,032,000 to cover a massive hole in government expenditure across all portfolios. The amount of \$260,000 has been advanced to the Waterways Authority for marine safety and environment, despite the Government's recent announcement that fees for boat owners will be increased. Within the Treasurer's portfolio, the Office of State Revenue will receive an advance of \$295,000 to assist in collection of land tax.

I am sure my colleague the shadow treasurer will agree that in about six months the coalition will be able to assist the Office of State Revenue in its collection of land tax by removing its collection on family homes. We hope that that \$295,000 will be returned to Treasury. Extra expenditure to assist tax collection in the form of land taxes is targeted at those who own family homes. It is tragic that this bill is before the Parliament today. Its proportions are frightening. The bill will put the last nail in the coffin of any attempt by the Government in almost four years to present itself as financially responsible.

In the first year of the Carr Government the strings of the Government—policy, finances and administration—were well and truly controlled by the Treasurer. But because of the political problems caused by his budget in the first year, caucus and the ministry chose to take from him the opportunity to control his budget. They decided to take control of it and to well and truly start pork-barrelling. That decision is reflected in a bill that reveals a black hole of \$85 million in the Treasurer's portfolio alone. The greatest concern about the legislation was voiced by the Minister when he said in his second reading speech:

Notwithstanding these measures taken by the Government, the Auditor-General notified the Government that he intended to qualify the 1997-98 financial statements of 69 agencies and the State public accounts because of breaches of the statutory provisions. The primary cause of the breaches is the timing of necessary approvals. As a consequence, payments of \$85.032 million charged against the Treasurer's advance, capital payments of \$17.820 million approved by the Treasurer on the basis of offsetting savings under other programs, transfer of \$3,126 million approved under section 24 of the Public Finance and Audit Act, and various interprogram transfers effected by agencies are technically invalid and the expenditure involved not properly authorised.

In any other organisation one would be gaoled for such behaviour, but in the Labor Party one is promoted. The Government has flagrantly broken the law and the Auditor-General has come down on it like a ton of bricks. It is frightening that the Government believes it can wander in here with a guilty confession and a small note of apology to the people of New South Wales for its massive financial mismanagement and overexpenditure of budgets. The Government's answer is to fix it up afterwards.

It is interesting that the Minister for the Olympics is at the table representing the Treasurer. One can only wonder what the International Olympic Committee and the other organisations dealing with Australia and New South Wales think of this legislation. How could they deal with us responsibly and seek to deal with the Sydney Organising Committee for the Olympic Games responsibly when in other areas the Government looks after its finances by cleaning up the mess afterwards? What a mess it is! The mess involves all portfolios and demonstrates a frightening level of mismanagement by Ministers, their chief executive officers, departments and agencies across the board.

The culture of the Government is quite clear: do not worry, spend the money; we will look after it afterwards. That approach would chill a responsible individual to the core. In recent years Australia has undergone a revolution in government accountability. Such a revolution was forced upon

some governments and accepted by others. It came from the grassroots of our communities. That necessary revolution will assist in the long term to restore public confidence in public institutions, such as the Parliament. But what confidence can the public have in this Parliament or in this Government when the Minister and the Treasurer in the other place ask us to clean up a financial mess of the proportions indicated in the bill?

It is frightening that the Government is asking me, as a member of Parliament, to approve the cover-up indicated in the bill. We discussed in our party room whether we should support the Government in this sort of behaviour. Why should we support a government that so outrageously seeks to cook the books of the State's finances that the Auditor-General—who, I hasten to add, is no friend of any government—has sought to qualify the accounts of 69 agencies and the State public accounts because of breaches of statutory provisions? The legislation indicates a collapse in the Government's attempt to offer itself as any sort of financial manager. I do not know who is running the Government.

Mr Oakeshott: The far right.

Mr BROGDEN: I do not know whether it is being run from the top down or the bottom up. However it is being run, it is being run into the ground with a loose and fast Treasury policy. It is being run from the far right, although any attempts the Treasurer may have made to run a tight budget seem to have been excluded. The budget is out of control. If the Government is willing to clean up such a mess after massive expenditure, what will happen in the next five or six months before the election, when it will seek to look after its marginal seats—seats it will target to win the election—other black holes in the budget, and the black holes that continue to surface in the Olympics budget?

How desperate will the Government be to continue to fund its political aims at the real expense of the budget of New South Wales, the financial viability of New South Wales and the financial viability of the citizenry of New South Wales. If, God forbid, this Government is successful in six months, the real concern is that we will be asked to deal with similar legislation, which will make this bill seem like a walk in the park. If this legislation is a reflection of what the Government has done to its budget six months shy of an election, I shudder to think what it will do in the next six months to buy the votes of the people of New South Wales. One must wonder about its standards, when it introduces legislation that uncovers such massive financial mismanagement.

Frankly, I am reluctant to support the legislation. As the shadow treasurer said, the coalition supports this legislation with reservations in the knowledge that it is in the best interests of the good running of the State to keep the dollars flowing and the government departments working. However, let the Government be fully aware that when it loses the next election and when the new Treasurer is handed the accounts on the following Monday he will be looking for more great cover-ups, and he will find them.

Mr Phillips: We will be prosecuting them.

Mr BROGDEN: As the shadow treasurer said, we will prosecute the Ministers responsible for cover-ups. When the coalition wins government there is no way it will wear the blame for this Government's financial mismanagement. We will be stringent in ensuring that the people know, today and after the next election, how this Government operates: it runs finances into the ground and throws money back and forth between government departments as if it were Monopoly money. The coalition is confident that with this sort of legislation the Government's financial credentials are destroyed, the Treasurer will be the joke of all Treasurers in this country and the Government will be defeated because of its financial mismanagement.

Mr OAKESHOTT (Port Macquarie) [10.41 a.m.]: In my short time in this place I have never seen legislation that puts up the guilty sign on economic mismanagement as much as the Appropriation (1997-98 Budget Variations) Bill (No 2) does. Nothing irks the community more than knowing there is one rule for some and another rule for others. The Government should live by the law, and when it breaks the law it should be punished. The broader community would regard the Government's argument that this is a technical breach of the law as extraordinary. A person driving a car could not say, "I was speeding, but it was only a technical offence," and a bank robber could not say, "I wandered in and accidentally robbed the bank, but it was only a technical breach." In this State there is one set of laws, and the Government must abide by those laws—after all, it established them. The objects of this bill are:

- (a) to appropriate additional amounts totalling \$85,032,000 from the Consolidated Fund in adjustment of the vote "Advance to Treasurer", 1997-98 for supplementary charges made during the year 1997-98 for the ordinary annual services of the Government, and
- (b) to confirm the validity of certain payments of the kind referred to in section 28 of the *Appropriation Act 1997* and section 24 of the *Public Finance and Audit Act 1983*, and

- (c) to validate the financial reporting of certain authorities.

In his second reading speech the Minister said that these are somewhat technical breaches. But why on earth has the Auditor-General withheld payment in relation to those so-called technical breaches? If they are technical breaches why has the Government done nothing about them? To protect Executive Government, Ministers and potential Ministers why has the Government not introduced guidelines or legislation to avoid being trapped by so-called technical breaches? The laws of this State should be abided by.

The Government's only argument relates to accountability—even though it has been caught and is guilty of 69 breaches of the laws of this State. It offered the weak defence that even though it is not responsible, at least it is accountable. A bill as extraordinary as this deserves an extraordinary reaction. The Opposition would normally quote from sources other than government sources. However, in this case I am happy to quote from the Minister's second reading speech. That speech damned the Government for its actions and exposed it as guilty of economic mismanagement. The Minister stated in his second reading speech:

The Government has a strong commitment to accountability in financial management.

That is fine, but what about the key area of economics? What about responsibility in relation to financial management? It is clear that there is no responsibility in financial management of government expenditure. The Minister stated further:

Under longstanding practice followed by successive governments . . . Treasury seeks to offset overexpenditures on programs against savings from underexpenditures on other programs.

That begs the question: if it is only technical in nature and has been a so-called longstanding practice, why has the Government not done something to address the problem of exposing Ministers to legal breaches? The Ministers have left themselves wide open and broken the law. When someone breaks the law they deserve to receive the full punishment. The Minister also stated:

When reporting to Parliament in recent years the Auditor-General has drawn attention to the desirability of reducing the incidence of expenditures not properly authorised prior to 30 June.

That more than anything highlights the fact that the Government was forewarned by the Auditor-General about potential problems in regard to actions it decided to undertake this year, yet it decided to go

ahead. Now it seems that the Government is wondering why the Auditor-General is withholding payment. The Government is in an extraordinary situation, and we will be asked to vote on extraordinary legislation about economic management. I am astounded that the broader community is screaming for accountability in government as well as value for money and responsibility in government.

In conclusion, the big guilt sign is posted on the State Government for its economic mismanagement. The bill highlights what the Government has done, not only this year but in its three years in government. It has known for some time that potential problems exist in regard to legalities and so-called technical breaches, yet it has left itself open to those technical breaches. The Government should be damned not only for its economic mismanagement but also for its role in management in not picking up this so-called technical breach. What will the Government say to the people when it has one rule for the broader community and another for itself?

Dr MACDONALD (Manly) [10.48 a.m.]: In opposing the bill I do not wish to partake in a point-scoring exercise between the two sides of Parliament, but to draw attention to the issues raised in the legislation and perhaps the opportunities that arise as a result. The Auditor-General has said that it was unlawful for departments to make payments from the Consolidated Fund without proper authorisation, and intends to issue qualifications on the financial statements of 69 budgets and dependent agencies. Indeed, the Government has breached section 45 of the Constitution Act 1902 and the Audit Act 1983.

It is worth mentioning the extent of these significant breaches: payments of \$85 million charged against the Treasurer's advance, capital payments of \$17 million approved by the Treasurer on the basis of offsetting savings under other programs, and transfers of over \$3 billion approved under section 24 of the Public Finance and Audit Act. This bill seeks to validate those authorisations. I wish to talk briefly and in general terms about the budgetary process. This is an opportunity for honourable members to try to come to grips with it. The budgetary process is shrouded in secrecy and has been for many years. Frankly, the role that we play in this Parliament in attempting to come to grips with the budget is totally meaningless.

All honourable members receive a number of printed documents. They then make 30-minute speeches in this House in the belief that they are

making some sort of contribution. They are not. I have read in this House and I have circulated to all honourable members a discussion paper on a proposal to establish a parliamentary expenditure and revenue standing committee. I have asked all honourable members to give that matter further consideration. This legislation is about the Parliament versus the Executive; it is not about political parties. The Parliament must have a meaningful role. A core role of this Parliament is to ensure proper scrutiny of the Government's expenditure.

At the moment that does not happen. It is impossible to get the necessary details in the budget documentation to establish whether the allocations are meeting policy objectives. Annual reports from various agencies are a total waste of time; they are merely glossy documents that justify certain expenditure. A voluntary research officer has been working in my office for some years trying to come to grips with this problem. We have concluded that the only way to deal with the budgetary process is to establish a standing committee which will enable the Parliament, in a bipartisan way, to keep Treasury and the Executive accountable. Such a committee would look at revenue opportunities and at expenditures to determine whether they can be justified, and would assist the government of the day in crafting the budget.

Governments have been doing that for years. Opposition members feign shock and horror and say, "Isn't it awful; the world is about to end! This heinous Government has introduced legislation to make something lawful." I ask honourable members not to indulge in cheap political point scoring. This legislation highlights the fact that members of Parliament have been impotent in their endeavours to keep accountable members on the Treasury benches—whether they be Labor or Liberal. It is currently hard to do. It so happens that we have an independent and courageous Auditor-General who is not a mouthpiece of the Executive or the Government.

Much to the ire of all honourable members he has spoken out and disclosed the fact that there is a problem. He is no friend of either side of politics. The Auditor-General has said, "I am not prepared to sign off on this. I want to make qualifications to the audited statements." The Government has responded by introducing this legislation. Let us stand back and look at this legislation in the broader context of Parliament versus the Executive and the need to expand opportunities in the scrutiny of the budgetary process.

Mr WINDSOR (Tamworth) [10.54 a.m.]: I speak briefly in debate on this legislation and reiterate to some extent what was said by the honourable member for Manly. Not many of us spend the time that we should spend each year in trying to analyse the appropriation bills and the budget papers. I am pleased that the Auditor-General has taken the time to review some of the transfers that have taken place and the inadequacies of the system that this legislation is picking up retrospectively. I and many other honourable members are concerned that this has been allowed to happen in the past—a matter identified in the Minister's second reading speech. That is the reason for this legislation. It indicates some broader problems relating to the transparency of the budget papers.

Even though I am slightly outside the leave of the bill, this debate will enable some discussion about the transparency of the budget papers. I have been involved with a group of country people called Country Summit. That group has been attempting to analyse capital flows and determine where the State's money is being spent, electorate by electorate and in specific portfolio areas. It is difficult to access that information in the public domain. It is difficult for me, as a member of Parliament, to painstakingly dig through documentation to obtain those figures. It took this group about four months to go through that process. I say to the Minister for the Olympics, who is representing the Treasurer, that those figures are freely available in Treasury's computers.

We must have real transparency and be able to establish what the government of the day is doing, and in saying that I am not being critical of this Government or the previous Government. The Treasury computers that contain those figures are used to determine the capital works budgets and to summarise the figures contained in the budget papers. Information that is available in the inner sanctums of Treasury is not available to members of Parliament or the general public. Even though I am slightly outside the leave of this bill I made that statement to indicate the lack of transparency in the budgetary process.

I listened with interest to the comments made earlier by the shadow treasurer. Many discussions took place when the Deputy Leader of the Opposition was Minister for Health in the previous Government. It was estimated that the dismantling of the regional health structure would result in savings of about \$40 million, which would be transferred to patient care, in particular in country areas. When I did some homework on that issue some time after

the event it was difficult to determine whether that money had been transferred to patient care in particular in those areas. The demolition of the regional education structure is an example of the current Government making a promise which it has not fulfilled.

Mr Knight: You are a long way from the leave of the bill.

Mr WINDSOR: What I am referring to has a lot to do with the transparency of the budgetary process. The Premier and the Minister for Education and Training claimed that there would be savings for the Government of \$17 million, and that the result would be a more efficient and leaner operation. No-one could argue against that logic. When the Auditor-General checked the records to determine whether the \$17 million had been saved—the reason for the demolition, in the words of the Government—he established that that was not the case. In fact it cost money to determine that. That is another example of the Government's lack of accountability and lack of transparency. The community wants to know whether the Government has kept its promises. This bill highlights the fact that there have been some real accountability problems in the budgetary process. I congratulate the Auditor-General and ask him to stick to his guns on this issue. At the end of the day we may end up with a much more definite process.

My electorate is currently considering establishing a helicopter rescue service. To do so it must access patient movement data in order to assess the real cost, not to the Government but to the community, so that it may determine the viability of establishing such a service. That information should be freely available to the community, and the Minister for Health is considering that matter. However, the information is not available from the department. Further, I raised the matter personally with Treasury, which advised that the figures are not available. Those are the underlying concerns that have led to the matters to be addressed by the bills, particularly the transfer of allocations between ministries. I ask the Minister to take on board those comments. I will be supporting the bills, but I express grave concern about the way in which the matter has arisen. I congratulate the Auditor-General on the role he played in identifying the problem.

Mr KNIGHT (Campbelltown—Minister for the Olympics) [11.00 a.m.], in reply: Let me put this matter into context. This debate, stripped of the point-scoring and political game playing of the Opposition, prompts me to make two fundamental

points. The first issue before the House is the allocation of spending within portfolios and the transfer between portfolios of money that was appropriated by this Parliament. The Government has not spent in the last financial year one cent more than was appropriated by the Parliament.

Mr Phillips: Then why is the Parliament being asked to appropriate another \$84 million?

Mr KNIGHT: The Deputy Leader of the Opposition was removed from the House last week for disorderly conduct, and he will be removed again if he does not behave himself. I repeat, the Government has not spent one cent more than was appropriated by the Parliament. There has been a longstanding arrangement, which goes back to the time when the coalition was in government, regarding re-allocations within portfolios and transfer of allocations between portfolios. The principle behind that longstanding arrangement is that money saved in one area could be spent in another. The Government has not been spending additional money.

In a few cases the paperwork was not processed in the required time, and that has caused a technical breach. We do not pretend that that is an ideal situation. But, put into context, it is a small technical breach. Indeed some argue it is not a breach of the law. To remove all doubt, this Government—unlike the previous coalition Government—has come back to ask the Parliament to pass legislation that will dot the i's and cross the t's. Let us make sure that the matter is beyond all doubt. That is not what the former coalition Government did. Anyone who delves into the record of previous coalition Treasurers will find that not only did they not come before the Parliament to dot the i's and cross the t's, but that the current Leader of the Opposition, when Treasurer, on two occasions actually appropriated more money than was permitted by the Parliament.

When the Leader of the Opposition was Treasurer he authorised, after the determination of appropriations for the 1993-94 budget, overspending of \$377 million. I have copies of the documents that he signed. Similarly, in 1992-93 he authorised the spending of \$74 million more than had been appropriated by the Parliament. So let us not have any of this hypocrisy from honourable members opposite. The bills before the House are to dot the i's and cross the t's. I will have something to say in Committee about the ludicrous proposal that will be moved as an amendment by the shadow minister for finance, because his amendment would only catch his own leader.

Motion agreed to.

Bills read a second time.

In Committee

The TEMPORARY CHAIRMAN (Mr Gaudry): Order! The committee will deal first with the Appropriation (1997-98 Budget Variations) Bill (No 2).

New clause 11

Mr PHILLIPS (Miranda—Deputy Leader of the Opposition) [11.16 a.m.]: I move:

Page 4. Insert after line 19:

11 Criminal liability

Nothing in this Act affects criminal liability (if any) incurred before the commencement of this Act by a Minister, officer or other person under the *Public Finance and Audit Act 1983* or any other law in respect of anything done or omitted to be done before that commencement.

It is one thing for a government to move in the Parliament for an appropriation of an additional \$84 million, but I cannot understand the Minister saying, "This Government has not spent one cent more than was appropriated by the Parliament." If that is so, why is the Parliament being asked to appropriate another \$84 million for the Minister's portfolio? That is what this bill seeks. Time and again over the past three years the Auditor-General has expressed grave concern about the failure of the Government to take appropriate corrective action. In spite of the many warnings, the Government has continued, deliberately and repeatedly, to breach the Constitution Act and the Public Finance and Audit Act.

If this State is to have discipline of its senior public servants and Ministers, the public servants and Minister should not be precluded from criminal liability just because a breach can be corrected retrospectively. The purpose of the amendment is to ensure that, although this Parliament will give a retrospective tick to what has been done in the past, the bills will not preclude the possibility of criminal liability. Let the Government explain why and how this problem occurred. This could keep them on their toes in the future so that the problem will not recur.

Mr KNIGHT (Campbelltown—Minister for the Olympics) [11.07 a.m.]: This is a classic case of the Opposition wanting to have its cake and eat it too. Opposition members are indulging in political grandstanding in moving this amendment, for they are relying on the Government using its numbers in the Parliament to defeat the amendment. The Opposition knows that these sorts of technical breaches have occurred over a long period of time

under governments of both political persuasions. Indeed, one of the worst offenders was the current Leader of the Opposition. However, unlike the Deputy Leader of the Opposition, I do not want to see the Leader of the Opposition prosecuted.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 43

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

Noes, 47

Ms Allan	Mr Markham
Mr Amery	Mr Martin
Mr Anderson	Ms Meagher
Ms Andrews	Mr Mills
Mr Aquilina	Mr Moss
Mrs Beamer	Mr Murray
Mr Carr	Mr Neilly
Mr Clough	Ms Nori
Mr Crittenden	Mr Price
Mr Debus	Dr Refshauge
Mr Face	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

Pairs

Mr Cruickshank	Mr Nagle
Mr Tink	Mr E. T. Page

Question so resolved in the negative.

Amendment negatived.

Bills reported from Committee without amendment and report adopted.

Third Reading

Mr KNIGHT (Campbelltown—Minister for the Olympics) [11.17 a.m.]: I move:

That these bills be now read a third time.

Division called for. Standing Order 191 applied.

Noes, 2

Dr Macdonald
Ms Moore

Question so resolved in the affirmative.

Motion agreed to.

Bills read a third time.

COMMONWEALTH PLACES (MIRROR TAXES ADMINISTRATION) BILL

Second Reading

Debate resumed from 14 October.

Mr PHILLIPS (Miranda—Deputy Leader of the Opposition) [11.23 a.m.]: The coalition will not oppose the Commonwealth Places (Mirror Taxes Administration) Bill. In the last few years the validity of State-based taxes has been called into question. The most significant erosion of State-based taxes occurred last year with the High Court's decision in relation to section 90 of the Commonwealth Constitution. It was found that States did not have the power to raise revenue from business franchise fees on tobacco, fuel and liquor. This decision resulted in New South Wales losing the ability to raise more than \$1.8 billion per annum in revenue.

Fortunately, the Howard Government stepped in and provided a legislative safeguard that ensures that while the States have lost the legal power to levy these taxes, they still receive the revenue from

these taxes now collected by the Commonwealth on behalf of the States. The section 90 High Court decision created a further imbalance in the financial arrangements between the Commonwealth and the States—an increase in the vertical fiscal imbalance. While the States have approximately 20 per cent of the taxation powers, they deliver more than 70 per cent of community services.

Another High Court decision that has imposed yet another strain on the security of the State's revenue base is that of *Allders International Pty Ltd v Commissioner for State Revenue (Vic.)* (1996). In that case the High Court declared that a lease of a shop at Tullamarine Airport was not subject to stamp duty imposed by a State because of section 52(1) of the Commonwealth Constitution. Section 52(1) provides that the Commonwealth has exclusive power to legislate with respect to all places acquired by the Commonwealth as public places.

The Howard Government has agreed to apply mirror State taxes to businesses located at Commonwealth places. The Commonwealth Parliament recently passed the Commonwealth Places (Mirror Taxes) Act that will apply all stamp duties, payroll tax, financial institutions duty and debits tax to transactions that arise on Commonwealth places. These are a direct substitution for the normally imposed State taxes. This bill highlights the need for the States to address the fundamental issue of tax reform and to embrace the proposal of the Howard Government.

Unlike current arrangements, the Commonwealth tax reform package provides a secure revenue stream for the States. All goods and services tax revenue will go to the States, providing a net financial gain and a secure revenue stream for greater planning and management of government services. After almost four years of hearing the Premier and the Treasurer blaming the deteriorating revenue base for their inability to provide world-class services, they are now preparing to turn their backs on the once-in-a-lifetime opportunity to reform the financial arrangements between the Commonwealth and the States.

These tax arrangements should be above politics, as was demonstrated by Nick Greiner joining with Bob Hawke and Paul Keating to initiate reforms of financial arrangements. The Opposition does not oppose the bill. It is a sensible bill. It would be a ridiculous state of affairs to allow duty-free shops, organisations, food outlets and commercial enterprises at, say, Sydney airport, to operate free of State taxes while at the same time their competitors outside the Commonwealth

territory perimeter or the airport are forced to take these tax burdens. Of course, this would make for impossible competition between businesses.

This bill is a sensible move between the Commonwealth and the State, and the Opposition will not oppose it. However, it highlights very much the pressures being placed on the State's revenue base and mounts a strong argument for the expeditious implementation of the Federal Government's tax reform package. The Premier must put politics to one side, show some leadership and ensure that the financial interests of New South Wales are guaranteed. The Opposition does not oppose the bill.

Mr DEBUS (Blue Mountains—Minister for Energy, Minister for Tourism, Minister for Corrective Services, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [11.29 a.m.], in reply: I thank the Deputy Leader of the Opposition for his contribution to the debate on this bill, which is uncontroversial.

Motion agreed to.

Bill read a second time and passed through remaining stages.

AGRICULTURE LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 14 October.

Mr SLACK-SMITH (Barwon) [11.30 a.m.]: The bill amends four Acts—the Apiaries Act, the Exotic Diseases Act, the Stock Diseases Act and the Stock Medicines Act—to make them more effective. All four Acts are subject to competition policy review. However, the amendments cannot be deferred until the implementation of the review findings as the amendments are designed to overcome problems in the administration of the legislation. The Apiaries Act is to be amended because until now there was no known method to test bees or honey for disease status. A method is now available and the bill will give inspectors the power to test bees, beehives, appliances or apiary products for diseases and residues or to order a beekeeper to have such tests done.

Fortunately, Australia has avoided the devastating diseases to which the bee industry in other parts of the world has been subjected. One such disease, chalkbrood, has come from the north and is having a devastating effect on some

beekeepers and their industry. Every possible measure should be put in place to protect our beekeeping industry. The bill will extend the power of entry of inspectors to enable them to bring vehicles and equipment on to premises if they are needed. Inspectors will also be able to request police assistance if they believe they are being obstructed in the performance of their duties. They will also be able to request the assistance of other persons whom they believe will be able to help them carry out their functions under the Act.

Changes to the Exotic Diseases Act were identified as necessary during the outbreak of avian influenza last year. The bill will allow an inspector to quarantine land if he suspects the land is infected with an exotic disease rather than, as has been the case in the past, having to wait until tests are concluded and the presence of the disease confirmed or denied. Inspectors will now be able to act first as a preventive measure and then wait to ascertain whether the test results are positive or negative. If the results are positive, the legislation then empowers officers to order persons to disinfect themselves and their premises. The bill will also enable inspectors to require assistance from employees or any persons on premises.

Inspectors will also be able to accept a quarantine undertaking from the owner or occupier rather than issue a quarantine order. Such an undertaking will include the necessary requirements for containment of the disease, and failure to comply will be an offence. The bill also provides options for the method of destruction and disposal of animal carcasses and property to be specified. It also gives an inspector, on the direction of the Minister, power to order specified persons within a control area to take such measures as the inspector sees fit. That means that inspectors will now become pro-active in relation to exotic diseases instead of having to wait for test results. Sometimes the waiting time is critical.

Under the Stock Diseases Act stock, carcasses, fodder, fittings and animal products can be restricted to protected areas. However, only stock can be restricted in quarantine areas. The bill will provide that all of those matters can be restricted in all such areas. It will also provide for the creation of protected, or control, areas. That will allow different measures to be taken in areas with a differing prevalence of the particular disease. It is currently an offence to remove a tag attached to stock purchased within the preceding 28 days. The bill will provide that tags may be removed within the 28-day period so long as they are removed in accordance with the regulations. The bill will also

expand the circumstances in which slaughter-only sales can occur from stock infected with footrot, sheep lice or brucella ovis, or stock infected with other diseases declared by the Minister.

The fourth and final set of amendments in the bill relates to the Stock Medicines Act. The bill will clarify the power of the director-general to make orders under the Act. It will also extend the seizure powers of inspectors in situations where they believe the Act has been contravened. The bill will allow an inspector to require production of, and allow copying of, documents relating to the advertising of a stock medicine. Other amendments also insert definitions of the terms "tag" and "prescribe". The Opposition, having consulted the New South Wales Farmers Association, supports the bill.

Mr PRICE (Waratah) [11.36 a.m.]: The amendments to the Stock Diseases Act include an amendment to the regulation-making power to allow regulations that will prescribe and regulate schemes of identification. These schemes could be voluntary or compulsory. Given the support the industry has shown for such schemes, they will in a de facto way become compulsory. The legislation provides that opportunity. Given the disease potential of this country, and as it is relatively free of disease, the regulations are timely. The industry acknowledges that there is a significant need for them and, if necessary, quarantining can be undertaken rapidly and identification in those cases can be almost immediate.

The national livestock identification scheme has certainly been the subject of a great deal of discussion, and it is particularly important in relation to improving the traceability of Australian beef. The system is based on the use of machine-readable permanent stock identification devices as well as machine-readable transaction tags. The permanent identification devices will enable stock to be traced to their property of origin. The current transaction tags only allow stock to be traced back to their previous location. The scheme represents a significant shift in emphasis and one that is desirable for a variety of reasons. The national livestock identification scheme is not designed to replace the current transaction tag requirements contained in the Stock Diseases Act. It is an addition to those requirements and one that will be embraced by stock producers generally.

Although adoption of the scheme will initially be voluntary, legislation to regulate the scheme is necessary to maintain its credibility, both nationally and internationally. The national livestock identification scheme has strong industry and

government support. The permanent identification devices proposed under the scheme are aimed at improving traceability and market confidence so that our products meet all expectations with respect to the disease status of the beef. The need to allow an inspector to quarantine land on suspicion of infection with an exotic disease has been thrown up in several cases in recent times, whether it be in relation to sheep or beef cattle. We must ensure that our herds and flocks are able to be quarantined successfully and, if necessary, destroyed. Any device that allows detection is of value.

As the honourable member for Barwon said, the amendments to the Stock Medicines Act are an important part of the legislation. The Act will make it clear that the director-general, in addition to being able to make orders in relation to stock treated with stock medicines, may also make orders in respect of stock not treated with a stock medicine. The amendments will also extend the seizure powers of inspectors and will allow inspectors to require the production of documents relating to the advertising of stock medicines. An amendment will be made by way of statute law revision. These are important amendments to the Act and I am pleased to support the bill. I commend the Minister for bringing the amendments forward.

Mr WINDSOR (Tamworth) [11.40 a.m.]: I shall speak only briefly to the bill. I commend the Government and the Opposition for the work that has been done in the preparation of the legislation. The bill amends the Exotic Diseases of Animals Act. The Minister and his department were involved with alleviating and containing the outbreak of avian influenza in Tamworth earlier this year. Some amendments contained in the bill relating to boundaries and to the department's ability to cordon off an area before carrying out tests will improve the practical approach to outbreaks of exotic diseases such as avian influenza.

I take this opportunity to commend departmental officers, emergency services personnel and others in the Tamworth area who were involved in containment of the outbreak in that area. The Minister is very much involved with quails and would relate sympathetically to the needs of intensive industries, one of which is the poultry industry. The outbreak of avian influenza in Tamworth had major consequences in the area, but those consequences would have been much greater had the department and scientific people not reacted as effectively and efficiently as they did. The amendments contained in this bill will improve the approach taken if an outbreak were to occur in the future.

I also noted with interest the handling of the recent outbreaks of Newcastle disease. I highlight the need for us to be ever vigilant against Newcastle disease as it is a disease that can have great impacts not only on the poultry industry but also on native bird populations—another interest dear to the Minister's heart. This Chamber should send a message to the Federal Government about policy for the prevention of outbreaks of exotic diseases, particularly Newcastle disease. The bill deserves the support of all parties and I am pleased that both the Government and the Opposition have indicated their support for it.

Mr ANDERSON (St Marys) [11.43 a.m.]: I support the amendments made by the Minister to four different Acts. All four Acts amended by this bill are subject to competition policy review. However, the amendments proposed are designed to overcome problems that cannot be deferred until implementation of the review recommendations. While the amendments may appear to be minor and are not controversial, they are important to ensure that the Acts involved are administered efficiently and effectively. Amendments proposed to the Exotic Diseases of Animals Act are aimed primarily at pursuing all necessary steps that can be taken as soon as possible after notification of an exotic disease outbreak.

It is necessary to ensure that necessary steps are taken to implement action, rather than wait for formal notification. When an outbreak of a disease is suspected it is important that departmental officers have the ability to act immediately, rather than be constrained by requirements that they wait until confirmation of an outbreak. The bill provides that an animal disease is declared an exotic disease from the date of the signature of an order rather than the date on which the order is gazetted. That amendment is particularly important as time is crucial in the containment of an exotic disease and in minimising the difficulties in tracing animals and eradication of the disease.

Recent examples of exotic disease outbreaks include the outbreak of avian influenza at Tamworth last year and the very recent outbreak of Newcastle disease in the Sydney basin. Only three weeks ago the Minister and I visited the Australian Defence Industries—ADI—site in my electorate of St Marys. The Department of Agriculture set up headquarters at the site to attack the outbreak of Newcastle disease in western Sydney—at Blacktown and at Woronora. I found it most enlightening to discover how quickly the department had been able to work to contain the outbreak of a terrible disease. I offer my compliments and congratulations to those from

Lend Lease and the ADI who assisted the department in setting up its headquarters so quickly and at such short notice.

People at the site informed me that the Department of Agriculture notified them of a problem at 9 o'clock on a Friday evening and that by 8 o'clock the following morning the department had been authorised to set up its operations on the ADI site. The co-operation was outstanding. Both Lend Lease and ADI are to be congratulated on assisting the department to take action so quickly. The Minister and I were also pleased to note the speed with which departmental officers had moved to contain the outbreak. The operation was a large undertaking. I had expected to find half a dozen people working at the headquarters, but more than 100 people were involved in a very short space of time.

I was impressed by the way in which the department isolated particular properties and worked on tracing the movements of stock in and out of the two properties affected. The department moved with great speed to curtail the activities of operations such as the McGraths Hill and Parklea markets in which birds are sold in an unregulated fashion. We were advised that 3,000 birds may go through McGraths Hill markets on any one morning, and those markets are located in close proximity to the site of the outbreak at Blacktown. It was heartening to witness the way in which the department was able to move so quickly on such a major undertaking. Departmental officers knew what they were doing and were able to implement quickly the procedures needed to isolate the outbreak.

I commend the Minister for his control of exotic disease outbreaks. It is necessary for the Minister to have the powers provided under this bill ready and available to him should an exotic disease outbreak occur in the future. We cannot afford to waste time. The Minister must be given the opportunity to move expeditiously to curtail any outbreak of exotic disease and to curtail the movements of any potentially infected animals. I commend the bill to the House.

Mr SMALL (Murray) [11.49 a.m.]: This bill amends the Exotic Disease of Animals Act and the Stock Diseases Act. Historically, New South Wales and Australia have been very much agriculturally based, and particularly grazing based. Not so many years ago action was taken under stock diseases legislation to identify different parts of the State at risk of an outbreak of footrot. New South Wales and Victoria, being adjoining States, worked on the eradication of footrot. Footrot will probably never be

completely eradicated but everyone is now more conscious of the need to properly control it. Some 14 or 15 years ago tuberculosis and brucellosis were successfully eradicated throughout New South Wales. Border regions between Victoria and New South Wales experience both stud and commercial stock movements.

The movements of stock remind those who live in such regions, as I do, that livestock in agricultural areas must be protected. Some years ago when I was in Darwin there was a campaign to clean up tuberculosis and brucellosis in water buffalo so that cattle in the Northern Territory would not be affected. Some 12-15 months ago a constituent of mine from Moulamein moved water buffalo from the Northern Territory. Other people in the State did the same. The young man from my electorate and his wife almost had to destroy their water buffalo because of concerns about them carrying disease.

When the animals left the Northern Territory they were identified as clean and free from any known diseases. My constituents did not want to lose the young water buffalo which had cost them so much money. They were placed under a great deal of stress. I thank the Minister for intervening. Some of the older stock were slaughtered to check for disease, whilst the younger stock was maintained after the older stock had been identified as being clear of disease. My constituents are now back on their feet. It is important that the Department of Agriculture avails itself of the opportunity to act responsibly on behalf of livestock producers. I support the bill.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [11.52 a.m.], in reply: I thank the honourable member for Barwon, who led for the Opposition. I also thank the honourable member for Tamworth, a member of the crossbench and the honourable member for Murray. I thank also the honourable member for Waratah and the honourable member for St Marys from the Government side for their support. I foreshadow that I intend to move a technical amendment in Committee. Copies of the amendment have been distributed to the Opposition. I commend those honourable members who identified the need for this legislation, having used on-the-ground experience to test existing regulations and legislation when dealing with the outbreak of diseases in stock.

Several speakers have referred to the recent avian influenza outbreak in Tamworth and to the outbreak of Newcastle disease. The honourable

member for Murray referred to outbreaks of tuberculosis and brucellosis, and he would be familiar, of course, with outbreaks of anthrax. He has first-hand knowledge of the regulations put in place by the department and the Rural Lands Protection Board to control those outbreaks. The honourable member for Murray also highlighted the fact that when stock are quarantined and disease detected individual property owners are placed under a great deal of stress and hardship. In almost all cases the disease was no fault of theirs.

I commend the honourable member for Murray for his acknowledgement of the action of my office and the department in resolving the problems experienced by his constituent in relation to the water buffalo he brought from the Northern Territory. The honourable member for Tamworth and the honourable member for St Marys highlighted the role of the department in the recent outbreaks of avian influenza in Tamworth and Newcastle disease at Rylstone and in western and north-western Sydney. I thank those honourable members for their words of commendation for the Department of Agriculture and the other agencies involved.

I accompanied the honourable member for St Marys to what was probably the Newcastle disease command centre on the Australian Defence Industries site at St Marys and saw first-hand how professionally the problems caused by that outbreak were being addressed. The Department of Agriculture generally leads the way in dealing with such matters, but the Department of Land and Water Conservation, the Environment Protection Authority, the Department of Public Works and Services, the Rural Lands Protection Board, the police and various individuals from industry are involved in what is known as the agriculture and emergency plan.

I commend them all, and my words of commendation extend to any department or organisation I have omitted. The New South Wales Farmers Association has requested a minor technical amendment to the legislation; the Government is pleased to accept. I foreshadow a number of amendments which will be moved for straightforward reasons. Honourable members would be aware from the second reading speech that the bill was developed in a non-controversial manner. The reason for the bill is to make the existing legislation more responsive to the needs of modern industry. The net impact of the amendments to the legislation has been to replace the word "infected" with the word "diseased".

Concern has been expressed by the New South Wales Farmers Association that the use of the word

"infected" may otherwise broaden the definition of livestock previously defined as diseased. Whilst the Department of Agriculture believes the word "infected" is more appropriate and does not broaden this application, the Government does not seek to promote possible confusion amongst livestock producers. The legislation remains workable with the word "diseased" being maintained in it. Therefore, the Government is pleased to support the amendment suggested by the New South Wales Farmers Association. I thank all honourable members for their support of the legislation and for their support for the agencies that are doing good work in the field on these matters.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 3

Amendments, by leave, by Mr Amery agreed to:

- No. 1 Page 15, schedule 3[16], lines 16 and 17. Omit all the words on those lines.
- No. 2 Page 15, schedule 3[17], lines 18 and 19. Omit all the words on those lines. Insert instead:

[16] Section 20B Sale of diseased stock

Insert at the end of section 20B(1):

- No. 3 Page 16, schedule 3[18], proposed section 20B(3), line 3. Omit "infected". Insert instead "diseased".
- No. 4 Page 16, schedule 3[18], proposed section 20B(3A), line 12. Omit "infected". Insert instead "diseased".

Bill reported from Committee with amendments and report adopted.

BUSINESS OF THE HOUSE

Order of Business

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to provide for:

- (1) the interruption of business at 1.00 p.m. for the consideration of Government Business Notices of Motion Nos 1, 2 and 3 and a motion concerning Amnesty International Candle Day; and
- (2) members not being permitted to call a division on any question or call attention to the want of a quorum before 2.15 p.m.

RURAL LANDS PROTECTION BILL**Second Reading****Debate resumed from 14 October.**

Mr SLACK-SMITH (Barwon) [12.02 p.m.]: The aim of this bill is to repeal and re-enact in a simplified and modified form the Rural Lands Protection Act 1989. The National Party has always and will always support the rural lands protection boards. The 48 boards throughout New South Wales comprise 384 directors who act in an honorary capacity. They are elected by the ratepayers of their respective areas. It is important that the rural lands protection boards remain totally independent. The boards have always provided services in a cost-efficient manner. The functions of the boards are to identify, control and eradicate exotic diseases in animal industries in New South Wales. Diseases affect our vital export industries and the safety of food.

Diseases such as anthrax, ovine brucellosis, bovine Johne's disease, footrot, ovine Johne's disease, cattle tick control and enzootic bovine leucosis are a few of the diseases which the RLPBs actively control. The boards are responsible for chemical residual control throughout New South Wales, including the endosulphin surveillance program, the organochloride residue program and the chlorfluazuron program, commonly known as Helix, which was quite devastating in parts of my electorate several years ago. RLPBs are also responsible for noxious animal control. That includes control of feral pigs, rabbits, foxes and wild dogs. The boards have been successful in keeping feral animals under control in many locations.

The rural lands protection boards are responsible also for the travelling stock routes throughout New South Wales, covering approximately 500,000 hectares. In that area the boards are responsible for management of the travelling stock routes and control of noxious weeds such as Bathurst burr, noogoora burr, blackberry, giant Parramatta grass and African boxthorn. The RLPBs do a very good job in making sure that noxious weeds are controlled on the TSRs. In 1994 a working group was established to review the legislation. Coopers and Lybrand conducted a broad-based review of the boards and the role of the Council of Advice. The review recommended changes to improve the management of boards to make them more accountable. In 1996 a task force was established to examine the viability of implementing the recommendations of Coopers and Lybrand.

In late 1996 a new review team was formed to complete the review of the Act. The bill is substantially the result of recommendations made by the review team and reflects a great deal of consultation with the Council of Advice, now known as the State council, and the rural lands protection boards. The State council held regional and zone conferences on this bill and the changes were accepted. The State council and all RLPB directors are democratically elected, as are members of this House. If a director or member of the State council does not perform to standard, he or she is voted out at the next election. The objects of the bill are:

- (a) to provide for the protection of rural lands,
- (b) to provide for the continued operation of rural lands protection boards,
- (c) to constitute a State Council of Rural Lands Protection Boards,
- (d) to give the State Council general oversight of the exercise by the boards of their functions in accordance with determinations of representatives of the boards at Annual State Conferences of the boards.

At the annual State conferences the direction of the RLPBs and their policy are enacted. Further objects of the bill include:

- (e) to confer on rural lands protection boards greater autonomy in the exercise of their functions while imposing on them the responsibility to be accountable for their actions,
- (f) to provide for the imposition and collection and rates, charges and fees,
- (g) to regulate the provision of animal health services,
- (h) to provide a framework for the identification and control of animals, birds, insects and other members of the animal kingdom that are pests,
- (i) to make provision with respect to the identification of stock,
- (j) to regulate the use of, and the movement and grazing of stock on, travelling stocks reserves and public roads.

The majority of the bill is policy neutral, the main change being that it will give the 48 boards more flexibility in the exercise of their functions. For example, the bill will enable boards to levy one or more special purpose rates when the board considers it necessary for new initiatives. Under present legislation the only rates that are able to be levied are specifically named in the Act. This is important at this time, because in the past few years we have experienced the threat of ovine Johne's disease. The only way that ovine Johne's disease can be levied on sheep owners is under this Act. It is important to

realise that the longer we take to eradicate ovine Johne's disease the more the disease will spread, the more sheep will be affected in this State, and the more farmers will be suffering.

Unlike the present Council of Advice, the State council will be a statutory corporation with supervisory powers over the boards. The individual boards will be given more autonomy. However, they will be accountable to the State council—the boards at present are accountable to the Minister—for the implementation of general policies. Those policies are to be determined at the annual State conference. The State council will be able to issue guidelines in respect of the exercise of any function of the boards as well as directions to boards to take specified action in certain circumstances.

I have already mentioned ovine Johne's disease. Another problem in my electorate is bovine Johne's disease, especially as the electorate borders Queensland. If a board fails to comply with a direction, the State council will be able to take any action necessary to give effect to the direction. The State council will be able to request the Minister to appoint an administrator to exercise the functions of the board. At present the Minister has total control over rural lands protection boards. This measure establishes a second tier of responsibility. I might reiterate that the State council policies are to be determined at the annual State conference.

The State council will be subject to the control and direction of the Minister in the exercise of its functions. The State council also will be required to enter into a memorandum of understanding with the Director-General of the Department of Agriculture. This means that any additional function that the department wishes rural lands protection boards to take on board must be funded by the department, so that the loading of such rural lands protection boards with additional functions will not lead, over time, to a degrading of the funding of the boards. If the boards are carrying out additional functions, the department will pay the boards to do so.

The memorandum of understanding will relate to the exercise of animal health functions of the director-general, the State council and the boards, as well as the exercise of any other functions agreed to. Failure of the State council to enter into or comply with the memorandum will be one ground upon which the Minister may appoint an administrator to exercise some or all of the functions of the State council. The issue of district veterinarians will be canvassed in the memorandum of understanding.

The department will continue to provide animal health services to people in the western division whose boards do not have to employ a district veterinarian. The accountability of the State council and all boards will be improved by making them subject to the Public Finance and Audit Act 1983. That is important because rural lands protection boards are funded by ratepayers, the directors of those boards are elected by the ratepayers, and the State council is elected by those directors. Therefore the State council and the boards should be made fully accountable for all expenditure by them.

Details of management requirements for travelling stock reserves are no longer contained in the legislation. They will be transferred to function management plans. Throughout New South Wales it is being accepted that many of our travelling stock reserves are now wildlife corridors and therefore are a very important part of our natural environment. The rural lands protection boards will be required to prepare management plans for travelling stock reserves within their districts. In addition, boards will have to prepare a function management plan for any other matter, as directed by the State council.

New pest provisions will enable an order to be made by the Minister declaring an animal, bird, insect or other member of the animal kingdom to be a pest either in a particular locality or generally throughout the State of New South Wales. The order will be able to impose or confer appropriate obligation or powers necessary to control the declared pest on the land concerned. A pest control order also may empower a board to make more specific eradication orders that take into account local conditions and, where appropriate, modify aspects of the pest control order. New South Wales Farmers has raised a number of objections to the bill, which it opposes. Some concerns raised by the group are to be questioned. Some statements made in support of the objections are not true. In particular I refer honourable members to the second paragraph of a recommendation contained in the submission put forward by New South Wales Farmers:

That in the event that the proposed Rural Lands Protection Bill (1998) is enacted, NSW Farmers' Association engage in consultation with members with a view to seeking support to have Rural Lands Protection Boards disbanded, and their functions transferred to NSW Agriculture and Local Government.

The National Party and the Liberal Party are fully committed to preserving and supporting rural lands protection boards. I cannot help feeling that New

South Wales Farmers is becoming scared that its power base is under threat from rural lands protection boards. That seems to have been especially demonstrated recently by rural lands protection boards making the running on very important issues, of which bovine Johne's disease and ovine Johne's disease are but two.

A third issue that comes to mind is the chlorfluazuron, or helix, problem that was prominent just a couple of years ago. At the time the rural lands protection boards took an active role in that matter. New South Wales Farmers sat on the fence and did nothing, as it has done many times before, then claimed credit when the problem was over. I strongly suggest that New South Wales Farmers stop sniping and decide to talk to the rural lands protection boards so that something more constructive may result.

Mr HARRISON (Kiama) [12.16 p.m.]: The Rural Lands Protection Bill introduces a number of important changes to the way in which boards will continue to deliver their traditional functions and provides mechanisms for boards to undertake new functions. Boards will be impounding authorities under the Impounding Act 1993. This will enable persons appointed by boards to impound animals, including pigs and deer, that are left unattended in public places and places under the control of boards. Persons who unlawfully take animals onto a travelling stock reserve without the authority of a permit issued by a board run the risk of their animals being impounded. This is a rationalisation of the law. It removes the present duplication of provisions under the current Rural Lands Protection Act 1989 and the Impounding Act 1993.

The State council will operate a vital dispute resolution function. That will include the power to resolve disputes between boards, directors and staff, or between boards and persons complaining about the actions of boards. The Director-General of Agriculture will be responsible for resolving disputes between the State council and boards. These mechanisms will assist in bringing about greater board accountability. The State council is also able to direct a board to take specified action. If a board fails to do so, the State council is empowered to perform the action itself at the expense of the board concerned.

The Minister, as part of his overall responsibility for the legislation, has powers to appoint an administrator in respect of all or part of the functions of the State council or a board in certain circumstances. Those circumstances include: when the State council fails to comply with a

direction of the Minister, or fails to enter into or comply with the memorandum of understanding; when a board fails to hold an election or has insufficient directors to form a quorum; when a board has failed to comply with a direction of the State council, or fails to carry out a function to the satisfaction of the Minister; or in other circumstances as prescribed. The administrator can exercise the powers or functions of the State council or board for which the administrator was appointed.

I wish to concentrate on one particular section of the bill which I find to be particularly pleasing; that is, the decision made by the Minister that Australia's national dog, the dingo, is to be removed from the vermin or destroy-on-sight classification. This means that dingos will now legally be able to be kept as companion animals provided that their owners comply with the requirements of the Companion Animals Act. The history of dingoes in Australia goes back at least 4,000 years—and probably much longer. Since the time of white settlement 200 years ago Australia's national dog has suffered persecution and must be seriously considered to be in danger of becoming extinct, partly as a consequence of its classification as "vermin or shoot on sight" but more particularly as a consequence of hybridising with other wild dogs.

A new enlightenment about our national dog, which is believed to be the purest strain of dog on the planet, is now emerging, with the Australian Capital Territory declaring the dingo a protected species and the Northern Territory removing it from the vermin list. New South Wales is now joining the two Territories in recognising the unique character of our national dog. It is a paradox that the early English settlers considered virtually all native Australian species of animals to be vermin while at the same time they introduced to this continent sparrows, starlings and the European fox, which caused inestimable damage to crops and native wildlife. The *Australian Encyclopedia* states:

The dingo is an opportunistic predator which also eats carrion. Half to two-thirds of the diet usually consists of kangaroos and wallabies, supplemented by rabbits, small marsupials, birds and rodents. Calves and sheep are also taken when available. Extensive studies in eastern and western Australia indicate that stock make up less than five per cent of the average dingo's food intake . . . there is strong evidence that dingoes keep down the numbers of kangaroos and wallabies that compete with stock for pasture.

The overreaction to Australia's native dog puts Australia in a very poor light in terms of the rest of the world. Mr Alan Newsome of the CSIRO recommended a management plan that would protect dingoes in all national parks and reserves and remove them from the vermin list in all States. His

plan suggested that electric fencing and sound barriers replace indiscriminate poisoning and trapping wherever possible. Dingoes kept as pets are considered trustworthy. In fact, a female dingo named Nerida, raised by dingo breeder Bruce Jacobs, who operates a registered zoo near Castlemaine in Victoria, spent six months at Lady Nell's seeing eye dog school in Victoria.

Nerida eventually failed her course, which may have been due to the fact she was under extreme scrutiny. However, she did perform very well. It was only at the end of the course that it was realised that she would not be able to operate as a seeing eye dog. The school's executive director, Phyllis Gratin, has kept Nerida as a household pet for many years and claims that if she could find the right dingo pup she would start training it immediately. The CSIRO's Alan Newsome has called for the registration of dingoes as a breed in recognition of the dingo's status as our national dog. It would be easy to formulate a set of standards to enable dingoes to take their place with other dogs on show stands in New South Wales and around Australia. That would be the salvation of dingoes.

To maintain the present situation, in which dingoes are shot on sight or hybridised with other strains of dogs, including alsatians, rottweilers and other much bigger and much more ferocious animals, will eventually lead to dingoes becoming extinct. It is a paradox that in New South Wales and in other parts of Australia it is permissible to keep American pit bull terriers, although they have been responsible for a number of deaths of children. These dogs are capable of killing not only children but adult males. They are bred to kill. It has been claimed in certain quarters that keeping a pit bull terrier is like keeping a tiger; when they are released they are extremely dangerous.

While it is permissible under the companion animal legislation, or the Dog Act as it used to be, to keep rottweilers, American pit bull terriers and other dangerous dog strains, the dingo is considered vermin and only select people have been allowed to keep them under very prescriptive conditions, including keeping them in pens, having them desexed and so on. If we continue down the present track the dingo will become extinct, and it would be a shame if the species ceased to exist.

Mr Amery: To go the way of the Tasmanian tiger.

Mr HARRISON: As the Minister rightly points out, to go the way of the Tasmanian tiger. Australia has a shameful record in terms of the

number of bird and animals species that have become extinct, and the dingo is on the brink of extinction. The enlightenment shown by the Minister for Agriculture and the governments in the Australian Capital Territory and the Northern Territory will be the dingo's salvation. I would be remiss if I did not acknowledge on record the efforts of people such as Barrie Oakman of the National Dingo Council to highlight the attributes of dingoes and the fact that they are not killer animals. Dingoes are relatively small and are capable of being kept as companion animals. They are faithful and after reaching about two years of age they are highly intelligent.

Many people in this country would like to have a pet dingo, and State, Territory and Commonwealth legislation should not prevent that. While keeping dingoes as pets may cause some problems, they could be addressed later with additional regulations relating to the keeping of dingoes as pets. If the provisions of the companion animal legislation are applied there will not be any problems with keeping dingoes as pets, and a species which exists only in Australia will be protected for all time. I congratulate the Minister on including this provision in the bill, and I indicate my firm support for the passage of the bill.

Mr JEFFERY (Oxley) [12.27 p.m.]: I have great pleasure in speaking to the Rural Lands Protection Bill. I was secretary of a pastures protection board, now a rural lands protection board, for 16 years, and I was secretary of a dingo control board, renamed the wild dog control board, which worked to alleviate and suppress the amount of damage caused by wild dogs. At present on the mid-north coast there is a problem with wild dogs as a consequence of cross-breeding. As the honourable member for Kiama said, the biggest threat to the dingo is cross-breeding with other wild dogs. Wild dogs are causing many problems to landowners because of the horrendous damage they do to stock.

This bill is intended to replace the Rural Lands Protection Act 1989. It introduces State council control and greater autonomy to boards. At present there are 48 rural lands protection boards in New South Wales and they will be divided into districts and regions. The honourable member for Port Macquarie would support most of my comments because of the particular problems that exist on the north coast. No mention is made in this bill of landowners who qualify to pay minimum rates. Landowners, especially those in coastal areas, are concerned about the changes to the provisions of the 1989 Act relating to land assessed for minimum rates. I ask the Minister to take on board that concern.

During debate on the 1989 legislation I said that it would be the beginning of the end for pastures protection boards, and that no attention was being paid to landowners in coastal electorates, including Port Macquarie and Oxley, who qualified for minimum rates. This bill will have a major financial effect on the boards and their ratepayers. A major part of the bill transfers administration from the Minister for Agriculture to the Rural Lands Protection Board State council. I believe the cost of the administration of the boards will be borne by ratepayers only. It must be remembered that the community benefits from these boards in the control of noxious animals or disease health. The good part of the bill transfers the responsibility of veterinary inspectors back to the boards. The boards have always paid for the veterinary inspectors' salaries under the control and direction of the department.

That is a sensible move because over the decades there have been problems, though minimal. I believe that this transfer will involve a huge increase in rates because the department's costs will be diverted to the board. Part of the object of the bill is to return the responsibility of New South Wales Agriculture to the boards. The bill confers on rural lands protection boards greater autonomy in the exercise of their functions while imposing on them the responsibility to be accountable for their actions. The boards were offered a sweetener of \$250,000 per year for five years that will enable the council to expand its power base. I understand that only two more payments are due, which means that only two years remain before rates increase significantly.

At the moment travel allowances are given only to directors, but State council members will be included, as they represent each rural lands protection board. I am aware of the responsibilities of shire councillors, but the provision for State council to set allowances for board members, which is expected to be \$100 per meeting, must be placed on record. With 48 boards comprising eight directors, and each board holding 12 meetings, the total is approximately \$480,000, but to this must be added expenses for special meetings, regional conferences and State conferences. The council would be faced with a minimum bill of approximately \$800,000 for members' expenses, a bill that will become the burden of the ratepayers. I do not begrudge directors being paid a fee. As farmers they must carry out work on their land, and if they must attend to their council responsibilities, consideration must be given to compensating them.

Clause 10 makes it clear that the council will be subject to ministerial advice and will be responsible for ensuring that the boards implement

the general policies determined by representatives of the boards at the annual State conference. This is just another layer of bureaucracy, a buffer between the irate ratepayer and the Minister. The Minister referred in his second reading speech to clause 44. This clause requires a board to prepare a draft function management plan for all travelling stock reserves under its care. Clause 45 specifies the matters that must be covered by function management plans for travelling stock reserves.

Travelling stock reserves are Crown reserves. Making the State council answerable will remove responsibility further from the Department of Agriculture. While most boards would agree to that course, a problem could arise because the State council is responsible for ensuring that the boards implement the policies of the combined boards. Clause 80 provides that the State council can approve the waiving of rate payments. At the moment only the Minister has this responsibility. I believe that a hands-off approach to rates is necessary. For example, the public perception is that the Law Society governs lawyers.

If the Minister loses that responsibility, perhaps the State Council of Rural Lands Protection Boards could be put in charge of the Blood Bank, or police could be asked to investigate police. I am sure that analogy will draw a few crabs along the way. The bill does not provide the necessary checks and balances associated with responsibility for collecting rates. I turn to clause 115. At the moment land-holders pay half the costs of fencing TSRs and boards must obtain ministerial approval to pay the remaining amount. The State council must concur with that payment otherwise the board will absorb the full cost. My main concern is that of a landowner in the southern Riverina area having to maintain all fences along travelling stock routes. Clause 202, which relates to accrual of interest on overdue rates, is a dangerous provision. I refer particularly to subclause (2) which states:

Interest accrues on a daily basis or on such other basis as is determined by the board or person concerned.

The provisions of that subclause will result in boards varying the interest rates to the maximum approved by the Minister. The interest rate should be fixed for all boards, otherwise some boards will charge interest at one per cent for one landowner and 10 per cent for a next-door neighbour. Clause 202(2) sets a dangerous precedent as it will not provide for a uniform rate for all rural lands protection boards, and I ask the Minister to re-examine it. People will continually dispute the rate charged by boards on such a nitpicking matter. It is not worth enshrining in legislation such an unnecessary provision.

I have mentioned that smaller farms and acreages on the mid north coast can barely afford to pay rates let alone interest accruing at a rate that could vary at any time. Clause 69 is also disturbing in that it mentions notional carrying capacity in lieu of what used to be called assessed carrying capacity. My concern is that if a case goes to court a judge will have difficulty with the phrase "notional carrying capacity". The assessed carrying capacity has stood the test of time. I ask the Minister in his reply to reconsider whether that terminology should be maintained.

What is most disturbing about this bill is that disputes and complaints with rural lands protection boards will now go to the State council and will not be referred to the Crown by way of ministerial representation by local members, which happened in the past. I return to the same argument: we take the matter to the Minister, who is supposed to be independent. I am not saying that the State council will not be independent, but the perception of ratepayers will be that it is not independent. Presently an approach is made to the board's secretary, who refers the matter to the appropriate local member, who in turn approaches the Minister about the matter.

Usually landowners are satisfied with the outcome, though not necessarily satisfied with what we have told them, but at least they have exercised their right of appeal through the Minister. However, I foreshadow problems in that respect, particularly along coastal regions. The bill does not address minimum rates. The State council will be given the task also of resolving any dispute through mediation, arbitration or other procedures it considers appropriate. Under clause 215 the Minister can appoint an administrator to manage the affairs of the State council if the council fails to comply with ministerial directions or to carry out its functions as set out in this legislation, but that remedy will be too late for those affected by the inefficiency of the council.

If the Minister appointed an administrator under clause 218 to manage the affairs of a board a similar situation would occur. The State council would fail and the whole process would collapse. This legislation confers power to boards and the State council and takes away the protection and stewardship of the Minister for Agriculture. Many people would agree with that procedure. Even coalition colleagues might argue that it would be a good process, but there must be checks and balances.

Many other members want to speak to this most important bill so I shall not take up too much time. However, I want to place on record the great work that is carried out by rural lands protection boards in this State. Stock disease control, brands and marking, tail tagging, and control of noxious animals and noxious insects—locust plagues cause massive damage to properties—all come under the administration of rural lands protection boards. Many people do not realise the many responsibilities, functions and duties carried out on behalf of landowners and the general public.

That is why the general public should have to pay a contribution towards the running and functioning of boards in this State. The State has derived a benefit from having one of the best trace-back and tail-tagging systems. The scene was set by the New South Wales rural land protection boards when the system was able to trace back and eradicate tuberculosis and brucellosis and other stock diseases. The system in New South Wales has been an outstanding success and has been largely applied to tail tagging and trace back in other States. That system should be applied throughout Australia if we are to protect our major exports such as meat and other commodities. I do not oppose the bill but I wish to record my concerns. They will come back to bite the Minister. I ask the Minister to address those issues in his reply.

Mr PRICE (Waratah) [12.40 p.m.]: I support the Rural Lands Protection Bill. The legislation has been well canvassed by members of the National Party but I would like to emphasise a couple of its elements. The Rural Land Protection Act has been under review since 1994 to make it less prescriptive and more flexible and to conform with best regulatory practice. Consultation with all boards and with the Council of Advice took place during each review. Further consultation with the boards and the State council took place from May this year until finalisation of the drafting of the bill, despite there being several objections to some clauses. That has already been discussed and it may be referred to again by the Minister.

The objects of the bill are clear and precise. They provide for the protection of rural lands and for the continued operation of rural lands protection boards. They also move to constitute a State Council of Rural Lands Protection Boards. That council will replace the Council of Advice that was prescribed in the 1989 Act. It will no longer be a non-statutory advisory body. In particular, it will have control

over the conduct by the boards of its responsibilities under the Act and the application of the memorandum of understanding which the State council, the boards and the Director-General of Agriculture will enter into. The State council will have certain powers to enforce compliance by the boards, such as directing a board to undertake specific action in relation to a function. This arrangement will increase the accountability of boards in their day-to-day activities.

Many of the administrative decisions and powers presently performed by the Minister will be performed by the State council under the bill, and the State council will be subject to the direction and control of the Minister. Given the State council's general oversight of the exercise by the boards of their functions in accordance with the determinations of representations at the boards' annual State conference, honourable members will see that the State council in turn will be responsible to the annual State conference of rural lands protection boards for the implementation of policies concerning board functions.

Further objects in the bill include conferring greater autonomy on rural lands protection boards in the exercise of their functions while imposing on them better accountability. They also provide for the imposition and collection of rates, charges and fees. In that regard the new legislation is less restrictive and more flexible. For example, boards will be able to raise special purpose rates for particular projects. That is quite a departure from the current rating system. Also, the pest provisions of the present Act have been rewritten to allow for control orders to be made in relation to all or any particular areas of the State concerning any animal or insect considered to be a pest, after consultation with affected parties. Reference to clause 169 and beyond in the bill will make sure that measure is enshrined, and it will be followed by the Government with some interest through the boards and the council.

The pest problem has been canvassed during debate. On my own property I have had great assistance from one of the board's officers in the eradication of rabbits. We did not have a very successful run with calicivirus in the north-eastern part of the Hunter. Despite all efforts we still have a significant problem, and that has encouraged a tremendous number of foxes to come into the area. That worrying development has become a major problem for normal poultry maintenance, particularly in the lower Hunter where there are significant chicken growing operations. Nevertheless, the support afforded by the board's officers has been considerable.

It is appropriate to refer to the weeds county council. During my time in local government I was privileged to be the chairman not of a weeds county council but of a council concerned with eradication of alligator weed. In that task we had the support of the Pastures Protection Board, as it was then. Alligator weed was a transportable pest introduced—we suspect, from South America in the ballast of ships—in the Newcastle area. Alligator weed was particularly heavy in the Port Stephens and Newcastle shires and to a lesser extent in Maitland and Lake Macquarie. Those councils recognised the problem. Although the Rural Lands Protection Act did not protect them at that time, they took up the running and ultimately that particular weed problem was acknowledged and its eradication was taken over by present council, which still does excellent work on weeds.

A further object of the bill is stock identification. I note that today identification of stock is being managed quite successfully. Honourable members will note that the previous bill before the House dealt with that specifically and enumerated a number of other actions already in existence to identify and give specific stock locations and movements. Another object is to regulate the use and movement of grazing stock on travelling stock reserves and public roads. The bill does not provide administrative detail in relation to all matters. Boards will be required to prepare functioning management plans for travelling stock reserves in their districts and in relation to such other matters as directed by the State council.

Boards will also be required to comply with the guidelines set by the State council in relation to their functions. The State council is also able to direct a board to take a specific action. If a board fails to do so, the State council is empowered to perform that action itself at the expense of the board concerned. I hope that situation does not arise. I have absolute faith in rural lands protection as it is, and I believe that the local boards are doing an excellent job. My experience with the Maitland area board indicates that is so. I am sure that the boards will take every opportunity to comply with the requirements of the newly constituted State council and that there will be great co-operation between those bodies.

The boards will be required to employ a full-time district veterinarian to undertake animal health work in their districts. That applies to all boards other than those in the western division. Direct control over district veterinarians will now rest solely with the employer boards. New South Wales Agriculture will no longer have direct power over

district veterinarians, as it had under the 1989 Act. However, under the memorandum of understanding the boards will be responsible for execution of animal health work in each district. The Minister's ability to appoint an administrator to the State council or to any of the boards has already been raised.

I can understand the concern of the honourable member for Oxley but I believe he is reading too much into the proposal. Extreme measures would be undertaken only in cases of absolute neglect. I cannot envisage a circumstance in which that would occur. At present with local government it is very rare for the Minister to find it necessary to appoint an administrator to a local council, and if that is done it is inevitably done because of an administrative or political problem. Certain aspects of such difficulties would not occur in the area of pastures protection. Certainly I do not think that would occur within the State Council of Rural Lands Protection Boards, given the judicious method of selecting members who are not only competent but interested in a particular professional aspect of administration. The board has one other minor item to contemplate, that it will be subject to the Public Finance and Audit Act.

Mr Jeffery: Give us a run-down on board mergers.

Mr PRICE: Obviously, board mergers have been extremely successful. I congratulate the Minister on bringing forward this legislation. I thank his advisers for their input. I look forward to the smooth passage of this bill through this House and through the other place.

Debate adjourned on motion by Mr R. W. Turner.

BILL RETURNED

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

Police Service Amendment (Special Risk Benefit) Bill

CHARLES STURT UNIVERSITY AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [12.50 p.m.]: I move:

That this bill be now read a second time.

Charles Sturt University has come of age. It was formed a decade ago from pre-existing teachers' colleges and institutes of education in Albury, Bathurst and Wagga Wagga. They had borne little relation to one another before being amalgamated into the first-ever university for western and south-western New South Wales. Since 1989 the university has developed into a thriving, modern institution with a proven record in the delivery of higher education, including distance education programs. This bill formalises the evolutionary development of Charles Sturt University over the past decade, recognising the university as a unitary rather than a federated institution.

It also ends the existing sponsorship of the university by the University of New South Wales and provides for the further development of Charles Sturt University. The time has come to end this arrangement through which the progress and development of the once fledgling Charles Sturt University have been monitored and overseen by the University of New South Wales. Charles Sturt University is approaching its tenth year of operation and is sufficiently well established to operate as a fully autonomous institution. The University of New South Wales fully supports bringing the sponsorship arrangement to an end. I sincerely thank the University of New South Wales for its contribution to Charles Sturt University and to higher education in this State through its sponsorship of Charles Sturt University.

Through the benefits of this sponsorship arrangement, Charles Sturt University has avoided any potential post-amalgamation difficulties experienced by some of our younger universities. It has avoided them by working with the various network members, as they are currently called, to emphasise the unity of the university over and above the institutional integrity of the former colleges and institutes out of which it was formed. The directions that have evolved within the university since its inception have tended to promote the leadership of the board of governors and consistency between the three network members. For example, the university's faculties and departments are each university-wide rather than being located exclusively at one campus.

The amendments proposed will broaden the university's role to enable it to take advantage of new opportunities and national and international markets for higher education services, while still retaining the present emphasis on western and south-western New South Wales. While ensuring that

existing campuses of the university at Albury, Bathurst, Dubbo and Wagga Wagga continue to operate, the bill also leaves the way open for expansion to new campuses and new educational delivery modes. This is an appropriate response to the increasing competitiveness of higher education nationally and internationally and to the need for universities to find new sources of funds.

The achievement of greater unity and independence for the university and the broadening of its role are reflected in the changes to the governing body of the university set out in schedule 1 to the bill. The governing body will no longer be known as the board of governors. Instead, it will be called the council, and its membership will be altered to reflect the broader mission and more unified structure planned for the institution. There will be fewer ex-officio members, because the current chief executive officers of network members—in future called heads of campus—will no longer automatically be members of the governing body. The council will instead include a broader range of community members and, as with the current board of governors, these external community interests will be in a slight majority in the membership of the new council.

The sponsorship of Charles Sturt University by the University of New South Wales has involved the inclusion within the governing body of four University of New South Wales Council representatives appointed by the Minister. These University of New South Wales representatives will be replaced by four graduates of Charles Sturt University, nominated by the council following a formal selection process, and appointed by the Minister. The inclusion of graduates within the membership of the council is appropriate for an established institution such as Charles Sturt University and is consistent with other universities' legislation. The university has indicated that a formal selection process will be put in place to ensure that a wide range of interests and locales are represented in the graduates nominated for appointment by the Minister.

The requirement in the bill that the graduates may not be currently serving or recently retired members of the university staff or enrolled students is also aimed at ensuring the broadest possible range of interests on the council. The membership of the new council includes an additional elected student member, bringing the total student representation to two, in line with a majority of other universities in New South Wales. The amendments will abolish the formal titles prescribed in the legislation for the various network member campuses, that is, the

Charles Sturt University, Riverina; the Charles Sturt University, Mitchell; and the Charles Sturt University, Murray.

While the bill places a clear legislative obligation on the university to continue to maintain and operate existing campuses at Albury, Bathurst, Wagga Wagga and Dubbo—the latter campus was established after the 1989 Act came into effect—the university will be able to avoid perceived confusion in domestic and overseas markets generated by the use of these regional names and emphasise that it is a fully unified, single institution. Equally as important, the bill will leave the way open for further expansion of the university to appropriate new campuses, markets and educational delivery modes.

To further emphasise the unity of the institution, the formally prescribed role of the chief executive officers of the current network members will be removed from the Act. This does not mean that the leaders of the various campuses of the university will not continue in their current roles. Indeed, each of the four major campuses will have its own head of campus. It is simply unnecessary for these positions, which are indicative of the former federated structure of the university, to be prescribed in the Act. To avoid confusion with the new name of the governing body, the council, the bill provides for the local advisory structures at Albury, Bathurst, Dubbo and Wagga Wagga to be called committees rather than councils, as at present. The requirement for the university to establish and maintain formal advisory structures at these major campuses will continue unchanged.

Consistent with the aim that Charles Sturt University become a fully unified, single institution, and consistent with legislation relating to other New South Wales universities, it is proposed that the council will be the only body within the university to have its functions, membership and role fully defined in the Act. The changes will confirm the council as the governing authority of the university.

Finally, the bill provides for a smooth transition of the membership from the current board of governors to the new council. The amendments contained in this bill were the subject of extensive internal consultation, involving a formal process of written submissions from university sources and wide promulgation and discussion within the university and its communities. The bill reflects the multi-campus structure for the university that has generated international acceptance and interest. The changes emphasise and reflect the unity of Charles Sturt University as a single legal and administrative

entity. They focus on consolidating the university's development to date and strengthening its attempts to broaden its market. They will also provide a structure for the university that more closely reflects that of the majority of New South Wales universities. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

EVIDENCE (AUDIO AND AUDIO VISUAL LINKS) BILL

Bill received and read a first time.

Second Reading

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [1.02 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on Wednesday, 14 October. The Minister's second reading speech appears on page 4 of the *Hansard* proof for that day. The bill is in the same form as introduced in the other place, and I commend it to the House.

Debate adjourned on motion by Mr Fraser.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE BILL (No 2)

CHILD PROTECTION (PROHIBITED EMPLOYMENT) BILL (No 3)

OMBUDSMAN AMENDMENT (CHILD PROTECTION AND COMMUNITY SERVICES) BILL (No 3)

Bills introduced and read a first time.

Second Reading

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [1.03 p.m.]: I move:

That these bills be now read a second time.

Last July the Government tabled three draft exposure bills that responded to key recommendations of the Wood royal commission paedophile inquiry. Those bills were the Commission for Children and Young People Bill,

the Ombudsman Amendment (Child Protection and Community Services) Bill and the Child Protection (Prohibited Employment) Bill. In July, I tabled the three bills in Parliament to ensure that the community had an opportunity to consider and comment on them during the parliamentary break. The Government appreciates the strong interest that many community groups have shown in this important legislation.

It is heartening to see so much attention to legislation that will promote the interests and wellbeing of younger members of our community. Suggestions made by various groups during the consultation process have been of great assistance in finalising the bills. I acknowledge the valuable contributions made by Associate Professor Patrick Parkinson, who is the Chair of the Care and Protection Legislation Review Committee; Dr Judy Cashmore, from the Child Protection Council; Gary Moore, from the Council of Social Service of New South Wales; Nigel Spence, from the Association of Children's Welfare Agencies; and representatives from the State Network of Young People in Care, the Catholic Education Commission, the Catholic Welfare Agency, the Independent Education Union, the Teachers Federation and many others.

I would like to thank particularly the 150 young people across the State who gave their views on the children's commission. Their input was vital, and will remain vital once the commission is established. Drafting these proposals, forming a new children's commission and establishing the rules governing the employment of people working with children is vital and important work, work that the Government could not have completed without the valuable input from those groups.

Today the Government is introducing the bills into Parliament. The Government trusts and hopes that they will receive support from all members of Parliament concerned with advancing the interests and needs of children and young people. I also wish to announce that the Government intends to introduce the new Child Protection Bill in this session. Through this legislation the Government will establish a new children's guardian who will take over the current responsibilities of the Minister for Community Services for children in care. The proposal will bring to fruition another of Justice Wood's key recommendations and is the result of the four-year review of the Act undertaken by Professor Parkinson.

The introduction of the Commission for Children and Young People Bill is an historic day for children and young people in New South Wales.

I am proud to say that this will be the only State in Australia to establish both an independent Commission for Children and Young People outside of government and an Office of Children and Young People within government. This dual approach to children's issues is advocated by many key children's groups as the best arrangement to bring about real changes for children and young people. The Commission for Children and Young People Bill will create an independent body to promote respect and understanding for the interests and needs of children and young people in our community.

The commission will be uniquely placed to work co-operatively with both government and non-government organisations that provide services to children and young people. Importantly too, the commission will be able to tell the Government and the community when children and young people are not getting a fair go and how things could be improved for them. This bill responds to one of Justice James Wood's key recommendations. As I previously advised the House, the proposed commission varies somewhat from that recommended by the royal commission. These variations are largely the result of the views put during consultations over the past nine months.

The Commission for Children and Young People will have a broad mandate to consider the full range of issues affecting children and young people. Its focus will not be limited to child protection, as was the focus of the royal commission. This broad scope, modelled on children's ombudsmen in European countries, was overwhelmingly supported by the children and young people who were consulted about the children's commission. At the same time, there is general recognition that some children are more in need of help than others. For this reason, the commission will be required to give priority to the interests and needs of vulnerable children. It will be up to the commissioner to determine which children and young people are most in need of the commission's support at any given time.

Initially the commission may wish to focus on issues relating to child abuse and neglect to extend further the positive work that has already been done in this area. Some concerns have been raised that this broad based model—the Child Protection Council will become part of the new commission—will discourage an ongoing focus on issues relating to child protection. The State's resolute approach to improving child protection services will not be lost, but will rather be strengthened by the establishment of the children's commission.

I would like to place on record the Government's appreciation for the impressive work that the Child Protection Council has undertaken over the years, for which it has deservedly developed an international reputation. The Child Protection Council was established by the Wran Labor Government in 1985. For 13 years it has provided statewide training for both government and non-government agencies on a range of issues relating to child protection. During the last two years the council has had a pivotal role in bringing together the interagency guidelines for child protection intervention. The guidelines assist key agencies to work together in responding to reports of child abuse. The council also provides training for practitioners on the guidelines.

The Child Protection Council has an important community education role and has worked tirelessly to raise awareness about child protection. The council has had an ongoing research program, an example of which is the groundbreaking systems abuse report of 1993, which led to significant improvements in services for children in substitute care. The Government has the very highest regard for the work of the staff of the council over the last decade, and the contributions of the Chairs of the council: Ms Helen L'Orange, Dr Ferry Grunseit, Mr Adrian Ford and the current Chair, Dr Judy Cashmore. The council has been fortunate to benefit from their leadership and expertise. In order that the council's expertise is maintained its staff will be transferred to the commission. Within the new commission, and beneath a new high-profile commissioner, we are confident that the work of the Child Protection Council will be further enhanced.

The Commission for Children and Young People will be overseen by a newly established joint parliamentary committee on children and young people. It will also report to a Minister of the Crown. The legislation will initially be administered by the Premier. The commissioner will be appointed for a term of four years, with the option of one further term. The commission's overarching functions are community support and employment screening. It will provide support to children, young people and their families in a range of ways. It will have a major role in promoting children and young people's participation in decisions that affect their lives. Encouraging participation is a cornerstone of the United Nations Convention on the Rights of the Child, which was ratified by the Commonwealth Government in 1991. Clearly, reference to this convention will help guide the commission in all its work.

The commission will have the important function of promoting and monitoring the overall

wellbeing of children. It also will be able to recommend changes to relevant legislation, policies, practices and services. Other functions include the provision of training, research, public education, and information and advice to children and young people. Perhaps the most significant function is the commission's capacity to conduct special inquiries into issues affecting children. The bill requires that, before a special inquiry can be undertaken, its topic must be approved by the Minister responsible for the commission. The requirement for ministerial approval has been included because, in undertaking a special inquiry, the commission may invoke significant coercive powers. These include the powers to conduct hearings, to compel the production of information and documents, and to require individuals to give evidence at hearings.

These are major powers and they should not be triggered lightly or used often. But when they are, no government department or non-government agency will be able to ignore or thwart a commission working with the imprimatur of the Premier. The Government anticipates that the commission's reputation and standing will allow it to develop a culture of co-operation around its work and its relationships with other organisations. The commission should operate on the basis of these co-operative relationships and should only need to conduct special inquiries on an occasional basis. Complaints made by, or on behalf of, children will continue to be investigated by the existing complaints bodies, primarily the Ombudsman, the Community Services Commission and the Health Care Complaints Commission.

However, because it will be highly visible to children and young people, the Commission for Children and Young People will undoubtedly function as a referral point for children and help them access effective channels for complaint. During consultation on the bill a number of groups called for the establishment of a network of children's advocates to assist individual children. The Government believes it is vital that vulnerable children have somewhere to turn. Although evidence suggests that children are most likely to seek assistance from an adult they know and trust, the Government will immediately give the new commission, once established, the job of reporting on the best means of improving assistance to those children who have no-one to turn to for help.

The other major function of the commission is employment screening. The royal commission identified shortcomings in screening and employment practices that gave paedophiles easier access to children. Justice Wood's report emphasised

the need for better employment checks on staff as one way of reducing risk to the very children they are employed to care for. The bill provides the legislative framework for a significantly enhanced screening system. A decentralised model of employment screening has been developed that shares the work involved in screening with major government agencies that now have expertise and systems in this area. Details of the process—such as those agencies that are authorised to carry out screening and those that must have their screening done for them by larger organisations—will be set out in guidelines to be issued by the Minister responsible for the commission.

The guidelines will be prepared in consultation with representatives of relevant government, community and employment-related organisations. The decentralised model ensures that employment screening does not place too great a burden on the children's commission. Government agencies will be responsible for conducting checks on their own staff, staff of their funded and licensed services and others in their industry. The children's commission will conduct screening for other organisations, undertake risk assessments, develop screening-related policies and procedures, set standards, and audit the practices of other agencies. This places clear limits around the commission's screening responsibilities. From now on, prospective employees for positions of child-related employment will be subject to stringent checks for past behaviour that indicates that they may be an unacceptable risk working with children.

The screening regime has been developed around the guiding principle that the welfare of children, and their protection from abuse, must be the paramount consideration. It sets a new standard for scrutiny of past criminal charges and convictions, disciplinary proceedings and apprehended violence orders relating to children. The Government makes no apologies for taking a strong stance. Our children deserve the very best level of protection. At the same time, we recognise employees' concerns about the potential misuse of confidential information used in the screening process. To this end, the bill includes protection for individuals who are the subject of screening, including offences for those who wrongly disclose or obtain confidential information.

In addition, a person who is subject to screening must be notified of any adverse legislation that is revealed about them as part of the screening process. This ensures that the individual has the opportunity to discuss, refute or verify that information with the employer or with the agency conducting the check. The bill establishes a

mandatory group of workers who must be screened. This will apply to preferred applicants for a paid position of primary child-related employment in any agency. This is employment that primarily involves direct contact with children, where that contact is not directly supervised. For example, preferred applicants for positions as teachers, in both the government and non-government sectors, child-care workers and residential care workers must all be screened. Foster carers—who are not strictly paid employees—will also be subject to mandatory screening.

The new system is a significant enhancement of previous arrangements. Its successful implementation will require careful attention to both privacy issues and technological requirements. It is therefore intended that screening will be phased in gradually. Those who fall into the mandatory category of child-related employment will be screened first. Screening will help to reduce the risk of children being abused. But it cannot detect a person who has never been caught or never been suspected of perpetrating abuse. It is therefore crucial that screening is complemented by other child-protection strategies. These include the ongoing provision of protective education for children to help them identify risk situations early on and encourage them to tell a trusted adult of their fears, ongoing training and awareness for workers, and establishing professional standards of behaviour through codes of conduct and the development of appropriate work practices.

The Child Protection (Prohibited Employment) Bill (No 3) will implement recommendation 139 of the Wood royal commission. Consultation on the bill has been extensive. The object of the bill is to prohibit persons with convictions for serious sexual offences from working in positions of child-related employment. Its provisions form an integral part of the employment screening system, that are low cost and are easily undertaken by employers. Under the bill, all current and prospective employees will be asked to declare whether they have any convictions for a serious sex offence. If they do, they will be prohibited from applying for, or continuing to work in, positions involving direct unsupervised contact with children. Sexual offences that have been decriminalised, and offences that fall within the category of "act of indecency" but are not of a sexual nature, are not caught by the provisions of the bill. There will be a public education campaign when the bill is proclaimed to assist employers and employees become aware of their new responsibilities.

I now turn to the Ombudsman Amendment (Child Protection and Community Services) Bill (No 3). The royal commission identified shortcomings

and possible conflicts of interest when agencies investigate child abuse allegations made against their staff. To overcome the potential conflict of interest, Justice Wood recommended that the Ombudsman oversee the investigation of departments of such allegations. This bill implements that recommendation for government agencies that provide services to children.

It will enable the Ombudsman to oversee certain non-government organisations that also provide care services to children, namely schools, child care and residential substitute care services. It will also be possible for the Ombudsman to take responsibility for investigating such cases should the circumstances demand it. Whereas the new screening regime is aimed at preventing child abuse by employees from occurring at all, this bill is intended to ensure that, if abuse is alleged to have occurred, an adequate response is made to the allegations. Consistent with its watchdog role, the Ombudsman will oversee agencies' systems and procedures for preventing child abuse by employees, and systems for responding to allegations of child abuse in the employment setting.

As part of its role, the Ombudsman will assist agencies to develop standard procedures for responding to allegations of child abuse. This, in turn, will encourage the keeping of relevant disciplinary records for the purposes of the employment screening system. The Ombudsman's ability to develop standards may be of particular assistance to smaller non-government employers, who will be covered by the bill. The bill allows for the Ombudsman and the Community Services Commission to make class and kind agreements about which organisation will deal with a particular kind of arrangement. Similar agreements may also be made about furnishing to the Ombudsman copies of complaints received by the Community Services Commission.

Together, these three bills represent a major step forward for the advancement of children's interests and their protection from harm. Acting on the recommendations of the royal commission gives us the chance to ensure the best possible protection for our children. The proposals I have outlined today have been refined through extensive consultation with all interested stakeholders. The Government believes that the best possible response has been made to the original recommendations of the Wood royal commission and to the range of issues raised in subsequent consultations. The bills are deserving of bipartisan support, and the Government trusts that they will receive it. I commend the bills to the House.

Debate adjourned on motion by Mr Fraser.

AMNESTY INTERNATIONAL CANDLE DAY

Mr ROZZOLI (Hawkesbury) [1.23 p.m.]: I move:

That:

- (1) this House recognises the valuable and significant contribution which Amnesty International has made and continues to make to the fight against the assaults on human rights and freedoms which are currently occurring in so many places in the world.
- (2) to the voice of Amnesty International, we add our opposition to genocide, torture, inhumane treatment, incarceration or detention without trial, disappearances, arrest for political purposes, use of the death penalty and breaches of the rule of law which characterise the absence of the true democracy we strive always to uphold in this House.
- (3) this House further supports the fight of Amnesty to achieve freedom for all peoples in all countries regardless of political affiliation, ethnicity, gender, disability, HIV/AIDS status, age or religious beliefs.
- (4) this House therefore recognises Amnesty International Candle Day and the symbolic significance of the candle, that, in Amnesty's words, "These are the candles that keep the fire of hope burning in places where freedom is overwhelmed by persecution, wrongful imprisonment, torture, death and despair."

It gives me great pleasure to move this motion in this House on the occasion of Candle Day, Amnesty International's major fundraising event and the focus of that organisation's fundraising activities for the year. People will well recognise the symbol of Amnesty International: a burning candle surrounded by barbed wire. But it is far more than a symbol; that flickering candle is a real force in countries where persecution, wrongful imprisonment, torture and despair are so common.

This morning, at a breakfast hosted by the Parliamentary Group of Amnesty International, we heard the story of a young man who had been incarcerated in conditions that were appalling. He saw not a green leaf, not a patch of blue sky for more than a year. The only light that entered his cell was via a small window high in the cell wall. After about 12 months, on Christmas Eve, the cell door was opened by the guards and three crumpled notes were flung into the cell. The young man picked up one of the notes. It said, "You are not alone. Amnesty International is fighting for your release. Take courage."

Within a few months that young man was released. He owed his release to the unceasing efforts of many people throughout the world who support Amnesty International, people who live in countries where freedom is taken for granted but

who, nevertheless, are cognisant of the fact that in many other countries such freedom does not exist. In a sense, Candle Day symbolises all of that. I ask members of Parliament and members of the community to purchase candles on Candle Day, and to buy badges in support of Candle Day, because the funds raised go to a wonderful cause.

In recognition of Candle Day and the work of Amnesty International the Parliament, through you, Mr Speaker and the President of the Legislative Council, has agreed to buy a \$500 candle, the largest that Amnesty International produces. It will be lit in this Parliament in a ceremony to symbolise our support as a Parliament for the work of Amnesty International. I would like, on behalf of honourable members, to thank the Speaker of the Legislative Assembly and the President of the Legislative Council for their support in that regard and for attending our breakfast this morning. Amnesty International is of great significance to politicians. We live in a country in which the freedom of its people is taken for granted, in which the transfer of governments following elections is seamless, and in which oppositions enjoy parliamentary life free from—

Mrs Lo Po': Being shot.

Mr ROZZOLI: The Minister is correct. In so many countries people who oppose governments are constantly at risk. No greater example is the case of the freedom fighters in Myanmar, who opposed the Burmese generals and who, every time they go on to the streets to speak out for freedom and democracy in their country, risk incarceration and/or death. I advise members of this House of the existence on the Internet of a home page for Amnesty International that has been added to the Parliament's home page. It is maintained by one of the Parliament's staff members of Amnesty International, Mr Jozef Imrich.

We hope to build up the home page as a resource for members of Parliament to enable us to further the work of Amnesty International. The home page will contain details of the membership of the parliamentary group and its executive; it will have the full text of the Universal Declaration on Human Rights; and it will have a number of significant speeches on human rights and speeches made in this Parliament on human rights. I recommend that home page to all members of Parliament and all members of the public who can access it as a good and developing resource on human rights.

Human rights must be the single most important matter for the peoples of this world. We must have the basic freedoms and rights as annunciated in the Universal Declaration on Human Rights, because without those rights we cannot have dignity, status or freedom; we really have no life. I commend the motion, which I know will be supported by the honourable member for Wallsend on behalf of the Government, and I commend the intent and meaning of the motion to the community.

Mr MILLS (Wallsend) [1.30 p.m.]: I am pleased to be able to speak in support of the motion and to speak of the multiparty nature of support for Amnesty International in the New South Wales Parliament. On behalf of the other 40 parliamentary members of the parliamentary branch of Amnesty International I place on record appreciation of the work and efforts of the branch's principal office bearers: the president, the Hon. Janelle Saffin, a member of the Legislative Council; the secretary, the Hon. Kevin Rozzoli, the honourable member for Hawkesbury; and the treasurer, Mark Swinson, the Deputy Clerk of the Legislative Assembly. I commend membership of Amnesty International to other members of Parliament who may have overlooked their support for human rights; they can give effect to that support by joining Amnesty International. The moral and legal basis for the work of Amnesty International is the Universal Declaration of Human Rights. Article 3 of that declaration states:

Everyone has the right to life, liberty and security of person.

Earlier this year the Parliament considered a motion moved by a member of the parliamentary branch of Amnesty International to acknowledge the fiftieth anniversary of the Universal Declaration of Human Rights. I advise the House of some of what is done by members of Amnesty International. We write letters, as I did recently to General Wiranto in Indonesia, because Amnesty International is concerned for the safety of Marcos Belo, who is being held incommunicado in detention by the Indonesian armed forces in Baucau, East Timor. On 30 September this year Marcos Belo and three other men were arrested by an Indonesian air force unit.

Several items were confiscated in the houses raided by the air force and the men were detained on suspicion of involvement with the underground resistance in East Timor. The four men were taken to Baucau air force base. Three of them were later released. Marcos Belo, however, remains in custody. So far he has been refused access to legal representation. Amnesty International is concerned that he could be at risk of torture or ill treatment

while being held incommunicado in military custody.

Disappearances of people like Marcos Belo have not been uncommon in Indonesia and East Timor. Since the resignation of Indonesia's former President Soeharto earlier this year the frequency of such arrests has declined, but arrests are still being carried out by the Indonesian armed forces, which have no legal authority to carry out such arrests. Similarly, members of Amnesty International write letters to Nigeria, Tunisia and the Democratic Republic of Congo. At breakfast this morning branch members we were told a poignant story by David Raper about a woman who had been wrongly imprisoned in Romania. The Romanian Government, after receiving letters from many members of Amnesty International, approached Amnesty International and said that, if the protest letters stopped, the woman would be released. The letters were stopped and the woman was released—nice and simple! Such is the extent of the power of Amnesty International.

I acknowledge also the support of the Minister at the table, the Minister for Local Government, for our parliamentary group. Amnesty International is not just concerned about events in Myanmar, China, Algeria, Tanzania, Kosovo, Iran and Libya; it expressed concern at United States' air strikes in Afghanistan and Sudan. It condemned the callous slaughter of civilians in the bomb attacks on United States embassies in Nairobi and Dares Salaam. However, such attacks cannot be used to justify further human rights violations and loss of civilian life. A report on refugee issues received recently by Amnesty International states in part:

Australia a continuing shame: the mandatory detention of asylum-seekers . . . and challenged the government's justifications on its asylum detention policy.

Every time I sing the words of the second verse of *Advance Australia Fair*—"for those who come across the seas we've boundless plains to share"—I realise that they do not apply to boat people and refugees who come Australia via such a route. We in Australia must not ignore the potential for human rights problems in our own country. I conclude by referring to the Premier's ministerial statement yesterday in this House in which he expressed delight at the arrest of General Augusto Pinochet. The statement was supported by the honourable member for Ermington. The Premier said:

His murder of the freely elected Salvador Allende in the presidential palace in Santiago 25 years ago will be especially remembered; so will the herding of innocents into Santiago soccer stadium and the slaughter that followed. According to

Amnesty International, his subsequent record in torture is the worst of recent decades. More than 4,000 Chileans were murdered or vanished during his regime.

Amnesty International seeks to protect the human rights of all people, regardless of their position or status. I support the motion.

Motion agreed to.

[Mr Speaker left the chair at 1.36 p.m. The House resumed at 2.15 p.m.]

AUDIT OFFICE OF NEW SOUTH WALES

Report

Mr Speaker tabled, pursuant to the Public Finance and Audit Act 1983, the performance audit report entitled "Hospital Emergency Departments: Planning Statewide Services", dated October 1998.

Ordered to be printed.

PETITIONS

Governor of New South Wales

Petitions praying that the office of Governor of New South Wales not be downgraded, received from **Mr Armstrong, 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.**

West Dubbo Law and Order

Petition praying that appropriate and effective action be taken to reduce crime in West Dubbo, received from **Mr Peacocke.**

Wagga Wagga and Albury Radiotherapy Clinics

Petition praying that radiotherapy clinics be established in Wagga Wagga and Albury, received from **Mr Schipp.**

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 Collins, Mr**

Debnam, Ms Ficarra, Mr Hartcher, Dr Kernohan, Mr MacCarthy, Mr Merton, Mrs Skinner 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.**

Kings Cross Policing

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

Sir David Martin Reserve

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

Olympic Games Australian Flag Use

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

Mattara Lodge

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

Same Sex Relationship Rights

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

North Head to Little Manly Point Spoil Tunnel

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

Northside Storage Tunnel

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

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**.

Western New South Wales Traffic Access

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

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**.

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**.

BUSINESS OF THE HOUSE**Business with Precedence**

Business with Precedence Order of the Day No. 1 discharged on motion, by leave, by Mr O'Doherty.

MINISTRY

Mr CARR: I advise honourable members that the International Olympic Committee's Co-ordination Commission is in Sydney evaluating our Olympic Games preparations. The Minister for the Olympics has been paired by the Opposition to attend those hearings. He will be absent from question time today and tomorrow. In his absence, questions relating to his portfolio will be answered by the Minister for Transport, and Minister for Roads.

QUESTIONS WITHOUT NOTICE**DEPARTMENT OF COMMUNITY SERVICES
STAFF PAEDOPHILE ALLEGATIONS**

Mr COLLINS: My question is to the Minister for Community Services. Exactly when did the Minister become aware that there were suspected paedophiles working in the Department of Community Services?

Mrs LO PO': I thank the Leader of the Opposition for his surprise question! If paedophiles are employed in my department, I assure the Leader of the Opposition that I am absolutely determined to weed them out.

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

Mrs LO PO': I will do whatever it takes to make sure our children are not put at risk by these depraved mongrels. I want to see them brought to justice. The last thing I want to do is jeopardise police investigations and prosecutions that are under way. The cases came to light during the investigation of the Child Protection Enforcement Agency, a body described as the best agency of its kind in the world.

Mr Carr: And which government established it?

Mrs LO PO': Our Government. This proves that our child protection policies are working. People who have been in the system for more than a decade have been flushed out by our structures. These allegations relate to activities that occurred in the 1980s.

Mr SPEAKER: Order! The Leader of the Opposition will have an opportunity to ask a supplementary question at the appropriate time.

Mrs LO PO': The two previous coalition governments were apparently unaware of these matters and took no action.

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

Mrs LO PO': The CPEA is investigating activity that is more than a decade old. What did the coalition do during the seven years it was in government?

Mr Collins: On a point of order. The Minister has not answered the question and is seeking to ask rhetorical questions of the Opposition. I ask her to address the question. When did you know?

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

Mrs LO PO': These cases are now subject to police investigation and court action after being discovered by the CPEA, which was an initiative of our Government. Under the previous coalition Government child protection services were dismantled and every child protection specialist was sacked. It took a royal commission, an 82 per cent increase in funding from this Government and years of effort to repair the damage.

The Government is moving further to introduce tough new measures, an Australian first, to stop convicted paedophiles from ever working with children and to more effectively screen all staff seeking to work with children. But we also need to guard against people's lives being ruined by false and malicious allegations. Members opposite, especially the Leader of the Opposition, will be acutely aware of the anguish caused by false and baseless allegations. When the Leader of the Opposition was falsely accused he demanded justice and due process.

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

Mrs LO PO': Is there to be one rule for the Leader of the Opposition and one rule for others?

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

Mrs LO PO': On 18 September 1997 in response to comments by the Hon. Franca Arena, a member of the Legislative Council, the Leader of the Opposition said as coalition leader in this Parliament, but more importantly as a human being

and father of children, "I am outraged by what she said yesterday."

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

Mrs LO PO': On 19 September 1997 the Leader of the Opposition was close to tears when he denied his involvement in the allegation. He said that there was not a shred of evidence, not a single fact—

Mr Photios: On a point of order. The question has nothing to do with the Leader of the Opposition. My point of order relates to relevance. The question of the Leader of the Opposition asked, when did the Minister know. The Minister should be drawn back to the leave of the question.

Mr SPEAKER: Order! No point of order is involved. The member for Ermington is trivialising the standing orders that govern the taking of points of order. If he continues to do so, I will call him to order.

Mrs LO PO': The *Australian* reported the Leader of the Opposition as saying—

Mr Collins: When?

Mrs LO PO': In 1997. The article stated, "I felt more injured by those comments than anything else that has happened in my 16 years in Parliament."

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

Mrs LO PO': More than anyone else, the Leader of the Opposition should understand what injustice means and the importance of due process.

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

Mrs LO PO': I am here to tell him that once due process has been satisfied, those workers, if the charges against them are proved, will move so rapidly out of the system they will get nose bleed.

Mr COLLINS: I ask a supplementary question. In view of her reply, will the Minister advise the House if any of the alleged offences involving the suspect paedophiles referred to by her yesterday occurred in the 2½ years since March 1996? Try answering the question this time!

Mr SPEAKER: Order! The Leader of the Opposition is aware that comments such as that are uncalled for. If he includes a similar comment in any future questions, I will rule the question out of order.

Mrs LO PO': People who it is alleged commit such crimes have been in the system for a decade, since the 1980s. It was not until this Government set up the Child Protection Enforcement Agency that they were flushed out. Had the coalition not lost office, to this day no-one would know about such activity.

HUNTER REGION JOBS PLAN

Mr HUNTER: My question without notice is directed to the Minister for Urban Affairs and Planning, and Minister for Housing. How is the Government's jobs plan securing and creating jobs in New South Wales, in particular, in the Hunter region?

Mr KNOWLES: It is fair to say that everybody in this Chamber will acknowledge the value of the New South Wales Planning Act in its ability to create substantial jobs and investment in the State. For example, State environmental planning policy 34, which deals with major employment generating developments, and the former section 101 provisions—now State-significant development provisions—have been responsible over many years for thousands of jobs and billions of dollars worth of investment in the State's economy. Since March 1995, under these two provisions alone, the Government has approved 48 major developments with a direct investment value of more than \$4 billion.

That translates into a \$20 billion boost to the New South Wales economy and 7,000 new, direct jobs. That is 7,000 jobs, all approved, all under way, and all as a result of the Government's jobs plan. In addition to the \$4 billion worth of investment and the 7,000 new jobs, another 10 major development applications are currently being considered by the Department of Urban Affairs and Planning. In addition, the Government is expecting a further 18 major development applications to be lodged by the end of the year. All told, these 28 new applications represent another \$3.3 billion and at least 5,200 extra jobs. That means in three years 76 major development projects, \$7.4 billion in direct investment and more than 12,000 new, definite jobs.

Of course, the jobs are not just in Sydney. The majority of the jobs created are in regional and rural New South Wales. The new Ingham's poultry processing feed mill near Berrima, which I

announced yesterday, and the Cadia Hill goldmine at Orange are just two recent examples. Today I am pleased to announce another major project: the expansion of the Cooranbong underground coalmine near Lake Macquarie, in the electorate of the honourable member for Lake Macquarie. The Cooranbong proposal was subject to a rigorous commission of inquiry over the past six months, and approval has now been given for the \$120 million extension of the mine, which will create 180 new construction jobs and preserve and protect the jobs of 220 existing mineworkers—all part of the Government's jobs plan.

The approval not only provides new jobs, it supports existing workers in a region where unemployment is well above the national average. The mine will contribute almost \$200 million annually into the New South Wales economy. More than half the extracted coal will be exported, and that represents an additional 1.4 per cent to the national coal exports. The mine was approved with 112 rigorous environmental conditions, going even further than the recommendations contained in the commissioner's report. They include: a requirement to prepare a detailed environmental management strategy for the life of the mine; the preparation of detailed property subsidence management plans; detailed monitoring requirements, including subsidence monitoring, not only for the life of the mine but for five years after it closes; and flood studies and a detailed water management plan to manage impacts on the valley.

In addition, conditions have been included to give landowners the right to have their land purchased on just terms if there is a significant effect on their property, including the impacts of subsidence, unacceptable levels of noise or dust and potential damage to dwellings, businesses or the agricultural use of the land. Unless these conditions are met, mining cannot proceed. An independent panel is to be established to deal with disputes over subsidence impacts and provide technical advice on the consequences of these impacts for and on behalf of the local community. The Cooranbong mine, like all the other projects considered under SEPP 34, section 101 and the public inquiry process, demonstrates the Government's commitment to jobs, investment and growth in New South Wales, while at the same time maintaining the national lead on environmental protection and management.

DEPARTMENT OF COMMUNITY SERVICES STAFF PAEDOPHILE ALLEGATIONS

Mr ARMSTRONG: My question is to the Minister for Community Services. Why has the Government failed to honour promises made in

March 1996 to review all Department of Community Services staff and interview all 6,000 children in care? Is it not true that if these promises had been kept the two suspected paedophiles in DOCS would have been flushed out 2½ years ago?

Mrs LO PO': Some of these allegations go back to the 1980s, when the coalition was in government—at which time it did nothing. Paedophiles had a field day in the coalition's time in government.

Mr SPEAKER: Order! I place the Deputy Leader of the National Party on two calls to order.

HOSPITAL EMERGENCY DEPARTMENT CARE

Mr MILLS: My question without notice is directed to the Minister for Health. What is the Government doing to enhance the care offered in hospital emergency departments?

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

Dr REFSHAUGE: Helping our hospitals and working with doctors, nurses and other health professionals to provide high quality care for patients is a major priority for the Government. One area the Government has been particularly focusing on is emergency departments. Every year the number of people needing care in our hospital emergency departments increases significantly. In 1994-95 there were 1.57 million attendances at our public hospital emergency departments. In 1997-98 that figure had increased by 150,000, taking the total figure to more than 1.7 million per year. As these attendances grow we have been striving to improve the timeliness of the care. Much has been done, but we are working towards even further improvements. Funding for emergency services, which includes emergency departments and the Ambulance Service, has been enhanced by more than \$162 million—a 47 per cent increase since Labor came to government.

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

Dr REFSHAUGE: Under the coalition Government there was a 2 per cent decrease in real terms year by year. In those three years there was not a 10 per cent increase in the population, nor was there a 10 per cent increase in the ageing of the population, but there was a dramatic failure at the level of the Federal Government, which withdrew

funding for public hospitals. There was also a fall in private health insurance.

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

Dr REFSHAUGE: Today a report on emergency departments by the Audit Office has been tabled. I welcome that report and am pleased to say that the majority of the recommendations contained in it are already being progressed. The report shows that waiting times in the emergency departments for the three most urgent categories of care have improved. We are treating sicker patients faster. The waiting times for the two less urgent categories have remained relatively stable, but we are delivering care to the three most urgent categories faster than the coalition ever thought possible

The Government is working to make further improvements in access block in metropolitan hospitals. Access block is measured as the average proportion of patients admitted to a ward within eight hours of being seen by a doctor. The Government has introduced a number of measures to help address this issue. In 1997 it released the priority access strategy to improve the integration of emergency departments and booked patient admissions to a hospital. We have also established an integrated bed management committee. The committee is overseeing specific hospital bed management plans. I am pleased to say that the Audit Office found that some area health services report that performance is already improving. These plans need to be tested further but it is an encouraging sign.

Ambulance diversions is another area where the Government has been focusing its attention. In this regard some metropolitan area health services have been more successful than others, but overall there are fewer hours of ambulance diversion than there were in 1995. New South Wales Health is also specifically looking into ways to speed up the delivery of patients from ambulances into emergency departments. At regular meetings between the Ambulance Service and area health services this issue is being addressed. Over this winter, when demand was greatest, on average an extra 270 beds were opened and extra staff employed. That is, 50 more beds were opened this winter than were opened last winter. The contrast between funding of the Ambulance Service by this Government and former coalition Government could not be more stark. Under the coalition, between 1991-92 and 1994-95 funding for the Ambulance Service fell in real terms by 2.2 per cent.

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

Dr REFSHAUGE: Under the Government, funding has increased in real terms by 43.5 per cent. I am especially pleased to report that emergency departments in rural areas are performing well. In fact, there are more emergency departments in rural areas than in metropolitan areas. In rural hospitals there has been an improvement in the times taken to treat the most urgent categories of patients. As a group, rural hospitals perform better than their city counterparts. In terms of admissions to hospitals from the emergency departments, rural hospitals consistently met or exceeded the benchmarks set by the Health Department.

A significant range of initiatives has been introduced to enhance emergency departments. These include the establishment of the emergency department strategy implementation group to provide advice on policy and planning issues required to maintain an effective network of services—this group includes clinicians from emergency departments and ambulance officers; the release of the emergency department strategic directions in 1997 to help health managers and clinicians plan and develop their local services; the allocation of \$13.8 million to build and redevelop six emergency departments; the development of best practice guidelines and strategies for bed management plans; and the implementation of a priority access strategy in 1997, a strategy that provides more than \$8 million annually for the improvement of emergency department services.

I particularly acknowledge the dedication and professionalism of health professionals. Today we honour two of those professionals from the Ambulance Service: station officer Ian Spencer, a paramedic, and ambulance officer Rhys Dive. Today they received medals and a superintendent's commendation for their rescue of a young girl from the swollen Nepean River during the height of recent floods in that area. Young Tenielle Bolte was rescued on 17 August as a result of the heroic efforts of those two ambulance officers. Ambulance Officer Rhys Dive today received the State Superintendent's commendation and paramedic station officer Ian Spencer received a Distinguished Service Medal. The action of those men and the helicopter service came to the attention of the International Association of Air Medical Services. Over the next couple of days the association will award to that crew, represented by Ian Spencer, the Medical Crew of the Year award for 1998—an international award for our internationally heroic ambulance officers.

NORTHERN RIVERS MENTAL HEALTH SERVICES

Mr RIXON: I ask a question of the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs. Does the Minister acknowledge that plans by the Northern Rivers Area Health Service to dispose of a key Lismore hostel will force mentally ill people on to the streets and place more strain on the overcrowded Richmond psychiatric clinic? Is this how the Minister recognises Mental Health Week?

Dr REFSHAUGE: There is no doubt that the mental health services that the Government was faced with trying to improve when it came to office were rated as the lowest-expenditure mental health services in this country. New South Wales had the lowest per capita expenditure on mental health services in this country. The Government has been able to increase that funding. New South Wales is now spending about \$450 million each year on mental health services. This State is no longer the lowest-spending State on mental health services, a position presided over by the coalition. The Government has certainly had to make up a great deal of lost ground in mental health services. Under the Liberal-National Government New South Wales spent the least per capita.

Mr Photios: You have had a liquid lunch.

Dr REFSHAUGE: I ask the honourable member for Ermington to withdraw that offensive remark.

Mr SPEAKER: Order! The Minister has asked the honourable member for Ermington to withdraw a remark he made. Unfortunately, the attention of the Chair was diverted when he made the remark. I ask the honourable member for Ermington—

Mr Hartcher: I ask you to rule—

Mr SPEAKER: Order! The honourable member for Gosford will resume his seat. I ask the honourable member for Ermington to withdraw the remark.

Mr Photios: Thank you for asking me to clarify what I said. I respect your judgment in this regard. Given your rulings that you do not expect members to withdraw when you have not heard what they said, I ask for clarification on what it is you that expect me to withdraw.

Mr SPEAKER: Order! The honourable member for Ermington will resume his seat. As I have said, unfortunately my attention was diverted and I did not hear what the member said. The Minister will resume his answer.

Dr REFSHAUGE: With regard to mental health services generally, the Government has increased recurrent funding by \$40 million, making a total expenditure of more than \$450 million. The increased funding has brought New South Wales out of the trough of being the lowest-spending State per capita on mental health services. Under the Carr Government funding for Aboriginal mental health services has been increased by \$1.3 million. The Government has provided \$15 million for suicide prevention programs, including the provision of suicide prevention officers throughout New South Wales.

The employment of 150 child and adolescent mental health workers across the State has been made possible by the funding of \$15 million for suicide prevention. The Government has allocated more than \$2 million for the child and adolescent psychological telemedicine outreach service for rural New South Wales. That funding allows the expertise in mental health services for children that is available at the New Children's Hospital to be accessed by country New South Wales through the telemedicine service. A sum of \$1.3 million in recurrent funding has been allocated to identify early signs of depression in young people and to help those who suffer from depression.

An amount of \$1 million in recurrent funding has been allocated to programs for the early detection psychosis in young people, and early intervention. At present the time between presentation of the first psychotic episode to diagnosis of depression is, unfortunately, between one and two years. The Government is working with the program to reduce that time frame, because it is clear from evidence that early intervention in the first episode of psychosis can make a major difference to the individual and his or her long-term prognosis.

The Government is providing a 24-hour 1800 number telephone service in each area health service to provide for emergency needs of people with mental illness. Hospital emergency department staff are being trained in the recognition of mental illnesses and in speedily directing their clients to appropriate services. The Government is now spending a record \$180 million for the Northern Rivers Area Health Service. That is \$46 million more than when the coalition was in office; it is an

increase of 34.2 per cent. That is a massive increase in funding.

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

Dr REFSHAUGE: The Government is expanding mental health services for the Northern Rivers Area Health Service. Extra funding is being provided for mental health services in that region. There will be no people put out on the streets.

COALITION LAW AND ORDER POLICY

Mr PRICE: My question is to the Premier, Minister for the Arts, and Minister for Ethnic Affairs. What is the Government's response to the recent statements by the New South Wales coalition on law and order?

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

Mr CARR: The House will recall that the one initiative of the Leader of the Opposition in law and order when he was the Attorney General—and he was tough about this—was to amend the Crimes Act to ban bungee jumping.

Mr SPEAKER: Order! The House is only halfway through question time and more than 15 members have been called to order. Those members who have been called to order are now deemed to be on three calls to order.

Mr CARR: For so long the community had suffered bungee jumping. The sleep of the community had been disturbed by bungee jumping. The demand for action had grown and finally the Leader of the Opposition acted to ban bungee jumping. The Leader of the Opposition has come up with a great new law and order policy. It has "self-appointed QC" stamped on every paragraph. It is a beauty! The first proposal is this: stealing or damaging \$100 worth of property means one day in gaol; stealing or damaging \$1,000 worth of property means 10 days in gaol. Under the coalition the gaol term relates to the value of the property stolen or damaged.

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

Mr CARR: My first question of the Attorney General's Department was, "Is there any country on

any of the continents washed by the seven seas where such a legal system exists?" The answer came back—"No." The policy is unprecedented and it has got "self-appointed QC" stamped on every paragraph. For example, stealing a \$20,000 Rolex would land you in prison for 200 days but stealing a \$100 watch would cost you one day in gaol. Under the policy of the Leader of the Opposition the criminal law is rewritten to protect rich people's watches. We are told that this policy was drafted by the Liberal Party's Vacluse State electoral conference and the Leader of the Opposition adopted it—the self-appointed QC!

Stealing a \$120,000 Porsche would put the thief in gaol for 1,200 days, but stealing a \$5,000 car owned by a battler would put the thief in gaol for 50 days—he does not even get two months. A burglar breaks into a mansion in Vacluse and steals jewellery worth \$200,000—2,000 days in gaol! But break into a working-class household and steal \$200 worth of jewellery—two days in gaol. The policy is related to the cost of the property; it is property-based law. The Leader of the Opposition says there is one law for the rich and one for working families.

Not one country in the world bases sentencing on the cost of property. If an 18-year-old with no criminal history steals a \$50,000 car under the plan of the Leader of the Opposition the offender gets 500 days in gaol. But the lifelong career criminal with a record of car theft who steals a \$5,000 car will go to gaol for a mere 50 days—less than two months! Only a self-appointed QC, as the Leader of the Opposition is, could come up with that policy. The Government is advised that the practical effect of the policy would be that court cases would become drawn-out battles between teams of valuers. If a property such as a school is burnt in an act of vandalism, under the present law the Crown has to establish that the accused committed the crime.

Under the Crimes Act as completely rewritten by the Leader of the Opposition the Crown will have to establish that the accused committed the crime and there will then be an argument between the prosecutor and the defence about the value of the property involved. Teams of valuers will be summoned to give evidence in every court case that involves theft or damage to property. One can only describe the policy as absolutely wacky. The Opposition has no positive solution, no policy, no capacity for research and no capacity for drafting of solutions.

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

Mr CARR: This policy is absolute nonsense. It is a Crimes Act drafted by the Liberal Party's Vacluse branch structure. The Leader of the Opposition says that stealing one of four expensive cars from a Vacluse family will be marked by the Crimes Act as far more serious than stealing the only car owned by a family of battlers in Sydney's west.

MOORE PARK PARKING POLICY

Ms MOORE: My question is to the Minister for the Environment. Given the success of the public-transport-only policy for the Royal Easter Show at Homebush, where parking was strictly limited, had to be pre-booked and cost \$25 per day, will the Minister support the Centennial Park and Moore Park Trust in establishing a similar policy for Moore Park?

Ms ALLAN: This question probably results from a public rally to discuss Moore Park car parking which was held last Sunday at Kippax Lake in Moore Park and which was sponsored by the honourable member for Bligh. Some honourable members opposite obviously believe that was a great idea. I do not think they were there because only approximately 150 people attended. Nevertheless, the sorts of resolutions that were carried at the rally last Sunday were certainly in line with the existing policy of the Centennial Park and Moore Park Trust, which was represented at the rally, and the Government, which supports the trust in seeking to ensure that car parking will be removed as quickly as possible from those areas. I will not comment on the success or otherwise of the parking experiment referred to by the honourable member for Bligh. It was certainly a successful exercise but it falls within the responsibility of one of my ministerial colleagues.

However, I will refer to the issues that the honourable member for Bligh is concerned about, the issues behind her question. It is important to remove parking from those entertainment and residential precincts. That is why the Centennial Park and Moore Park Trust, strongly supported by the Government, has as an overall objective to remove parking from Moore Park by the year 2000. The Government is undertaking a number of initiatives to remove parking from those areas. Indeed, the Government has had a great deal of success with the steps it has already taken. The Government probably does not need to look at the same initiatives mentioned in the honourable member's question. I emphasise that already we have managed to reduce the amount of Moore Park that is available for parking.

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

Ms ALLAN: The Government has reduced the area of parkland available for parking from 34 hectares to 12 hectares. Over the past couple of years under the Government the amount of Moore Park used for parking has been significantly reduced. Not only has the Government created more opportunities for the use of active recreational parkland in Moore Park by reducing the area available for parking, it is also undertaking, as the honourable member for Bligh well knows, a number of initiatives. More of the people who created problem in the first place are accessing those areas by public transport.

I congratulate the Minister for Transport and the Minister for Sport and Recreation. I also congratulate the Premier, who set up a working party with responsibility for this issue. The Government is constantly working on strategies to encourage more people to get out of their cars and onto public transport so that they do not turn Moore Park into a car park. I am proud of the Government's record in improving both Moore Park and Centennial Park. The Government has achieved a great deal, but that lot opposite did nothing. One of the most dramatic acts of the honourable member for Gosford in the dying days of the Fahey Government was to try to get a McDonald's at Centennial Park.

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

Ms ALLAN: The Government, with the support of the Centennial Park and Moore Park Trust, recently made a successful application for a large amount of money to be spent in the next few years as part of the celebrations of the centenary of Federation. About \$8 million will be spent to maintain the heritage values of the Centennial Park and Moore Park area. That is to be compared to the performance of the previous Government, which wanted to put a McDonald's family restaurant in that area. The honourable member for Bligh, and I and others in this Government are absolutely committed to maintaining the precinct for what it should represent: heritage and recreation. However, the Government will not be a party pooper and deprive people who attend major venues such as the Sydney Football Stadium of parking. It is important to ensure that the entertainment precinct is well managed and well organised. Let us get people out of their cars and onto public transport. I look

forward to the Opposition's support for that proposition.

Ms MOORE: Mr Speaker—

Mr SPEAKER: Order! The member for Bligh seeks to ask a supplementary question. The Leader of the Opposition has already asked a supplementary question.

WESTERN RIVERINA JOBS PLAN

Ms NORI: My question without notice is to the Minister for Regional Development, and Minister for Rural Affairs. What is the status of the Government's five-point plan for jobs in the Riverina?

Mr SPEAKER: Order! I remind the Deputy Leader of the National Party that he is on three calls to order.

Mr WOODS: This question should have been asked by the honourable member for Murrumbidgee, splendid member that he is. I am sure it would have had he been in the Chamber. He is among the third of the members of the National Party who are leaving or have already left during this term of Parliament. He is not only a splendid member but is a great judge of leadership quality. He refers to the Leader of the National Party as yesterday's man. We all agree. In February the Government announced the five-point plan to create full employment in the western Riverina, one region being targeted under the country centres growth strategy. Ten new investment projects worth \$208 million either under way or planned for the region. The projects are expected to create more than 4,000 direct and indirect jobs over the next decade. An investment by the major poultry and egg company, Bartter Enterprises, will create nearly 1,000 direct jobs over 10 years.

Mr Armstrong: You have announced that already; you did that six months ago.

Mr WOODS: The Leader of the National Party interjects again. If he listened he might learn something, but we know he is only interested in failure. He wants to come back in the next term and sit exactly where he is sitting now. He wants to join in with the toffs of the Liberal Party.

Mr SPEAKER: Order! If the Leader of the National Party interjects again I will direct the Serjeant-at-Arms to remove him from the Chamber.

Mr WOODS: A critical shortage of residential land was threatening the western Riverina's ability to

deliver on those projects. Affordable land for housing is a crucial component in attracting skilled workers to the region. The Government responded by making a commitment to fast-track the release of Crown land for residential development.

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

Mr WOODS: That was a key initiative in attracting the \$125 million Bartter investment. In February I said that the Government would release 300 lots within 18 months. I am pleased to say that the Government is on target to meet that commitment. Last night a plan was presented to the Griffith City Council for the staged release of nearly 600 lots of Crown land at the Collina residential estate in Griffith's north-east. The plan was given in-principle approval by the council. The master plan was presented on behalf of Land New South Wales, the business arm of the Department of Land and Water Conservation. My department has been working closely with the DLWC and the council to advance the land release as quickly as possible. That is part of the whole-of-government approach that is being taken to ensure that the western Riverina fulfils its great potential.

The Government is also working with the Department of Agriculture, the Department of Education and Training, the Riverina Regional Development Board and the Riverina Regional Organisation of Councils to deliver on its commitment to western Riverina communities to create jobs. The other components of the five-point plan are the analysis of industrial land availability and the transport infrastructure needed to support industrial development; a skills audit to determine labour skills and training needs in the area; a labour market strategy to attract workers to the region; and marketing of the region through an Internet site on the world wide web, which the Government established in February. The Government is determined to repeat the success achieved in the western Riverina throughout regional New South Wales. Success is what the Government is aiming for and that is what it is achieving. That is to be compared with the repeated failures of the Leader of the National Party as he does his best to join Leon Punch on the honour roll of National Party leaders who lost consecutive elections.

CANTERBURY PARK RACECOURSE NIGHT RACING

Mr MOSS: I ask a question without notice of the Minister for Gaming and Racing. What is the

Government's response to plans by the Sydney Turf Club to introduce night racing at Canterbury racecourse?

Mr FACE: The question of the honourable member for Canterbury has no doubt been prompted by opposition from a number of residents who live near Canterbury Park racecourse. In response to approaches by the racing industry, last year the Government amended the Gaming and Betting Act to remove prohibitions on bookmakers betting on thoroughbred racing events after sunset. In effect, that had been the only legal impediment to the introduction of thoroughbred night racing—contrary to assertions that I had changed the Act to provide night racing, one of the first of numerous assertions by a member of the public that are wrong.

Initially, both the Sydney Turf Club and the Australian Jockey Club expressed interest in conducting night race meetings at the Canterbury and Randwick racecourses. However, at this time only the Sydney Turf Club proposal is being pursued. I have consistently indicated my support for the Sydney Turf Club in its endeavours to introduce night racing at Canterbury Park, and I make no apologies for taking that position, because Queensland and Victoria already have night racing, which is very much a part of not only the thoroughbred industry but of tourism. As racing Minister, I would have offered similar support had the Randwick, Rosehill, or Warwick Farm racecourses been selected as night racing venues.

At the same time, I have always been mindful that the Sydney Turf Club would need to obtain appropriate council approvals prior to proceeding with necessary development works associated with night racing, and this has been done, as would be expected. I have inspected the club's plans for lighting of the track, and I am satisfied that it has done everything possible to reduce any likely impact on local residents. In fact, contrary to media speculation, the site foreman actually started work on site this week.

I note from media reports that a Mr Phil Tzavellas is the spokesperson for the Residents Action Group against Night Racing. He has written to me on a number of occasions. Those communications date back to June last year, when he expressed opposition to the decision by the Sydney Turf Club to discontinue training operations at Canterbury racecourse. He held himself out to be a licensed trainer. The records available to me show that he has never been a trainer; he was most probably a stablehand. That was the second of a number of wrong assertions on his part.

The attention of Mr Tzavellas then turned to the night racing issue. He suggested that in some way I had unduly influenced Canterbury council in its decision-making process. Although on occasions I have assured him that this was not the case, he has continued to express doubts as to my involvement in the matter, and naturally, that has caused me great concern. Despite his continued assertions, I have not been so involved. That was the third instance of the community being misled.

I am disturbed also to note that a circular, purported to be authorised by residents, business people and the local trainers committee, disputed my advice to Mr Tzavellas that the Sydney Turf Club is an autonomous organisation over which I have no jurisdiction in matters such as this. The circular incorrectly claimed that the Sydney Turf Club is a statutory body and that I could have taken action. That was the fourth instance of the people being misled. In fact, the legislation to which Mr Tzavellas refers is the McKell legislation, which was introduced to overcome problems in propriety racing back in the 1940s. The club is not a statutory authority.

Whilst I acknowledge the rights of residents to make their feelings known to councils, I must point out that they have been misinformed as to my role in the decision-making process. That is in addition to the general misinformation that I have disclosed to the House today. I am naturally perturbed at the allegations that I have been involved in some sort of conspiracy to ensure that the Sydney Turf Club's development application was approved. I will, if appropriate, take necessary action. Without being aware of the rationale behind the council's decision to approve the building application, I understand that more than 30 conditions were placed on the initial notice of consent. That would suggest that the council gave serious consideration to the matter and did not merely rubber stamp the application.

The Sydney Turf Club has informed me that it will comply with every condition of the approval. In conclusion, might I stress again that this is entirely a local government issue. I again confirm that I had no involvement in the development approval process. I can only say that the concerns must come from an obsession and that it is misinformation that is being pedalled. However, as racing Minister I look forward to night racing in Sydney. Night racing has been an outstanding success at Moonee Valley in Melbourne as it has in Queensland, and I am confident that it will be equally as successful at Canterbury in the new year.

NORTHERN RIVERS MENTAL HEALTH SERVICES

Dr REFSHAUGE: I wish to give a supplementary response to the question asked by the honourable member for Lismore. I am advised by the chief executive officer of the Northern Rivers Area Health Service that no mental health facility in the northern rivers is closing, including the Ballina Street Hostel in Lismore. As a result, in the increased budget for health, additional funding has been provided for the Richmond Clinic, with increased staffing levels and increased bed numbers.

Questions without notice concluded.

CONSIDERATION OF URGENT MOTION

Sydney Organising Committee for the Olympic Games Budget

Mr ARMSTRONG (Lachlan—Leader of the National Party) [3.15 p.m.]: My motion is:

That this House calls on the Minister for the Olympics to explain in detail to the taxpayers of New South Wales the latest budget drift position of the Sydney Organising Committee for the Olympic Games and how that budgetary situation affects the staging of the year 2000 Olympic Games.

It is incumbent upon the Minister—who also happens to be the President of the Sydney Organising Committee for the Olympic Games, the Minister responsible for the Olympic Roads and Transport Authority—to respond to certain news items that were broadcast today

Mr Whelan: On a point of order. I appreciate that the Leader of the National Party has just outlined the motion that he wishes the House to debate. However, apart from his breaching the standing orders of the House, the Opposition granted a pair to the Minister for the Olympics.

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

Mr Whelan: This is a very important point.

Mr SPEAKER: Order! I have ruled on the point of order. The Minister will resume his seat.

Mr ARMSTRONG: This matter is urgent because the matter was raised just before midday today. That was an event over which I suspect neither the Government nor the Opposition had any control. Therefore, the matter is urgent, and this is the appropriate time to raise the matter in this, the

appropriate forum. The fact is that the Premier indicated earlier in this place that the Minister for Transport is responsible for all matters that normally would come under the purview and responsibility of the Minister responsible for the Sydney Organising Committee for the Olympic Games, the Olympic Co-ordination Authority and the Olympic Roads and Transport Authority. A radio news broadcast today stated:

Six months ago Olympic organisers became aware—

Mr Scully: On a point of order. The Leader of the National Party, in his capacity as a board member of the Sydney Organising Committee for the Olympic Games, leaked out-of-date documents to the press—

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

Mr ARMSTRONG: There are some idiots in this place, and the Minister would have to be one of them. Anyway, we will hear him defend the situation later this afternoon. It is important to place on record that radio station 2UE broadcast at midday today:

Six months ago Olympic organisers became aware that increased costs and overly aggressive revenue assumptions had combined to blow out the Olympic budget by \$290 million.

Mr Hunter: On a point of order. Earlier the Leader of the National Party claimed that the Premier had said that the Minister for Roads would take responsibility for the matters to which he referred. His statement is totally incorrect. I believe the Premier pointed out that the Minister would be answering questions in that behalf.

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

Mr ARMSTRONG: The broadcast continued:

That figure came from a line by line review of all areas of income and expenditure.

The big blow out came from travel costs for the olympic family, up to 30 million dollars, fit out costs for game venues by 142 million, and technology costs of up 32 million.

The matter is urgent—

Mr Mills: On a point of order. The Leader of the National Party just gave a lengthy quotation that goes to the nub of his argument, but he is not entitled to use detailed quotations as part of his argument. He should be establishing urgency.

Mr ARMSTRONG: On the point of order. To establish urgency, it is essential that I put the argument.

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

Mr Whelan: On a point of order. To allow this debate to continue will give veracity to a newspaper report that the Leader of the National Party cannot verify. The way members opposite have treated this pair simply means that they are throwing pairing arrangements out the door.

Mr ARMSTRONG: On the point of order. The Leader of the House misled the House. He told an outright lie.

Mr SPEAKER: Order! As the speaking time of the Leader of the National Party has expired, it is unnecessary for me to rule on the point of order.

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

The House divided.

Ayes, 44

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

Noes, 46

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

Pairs

Mr Cruickshank	Mr Gibson
Mr Kinross	Mr Knight
Mrs Stone	Mr Nagle

Question so resolved in the negative.

ALLEGED LEAKING OF DOCUMENTS**Privilege**

Mr ARMSTRONG (Lachlan—Leader of the National Party) [3.29 p.m.]: I raise a matter of privilege. During the debate that led to the division being called, the Minister for Transport accused me of leaking out-of-date documents. I include the Premier also for his interjection. I challenge the Premier and the Minister for Transport to step outside this place, where I will be in five minutes, and repeat those accusations, which I resent and reject unequivocally.

Mr SPEAKER: Order! For the Chair to be satisfied that a prima facie case of breach of privilege has been established, one of the following elements should be involved in such a breach: disobedience to general orders or rules of either House; disobedience to particular orders; indignities offered to the character of proceedings of the Parliament; assaults or insults upon members or

reflection upon their character or conduct in Parliament; or interference with officers of the House in discharge of their duties. The Chair is not in a position to make a judgment on any of those matters.

Mr Photios: On a point of order. The fourth item listed relates to insults to members. Nothing could be more insulting to a member of the board of the Sydney Organising Committee for the Olympic Games than to be accused of leaking documents. He did not leak documents. Surely that is ground at least for the withdrawal of the allegations.

Mr SPEAKER: The honourable member for Ermington has been a member of this House long enough to know that the standing orders make no provision for that.

Mr Cochran: On the point of order. I was not in a position to hear the words spoken by the Minister for Transport.

Mr SPEAKER: The Chair has ruled on the matter. The honourable member for Monaro will resume his seat.

YOUTH SUICIDE PREVENTION**Matter of Public Importance**

Ms MEAGHER (Cabramatta) [3.31 p.m.]: As a matter of importance I ask the House to take the opportunity during Mental Health Week to discuss the need for greater community awareness and action directed at reducing the increasing rate of suicide, particularly amongst young people. Just over 12 months ago Mathew committed suicide. He was just 22 years old. On the tenth anniversary of his mother's traumatic death from cancer Mathew went to his favourite spot on a Sydney beach and ingested a lethal dose of drugs and alcohol.

It was a traumatic and tragic ending to a troubled young life. I remember Mathew well; he was my friend's brother. Before the trouble started Mathew was bright and cheerful, clever and thoughtful, a sensitive kid with an eye for mischief, like every other kid his age. Trauma, a fragile family unit and exploitative employment left Mathew with a sense of isolation and despondency that for him seemed insurmountable. Whilst Mathew's story is devastating for his family and friends, sadly it is not uncommon.

Recently a World Health Organisation survey determined that among leading industrialised nations Australia has the highest suicide rate for males aged

between 15 and 24 years. But the problem is far more pervasive than those findings. Other studies show that for every person who dies by suicide about 40 attempt suicide and survive. A recent study by Keys Young surveyed 1,200 people aged from 14 to 24 years. One in three reported having experienced depression, and 7 per cent had attempted suicide. Every day one person in this age group commits suicide. One girl said thinking about suicide was part of teenage life.

All those people have family, friends and peers who are left reeling and devastated by their actions. It is a deeply disturbing phenomenon that needs attention at all government levels and the intervention of all community leaders. To find solutions to the problem of youth suicide, governments and communities must attempt to grapple with the causes. There are two broad schools of thought as to why people commit suicide. The first is the depression model, a medical model in which the problem is conceptualised as belonging to the individual. Under this model the individual is treated for the illness. Therefore, the remedy involves mental health intervention. It is important that the House discuss the continuing problem of youth suicide in Mental Health Week. It presents an opportunity to focus on the issues and needs of those with mental illness. Mental illness has long been recognised as a significant factor in suicide.

On 26 March a report entitled "The Health of People of New South Wales" revealed that 18 per cent of children and adolescents show signs of mental health problems. While that rate falls below the adult rate of 30 per cent, no doubt mental health contributes significantly to the alarmingly high suicide rate for young people, particularly young men, in Australia. Since 1991 suicide has replaced road accidents as the leading cause of death among young men. In 1994, men accounted for 82 per cent of the 797 suicides in New South Wales. Of that number, 16 per cent were men aged from 20 to 24 years. But mental health is not the only factor that contributes to youth suicide.

The second broad school of thought as to the causes of youth suicide relates to a stress model. That model points to the social framework in which the suicide occurs. Adolescence and youth are difficult times in anyone's life; great pressure is applied to fit in and succeed. Young people feel pressured and stressed by expectations and demands from parents, peers and society. A sense of failure leads to confusion and depression, feelings that can be amplified by emotional or financial factors. Experts in this field have identified several factors that may lead to a sense of confusion, failure,

isolation and depression. They include high youth unemployment, denial of educational opportunities, decreased resources for family support, increased social and family disruptions, and increased pressures of a modern society and technological change. The stress model advocates that solutions to youth suicide lie in altering social policy.

Current thinking in this field identifies a combination of the medical and stress models as the most likely causes for youth suicide. Personal vulnerability combined with hostile environmental factors may push young people to embark upon suicidal behaviour. All levels of government have a responsibility to develop medical responses for early intervention and prevention, but our responsibility is clearly greater. We must generate opportunities for young people. We must guarantee access to jobs and services. We must make them feel valued and we must offer them hope.

If we are all prepared to accept that as the starting point for addressing the problem, we should all be prepared to send a clear message to the Howard Government expressing concern and disappointment at its complete inability to deliver a real strategy to combat youth suicide. A significant national problem requires a significant national response. But the Howard Government has allocated only an additional \$18 million for youth suicide prevention strategies over a three-year period. That is only \$6 million a year for the whole country!

Contrast that with the \$15 million allocated by the New South Wales Government. That \$15 million represents an increase in available State resources committed to combat this problem at a time when Howard and Costello have ripped \$200 million out of the New South Wales health budget. Victoria and South Australia have also committed substantial resources for State-based health programs, but a greater degree of national co-ordination is needed to deal with the social factors that lead to youth suicide. That national co-ordination is a Federal Government responsibility, a responsibility it abrogated in its first term of office.

When John Howard was elected he promised that he would create jobs and get Australians, particularly young Australians, back to work. He failed. Youth unemployment rose nearly 4 per cent during the Federal coalition's first term. John Howard has denied young people decent access to existing jobs by dismantling the Commonwealth Employment Service and replacing it with the inferior Jobs Network, a system endorsed by the Federal Cabinet and backed by John Howard. But it has resulted in the Minister responsible being quietly

stripped of his employment portfolio responsibility. The system has been widely acknowledged as a flop.

On top of that, at a time of rising youth unemployment, when young people are concerned and uncertain about their futures, the Howard Government introduced a common youth allowance and reduced social security payments to 46,000 young people at risk. Cuts to employment possibilities and the removal of the social security net, coupled with cuts to education, family support, and health are the hallmarks of John Howard's first term in office. It is a bleak legacy for our youth. Unemployment, financial insecurity, lack of support services and lack of access to services are factors that contribute to youth suicide.

This tragic problem requires more than token funding from the Federal Government. It requires more than just a medical focus and it requires more than ongoing research. The Federal Government must tackle the social and economic factors that contribute to social stress experienced by so many young people. Compare and contrast the approach of the Howard Government with that of the New South Wales Government. Suicide prevention is a top priority for the Carr Government. This week the Government announced that it has increased funding for mental health by almost \$40 million since it came to office in March 1995.

Initiatives aimed at intervention and prevention at the local area level are the focus of the Government's medical approach, but this Labor Government is also committed to social reform that will break the cycle of youth despondency. The Carr Government is determined to ensure that the young people of New South Wales have a bright and secure future. It is doing this by working in partnership with local communities and families. Localised job placement programs, like the one currently being run in Cabramatta, have already demonstrated their success in giving young people at risk a quality start in the workforce. We are not talking about work for the dole, we are talking about jobs with a future.

School-to-work plans and work education courses are helping thousands of year 10 students across New South Wales prepare for the work force. A raft of initiatives has been taken by the Government in education, family support, youth entertainment, legal advice and health. These are designed to facilitate young people's access within their community. Contrary to the approach taken by the Federal Government, the New South Wales Government has listened to young people and has developed policy descriptions to help young people

through the challenges of today and the future. I commend consideration of this matter to the House.

Mrs SKINNER (North Shore) [3.43 p.m.]: I listened with great interest to the honourable member for Cabramatta and I believe she is genuinely concerned about the opportunity during health week to discuss the need for greater community awareness and action to reduce the increasing rate of suicide, particularly amongst young people. Therefore, I was extremely disappointed to find that the last five minutes of the honourable member's speech was nothing more than a political tirade which did nothing at all to further advance community concern and knowledge about this very serious issue. It is indeed an extremely serious issue and one I have been trying to highlight for some time, particularly in relation to young people.

When I was the Director of the Office of Youth Affairs we held a number of forums on youth suicide to develop a youth suicide strategy which fitted into the overall youth policy released when Nick Greiner was Premier in 1991. It was the first comprehensive youth policy released by any government in Australia and later became the model for policy in all States and the Commonwealth, including States with Labor governments. It was extremely disappointing when the Carr Government came to office. Not only did it do away with the youth Minister and a youth bureau but it threw aside the youth policy that had been so well received. Instead, the Government announced that it would come up with a new policy.

It brought out a discussion paper which was planned to be in the public domain for three months before the finalised policy was released. That was more than two years ago, but the Government released its youth policy only last week. The main failing of the policy that it is too little, too late. It is a flimsy document. If any members on the Government side have been talking to young people, they will know that many issues that are of major concern to them are not covered in it.

An event that stands out in my mind in relation to youth suicide is being on the central coast in August last year and speaking to people at the Gosford youth service. They told me they could identify young people in the streets who were at risk of suicide. Their major and real problem was they could not get those young people appointments to see either adolescent health workers or anyone in the mental health teams for at least six weeks, because there were not enough of them.

Experienced youth workers were able to identify those at real risk of committing suicide but could not arrange appointments for treatment for them. This occurred after a spate of youth suicides on the central coast, the area of the State that suffers from the worst incidence of youth suicide. To add insult to injury to those people working in the youth sector of the central coast, four weeks later the Premier announced that he would come up with a youth suicide strategy. What an insult, for the Premier to be paying lip service to this problem when, on that very day, he could have provided additional resources to provide a youth worker on the spot.

The previously released Department of Health Mental Health Activity Report for the year to 31 May 1998 shows a percentage variation from the previous year. That report mentions a number of things, such as the number of patients admitted to psychiatric hospitals, adolescent units, overnight admissions and so on. I draw attention to the number of suicides of active clients of the mental health service. How many suicides were there for the year to the end of May? There were 114 suicides of active patients of the mental health service of New South Wales.

Broken down by area health services, 98 of those patients were from the city and 16 were from rural area health services—a 48 per cent increase compared with the previous year. This is not just about youth suicide, it is about suicide across the board. It is in the public interest for the community to know that under this Government suicide rates are increasing. I was shocked by these official Department of Health figures, and they will be released.

Mr Watkins: It means they are coming to the attention of the mental health services, and they were not in the past.

Mrs SKINNER: These were clients of the mental health services. Obviously, they could not treat them. In addition, 35 people attempted suicide and inflicted self-harm. If the honourable member for Gladesville laughs this off and says this is an indication of the Government caring, I think he is failing in his responsibilities. Patients who are known clients of the Department of Health have committed suicide.

Mr SPEAKER: Order! The honourable member for Gladesville will have an opportunity to contribute to the debate at the appropriate time. He will remain silent until he is given the call.

Mrs SKINNER: The report "Down and Out in Sydney" covers the results of a review conducted by the St Vincent de Paul Society, the Sydney City Mission, the Salvation Army, the Wesley Mission and the Haymarket Foundation. The report deals with the prevalence of mental disorders and related disabilities among homeless people in inner Sydney. This report was released in April 1998 and the Government, which was aware of the research, has had it since that time. I presume the Government meets and deals with these well-respected non-government organisations on a regular basis. The report concludes that 75 per cent of the homeless men and women in the inner city have at least one mental health disorder. Common among those disorders are schizophrenia, alcohol abuse disorders, drug abuse disorders and mood and anxiety disorders. Homeless people are 29 times more likely to suffer the effects of schizophrenia than people in the general community. More than half of the homeless people with drug disorders were 34 years of age or younger.

Ms Meagher: What has that got to do with it? Tell us how it is doing a good job.

Mrs SKINNER: It was my opinion that the honourable member for Cabramatta wanted this House to debate as a matter of public importance the need for the community to be more aware of mental health problems. Surely she believes that this is related to awareness of mental health problems. According to her Government's statistics, the greatest incidence of suicide in this State occurs in inner Sydney.

Ms Meagher: That's not the motion.

Mrs SKINNER: This is not a motion, this is a matter of public importance. The honourable member should study the standing orders of the House; if she did so, she would understand. The honourable member for Cabramatta spoke about Cabramatta and youth employment programs. I would be very happy to follow that tack. The honourable member for Cabramatta should know that her own Government took several initial moves in relation to youth affairs. First, it abolished the youth ministry. Second, it abolished the Office of Youth Affairs and any youth bureau. Third, under its first budget, it abolished all youth employment programs. I have the video footage of the protest that took place outside Parliament House when that budget was brought down. Lest honourable members may have forgotten the protests, I invite them to my office at 4.30 p.m. for a review of the footage.

Ms Meagher: What do you want that for?

Mrs SKINNER: I am keeping the footage as a constant reminder of what took place. I point out to honourable members that the overview of the prevalence of mental disorders and related disabilities among homeless people in Sydney was published by organisations such as the Sydney City Mission, the Wesley Mission and the Salvation Army. Those organisations have no special cross to bear with the Government; they are concerned about young people. The Government's arrogance and disregard for them—

Mr Watkins: They will be disgusted by your attack today.

Mrs SKINNER: I am reading the report published by those organisations. They are disgusted at the Government's actions in removing any emphasis on youth programs. I would be happy to bring representatives of those bodies to this place any time honourable members like. I turn to some of the programs that still exist in Cabramatta, the helping early school leavers program and the circuit breaker program. The honourable member for Cabramatta is correct in saying that those are extremely valuable programs in assisting young people with low self-esteem and low levels of literacy and numeracy. They are designed to help people increase their skills in order that they may go on to education, training and employment. Who invented those programs, and who established them in Cabramatta?

Mr Watkins: I did.

Mrs SKINNER: No, I did.

Mr Watkins: I knew you were going to say that.

Mrs SKINNER: I know that Government members are extremely grateful. Those programs operate at Fairfield, The Entrance, Gosford and all other areas where they are needed by young people. They are still in existence because they are excellent programs that have been designed to assist young people whose skills levels do not enable them to compete. Another issue of particular concern in relation to mental health is the provision of community health services. I am extremely proud to be part of the coalition. The coalition Government dramatically increased the mental health budget during its years in office and amended mental health legislation that had not been reviewed for decades. New South Wales was the first State to update its mental health legislation.

The coalition presided over massive increases in mental health spending. Funding for mental health services increased by a record \$317 million. Mental health teams were put out in the community. The coalition quarantined mental health funds. I had great hope that such position would be maintained under the present Minister for Health. The Minister for Health and I take a bipartisan approach to mental health. The Minister gave me a commitment that he would maintain the quarantining of mental health funds. I am sad to say that that has not happened. Many of the community mental health teams have been reduced in size. They have also been reduced in number.

Money has been reallocated and is not going to the community for mental health care. I am extremely sad about that, because to my mind mental health is one of the most important provisions of State government. We are talking about people who are most at risk. They are most at risk not only of suicide but of the effects of mental illness on family, friends and many other aspects of life. Like the honourable member for Cabramatta, I have many stories I could relay to the House—I think all of us do. We all have sad, heart-breaking stories of people we know who have been affected by mental illness. I could give personal accounts, but I do not think that scores any points.

What I will say is that about two months ago I met one of the best youth workers I have ever known, a man who is absolutely committed to young people and who has dedicated more than 20 years of his life to some of the most troubled young people one could ever meet. That man had thrown in the towel. He gave it all away because four young people from his area had committed suicide in the previous month. That man felt that he could not cope any more. This is not a topic that should be a matter for ridicule and interjection across the Chamber; it should be a matter on which all sides of politics come together to try to solve problems and make achievements. I should be very happy to work with the Government and anyone else—

Mr Watkins: You have not shown that today.

Mrs SKINNER: The interjections that have come from the honourable member for Gladesville show that he really has no concern for people with a mental illness. He will have the opportunity to make a contribution to the debate. I would be interested to hear what he has to say about the 114 people who died in the first six or seven months of this year whilst they were patients of the Health Department. When he produces the answers to the difficulties, I will decide for myself whether he has a genuine

interest in people who have mental health problems and in finding solutions to those problems. I do not believe that the honourable member for Gladesville or his Government has shown any real commitment in this area. Under the present Government there has been no real increase in mental health funding. In fact, there has been a reduction in mental health provision to the community.

Ms Meagher: That's rubbish.

Mrs SKINNER: I could take the honourable member out to visit community health services. They do not have the same number of mental health care workers and they do not have the same resources, so they cannot cover the same areas. It is a farce for the Minister's representatives to sit on the other side of the Chamber and shake their heads—that is dishonest and disgusting. They are not doing the people of this State a real service.

Mr TRIPODI (Fairfield) [3.57 p.m.]: Given the comments made by the honourable member for North Shore, I shall have to address some of the political issues involved in this debate. I had not intended to touch on that aspect, but the honourable member for North Shore spun so many lies that there is a need to put the record straight. Most important, the honourable member made an attack on the honourable member for Gladesville. Mental health is the single most important issue to the honourable member for Gladesville. It is an issue that he has raised often in the House. For the honourable member for North Shore to suggest that the honourable member for Gladesville does not have a record of commitment on mental health issues is a stupid lie.

The honourable member for North Shore has indicated that she has no idea about what is said in the House or about individual members' positions and policy interests. The honourable member for Gladesville has a very good record on issues relating to mental health. He has fought hard within the Government and outside of government to bring more attention and more funds to this very important issue. The honourable member for North Shore said that under this Government there has been a cut in funding to mental health services. She was wrong on that score also. Mental health services funding has increased substantially. New South Wales was the State that provided the least funding per capita to mental health services; it is now moving to become the best-funded State.

It is a priority of the Government to address youth suicide, suicide and mental health issues in

general. The Department of Community Services works perhaps not directly with mental health services but more in areas related to mental health. The department often refers clients to mental health services. Under the coalition Government the Department of Community Services suffered a seven-year freeze on funding—such was the coalition's commitment to helping people in need! Probably the single most important service for which the State Government has responsibility is that which helps young people, those who are vulnerable and people who have problems. For seven years under the coalition Government the Department of Community Services had no increase in funding in nominal terms, and therefore faced a decline in real terms.

It took the election of the Carr Government for some of the problems to be addressed. All of the problems and compounded problems that arose in the seven years of the coalition administration have had to be fixed by the Labor Government. It is always a Labor government that invests in social infrastructure. The honourable member for North Shore cannot deny that funding for the Department of Community Services was frozen for seven years. That action was shameful, disgraceful, petty and penny pinching. I am happy that this State now has a Government that cares about Department of Community Services clients. That care will be ongoing after the next election, which the Australian Labor Party will win. Honourable members also heard that such care will be high priority for the Liberal coalition.

The Federal Government in its last budget took \$200 million out of this State's health budget. There is still an expectation that the State Government will continue to increase services to public health, and it has come up with the money with no assistance from the Federal Government whatsoever. An amount of \$200 million was placed to fund some corporate welfare-type strategy of the Federal Government or was pocketed away to fund its new tax strategies. The honourable member for North Shore spoke about the importance of social workers and a commitment to social and youth workers. The coalition always kicks the hell out of social workers when in government as it has no time for the people who work in the community and help people in need. It is always the conservative side of politics that has no time for workers who work with young people and who solve human problems. A conservative government's priority is to balance budgets to try to get economic integrity and not to invest in the social infrastructure in States or nations.

Australia has one of the highest youth suicide rates in the western world with one in 14 young Australians having attempted suicide, and more than one in three knowing someone who has. Statistics show that between 25,000 and 45,000 young people aged 15 to 24 years will attempt suicide. That translates into a suicide rate of about one death per day between 1987 and 1990. The suicide rate for youth since the 1960s results in suicide being recorded as the single largest cause of death in the 15 to 24 year age bracket. Specialists in the field of mental health link suicide with such issues as depression, schizophrenia, drug addiction, alcoholism, physical suffering and personality disorders yet other studies concentrate on the fact that mental illness is not necessarily linked with suicidal tendencies. [*Time expired.*]

Ms SEATON (Southern Highlands) [4.02 p.m.]: I welcome this opportunity to speak in Mental Health Week about suicide, especially suicide by young people, because too often mental health, youth suicide and drug use are considered separately. It has been a developing objective of mine to see much more research into the link between marijuana use, in particular, and youth suicide. Nearly two years ago a Moss Vale mother lost her son to a heroin overdose, with the possible additional influence of marijuana use. Worse still, the young man had been introduced to and encouraged in drug use by a man considered until then to be a friend of that family. As a result of his tragic death, Patricia Wright called a public meeting at the Mittagong RSL Club which was attended by approximately 1,000 parents, teachers, teenagers and other children.

Patricia Wright had the courage to call that meeting to raise community awareness of the issue, particularly among young people. The speakers included Miss Angela Wood, sister of Anna Wood, and very importantly Dr John Anderson, a noted neurological scientist based at Westmead Hospital. Dr Anderson's presentation most took my attention because he clearly and very articulately linked mental health, youth suicide and drug abuse. It is still unclear whether mental health problems including stress create a predisposition to the use and abuse of drugs, or if drug use in some way generates a higher likelihood of developing or magnifying mental health problems. But either way, not surprisingly, there are clear links.

Dr Anderson also explained the symptoms of schizophrenia, and the extent to which marijuana use, coincidentally or otherwise, virtually reproduces those symptoms in users—a cycle of ups and downs and inevitable spiralling depression from which

victims find it hard to extricate themselves. Clearly more needs to be known about this matter. But the link between mental health issues such as schizophrenia, suicide by young people and drug use surely needs to be investigated. South-west Sydney has one of the highest national rates of youth suicide. Not all of the suicides are necessarily linked to drug use, although drug and alcohol abuse are common themes, according to all practitioners to whom I speak.

Last year in Bundanoon six people committed suicide within a short period of time. Most knew each other but not all of them were young people. That focused attention on the special problems that rural and isolated communities can suffer, with fewer opportunities to break cycles of depression, unemployment or family breakdown. The suicide of a young person in Moss Vale at about the same time did not receive attention. Sadly, that case is not isolated. Many communities, including my own, face the tragedy of youth suicide on an almost weekly basis. I have experienced frustration about the lack of information on key questions, in my research on drugs, mental health and youth suicide to date.

Athol Moffitt, the former President of the Court of Appeal, a recent speaker at the Pittwater-southern highlands forum, and my colleague the honourable member for Pittwater highlighted the lack of sufficient rehabilitation services for drug users, an important component of which is mental health. The Carr Government is proposing drug courts and has inconsistently thought through that concept in view of its record on rehabilitation for drug users, including a mental health component. The only thing that will make drug courts work is availability of proper rehabilitation programs and facilities at the end of that process. There is no point putting people through the option of drug courts if there is no serious attempt at the other end to properly rehabilitate people who choose that path.

I hope other members in this Chamber who have not already visited Odyssey House do so because they will be impressed, as I was, by some of the success stories coming from that rehabilitation program. I am better able to understand that the people who find success through that program do so through their own motivation to do so. Rehabilitation must include a strong mental health component. The Carr Government, however, has failed to recognise that fact. Mental Health Week is an appropriate time for the Carr Government to finally take responsibility for this issue and to stop the cycle of youth suicide by supporting detailed and proper research into the links between mental health, drug use and youth suicide.

Mr McBRIDE (The Entrance) [4.07 p.m.]: I find it difficult to comprehend that Third World countries suffering poverty, starvation and political oppression have lower suicide rates than Australia. It is even more disturbing that Australia and New Zealand have the highest suicide rate in the western developed world. Equally disturbing is that the suicide rate in Australia of 2,500 annually is 1,000, or 67 per cent, higher than the national road toll. The community as a whole abhors the road toll and actively supports the allocation of funds to combat that national tragedy. Equally, the community demands allocation of funds for pro-active measures to deal with heart disease, smoking-related illnesses, breast cancer, prostate cancer, glaucoma and other health issues.

However, the community largely remains silent on suicide and the unequivocal need for increased resources to be directed to solve this human tragedy within our communities and our nation. In Australia a suicide occurs every four hours. Figures from the Australian Institute of Criminology show that 180 Australians attempt suicide every day—a staggering figure of 65,700 annually—in addition to the 2,500 who commit suicide each year. Furthermore, the suicide rate among teenage boys aged between 15 and 19 years increased from 5.8 per cent per 100,000, in 1964, to 17.8 per cent in 1990—a 300 per cent increase over 26 years, which makes suicide the leading cause of death in that age group.

The suicide rate for young men aged 20 to 24 years has also skyrocketed from 16.3 per cent to 36.1 per cent per 100,000. Notwithstanding the devastation caused to our families and communities, this national tragedy within our society is largely ignored by Federal authorities. It is with sadness that I acknowledge that within the central coast community that I represent the suicide rate is 60 per cent higher than the national average. The number of suicides on the central coast were: 27 in 1995, 48 in 1996; 54 in 1997; and 40 as of September 1998, with the figures indicating that this year's total will be similar to that of last year. It remains unexplained why that tragic situation has occurred on the central coast.

I acknowledge the Premier's personal commitment to the problem of youth suicide on the central coast by his immediate patronage of the Suicide Safety Network (Central Coast) Inc. and his grant of open access to his office by its President, Mr Eric Trezise. Flowing from that personal commitment a number of initiatives relating to suicide prevention have been taken on the coast. For example, three projects have been funded at a total

cost of \$150,000 to assist in increasing the understanding of suicide on the central coast.

The three projects include a community consultation project to undertake public meetings, hearings and focus groups to better understand the local community's perceptions of suicide and, most importantly, to suggest solutions and improvements. The report of the project is currently under consideration—and I point out that this is the Premier's report. The second project is the coronial investigation project, which will enable the central coast coroner to collect and analyse data on suicides. The third project is the preventive management of suicide. That project has been undertaken by the Central Coast Area Health Service to identify appropriate responses, intervention and prevention approaches for people experiencing suicidal situations.

During the past three years the area health service has also developed and implemented significant suicide prevention initiatives. Those initiatives include the green card guarantee of service to suicidal people. That card is given to people who have previously attempted suicide and guarantees that they will be assessed on presentation at hospital, admitted if necessary and receive consistent follow-up services. The initiatives also include the introduction of a mental health central intake telephone system, projects focusing on better practice in emergency departments and by general practitioners to assist people with mental illnesses who may be feeling suicidal, and strengthening the links between the more than 100 agencies concerned about suicide.

In the two years since this issue came to the notice of the general community, the Government has spent more than \$1 million on suicide prevention initiatives including an allocation of \$95,000 to the Central Coast Area Health Service, funding of \$170,000 for two new positions and associated costs to target youth suicide through training and development in community agencies and funding of \$150,000 to investigate and review best practice with suicidal young people who have serious psychiatric illnesses. On 7 August the Premier announced that an additional \$200,000 will be spent on the dumping depression program and the young people's prevention and early intervention centre. Those initiatives have been developed by the local community and the Premier.

Ms MEAGHER (Cabramatta) [4.12 p.m.], in reply: I acknowledge the contribution of the honourable member for Southern Highlands, who

spoke about the significance of mental illness and drug and alcohol abuse in the problem of youth suicide. Her valued contribution brings me to an important point: the failure of the coalition when it was in office. In 1992 the New South Wales Department of Health recommended to the former coalition Government that it build a detoxification unit at Fairfield Hospital because of the escalating problem with drug and alcohol abuse in that part of Sydney. That advice was ignored by the coalition Government, which did not give a hoot about the rising incidence of drug and alcohol abuse, its links with mental illness and suicide generally in south-western Sydney.

It was not until the Carr Labor Government came to office in March 1995 that work commenced on that facility. In its first term the Carr Government made a commitment that the facility would be completed and operational, and that promise is being met. The detoxification unit will come on line by January 1999. Perhaps the honourable member for Southern Highlands, in her extensive research on this subject, should have looked at the facilities that the coalition Government failed to provide when they were most needed. The honourable member for North Shore also launched a tirade on the Carr Labor Government. She suggested that it had failed in its obligation to provide mental health services. I unequivocally refute that claim. The recurrent mental health budget has been increased by almost \$40 million since the Carr Labor Government came to office in March 1995 and now exceeds \$450 million.

Since 1995 nearly \$50 million has been spent on upgrading mental health in patient and community-based services. A further \$23 million will be spent during this financial year. Changes to the Mental Health Act have led to earlier intervention and treatment for people who need admission to in-patient facilities. The Carr Government has initiated a \$15 million suicide prevention strategy and established an expanded child and adolescent mental health service in every area health service in the State. That has led to the employment of an additional 150 mental health workers and the allocation of \$1.3 million to train workers who in contact with young people to prevent, recognise and respond to signs of depression.

As the honourable member for The Entrance pointed out, the Government initiated that program with the idea of working in partnership with families and communities. To address this issue we must work in that partnership arrangement, which has been very effective in dealing with the endemic problem of youth suicide on the central coast. The

Carr Government has also allocated \$1 million to programs to assist young people who are in their first episode of psychosis. The list goes on. It is an impressive record of commitment to dealing with mental health problems in our community and the links between mental health and youth suicide. Members opposite miss the point that significant macro factors relating to stress sometimes push young people to the brink and contribute to youth suicide. We need to address those issues.

The Federal Government needs to examine its responsibility in this area. It needs to send clear signals to young people that they will have greater support—for example, with access to jobs. The Federal Government will have to work harder to reduce the level of youth unemployment through job creation and at the same time provide a workable safety net to young people who have missed out on employment opportunities. Young people also need increased educational opportunities. All in all, John Howard owes a commitment to the young people of Australia to create a bright and secure future. I thank the honourable member for Fairfield and the honourable member for The Entrance for their contributions.

I acknowledge the concerns expressed by the honourable member for Southern Highlands when she identified drug and alcohol abuse as a problem. The honourable member for North Shore engaged in sophistry, as is her wont in this House, and misled the House with inaccurate claims about the Carr Government's commitment to mental health and the prevention of youth suicide. Now is the most appropriate time for the House to acknowledge this important issue. Mental Health Week is an opportunity for all levels of government and the community to ensure that we are able to develop and deliver a better deal for the people who suffer from these problems. I commend the matter of public importance to the House.

Discussion concluded.

RURAL LANDS PROTECTION BILL

Second Reading

Debate resumed from an earlier hour.

Mr SOURIS (Upper Hunter—Deputy Leader of the National Party) [4.17 p.m.]: I have reservations about this bill and foreshadow that the Opposition will move in the Committee stage to defer consideration of it until February 1999 so that there can be consultation about it, something that has been sadly lacking until now. My primary

objection to the bill is that it creates a new bureaucracy in the form of a corporation. A corporatised entity will be established which will be more expensive to run than the present State council.

Undoubtedly the council will have a senior executive service salary structure and, therefore, will need more employees, more funding, and a more elaborate administration structure than the present advisory council, which was established to provide a communication link between the Minister and the department of the day on the one hand and the multitude of rural lands protection boards on the other. That advisory role has now become the foundation for the creation of a full-scale government bureaucracy, a corporation that will carry with it a range of supervisory functions that will, in many ways, diminish the autonomy of the rural lands protection boards.

The Minister has been claiming that the bill will give rural lands protection boards greater autonomy. I cannot reconcile that statement with the reality of a corporation exercising supervisory powers over rural lands protection boards. How will this measure in any way enhance the independence and autonomy of the boards when a bureaucracy is to be created to supervise, control and direct them, especially when the bureaucracy itself will be directed at times by the Minister? I cannot accept the Minister's earlier statement that this measure will provide greater autonomy for rural lands protection boards. It will in fact erode their autonomy.

The corporatised entity proposed will be more costly. The additional costs ultimately will be borne by the ratepayers. By this measure the rate-paying community will feel the burden of a greater application of the user-pays principle than is presently the case. After all, what is the purpose of the Department of Agriculture if all the Carr Government can think of doing is divesting part of the role of the department to this newly created corporatised entity, in addition to finding a way in which the ratepayers of rural lands protection boards will, through their rating systems, pay more for this extra supervision by the new corporatised entity?

That additional burden on ratepayers essentially is for the purposes of increasing administration and not for enhancing the primary roles of rural lands protection boards. That cost increase will result from the additional bureaucracy in the creation of this new entity. The Department of Agriculture, through the Minister, is abrogating a considerable proportion of its responsibility by transferring these functions—with a great cost saving to the department—to the rural lands

protection boards, with the increased cost to be borne by ratepayers. There can be no other result than an increase in costs, which I believe will be borne by ratepayers.

The rural lands protection boards will continue to elect directors. Those directors will have responsibility to the ratepayers who elected them. However, there will be a conflict, because the directors will find that they will have a new level of accountability to the corporation; they will be answerable to the corporation. Therefore, they will be responsible to the ratepayers on the one hand and answerable to the corporation on the other hand, and the corporation will have powers to direct rural lands protection boards. In other words, the directors of those boards and the corporation itself will be subject potentially to the direction by the Minister.

This measure will put rural lands protection board directors in a position of conflicting allegiances. When issues arise on which the rural lands protection boards and the rate-paying communities are at variance with the policy of the government of the day—a policy that may be imposed, through the Minister, by the department and the corporation upon rural lands protection boards—the need to comply with that policy may put the boards, in the opinion of the elected directors, in conflict with their primary role of representing ratepayers.

In those circumstances, will the boards be able to ensure that their primary role as rural lands protection boards is upheld and administered properly? What will happen when these conflicts arise, as they undoubtedly will? Will there be ministerial directions, through the corporation, to dismiss the directors of rural lands protection boards? Will administrators be appointed to rural lands protection boards when problems arise because the Labor Government has created a conflict of allegiance and a conflict of interest amongst the directors themselves which cannot be resolved except by dismissal of the boards and the appointment of an administrator? Such action would also raise the cost of rural land protection in this State.

As I said a moment ago, the role of rural lands protection boards will be diminished with the establishment of a corporatised entity with supervisory powers. But, worse than that, I believe that the commendable initiative that is often taken by the rural lands protection boards and their directors will be hampered, even suppressed, because of the existence of an overarching corporation with supervisory and direction powers.

Nothing stifles initiative more than the imposition of a bureaucracy above people who work in essentially volunteer and honorary capacities to do the great work that rural lands protection boards at present do.

Nothing in the bill suggests there is a problem with the present role being played by rural lands protection boards, the work being done by directors and employees of rural lands protection boards. There is a wonderful level of co-operation and trust between the farming community, the rate-paying community, and the rural lands protection boards. The Government risks destroying that co-operation and trust for spurious reasons. It wants to create an extra mechanism of so-called supervision of rural lands protection boards. That mechanism will increase the power of the bureaucracy to give directions to rural lands protection boards. These boards, as far as I can see—and nothing to the contrary has been heard from the Government—are doing a tremendous job on behalf of the rural sector, our productive sector, in New South Wales.

Where is the level of consultation on this proposal? I know that there has been an exposure draft. I know that it has been kicked about to some extent. Much has been made of the fact that a report commenced its life in 1994, under former Minister Causley. That report derived from criticism, complaint and unrest among ratepayers, predominantly on the north coast, who objected to paying a minimum rate. There was a multitude of them. Without canvassing whether those arguments were right or wrong, or what position might be relevant, that initiated the reporting process upon which this Minister and the Government have hung their hat.

I can see no connection between the problem, for want of a better word, of paying minimum rates on the north coast and the creation of an overarching bureaucracy to solve it. That solution has no relevance to the circumstance that initiated the reform process that ultimately resulted in an exposure draft. Yes, the draft was exposed to rural lands protection boards, but whilst many of the so-called benefits of this structure, the carrots, were contained in that exposure draft, the stick that is now contained in the bill was not exposed to the rural lands protection boards and their directors.

I do not know whether any director of any rural lands protection board has seen the bill since the Minister tabled it in this House last week. How could they have seen it? I couriered my copy of the bill straight off to some rural lands protection boards, and they would have received that early this week. That is the first time they would have seen

this bill. How can the Minister claim there has been consultation with, and he has the co-operation of, the farming and rate-paying communities when he expects the bill that he presented to Parliament late in the week to pass through all of its stages the following week—without taking into account any comment or reaction by the rural lands protection boards and ratepayers as to whether the contents of the bill in any way resemble the exposure draft? There was a great deal of carrot in the exposure draft, and there is a great deal of stick in this bill. I am not surprised that the Farmers Association has chosen to object to the bill and oppose it.

Mr Martin: Oh, no!

Mr SOURIS: The primary association representing farmers has on many occasions appropriately praised the Carr Government, and it would without question say if it believed this legislation was appropriate. But it opposes this bill.

Mr Amery: Leading for the Opposition, the honourable member for Barwon rejected the arguments of the Farmers Association.

Mr SOURIS: The National Party does not give instructions to the Farmers Association. The Farmers Association, which is the lead organisation representing farmers in New South Wales, is ruggedly independent, and it opposes the bill. The information I have received and the Minister's contribution show that the association has good cause to oppose this bill. In Committee the Opposition will move that this bill lay upon the table for a period so that the directors of the rural lands protection boards can consider it and consult the people who elected them, and the farming and rural communities can determine whether it is worthy of support or whether it should be rejected. How can the Minister object to that? Is this bill urgent? Is it needed before the Olympics? Why is the bill being rushed through all stages?

Mr Martin: After three years?

Mr SOURIS: It is not after three years. This bill has been exposed on the table of the House for less than a week. If that is the contribution of the Minister for Mineral Resources, and Minister for Fisheries, I suggest that he cease making comical remarks. The bill has not had sufficient exposure. How can the Minister claim to have the support of the stakeholders, customers and community this bill is purported to assist? What is the rush? What is the reason for the silence, secrecy and lack of consultation? Why is it necessary to rush the bill through all stages this week or this day? The

Minister is risking alienating the farming community, which is environmentally conscious and most careful and concerned to co-operate with good environmental and conservation measures relating to farming. The Minister in his arrogance is risking all that.

Debate adjourned on motion by Mr Anderson.

MINES LEGISLATION AMENDMENT (MINES SAFETY) BILL

Second Reading

Debate resumed from 14 October.

Mr J. H. TURNER (Myall Lakes) [4.33 p.m.]: Mr Speaker—

Mr Martin: Table it and put it in *Hansard*!

Mr J. H. TURNER: I hope the Minister was joking when he said, "Table it and put it in *Hansard*!" That is about the size of his commitment to mine safety. If his throwaway line was meant to be cute or smart, it is not very cute or smart during a debate on mine safety. However, it reflects the cavalier and non-consultative attitude he has adopted throughout the legislative process. It is time he grew up. The Opposition will not oppose this bill. We are on record as offering bipartisan support for mine safety in New South Wales. However, we may have to reconsider our position after the Minister's trivial comment a moment ago and show separate leadership on the issue.

The Opposition will consider moving amendments to the bill, subject to certain advice the Minister may provide in his reply to the debate, because matters of fairness and equity need to be encapsulated either directly in the bill or by way of an undertaking by the Minister for the purposes of the Interpretation Act. Clearly, the Minister's cavalier approach has almost thwarted the aims and desires in this bill. There was practically no consultation on the bill. If the bill is to be successful and if mine safety procedures are to work properly, the process must be an inclusive process, not an exclusive process, as the Minister has tried to make it. After all, in response to the Gretley mine public inquiry the Minister said:

Many of recommendations will need the involvement of industry, unions, professional associations and individuals to address the issues raised to maximise the benefits from the change which must follow.

I understand that the joint safety review committee discussed the recommendations and how to transfer them into legislation at a meeting in mid-August. At that time the Government gave only a brief outline or overview of the bill and wanted feedback, after which it would discuss proposed measures with the industry. However, nothing happened between mid-August and 12 October, when legislation seemed to be ready for introduction. That resulted in a number of hurried, half-hearted meetings with the industry. Those meetings were unsatisfactory to all those involved, except representatives of the Construction, Forestry, Mining and Energy Union, and I shall refer to the CFMEU later. Obviously, the Minister had not bothered to reread the statements he made in August this year in relation to the Gretley mine public inquiry.

The outrage in the industry is evidence that the Minister simply did not consult all levels of the industry: mine managers, owners, the staff association, the officials association and the Minerals Council. Hurried meetings have taken place today to try to cobble together something that is satisfactory. The Minister should have done the proper thing from the start; he should have consulted the industry in an effort to ensure that we get proper and good legislation. After all, no one person is a bastion of all knowledge of mine safety; it involves people at the coalface, in the boardroom and in the bureaucracies as well as the Minister. Bypassing those people in this non-consultative approach will only lead to bad legislation.

The Government's legislative program is in disarray. Debate on the bill has been forced on the House, although I understand that the Minister told the industry that it would not be passed until next week. That is another let-down for the industry, because it thought it would have time to approach the matter maturely and sensibly and to get the bipartisan support of not only honourable members in this place but also the parties involved in the industry for these measures. Surely it is much better to have an inclusive process, rather than an exclusive process. Surely it is better that the parties involved have the will to make workable this approach to mine safety. That can only occur if there is trust, and trust is built up when people in the industry are involved in the process. The Minister has sorely breached the trust of those in the industry.

The Opposition notes that Acting Judge Staunton, who chaired the inquiry into the Gretley mine tragedy, made some 43 considerations. Like the results of any inquiry, those recommendations, which arise from a tragedy, will not necessarily sit

comfortably with all parties. We hope that similar tragedies will not occur in the future and that the effects of such tragedies are minimised. The main thrust of the changes is centred on a new level of mine safety procedures, that is, the use of investigators and mine safety officers, and boards of inquiry. The investigators will have wide-ranging powers, including investigating accidents and dangerous occurrences under section 93A, and reporting on matters relating to safety, health, conduct or discipline of persons in mines or any occurrence or practice in a mine as directed by the director-general.

As part of that investigative unit, the director-general may appoint consultants as investigators for the purposes of carrying out an investigation or to assist an investigator in carrying out such an investigation. The Opposition is of the view that mine safety must be approached with a new ethos and mind-set from the boardroom to the workplace. The highest level of expertise must be made available, although that may be beyond the internal workings of the industry. As well as the director-general having the right to instigate investigations, the Minister can require a special report. The Opposition agrees that the Minister should have the prime role of overseeing safety and should be in a position to call for special reports as necessary.

New section 94A of the Coal Mines Regulation Act provides for boards of inquiry to be established at the discretion of the Minister to investigate any accident or dangerous occurrence causing death or serious bodily injury at a mine; any practice in a mine that, in the opinion of the Minister, adversely affects or is likely to adversely affect the safety or health of persons employed at the mine; and any matters relating to the safety, health, conduct and discipline of persons in mines. The Opposition supports that provision and believes that in the true Westminster system the responsibility for mine safety should be with the Minister.

The Minerals Council, members of the Collieries Staff Association and others in the industry have expressed concern about the powers to be conferred upon the board of inquiry. Although those boards are necessary, their informality sits uncomfortably with the fact that evidence given during an inquiry and any subsequent finding of the board will be regarded as legally admissible. Of course, the weight of that admissibility would depend on how the evidence was taken. Nevertheless, the degree of legal admissibility of that evidence would vary.

There is a clear contradiction in the provisions dealing with the board's discretion to permit legal

representation for anyone appearing before it. It is not difficult to imagine a scenario in which the board will have legal representation but will deny such representation to a witness. At the very least, witnesses should be entitled to the same representation as the board if the legislation is to adhere to the notion of natural justice and procedural fairness. Those in the industry have indicated that members of their peak organisations or associations find the situation unacceptable and fear that the currently drafted measure will merely serve to frustrate any attempt to get to the heart of what caused an accident or incident rather than to allow a free flow of information.

For membership composition of boards of inquiry the bill would benefit if it provided clear conditions of experience, qualifications and independence of board members. These measures should include also terms of reference requirements and procedural fairness. Similar legislation in other States—most notably in Queensland—include these provisions. I am not certain whether the legislation has been enacted, but on procedural fairness and representation one such provision stated:

186(1) In conducting the inquiry, the board must give a person concerned in the serious accident or significant incident the opportunity of defending all claims made against the person.

(2) The person may be represented before the board by a lawyer or agent.

That is a simple but assuring statement for those involved in this industry. If that information was able to reach me in a short time, surely the Minister, with the resources available to him, could have at least considered including it in this bill.

Mr Martin: It was part of the briefing last week.

Mr J. H. TURNER: Today I attended a briefing with the department, which was arranged by the Minister's staff. No doubt for maximum co-operation between industry and those on the boards of inquiry it is necessary to have fairness and equity in the inquiry's undertaking. Concerns have been expressed about the somewhat vague powers of the board. Perhaps the Government should consider further clarification of those powers to ensure that unnecessary legal processes do not occur, notwithstanding the requirements of new section 94E.

As I said earlier, the powers of the board of inquiry are significant, and those who appear before it may be made to swear an oath. By the same token, the inquiry is not bound to act in a formal manner and is not bound by the rules of evidence.

The board of inquiry can require people to answer people to answer questions forthwith. It is vitally important that in seeking the truth about an occurrence, fairness and equity apply in order to help establish a safer future for the industry. New section 94E states:

No appeal lies from any decision or determination of a Board of Inquiry on a special inquiry.

The proposed amendment to section 60(1)(a) inserts the word "forthwith", and with the amendment to section 60(5) requires that answers be given forthwith or within the customary 24 hours. Again, fairness, equity and natural justice must prevail to ensure that during an interrogation the emotions and health of people involved in a major catastrophe are taken into account and their failure to answer clearly must be balanced against the events that immediately preceded the questioning.

I note that the Minister referred to that in his second reading speech, but the industry is worried about that protection. I do not know how that balancing act will occur. It will probably involve each matter being determined on its merits, perhaps with the involvement of a medical practitioner. Whatever the case may be, any interrogation must be undertaken with fairness, equity and compassion to ensure that problems are not created by those in the industry who want to help being somewhat muddled following a major catastrophe.

The Opposition will not at this time propose amendments relating to boards of inquiry, legal representation and powers. However, it reserves the right to move amendments in the upper House if the Minister does not state comprehensively and clearly in his reply that the elements of natural justice will not be denied. With an informal inquiry, with no rules of evidence but with the power to administer an oath and require answers, the perception may be that denial of natural justice may eventuate to the detriment of obtaining the truth for the overall betterment of mine safety in New South Wales.

Other matters of concern were raised with me relating to the appointment of mine safety officers, investigators, assessors and consultants. Other than a reference to the Public Service Act, no legislative means is enunciated that will determine qualifications, training, skill or experience to meet the requirements of those positions. The Opposition supports the concept of mine safety officers carrying out work previously done by inspectors when a death or injury has not been caused, but trusts this will not set another level of bureaucracy that may

seek to build empires and set its mark in the industry for its own ends rather than for the betterment of safety.

If there is to be another level of bureaucracy as anticipated, it must be pro-active and prepared to work with industry, with a carrot-and-stick approach rather than the existing outmoded prescriptive approach. In relation to that part of the bill that refers to the closing of shafts and outlets, the Opposition supports those matters that arise directly out of the Gretley coal inquiry. However, this legislative requirement must be balanced against practicalities. In New South Wales thousands of shafts and outlets would not necessarily comply with current legislation, let alone the proposed legislation.

The Government, coalmine owners and owners of private property containing shafts and outlets must take a co-operative approach. Naturally, it would be incumbent upon coalminers to assiduously work towards complying with the legislation, but that may be financially beyond landowners who have taken possession of land with shafts and outlets. A working relationship must evolve between the department and those people to ensure that the requirements of the bill are implemented on a priority basis with safety paramount in a co-operative spirit and, if necessary, in financial spirit for assistance so that the burden does not fall on those who may be retrospectively affected by this part of the bill.

One matter of great concern is the role of the Construction, Forestry, Mining and Energy Union and of the Minister in this non-consultative process. I am specifically referring to selective non-consultation and not uniform non-consultation, because it appears that the Minister gave the CFMEU certain information. Quite simply, a deal was done to call off the strike scheduled for 13 October. The strike was going ahead as meetings had been held at which the rank and file had given their approval to proceed to strike. Certainly the Minister did not deny that allegation when I challenged him on a number of occasions about when the strike would be called.

Mr Martin: That is nonsense.

Mr J. H. TURNER: The Minister will have his chance in his reply. In light of the memorandum from the general secretary of the Construction, Forestry, Mining and Energy Union dated 16 October, which referred to satisfactory arrangements resulting from discussions with the Minister for

Mineral Resources and his department, will the Minister in his reply assure the House that no secret deal has been done with the CFMEU in the departmental investigation to expand the role and powers of district check inspectors?

Mr Martin: Yes, I will do that.

Mr J. H. TURNER: Will he assure the House that any change to the powers of district check inspectors powers would be considered only following appropriate consultation with the relevant parties?

Mr Martin: Yes.

Mr J. H. TURNER: Will he outline the deal that he did with the CFMEU to call off the strike?

Mr Martin: There was no deal.

Mr J. H. TURNER: That is interesting. I have a document which commences with the words, "Dear comrade" and is signed "Bruce Watson, General Secretary." I will return to that later. The Opposition will not oppose the bill, but makes a commitment to the industry that when the coalition takes office it will ensure that there is an inclusive process—unlike this Government's exclusive process—in regard to mine safety. Our doors will be open. We will ensure that we pursue every avenue of excellence, technology, intelligence and practicality, including on-ground resources and information from the industry, to ensure that safety in our coalmines is reinforced.

Mr MARKHAM (Keira) [4.51 p.m.]: I support the bill. First, I shall state my position on mine safety in the State's coalmines. I assure the House that I will always support whatever governments can do to make the mining of coal in this State safer. Most honourable members know that I worked in the coal industry for 26 years before being elected to Parliament, and most honourable members know that I have a son who has worked underground at Appin colliery on dogwatch for the past 14 years. I have a vested interest in safety in coalmines, and I will support the bill to the hilt.

In 1996 the Minister commissioned an independent inquiry with broad terms of reference to review matters of safety in the State's mining industry. That inquiry was necessary having regard to the unacceptable number of deaths in mines since the Government took office in March 1995. The history of mine fatalities in this State and country is absolutely horrific. We have had some of the worst

mining disasters ever. At Mount Kembla early this century 96 men and boys were killed in a disastrous gas explosion at that pit. At Appin colliery 14 miners were killed in a gas explosion. I could go on and refer to the disaster at Old Bulli and about disasters, deaths, injuries and continuing psychological damage caused by unsafe work practices, supported by the greed of coalmine owners over the past 100 years.

It was recognised that an overall improvement in mine safety would require the commitment of employers, employees and government, and substantial legislative amendments and cultural change. The mine safety review was completed in March 1997, and the report contained 44 recommendations on a raft of matters such as measuring safety, risk management, inspectorates, work force involvement and training of contractors. It recommended also the creation of a discrete accident investigation and analysis unit within the inspectorate. Creation of the unit was recommended to provide a vital combination of independence and expertise in the investigation of mine accidents. The recommendations were so significant and complex that the Minister established a tripartite mechanism headed by a steering committee to advise on the action required for implementation.

The final report of the steering committee was released by the Minister in April this year. Among other things, the report of the steering committee defined the objectives of the investigations unit and action required to establish the unit. In May the Department of Mineral Resources seconded two senior inspectors to establish the core of the investigations unit. The investigations unit is located in a departmental building at Lidcombe. That building is also occupied by analytical and scientific officers of the department who could provide specialist forensic support in major investigations. In July His Honour Acting Judge J. H. Staunton delivered the findings of the inquiry into the Gretley coalmining tragedy that claimed the lives of four miners. That accident should never have occurred. The Gretley report made 43 recommendations, one of which supported the establishment of:

... an autonomous unit within the department, responsible for the investigation of fatalities, serious bodily injuries and dangerous occurrences, and that such unit should examine the role of the department and inspectors of the department in the circumstances leading up to the fatalities, serious bodily injuries and dangerous occurrences.

The report of the Gretley inquiry provides further advice on the establishment and operation of the unit. That includes the conduct of phased investigations, the autonomy of the unit through its

reporting to the director-general of the department, the recruitment of full-time staff, assistance from inspectors, the powers of investigators, the notification of the unit of accidents in mines, the publication of information, the protection of persons assisting investigations, and matters relating to prosecution. Considerable research and consultation has been conducted to define the objective, role, operation, autonomy and workload of the unit.

Investigation models used by authorities within Australia and international agencies have been reviewed. The fundamental purpose of the unit will be to effectively collect, analyse and protect information about the causes and circumstances of accidents and incidents in the mining industry. The investigation unit will do this by: preparing policies, procedures and protocols for conducting investigations and legal proceedings; providing trained investigators to manage investigations of selected mine accidents and incidents; auditing departmental investigation practices overall; and reviewing legislation. It is absolutely crucial that legislation is reviewed constantly to make sure that the best safety practices available worldwide are operating in the coalmines of this State.

The investigation unit will also identify potential breaches of legislation, prepare briefs of evidence for consideration by the department, underpin the department's enforcement policy, recommend legal proceedings, and disseminate information derived from investigations. That is very important. A regime of education for mineworkers and mine managers is important to ensure that whatever comes out of any investigation goes some way towards saving the lives of other mineworkers. The unit will publish the outcomes of legal proceedings and accident trends, and contribute to seminars and workshops. It is proposed that the investigation unit will have a complement of five permanent staff and will be led by a manager. Additional expertise and resources will be available from the inspectorate and from external providers.

The unit will be segregated from field operations personnel and will not be involved in day-to-day enforcement activities. The unit will be autonomous and will be allowed to conduct its investigations and other activities without interference from any stakeholder. Nevertheless, the unit will develop protocols to work together with local and district check inspectors. I assure honourable members that the powers and the ability of local check inspectors are paramount for coal industry workers. This bill gives legislative effect to the unit, and the Minister is to be commended for the timely implementation of these reforms. The

Minister has assured me that consultation with relevant stakeholders such as employer representatives, employee representatives, emergency services and inspector and other groups will continue in order to develop protocols and procedures for the operation of the unit.

The operations of the unit will not affect the role of check inspectors, who are elected by the workers to raise safety issues on their behalf. I reinforce my support for that. Local check inspectors are elected by rank and file mine workers and they have the faith of the workers. I was working at Coalcliff when changes to the mine safety legislation were enacted. Those changes allow for other check inspectors to be voted by rank and file members to consider electrical and mechanical safety issues in the coal industry. Until that time rank and file check inspectors had been elected by the miners federation. Those inspectors did not necessarily have the expertise to enable them to make determinations on electrical or mechanical problems in the mines. They had to rely on information from engineering staff.

I was elected by the rank and file at the mine at Coalcliff to be the mine's electrical check inspector. On several occasions I was called to the mine to inspect electrical faults that had placed the safety of mineworkers in jeopardy. It is very important that local check inspectors be part and parcel of the regime proposed under this bill. As I have said, it is extremely important that check inspectors be able to report directly back and give information to those who have elected them. There is a need for that function, along with what the inspectors from the department may be doing.

The investigations unit will improve and enhance mine safety by maximising the impact of investigations, identifying the causes and deficiencies in safety systems, and presenting the outcomes of investigations to industry to develop effective preventive actions and standards. As well as being a key recommendation in both the mine safety review and the Gretley report, the autonomous investigations unit will be seen as a cornerstone of the Government's initiatives for improvement of health and safety in mines and of the more rigorous enforcement of mine safety standards.

I applaud the Minister for Mineral Resources for taking this path and making sure that the investigation of the Gretley disaster took place. I congratulate the Minister on the establishment of the investigations unit and on this legislation. As I said at the beginning of my contribution, I will do anything and support any initiative that this Parliament may bring forward to make sure that

mineworkers operate in the safest environment possible. Such legislation may be brought forward by either a government or, as in the past, an opposition. When a mineworker goes to work in an underground coalmine it is imperative that he or she returns to the surface at the end of the shift and has the ability to go home to his or her family. I commend the bill and I completely support the Minister's initiatives.

Mr BLACKMORE (Maitland) [5.04 p.m.]: I support the comments made by my colleague the shadow minister for mineral resources, the honourable member for Myall Lakes. The bulk of the amendments contained in this bill are not controversial and have received bipartisan support. We cannot for one moment underestimate the importance of this bill. This legislation is not designed to put a stop to something; it is designed to improve mine safety. It is now almost two years since the Gretley disaster of 14 November 1996. I speak in this debate as the son of a former coalminer, the son of a miner's lodge representative at Burwood colliery who worked all his life in pits underground. My father had several workmates who did not make it back to the top.

If I do one thing in my time in this place, I intend to make sure that as a legacy to my father and his mates I do my part to ensure that a mines safety bill is aired and has the satisfaction of all players. In referring to players in the industry I refer not only to the Construction, Forestry, Mining and Energy Union—CFMEU—the Australian Collieries Staff Association and the Minerals Council; I refer also to the families of mineworkers. It is important that families know that their interests are being addressed in this House. My colleague has announced that the coalition will not oppose this bill. There is, however, an obligation for honourable members to recognise approaches that have been made by various groups. Such concerns must be aired in the House before the Minister speaks in reply.

The Minerals Council corresponded with the Minister in relation to concerns about the structure and operation of boards of inquiry. While it is proposed that such inquiries will be informal, the evidence placed before a board and the findings of a board would be admissible in legal proceedings. The Minister has corrected that matter. The Australian Collieries Staff Association has posed a question as to consultation. Only recently on television I heard the Minister make an announcement of extensive consultation. There is concern about consultation. For an issue as important as mine safety there can never be too much consultation. We as legislators

must ensure that everyone has a clear understanding of the issues. The shadow minister for mineral resources in his contribution raised the very important matter of an allegation of a deal that may be done with the CFMEU.

Mr Martin: As I said, there is no deal.

Mr BLACKMORE: The Minister has made that comment, and I hope that he addresses the issue in his reply. We cannot leave this Chamber with anyone thinking that a deal has taken place. I have here a facsimile from Bruce Watson, General Secretary of the CFMEU, to all New South Wales lodges as addressed. The document states, in part:

Following discussion with the Minister and Department Heads, the Minister for Mineral Resources and his Department, on Monday and Tuesday of this week, I am pleased to report, that we have achieved arrangements which are satisfactory to the union . . . The Leader and National Party opposition and Minerals Council are attempting to create uncertainty about the Legislation.

I state categorically that there has been no attempt to create uncertainty about the legislation. Opposition members have spoken about industry concerns, concerns that have been expressed by players from all sides. As I have said, this evening I speak particularly for the families of mineworkers. In November 1996 the Minister attended funeral services held for mineworkers killed while carrying out their duties. We have seen what mine accidents do to families and we have an obligation to ensure that accidents in mines do not occur, or that the risk of accidents is minimised as much as possible. The CFMEU document also states:

However you can be assured that the Union has thoroughly examined the proposal and is satisfied that it meets our immediate objectives.

I say to Mr Bruce Watson that a great many others are involved in this legislation. This is not legislation only for the CFMEU; it is legislation for all players. I cannot allow this opportunity to go by without raising concerns in order that I might ensure that this bill—which will be supported by the Opposition—is not flawed in any way, shape or form. The Minister said that we only get one chance to get it right. I ask the Minister to address the issues raised, in deference to the families of those who are unable to be present today to defend themselves.

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [5.10 p.m.], in reply: I thank the honourable member for Myall Lakes, the honourable member for Maitland and the honourable member for Keira for their

contributions. In anticipation of what has been raised, given ongoing discussions with the Minerals Council, the Construction, Forestry, Mining and Energy Union and other interested parties, I have prepared notes for reply. I have given a copy to the Opposition's spokesperson. In view of the hour I seek to have the notes incorporated in *Hansard*.

Leave granted.

There has been extensive consultation with interested parties through the joint safety review committee on 10 August, 1998 and 12 October, 1998. The joint safety review committee represents all major groups within the coal mining industry. There have also been separate briefings of major parties including the Minerals Council, the Australian Collieries Staff Association, the Australian Workers' Union and the Construction, Forestry, Mining and Energy Union—CFMEU. Each has had the opportunity to put views forward. Groups who have been consulted have expressed broad support for the proposals, with some differing views being expressed on points of detail. The mine safety review was tabled in this House in April 1997. The reforms recommended by it have been widely known and for the most part implemented.

The Gretley report came down in early July, and I stated at the time that I would introduce legislation to give effect to its recommendations in the spring session of Parliament. The issues that came out of the Gretley report had been aired widely in the industry during the course of the eight-month inquiry last year. No-one can claim they have been taken by surprise with this bill.

Powers of inspectors:

The amendment to section 60 of the Coal Mines Regulation Act is a direct implementation of recommendation 22 of the Gretley report. Clearly, the practice of insisting on twenty-four (24) hours' notice, with questions put in writing, is totally unacceptable. Judge Staunton's report exposed the practice as having potential to retard an investigation by preventing an inspector from asking supplementary questions effectively. Persons should be required to answer questions forthwith, to ensure that the inspector gathers accurate, complete and untainted evidence. This is a fundamental first step in finding out what happened and why. Clearly, if someone was distressed after an accident, and unable sensibly to answer questions, the inspector would not even begin an interview until the person had regained his or her composure. To do otherwise would detract from the value of the evidence.

Boards of Inquiry:

The creation of boards of inquiry fills a void in the available processes of special report and formal investigation. It provides an important middle tier, between special reports by inspectors and full judicial inquiries. They will operate less formally than a judicial inquiry, with a view to getting to the bottom of an issue quickly and without undue stress on witnesses and parties. They will have the advantage of getting information, which could save lives, out to the industry as quickly as possible, and at the least cost. They will have another advantage: it will not be necessary to wait for an accident to happen before a safety issue can be investigated by

a board. The Minister will be able to move pro-actively, ordering a board to investigate safety issues before they become disasters.

The concept of a board of inquiry is not a new one, or novel in operation. Boards of inquiry will be given specific terms of reference from a range of matters that can be referred to them. They will also be able to tailor their procedure to suit the matter being looked into. This is an advantage, not an obstacle. Boards of inquiry will be able to require persons appearing before them to answer questions, in the same manner as an inspector of coal mines, under section 60 of the Coal Mines Regulation Act. Persons answering questions will have the same protection against use of incriminating answers against them in any court proceedings. Evidence put before a board of inquiry will not automatically be admitted in any subsequent legal proceedings, nor will it automatically be conclusive of issues before the court, even if it is admitted. Parties to legal proceedings still have a right to object to admission of material.

Even if it is let in, the court trying the proceedings is going to weigh the probative value of the evidence very carefully, especially if it was obtained by a non-judicial forum. The court will certainly not base its own judgment on second-hand evidence alone. It will expect to hear witnesses, view documents and receive argument so as to make up its own mind. The same principles apply to a board's findings. Additionally, the findings themselves could not be conclusive as to the guilt of any individual, nor can they affect the rights and liberties of any person. Boards will be looking for facts, not culprits. Any suggestion that the actual report of a board of inquiry be inadmissible in evidence in a court, is contrary to the general law.

The amendments provide that a board may appoint counsel assisting it. If that happens, however, ordinary natural justice applies, and every party represented at the inquiry would likewise have a right to its own legal representation. A concern has been expressed that a board may adopt a legalistic model, without all parties being formally represented by lawyers. The bill provides that if a board of inquiry agrees, an agent—including a legal practitioner—may represent a person or body at the inquiry. If one party is represented, it follows that all would have equal rights. Any departure from that would breach principles of natural justice that are so fundamental that we do not need to reinforce them by legislation.

Assessors at Boards of Inquiry:

The bill provides for one or more assessors to sit with the board. It is expected that, only on very rare occasions would the board sit with one assessor only. This would largely be restricted to inquiries into matters of a strictly technical nature. In the normal course of events, it would be expected that two or more assessors would be used to assist the board of inquiry, and that they be representative of the skills and interests of the industry, having regard to the nature of the inquiry. It is not the practice of any responsible government to appoint inappropriate people to run boards of inquiry or to assist boards. They will be run in an orderly and fair manner. They will contribute significantly to improving knowledge of mine safety issues. They will play an important part in strengthening a culture of safety in our mining industry.

Use of the word "consultants": the proposed section 93E(1) to the Coal Mines Regulation Act refers to the appointment of "consultants" to carry out investigations. The word

"consultants" is used in a general sense, and persons appointed to undertake this work will be competent, qualified and unbiased. There will not be any "hired guns" out there, carrying out investigations.

Prejudice to witnesses in their employment:

The amendments to the Coal Mines Regulation Act will include a provision making it an offence to dismiss or prejudice an employee who co-operates with the authorities in an investigation. The offence carries a monetary penalty which some may think rather small. In the case of prejudice to an employee, a short, sharp deterrent should be enough. If it is not, a repetition of the offence can attract a repetition of the penalty. In the case where an employee is dismissed, there is still the avenue of damages or reinstatement for unlawful dismissal. It is logical to conclude that a conviction under the new section 168A would carry weight in a reinstatement or damages case.

Mr MARTIN: I thank the honourable members opposite for their contributions. The inference is that a deal has been done. Prior to this legislation being put out in the public arena there was concern that various roles were changed. The honourable member for Keira made clear his concern that the check inspectors who are currently undertaking serious and valuable work on safety matters would be cut out of the process. The role of a check inspector will not be diminished which will address the concerns of the CFMEU. The matter raised by the Minerals Council and the honourable member for Myall Lakes was about the board of inquiry. That is addressed in the formal notes I have tabled today.

I subsequently met with Judge Staunton, who, in private discussions with me following the Gretley inquiry, highlighted what was not in the report, and that has been noted. Every honourable member wants the Government to do the right thing by those families who are left behind from Gretley and to do the right thing by the mining companies. I thank all honourable members and the people in the industry for being so co-operative with this legislation. In 1999 we can look towards a formal process of white papers, draft legislation and a total review of mining and safety legislation. That will honour the promise of the Gretley inquiry and that key point of the mine safety review. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

PARKING PERMITS FOR PEOPLE WITH DISABILITIES

Mr GLACHAN (Albury) [5.15 p.m.]: Tonight I bring to the attention of the House a border anomaly that has caused a great deal of distress and concern for my constituent Mr Stephen Cossor, who lives at Henty. Mr Cossor is a disabled pensioner who suffered a hip injury in a truck accident nine years ago which makes it necessary for him to walk with a stick and in nine years he has also suffered nine heart attacks. He needs special consideration as he is not well and it is difficult for him to get about. Because of his problems the Roads and Traffic Authority issued a parking permit authority for him as a disabled person. He can use that authority to park his vehicle to go shopping and to go about his normal business.

On 14 August Mr Cossor, his carer and his brother travelled to Wangaratta, Victoria. He parked his vehicle at a parking meter in Wangaratta. Mr Cossor's permit in New South Wales, amongst other things, provides for no charge at any parking meter. Having that authority, Mr Cossor did not put any money in the meter. At first his brother attempted to put money in the meter but Mr Cossor said that there was no need because he had a parking authority from the RTA for his vehicle. Whilst they were having their lunch nearby a parking inspector issued Mr Cossor with a \$40 parking ticket. Mr Cossor was upset and pointed out to the parking inspector that he had an authority to park with a disabled permit.

The inspector employed by KJS Services to look after the inspection of parking at Wangaratta advised him that the permit does not apply in Victoria and that the fine would stand. Mr Cossor subsequently approached the company but has been told that the fine will stand, whatever his circumstances might be, because his permit is not valid in Victoria. Mr Cossor believed the permit gave him authority to park at a parking meter without having to pay for the privilege. It has been reported in the local press that Mr Cossor has said that he will go to gaol before he will pay the fine—and I hope it does not come to that. There needs to be a national standard for parking for people with disabilities such as Mr Cossor.

That is one of many anomalies that cause enormous problems for people who live in border areas. The co-ordinator of the Disabled Persons

Regional Council, Mr Mike Jarrett, said that he would push the issue at a meeting in November. He wants Australian transport Ministers when they meet next to come to a standard that will apply throughout the country so that disabled people who travel interstate will not be caught in the same way as Mr Cossor. Mr Cossor has been upset and stressed about this matter. A national standard is needed for his and many other issues in our community.

TRANBY ABORIGINAL CO-OPERATIVE COLLEGE, GLEBE

Mr MARKHAM (Keira) [5.18 p.m.]: I bring to the attention of the Parliament the opening of the new Tranby Aboriginal Co-operative College at Glebe and the achievements of this exceptional educational institution during the past 40 years. The innovative design of the new Tranby college is inspiring not only for its present students but for students in the future. Tranby college is an independent Aboriginal community-based provider of educational services to Aboriginal and Torres Strait Islander students from all parts of Australia. Since its establishment in 1958 Tranby college has been committed to provide a teaching and learning environment which respects and nurtures culturally appropriate ways of sharing and gaining knowledge holistically, intuitively, vibrantly, creatively, spiritually and always respectfully.

In September I attended the opening of the new Tranby college with facilities worth \$4 million. The results of the upgrade were impressive. I can assure honourable members that my colleague, the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs, who also attended the opening, was more than impressed with those achievements. The facilities include classrooms, a computer laboratory, an art room and a student common room. Tranby college is qualified to deliver accredited courses such as the Certificate in Adult Foundation Education and the Diploma in Development Studies in Aboriginal Communities. Tranby's courses, which incorporate the different cultural and socioeconomic backgrounds of its students, are designed for success, not failure. This year, 12 students are enrolled in the certificate course and 27 students are enrolled in the diploma course.

Tranby provides students with more than basic education. It works within kinship systems and has a range of support services, including counselling, health support, addiction therapy and workshops for the healing of spirits. This excellent system of support has helped Aboriginal people find and

sustain employment. This model institution is having a positive impact on the high rate of unemployment, suicide and substance abuse among Aboriginal people. I have seen at first-hand the success of Tranby college which has resulted from hard work. Aboriginal students have achieved positive self-awareness, self-acceptance and self-esteem, and have become role models for members of their communities. The staff at Tranby college are dedicated to reviving and enhancing the strengths and successes of Aboriginal culture. Tranby's motto is "Working together to live" and is described by the distinctive logo of a hammer held by black and white hands.

Tranby college has been a meeting place for diverse groups. Its logo remains a powerful reminder of the importance of co-operation, support, respect and goodwill and an equally powerful reminder of the success of Tranby's achievements over the past 40 years through strong and committed partnerships. In 1994 Tranby, together with the Northern Territory Institute for Aboriginal Development, Tauondi in South Australia, the New South Wales Aboriginal and Islander Skills Development Association and the Redfern Aboriginal Dance Theatre formed the Federation of Independent Aboriginal Education Providers. The federation has become the peak advisory body on matters relating to, and affecting, indigenous education and training.

I am pleased to report that Tranby will continue to be pro-active in redressing the injustices and inequity evident in the cultural, economic, social, political and spiritual education of Aboriginal peoples. Tranby college owes much to the dedication of an Aboriginal guy, Kevin Cook, who has spent a lifetime making sure that Aboriginal people, especially young ones, get an opportunity for culturally based learning. Jack Beatson, the Chief Executive Officer of Tranby college, has dedicated his life to the college to make sure that young Aboriginal people get a better crack of the whip than those of his era. I commend both Kevin and Jack for their work. It is a credit to the Aboriginal people of this State to have a college such as Tranby.

THREDBO MEDIA SERVICES

Mr COCHRAN (Monaro) [5.23 p.m.]: I raise an issue on behalf of the commercial tourist industry at Thredbo. I am pleased that the Minister for Tourism is in the House as he will be able to join with me in making representations to Telstra to ensure that its REACH service, formerly known as the ENG, or electronic news gathering, service does not withdraw from Thredbo. I am in possession of a

letter to Mr David Osborn, Managing Director, Tourism and Leisure—the managing authority for Kościuszko Thredbo Pty Ltd—who had written to the Federal Department of Communications and the Arts asking that Telstra not withdraw this service.

It is important that there be a joint approach by this House on this issue and that bi-partisanship be the format of its approach to the Federal Government in insisting that Telstra leave this service at Thredbo. In this day and age when communications are vital to the success of tourism it seems an anomaly and an extraordinary decision by Telstra to withdraw that service. Telstra's advice to the Department of Communications and the Arts stated:

... there has been declining demand for the service, threatening its commercial viability and leading to claims that the capacity it reserves represents an underutilised resource.

That is nonsense. In fact, there is increasing demand around the world for communications to be as far reaching as possible, as is the case with the REACH service at Thredbo. I have received correspondence from Susie Rowland, Media Manager, Kościuszko Thredbo Pty Ltd, who raised concerns regarding future media communications out of Thredbo. The world would certainly remember the excellent coverage given to the tragic landslide at Thredbo, which predominantly used the ENG service. The Minister would be aware of a number of events proposed for the Thredbo area, including the world fly fishing championships and international ski events, which could be promoted around the world using the REACH services.

The withdrawal of that service and the cost involved in re-establishing a private service would be beyond the media services in Thredbo and certainly beyond Kościuszko Thredbo Pty Ltd. It behoves the Minister and the Parliament to send a general communication to Telstra and the responsible Federal Minister to let them know that this is not acceptable. The Federal Government may talk about privatisation, commercialisation or corporatisation of Telstra, but people in remote areas depend heavily on communications supplied by this service. Telstra has a monopoly on that service. The withdrawal of that service would cause an immense loss to the area.

The area has already lost services: the Snowy Mountains Authority has been downsized, as has the Snowy Mountains Engineering Corporation, and Cooma gaol has been closed. The extensive drought across the Monaro area and the downturn in the hardwood industry have had a detrimental effect on the economy of the south-east region, particularly in

Monaro and around the mountains. This further blow can be prevented with the stroke of a pen. The Minister for Tourism would have as much delight in taking a swipe at the Federal Government and Telstra as I would. I request he give Thredbo and myself a hand to sort out this problem and have the service retained.

Mr DEBUS (Blue Mountains—Minister for Energy, Minister for Tourism, Minister for Corrective Services, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [5.28 p.m.]: I express my gratitude to the honourable member for Monaro for the opportunity to have a swipe at the Federal Government. The New South Wales Government is opposed to the policy of stripping assets of this nature from regional areas and is determined to support any fight to ensure that Telstra is not privatised, especially if that would mean taking services out of Thredbo while it is still in majority ownership. Heaven knows what might be the case if it were privatised. I should indicate that the Government, in any event, is strongly committed to supporting tourism in the Snowy Mountains, especially since it has been so hard hit by the landslide some time ago.

The Government has been spending more than the usual level of funding from Tourism New South Wales to support various marketing programs directed towards the restoration of the Thredbo tourism industry. I acknowledge the great significance of events such as the fly fishing championship and international ski events that are likely to take place in the area. For all of those reasons I support what has been said by the honourable member. I undertake, in concert with him, to take up the matter with Telstra and to write to the Prime Minister, the Federal Minister for Communications and anyone else who appears to be relevant to a solution to this quite unacceptable proposal of Telstra.

RIO TINTO HUNTER VALLEY No. 1 COALMINE JOBS

Mr GAUDRY (Newcastle) [5.30 p.m.]: Every honourable member of this House would be well aware of the importance of the coal industry in New South Wales. Coal fires our power stations, which provide the energy for the State, as well as being an export earner. Coal is very much an employment generator, particularly for the Hunter, the central coast and the Illawarra. It provides the dollars that bring economic coherence and social cohesion to many communities in those areas, as well as to the many smaller communities touched by the movement of mining up the Hunter Valley.

Traditionally, as the mines have moved on, miners have travelled to continue their work. Therefore any adverse change in Hunter Valley mining has a detrimental impact on many New South Wales communities. It was great to hear today from the Minister for Urban Affairs and Planning that the Cooranbong expansion is going ahead, with the resultant increase in investment and job security in the area. However, on the same day came the bombshell announcement, along with the mention again of a name that is really linked with infamy, that Rio Tinto is sacking 115 miners from its Hunter Valley No. 1 mine.

Honourable members of this House would be well aware of the struggles over the past year of the workers at Hunter Valley No. 1 mine. They sought through their union, the Construction, Forestry, Mining and Energy Union—CFMEU—to pursue collective bargaining rather than comply with the Rio Tinto direction regarding Australian workplace agreements. That matter has been well aired by honourable members from this side of the House and in debates in the House. There was a strong determination on the part of Rio Tinto to persist with its aim of workplace agreements. It sought to grind down the miners, using tactics such as threats and intimidation. It had staff operating mining machines, locking out the workers, in order to achieve its objective.

I was saddened to read on the front page of this morning's *Newcastle Herald* what had happened to the mining families who were locked in the struggle last year. They had the support of the majority of New South Wales citizens as the people could see that a satisfactory outcome to the dispute would provide a good and secure income for the mining families, as well as ensuring that the Hunter Valley No. 1 mine provided the export earnings that the company said it needed. Since those struggles some time ago continual pressure has been placed on the miners. Some 60 of them have taken voluntary redundancy. But today 115 miners were forced out of work, with Rio Tinto saying it does not have a place for them. The company says it has gone through a process that it calls, euphemistically, a merit-based selection process. The company is using that process to determine which miners will be put off.

It is quite significant that 12 of the 14 union delegates are in the group of miners put off under the so-called merit-based scheme. It is no surprise that the CFMEU has taken this matter to the Federal Court. It is a tragedy that this action is taking place in an area that is dependent on mining. The conditions under which miners work are dangerous.

Of course, they are rewarded for that work, but the mining companies also benefit from that dangerous work. It was interesting to hear today that Coal and Allied, which operates from the Hunter Valley No. 1 mine, has had an after-tax profit on operations of \$34 million. So the mining companies are still earning considerable profits. Yet they persist in an absolutely philosophical direction of breaking the mining unions, implementing individual contracts, not recognising seniority and grinding down the mining families, putting at risk the social cohesion of many country towns and regional centres. [*Time expired.*]

M2 TRAFFIC NOISE

Mr MERTON (Baulkham Hills) [5.35 p.m.]: Tonight I speak on behalf of a number of residents of the Baulkham Hills electorate concerning the M2 Motorway as it crosses the Darling Mills Creek from North Rocks to Baulkham Hills. A letter I received from Ms Jackie Larter stated:

I am a resident in the vicinity of the M2 Motorway where it crosses Darling Mills Creek at North Rocks to Baulkham Hills. Since the motorway opened 16 months ago the amount of traffic noise, especially from heavy traffic, has been steadily increasing, particularly during peak times morning and night. There is also a loud clunking noise coming from the expansion joints on the bridge. I have written to our local Member of Parliament Wayne Merton . . .

I confirm that statement. I have made representations on behalf of Ms Larter, but I will speak about those in a moment. Ms Larter further stated:

At this moment in time we are considering moving as I cannot see this problem being fixed. I don't want to move from the area as living on the bush is wonderful. When we bought our house 5 years ago we didn't realise that the noise would be so substantial. I feel that if the noise barriers were to be installed that it would make a real difference.

Ms Larter refers to sending around a petition that has been signed by 70 residents who are gravely concerned about the disturbance of their lifestyle by the noise from the M2 Motorway. She mentions in the letter that she has spoken on numerous occasions to a person at the Roads and Traffic Authority, Blacktown office, who informed her that:

. . . the expense of placing the noise barriers on the bridge would be substantial and probably won't ever be done. He also said they monitored the traffic noise in my street earlier this year . . . and the noise didn't exceed the decibel level. He told me the Roads and Traffic Authority were not going to monitor the noise levels again till 2006. What a joke.

I agree with that sentiment, if that is the situation. I received a letter from constituents Mr and Mrs

Field, who live in Winton Avenue, Northmead. They expressed concern about noise caused by M2 Motorway traffic, especially over Darling Mills Creek bridge. They said:

This noise is ruining what was formerly a peaceful, beautiful, natural bushland environment and is completely unacceptable to both affected residents and people wishing to enjoy the adjoining Excelsior Park bushland.

The noise occurs 24 hours per day and is particularly evident from engine and exhaust truck noise including the noise from the compression brakes of heavy trucks as they brake on the descent to the Darling Mills Creek bridge and accelerate to climb up the other side. The noise is getting progressively worse and residents are fearful of the estimated 600 semi-trailers per night that now use Pennant Hills Road but will change to the M2 route, as planned by the RTA.

Mr and Mrs Field further said:

We have obtained independent advice from a qualified and recognised acoustic consultant who has advised that the RTA's Interim Noise Policy, which has an arbitrary cut-off of 60 dBA, is flawed and invalid because:—

1. The RTA is not complying with the NSW Noise Control Act 1975 . . .

The NSW Noise Control Act generally does not allow broad band noise more than 5 dBA above the ambient. However pure tones must not be audible at all . . .

Pre-M2, the residential areas and adjacent Excelsior Park . . . bushland which have been degraded by this noise, were amongst the quietest areas in Sydney.

Further on in the letter Mr and Mrs Field said:

The low "jersey kerb" constructed on the southern side of the bridge is not an acoustic noise wall and is ineffectual . . .

We believe that the noise policy of the RTA is unsound and request a more rational and effective policy which represents the true disturbance of living adjacent to a busy and noisy tollway . . .

The most fair and humane action for the RTA and M2 Tollway would be to erect a six metre absorptive noise wall across the Darling Mills Creek bridge so that the noise is reduced to pre-M2 levels, as originally demanded by a large number of residents. Postponing of this through meaningless noise reports is inflammatory and a waste of taxpayer's money.

I contacted the offices of the Minister for the Environment and the Minister for Transport about the matter, and I received responses from them. In a letter dated 18 May 1988 the Minister for the Environment said:

The RTA has advised the EPA that it is absolutely committed to resolving the problem. The RTA estimates that the process of researching and finding an alternative treatment or joint will take at least one to two months. The RTA advises that it will then install a few of these for about three months, to trial their effectiveness. As a result, it will be at least four to five months before all three bridges can be treated.

People are still living with the problem five months later. The Minister for Transport concedes that since the opening of the motorway the noise level at night has increased by about three decibels and, nevertheless, the RTA acknowledges that it has a responsibility to do something. I ask the Minister for Energy to take up this matter with the relevant Ministers so that the quality of life of those living in the area can be improved. These people are greatly distressed because they live in a bushland area that has been ruined by the heavy noise on the M2. That could be rectified. [*Time expired.*]

ST GEORGE COMMUNITY HOUSING CO-OPERATIVE LTD

Mr IEMMA (Hurstville) [5.40 p.m.]: Last Friday at 11 a.m. I had the pleasure of representing the Minister for Housing at the opening of new offices for the St George Community Housing Association in the St George Community Co-operative in Barratt Street, Hurstville. These new offices mean that the community housing organisation will be better able to service low-income earners in the St George area who are waiting for social housing to be allocated. The new offices in Barratt Street are a landmark. I am pleased that they incorporate space for tenant groups to meet at the co-operative and use the office facilities further to advocate for social housing.

The opening of the offices, with assistance from the Government and the Minister, is a further example of the Government's ongoing commitment to the provision of social housing. Indeed, the reforms and the community housing strategy announced by the Minister in May 1996 are central to that commitment. Since then, the Government has embarked on a program to expand the community housing sector as a provider of social housing as an alternative to the traditional source of social housing, the Department of Housing. The strategy has been a success. St George now has more than 200 properties and the Government has allocated more than \$600,000 in the budget for the purchase of more properties to add to the portfolio. In the 1996-97 budget the Government allocated funding to enable St George community housing to acquire 17 properties, and the portfolio has been expanding rapidly.

That is all part of the Government's two-pronged strategy, which involves transferring properties from the Department of Housing to the community housing sector, supported by a commitment of capital funding. I shall give an example of the type of capital funding support the Government has been prepared to give to

community housing associations in the St George area. The main example is the \$600,000 allocated for the St George Community Housing Association and a commitment of further funding to purchase more properties to add to its portfolio to provide social housing for those who are waiting for an allocation. The strategy announced in May 1996, which had an important philosophy, is an important part of what the Government has been doing since 1995 in the area of social housing.

The philosophy of the strategy is that housing is not only a commodity that is traded on a private market for profit; if people are to acquire a decent standard of living it is vital that they have access to affordable housing and a roof over their head. Unfortunately, a large number of people are not able to meet their housing needs in the private housing market. The support and growth of community housing as a consequence of the strategy announced in May 1996 are integral to meet the shortfalls in the private market in providing affordable, well-located housing. Although St George and Hurstville are not growth areas in terms of new development, the St George area is undergoing rapid redevelopment, and Hurstville is a prime example of that.

However, as property values have skyrocketed, many longstanding residents are faced with the prospect of leaving Hurstville or St George to look for affordable housing. That is when the services of the St George Community Housing Association and the Department of Housing are needed. The strategy announced in May 1996 and the new offices which were opened last Friday are important to the continuing presence of the St George Community Housing Association in Hurstville and St George to provide affordable social housing for those who cannot meet their housing needs in the private housing market. I congratulate the Minister on his support for the community housing sector and on achieving the opening of the offices in Barratt Street.

AUSTSWIM ACCREDITATION

Mr J. H. TURNER (Myall Lakes) [5.45 p.m.]: Two constituents in my electorate of Myall Lakes, Mr and Mrs McLaren of Taree, are involved in a dispute with Austswim New South Wales Incorporated, which is the accrediting authority for swimming coaches and teachers. Although Austswim is a private organisation, I understand that it is heavily funded by the State Government. Consequently I am concerned about the events I am about to relate to the House. Mr and Mrs McLaren, who are safety trainers, have an arrangement with

Parasol EMT to provide training courses. Parasol EMT is foremost in its field and has the highest level of accreditation for training through the Australian National Training Authority—ANTA. As part of that accreditation, it is fully accredited in relation to cardiopulmonary resuscitation, which is a necessary component of the accreditation of swimming coaches and teachers.

Apparently, Austswim had an arrangement with the Royal Life Saving Society for CPR accreditation, although a variety of organisations, including the Australian Resuscitation Council, are authorised to provide CPR accreditation. Parasol EMT is a member of the New South Wales Resuscitation Council, which is an affiliate member of the Australia Resuscitation Council, a body approved to provide CPR accreditation. However, Austswim will not accept the CPR accreditation of Mr and Mrs McLaren by ANTA and Parasol EMT.

The applicants were referred to the life saving council although Parasol EMT could have provided CPR accreditation. Close examination of the matter showed that there may have been a breach of the Trade Practices Act. Parasol EMT referred the matter to the ACCC, and the ACCC responded on 12 October 1998 in a letter to Mr Peter Mckie, training director of Parasol EMT in the Australian Capital Territory, which stated inter alia:

As you are aware, this office requested Austswim (NSW) Inc. to address the conduct of concern, which it is likely was in breach of section 47(6) of the Act ("third line forcing"). My understanding is that Austswim (NSW) Inc.'s proposed changes to its "CPR Policy" will recognise organisations that meet objective standards, being the guidelines established by the ARC (not membership of the National ARC) and accreditation through ANTA.

The matter has now come full circle. Parasol EMT is accredited through ANTA, having undertaken the appropriate course. It showed Austswim that accreditation only to be told, "Yes, you are now in the door, but we will not consider any accreditation certificates until at least Christmas." Accreditation for swimming coaches must take place by the end of October. Therefore, the response of Austswim placed the 140 people who were trained by the McLarens through Parasol EMT at risk of not being accredited as swimming teachers and coaches. It is vital for a coastal electorate to have swimming teachers and coaches available.

An annual fee of \$250 is payable because teachers and coaches must be accredited annually. The only way the McLarens can be sure their students are accredited by the end of October is to send them and the accompanying fee to Austswim

Victoria. Any Austswim organisation in Australia other than Austswim New South Wales will accept the money to enable the teachers and coaches to be accredited at this time. Austswim New South Wales is heavily dependent on government funding, but funding totalling \$32,900 from my electorate alone will now be sent to Austswim Victoria to assist in the immediate accreditation of swimming teachers and coaches. That is not a desirable course of action, but I have brought it to the attention of this House in an attempt to bring commonsense into play.

GROUP HOMES FOR PEOPLE WITH DISABILITIES

Mr McMANUS (Bulli) [5.50 p.m.]: On behalf of some of my constituents in the Heathcote and Engadine region I raise a matter of extreme importance. I am pleased the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women is in the Chamber. Mr Robert Hair and Mrs Karen Hair of Heathcote have a severely intellectually disabled son, Andrew, aged 17 years. Andrew has an adaptive skills level of 19 months and serious behavioural problems. Two years ago Mrs Hair approached me because she was experiencing difficulty coping with Andrew at home and was seeking group home accommodation through the Department of Community Services.

Mrs Hair told me that this year approximately \$5 million was budgeted for the construction of group homes to help ease the burden placed on some families. I raise this matter to place on record the problems experienced by the Hair family and also by Greg and Alison Mokeef of Engadine, of whom the Minister is aware, in looking after and providing for their disabled children. The local community desperately needs group home accommodation for the disabled. I truly hope that after I have given the House the details of the problems being experienced by these families some assistance will be afforded to them.

Robert and Karen Hair have three other children aged 19 years, nine years and six years. When the family needs a break the respite care is undertaken by Andrew's grandparents, who are aged in their seventies. They too have difficulty coping with Andrew. As honourable members would appreciate, at 17 years of age Andrew is continuing to develop and become stronger. Of course, that raises the fear of injury not only to his family and himself, along with the damage he causes to toys and other things, but to his 70-year-old grandparents who look after him regularly. As a member of Parliament I am concerned that for many years

families have looked after their disabled children to the best of their ability and should now be experiencing happiness as a family unit or as a couple but the opposite is the case. In a letter to me Mrs Hair said:

To be blunt, we are literally falling apart as a family. Bob is unable to do his job properly at work any more because he is so worried about me and has had to take quite some time off . . . I'm not coping at all.

In fact, Mrs Hair is on medication. She continued:

Our marriage is under an enormous strain at the moment.

I must make it clear to the Government and to the Minister that we must pull out all stops to assist Karen and Robert Hair and Greg and Alison Mokeef. The Mokeefs have two sons with severe disabilities. One son already resides in a group home. The other son, John, who remains at home, is 32 years of age. Mr Mokeef has indicated that his marriage is suffering and that he almost lost his business through the stress and pressure of the situation. The family is not coping at all.

Both letters conclude by begging for help. As the local member of Parliament I find it extremely upsetting to say to people who visit me in a distressed state, "Yes, I understand, but what can I do?" As I said earlier, these people are facing their twilight years. They are either in retirement or nearing retirement and are suffering severe stress in their marriages and businesses that normal families do not understand. The situation must be assessed carefully. Tonight I do as they have done and beg for help from the Government—a Labor Government that defends people in trouble. I ask the Minister to step in and assist in these serious cases. Assistance must be provided before something drastic happens to either one family or the other.

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [5.55 p.m.]: The story the honourable member for Bulli has told the House is one with which I deal constantly. I shall make sure that I take up those matters with my department. A bipartisan approach should be taken to this issue. The Federal Government has short-changed all of the States, not only New South Wales. This State provided \$318 million towards this part of the health budget; the Federal Government provided \$107 million. Politics must be forgotten and the Federal Government must match the State Government's funding dollar for dollar. If that were to happen some of these problems would be solved.

Problems associated with caring for the disabled must be put to rest. In December a conference will be held to determine what can be done to provide some relief for families similar to those described by the honourable member for Bulli. It wounds me to read reports of people in their seventies or eighties who have looked after disabled children, in some cases for 50 years, have never asked the Government for financial assistance and now find themselves needing support. I am desperately keen to obtain the dollars to provide that support. The State Government is working in overdrive to provide that assistance. I will take up this particular matter as I am extremely concerned that families such as those mentioned by the honourable member for Bulli are under such pressure.

NORTHCOTT ELECTORATE URBAN CONSOLIDATION DEVELOPMENT

Mr O'FARRELL (Northcott) [5.57 p.m.]: I raise the issue of the ongoing urban consolidation development affecting my community. This significant community issue has increasing political importance. That point was brought home to me as recently as last Sunday when, at the Ku-ring-gai community fair, I discussed the matter with representatives of two local groups, STEP Inc and Friends of Ku-ring-gai Environment. One major attraction in Ku-ring-gai is its residential and environmental amenity. It is not called Sydney's leafy north shore for nothing!

Residents enjoy the natural environment and have an overwhelming desire to preserve it. Nevertheless, the Ku-ring-gai lifestyle is under threat on a number of fronts. For instance, the failure of the Carr Government to propose any co-ordinated transport plan has resulted in worsening traffic congestion spilling from the Pacific Highway into local streets. However, the greatest threat to Ku-ring-gai's residential environment stems from the State Government's planning policies. Recently Robert Pallin wrote:

We live near the end of a quiet dead end lane, surrounded by tall trees, and have water dragons visiting our garden from the nearby creek. We have occasional eastern spinebills and rufous fantails visit us from the connecting bush up Little Blue Gum Creek. We have a quiet bush track leading to Highfield Road and our letterbox—a very special part of Ku-ring-gai of the sort that gives Ku-ring-gai its character . . .

We are now confronted by a development application for SEPP 5 Housing for Older People or People with a Disability. It is proposed to build 6 townhouses and 5 villas on a well vegetated block now occupied by one house . . . The new proposal is to be built very close to the creek and within the 100 year flood zone previously identified. It also requires the removal of nearly all the significant vegetation on the rear two thirds of the block.

The 6 townhouses next to the creek will be three stories (two living levels and garages underneath) and will dominate Paddy Pallin Reserve. Young children play in the creek and bush here, and lots of people walk along the path provided through the park. All will be effected by this development.

The application proposes that the 6 townhouses and one villa use Highfield Lane for vehicular access. This will put an unacceptable extra load on Highfield Lane.

Because this proposed development is in the gully and there are tall trees to the north and north east of the site there is inadequate solar access for a development of this type. The proposed townhouses also all have balconies facing south-west with no chance of any winter sun.

If we are to protect Ku-ring-gai from being destroyed by this sort of development, we need to lobby the State Government and Council to ensure that inappropriate developments are not approved. We need to get SEPP 5 tightened up so that developments for the older people and the disabled are provided in appropriate places and in character with the surrounding area.

Mr Pallin's comments increasingly reflect the views of Ku-ring-gai residents. It is important that a range of housing options continue to exist in Ku-ring-gai but it is equally important that these types of developments are appropriate to the area's prevailing environment and lifestyle. Last week's *Hornsby Advocate* reported that a development at 115 Eastern Road, Turramurra was approved but only after a council report said that the application did not meet provision for council's own code for housing aged and disabled people. It is yet another example of State environmental planning policy 5 being used on behalf of developers. The admirable goal of providing housing better suited to the aged and disabled should not be open to abuse by unscrupulous developers.

Suitable controls must be available to ensure that such developments occur in appropriate areas and do not simply pop up like onion weed across Ku-ring-gai's backyard. These developments could occur in parts of Ku-ring-gai and not significantly detract from the Ku-ring-gai lifestyle. Certain areas adjacent to the Pacific Highway and the north shore rail line are but one example. I cannot see the point of locating such developments in areas described by Mr Pallin which are well away from those facilities that the aged and the disabled need. The issue of urban development is topical and important in Ku-ring-gai and I expect it will ever be thus. That concern is warranted if we believe in the goal of protecting both our urban and physical environments for our enjoyment and for the enjoyment of our children and their children. I am concerned that State Government pressures on areas like Ku-ring-gai put this goal and existing lifestyles and residential amenities under threat.

Ku-ring-gai council is working hard to try to address the State Government's concerns over its residential strategy policy, and I note that council's consultants will brief residents on 26 October at the bush school. I urge the State Government not to repeat the mistakes of past governments, including Liberal ones, in this area. Sydney is not uniform. Its suburbs are not all alike. I urge the State Government when assessing Ku-ring-gai's proposals, to take into account the environment and lifestyle of the Ku-ring-gai municipality.

I remain strongly of the view that the most appropriate candidates for urban consolidation are those areas closer to Sydney's central business district where, for decades, infrastructure like hospitals and schools have been closed as people have moved to outer suburbs. These areas could be regenerated, the infrastructure could be restored and planning objectives could be achieved without significantly affecting existing residential amenity. That is an approach I hope the next Liberal State Government will take. It is an approach which will preserve Ku-ring-gai's residential and environment amenity, something which I, as an aspirant to be the next member for Ku-ring-gai, will work hard to maintain.

Mr IVAN FITZPATRICK EMPLOYMENT BENEFITS PAYMENTS

Mr LYNCH (Liverpool) [6.02 p.m.]: I draw to the attention of the House the serious events that have befallen Mr Ivan Fitzpatrick, a constituent of mine. For some 27 years he worked for the Peakwood Industries Group. He started as a driver and worked his way up to branch manager. On 20 September 1996 an administrator was appointed to the group and on 17 October 1996 that person became liquidator of the group in a voluntary liquidation. As of October 1996 Mr Fitzpatrick no longer had a job. Moreover, he did not receive any of the employment benefits to which he was entitled. He estimates that the sum owed is close to \$30,000, comprising long service leave, holiday pay, pay in lieu of notice and redundancy pay. That also includes over \$2,000 in superannuation payments, being both employer contributions in arrears and employee contributions deducted by the employer from his pay but not paid to the superannuation fund.

The collapse of a company with no regard being given to an employee's entitlements is not unique. The situation in this case is slightly different in that all the other employees of the group did

receive payment of their entitlements. Mr Fitzpatrick did not, even though there were still funds available for him to be paid. In about July 1995 one of the principals of Peakwood told Mr Fitzpatrick that he would be transferred from Peakwood Industries Pty Ltd to Snokilt Pty Ltd. He was told that this was simply an administration company and it would cause no other change to his employment. Just how inaccurate that proved to be is revealed in a letter from Jirsch Sutherland, chartered accountants, who were the liquidators. In a letter to Mr Fitzpatrick dated 2 December 1996 they said:

I note that you were an employee of Peakwood Industries Pty Limited's service company, Snokilt Pty Limited. I have sought legal opinion as to whether Snokilt Pty Limited employee creditors were entitled to claim as employee creditors of Peakwood Industries Pty Limited. I advise that as a former employee of Snokilt Pty Limited you are not entitled to claim as employee creditor of Peakwood Industries Pty Limited. I appreciate that this may seem harsh but I have an obligation to all creditors of Peakwood Industries Pty Limited to only admit, as creditors, those persons or companies with valid claims. Snokilt Pty Limited is a completely separate entity from the company in liquidation.

The concession by the liquidator that this seems harsh puts it very mildly. Because of what is simply a technicality Mr Fitzpatrick has been precluded from receiving his just entitlements. Snokilt, the administration company, did not trade. It had no assets. The only income it seems to have received was a management fee from Peakwood to allow it to pay wages. At liquidation it had no money and no assets. In substantive terms, at a commonsense level, Mr Fitzpatrick seemed to be employed by Peakwood. For example, workers compensation premiums to cover Mr Fitzpatrick were paid by Peakwood, not Snokilt. No business cards, letterhead or the like for Snokilt were ever printed. Mr Fitzpatrick used Peakwood business cards with the words "Branch Manager" printed on them.

Snokilt had no stationery and no telephone connection or telephone number. Mr Fitzpatrick was instructed to attend various business conferences and promotions representing Peakwood. At such events he handed out business cards, made deals and made appointments for Peakwood. Several employer superannuation payments were made in relation to Mr Fitzpatrick by Peakwood while he was employed at Snokilt. Snokilt was simply a shell of a company and could only be an employer in a highly technical, legalistic sense and not at all in a substantive sense. The result of this technicality however, is that despite funds being available in Peakwood, no entitlements were paid to Mr Fitzpatrick by Jirsch Sutherland. That is despite the curious fact that Jirsch Sutherland paid Mr Fitzpatrick as an employee of Peakwood during its administration.

Naturally enough, Mr Fitzpatrick has tried several avenues to obtain redress. His complaint to the Australian Securities and Investments Commission was rejected because it was outside the jurisdiction of the commission. However, ASIC suggested, amongst other things, that the complaint might be referred to the Australian Competition and Consumer Commission, referring the commission to section 52 of its legislation. Mr Fitzpatrick did precisely that. The ACCC response, however, was extremely disappointing. In a letter to Mr Fitzpatrick dated 25 September the ACCC conceded, in effect, that it had jurisdiction to investigate the matter. However, the ACCC said:

Unfortunately the commission cannot resolve all matters which come to its attention and its functions are not designed to take the place of available civil remedies. The commission's priorities lie in pursuing matters which benefit the public as a whole as opposed to resolving individual complaints.

In short, Mr Fitzpatrick is not important enough to warrant the ACCC sully its hands with him. I find that attitude quite appalling. The ACCC is happy to attack the Maritime Union of Australia and to intervene with large corporations but when it comes to doing something for an ordinary person who lives in my electorate it has absolutely no interest. I take this opportunity to publicly call on the ACCC to investigate this matter. I also ask the Minister for Energy to refer the matter to the Attorney General in the other place to see if some legislative change can be made to prevent this sort of thing from occurring in future.

Mr DEBUS (Blue Mountains—Minister for Energy, Minister for Tourism, Minister for Corrective Services, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [6.07 p.m.]: I record my undertaking to do as the honourable member for Liverpool has suggested and to refer his questions to the Attorney General in the hope that the Attorney General may be able to do something to compensate for this appalling attitude by the ACCC.

BIOTECHNOLOGY

Mr OAKESHOTT (Port Macquarie) [6.08 p.m.]: I speak this evening about a document that is important for the electorate of Port Macquarie and for regional New South Wales, and which was delivered by the New South Wales Innovation Council, entitled "Biotechnology in New South Wales—Opportunities and Challenges." As anyone who managed to catch the *Sunday* program cover story on biotechnology this week will know, biotechnology is without doubt a significant leap into the next millennium for agriculture, health, the

environment and, indeed, all industry and consumables. The importance of developing an Australian industry and, in particular, the importance of developing an active New South Wales industry, should not be underemphasised.

It is on this note that I urge the Premier to act swiftly on the Innovation Council report and kick-start the development and expansion of this most important of growing industries. Biotechnology is the most exciting growth industry since the Internet. It is what we eat and drink, such as yoghurt, beer and wine. It is what we use to keep ourselves healthy, such as diagnostic equipment. It is better and cleaner farming practice, such as pest-resistant cotton and it has also the potential for significant environmental improvements, such as in sewerage and waste water management. Therefore, biotechnology is potentially a tremendous boost for regional New South Wales and one I urge the Government to embrace wholeheartedly.

The State of New South Wales is staring an enormous investment opportunity straight in the eye. There is a great opportunity for New South Wales to become the biotechnology centre within Australia and, indeed, throughout South-east Asia. Thirty-four per cent of Australian biotechnology members reside in New South Wales, the Australian pharmaceutical industry is located in New South Wales, and 73 per cent of manufactures and 90 per cent of pharmaceutical multinationals are located within New South Wales. New South Wales has established travel connections, it has an active financial sector to assist investment sources and it has a quality of life which is very attractive.

This Government therefore has an unbelievable opportunity to expand and support the biotechnology industry and lead it into the next century. As the microscope moves onto the biotechnology industry, it is important that government support and facilitation take place. This should be done under the three broad headings of alliance, investment and opportunity. It is time for an alliance to be developed between government and the biotechnology industry, to ensure growth and community benefits. It is important that New South Wales begin to closely liaise with the Australian Biotechnology Association and exploit our Californian sister-state arrangement to develop any possible joint ventures and partnerships. The New South Wales Innovation Council also deserves an enhanced role within government, so that when recommendations are made government should provide an urgent response and, when appropriate, swift implementation.

It is time for an alliance to be developed between biotechnology-related industries such as agriculture, food and health so that communication and facilitation of information within the industry is at a premium. A potential example of what can be done is provided by business clusters. There is no good reason that government is not actively pursuing the development of business clusters. To ensure that the biotechnology industry reaches its potential the Government needs to make a commitment to investment, which can take many forms. Examples include innovation infrastructure investment, particularly in regional and rural New South Wales. I point to the potential expansion of research and development facilities at the agricultural centre at Southern Cross University as an example.

Patent support and seed funding for successful research and development projects are other examples. Investment is also needed to increase public awareness of the current and future benefits of biotechnology. With an upcoming food labelling debate in another place, people need to be given the opportunity to recognise that, as Mitch Hooke of the Food Industry Council said recently, it is illegal to sell food in Australia that is dangerous to consumers and that the benefits far outweigh the risks in pursuing better consumable products through genetic enhancement.

Through farming alliances and with a commitment to investment, New South Wales is provided with an opportunity to become the epicentre for biotechnology within our region. Many Asian-based and multinational companies would relocate if we got serious about this matter, and the term "food bowl of Asia" might become something more than a headline. The opportunities are clear. The 1996 Australian pharmaceutical industry was estimated at \$1.5 billion, with the figure expected to grow by \$800 million within the decade.

In 1995-96 New South Wales produced 30 per cent of Australia's meat and livestock, 25 per cent of which was exported. Through a range of improved farming practices with biotechnology the figures could be greatly enhanced. In 1995-96, 4.6 million tonnes of wheat were produced in New South Wales. A sum of \$200 million was lost by the cereal industry to disease. Loss could be minimised through biotechnology improvements such as the product Take All. The dairy industry has produced a vaccine that protects livestock against salmonellosis in lactating cows. Possibilities in dairy effluent management and milk content percentages are all just around the corner if we are willing to embrace biotechnology.

Biotechnology provides the opportunity for New South Wales to produce high-quality products and to compete effectively in the world export market. I believe that the first step this Government could take in supporting the industry would be to move urgently in establishing a major Australian and South-east Asian biotechnology conference in New South Wales in 1999. Such a conference would be an important step in recognising the importance of the industry and would initiate many policy ideas and recommendations for government and for the industry's future in New South Wales. [*Time expired.*]

YOUTH SUICIDE PREVENTION

Mr McBRIDE (The Entrance) [6.13 p.m.]: Earlier today the issue of suicide, and youth suicide in particular, was debated in the House in the context of Mental Health Week. I should like to address specifically the matter of suicide on the central coast. Australia and New Zealand have the highest rates of suicide in the western world, and that in itself is a tragedy. I point out, however, that the suicide rate on the central coast is 60 per cent higher than the national average. Central coast coroners' figures for 1998 show that 85 per cent of all those who committed suicide were male and that males in the 25 to 44 years age group represented half of all the suicides on the central coast.

Of the 41 suicides recorded this year on the central coast four were in the 15 to 24 years age group, and all were male; 20 were in the 25 to 44 years age group, and one was female; 13 were in the 45 to 64 years age group, and four were female; and four were in the 65 years and over age group, with one being female. Of the 24 suicides in the group aged under 44 years, 23, or 96 per cent, were male. Current figures clearly suggest that the tragedy of male suicide, particularly suicide of males in the age group under 44 years requires immediate attention on the central coast and nationally.

I am not suggesting that suicide is a gender-specific issue. However, the statistics indicate unequivocally that males are the higher risk category. The statistics also suggest that male adult suicide is an issue of increasing concern. Statewide, the New South Wales Government, under the committed personal leadership of the Premier, has swiftly and positively responded to this community tragedy. In October 1997 the Premier announced the development of the Government's \$15 million statewide suicide prevention plan, which will include a range of strategies to assist individuals at risk of suicide, their families and communities.

Initiatives under the plan include: \$2.4 million for early intervention programs for young people suffering from depression and psychosis; the family help kit; the employment of up to 80 new child and adolescent mental health workers to work with young people; and the allocation of \$10,000 to every rural and regional area health service to hold youth mental health forums in which the needs of young people can be discussed and suggestions can be made for improving local services for young people. On the central coast the response of the Premier and the Government has been equally committed and positive.

In the past two years the New South Wales Government has spent more than \$1 million on suicide prevention initiatives on the central coast, including a number of initiatives specifically targeted at youth. The dumping depression program, for example, aims to assist young people to identify depression and deal with it in a positive way. The program, which is being guided by an advisory group of young people from the central coast, will assist young people. Another important initiative has been the funding of three specific projects at a total cost of \$150,000 to assist in increasing understanding of suicide, specifically on the central coast.

The three projects were as follows: a community consultation project, to undertake public meetings, hearings and focus groups, to better understand the local community's perceptions of suicide and to suggest solutions and improvements—the report of that project is currently under consideration; a coronial investigation project, to enable the central coast coroner to collect and analyse data on suicides; and a preventive management of suicide project, which is being undertaken by the Central Coast Area Health Service to identify appropriate responses, interventions and prevention approaches for people experiencing suicidal situations.

I shall now comment specifically on the community consultation project. The project was chaired by Richard Hagan, who has a long history on the central coast in issues of palliative health, aged hostel accommodation and public health policy, and is a director of the Central Coast Area Health Board. It included other community representation, and I think specifically of Eric Trezese of the central coast suicide safety network. A report was made specifically for the Premier—in fact, it is the Premier's report. The report was an attempt to obtain a community view of the problem and of the solutions. It was an attempt to go outside the envelope of the professionals and obtain the undiluted views of the community.

Too often issues are taken over by well-intentioned professionals, resulting in the problem being tailored to existing bureaucratic solutions. Unfortunately, there are no ready solutions to suicide, and it is important that the Premier hear directly the voice of the community. This refreshing, non-bureaucratic approach by the Premier reflects his deep personal commitment to obtaining meaningful solutions to the human tragedy of suicide. Finally, I endorse the proposal for a national congress on adult male suicide submitted to the Federal health Minister, Dr Wooldridge, in September 1998 by the central coast suicide network.

I urge the Federal Government to adopt this proposal and to accept that suicide is a national tragedy and a national responsibility. No longer can suicide be thought of as a regional or a State responsibility. With 2,500 suicides throughout Australia, it is clearly a national problem. Each year approximately 60 per cent more people die from suicide than from road accidents. The Federal Government must accept that this is a national problem. I urge the Federal Government to take up the proposal of the central coast suicide network.

COWAN SEWERAGE BACKLOG PROGRAM

Mr O'DOHERTY (Ku-ring-gai) [6.18 p.m.]: Earlier this session I raised an issue that has concerned people in the village of Cowan in my electorate. They are concerned that they have not been included on the backlog priority sewerage program by the New South Wales Government. As I have mentioned previously, I attended a public meeting on this matter. The honourable member for Tamworth may laugh. He should visit my electorate. Cowan is a fantastic village, a place in which anyone would be proud to bring up their children.

On Monday evening members of the Cowan community held an extremely positive public meeting, which I attended. I congratulate the organisers of the meeting. There are 180 homes in Cowan and approximately 180 people participated in the meeting at the community hall—an indication of the depth of community feeling on this issue. The village of Cowan—like Brooklyn, Dangar Island, Mount Kuring-gai industrial area and other parts of my electorate—is a legitimate area in the Sydney metropolitan area. However, it does not have the same sewerage treatment facilities as other parts of Sydney.

The Government's backlog priority sewerage program included investigation of two areas in my electorate, but it did not include Cowan. Residents of Cowan believe they have been treated unfairly

and inequitably. For many years the people of Sydney have provided the important waste water infrastructure through the Sydney Water Board—now Sydney Water. The Government has taken an increasing amount of resources out of Sydney Water in dividends, none of which is being spent in the electorate of Ku-ring-gai and Cowan, where the sewerage is most needed.

People in those areas strongly believe that I should continue with my program to raise with the State Government, in the strongest terms, the urgent need for Cowan to be included in the backlog sewerage program. Sewerage programs are currently being considered for Mount Kuring-Gai, Brooklyn and Dangar Island. Cowan should be included as part of that same investigation. Tonight I call on the Government to indicate that it will provide funding for a study of sewerage options for Cowan. That study should include the investigation of a localised treatment system, utilising the old quarry site which is geographically below the village of Cowan. A gravity-fed or vacuum-fed system to a localised sewerage treatment plant would be most effective.

People showed an interest in the idea of pumping grey water to their homes to use on their gardens. In an area of high bushfire danger that source of water is useful to fight fires that rage up and down the Berowra valley bushland. That is an ever present danger for residents in 200 homes. As a local member I have an important priority to fund a study and press the Government to provide the money to do the work. Unfortunately, for the last 3½ years under the Carr Government, studies have been funded, promises given and environmental impact statements made of the two sewerage treatment plants that operate further south in my electorate at Hornsby heights and west Hornsby, both of which have a very big impact on Berowra Creek and its environment.

Environmental impact statements were begun under the previous Government, but there was no commitment to upgrade the sewerage treatment plants, just as there is no commitment of money from the Government to provide sewerage for these areas of my electorate that do not have sewerage like the rest of metropolitan Sydney. The environmental concerns are as acute as they are chronic. The council has issued warnings about algal bloom at Berowra Waters, which is affecting people in my electorate.

Health warnings have been issued against children playing in the water and against recreational boating at Berowra Creek, in which the algal bloom may be toxic. The Government is not willing to

upgrade the sewage treatment plants at Hornsby heights and west Hornsby and to remedy issues other than algal bloom, such as septic tank overflows, for the people of Cowan. I urge the Government in the strongest terms to make money available for that option study to commence immediately.

MORISSET HEALTH AND COMMUNITY CENTRE

Mr HUNTER (Lake Macquarie) [6.23 p.m.]: The community of Morisset has been pushing for some time for the establishment of a health and community centre in the area. In raising this matter on 4 June this year in a private member's statement I said:

In my 1998 Lake Macquarie report I informed constituents of the push to gain a health centre for Morisset. I stated that I would continue to work with the area health service and local groups, such as carers, local doctors, senior citizens and the neighbourhood centre, who had all indicated a wish for a health centre to be located in the Morisset township. Those groups stated that Morisset would be a central location for the health centre as it would serve the surrounding towns of Dora Creek, Cooranbong, Wyee, Morisset and the Morisset peninsula area. Unfortunately, Lake Macquarie City Council is opposed to the centre being located in Morisset, as it wants to build its own centre on the Morisset peninsula.

I said further that I had written to council in support of the location of the centre at Morisset, and said:

The mayor of the council replied that council had undertaken surveys in the local area and the community had indicated its support for a centre to be established on the peninsula and that the council had decided to stand by its resolution of 15 September 1997 reaffirming the Bonnell's Bay site.

That is a small suburb on the large Morisset peninsula. I continued:

Not long after receiving the letter from the Lake Macquarie City Council I received a letter from Hester Booth, secretary of the Bonnell's Bay Progress Association. She outlined the association's opposition to a centre being located in that area. Ms Booth stated that the association's members felt that as Morisset was a centrally located town in the Southlakes area the centre should be established there.

Two State Government Ministers have been involved in the community push to establish this community health centre in the Morisset area. The first was the Minister for Health and the second was the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women. An article on the front page of the *Lakes Mail* of 19 March 1998 entitled "Yes Minister, Health Centre hopes pinned on Refshauge's Morisset visit today" states:

HEALTH minister, Dr Andrew Refshauge, will be presented with a wall of community support for Morisset to have its own polyclinic-cum-community health centre when he visits the town this afternoon.

The minister will be in Morisset to view the proposed Health Centre site on crown land neighbouring Bernie Goodwin park . . .

The proposed centre currently faces a split in support with Lake Macquarie City Council pushing to build a multipurpose community centre on land it owns at Bonnells Bay . . .

Mr Hunter has been working on and lobbying for Morisset to have its own Health Centre—embodying community care under a government HACC programme (Home And Community Care)—for two years . . .

Support for the scheme has intensified in recent months since LMCC confirmed it wants to build a community health care centre at Bonnells Bay which would mean LMCC can then close three community halls on the small peninsula.

Bonnells Bay Progress Association states they want a bigger, better and more centralised facility in Morisset in preference to a diluted community care-only centre in Bonnells Bay.

The article quotes me and states:

"I don't want to give anybody the impression that this facility will happen overnight," Mr Hunter said.

"It will be a two or three year project. But there are a lot of people making every effort to see that it does eventually happen and I am one of them," he said.

The Minister's visit certainly helped, because the area health service met with the local community and, with community consultation, prepared an overdue document called the "Morisset Multipurpose Centre, Community Partnership Project" which outlined the services that could be included in the centre. Certainly many of those services would normally be included in a multipurpose centre funded by a Home and Community Care grant, a Federal-State grant, and with a council contribution, and with other health services and the area health service being prepared to contribute funds. The article referred, on page 8, to the \$1.5 million cost and stated:

This is a total project cost of which Hunter Area Health Service has agreed to make a capital contribution commensurate with the area required to provide services.

The area health service is committed. A few months ago I organised a meeting with the mayor and with the Hunter Area Health Service. The mayor will raise this matter with council and have it examine the document. Tonight I call on the council to support all those local community groups in the Southlakes area to reassess their decision to base the multipurpose centre on the Morisset peninsula, to support the local community and to ensure that the

centre is built in the Morisset township. It does not have to be built on the Bernie Goodwin site; it could be built on any other available land in Morisset.

UNIVERSITY OF NEW ENGLAND CAPITAL DEVELOPMENT FUNDING

Mr WINDSOR (Tamworth) [6.28 p.m.]: I bring to the attention of the House, and in particular the Minister for Education and Training, an issue that has arisen in my electorate. Fortunately for the Government, it requires support, not money. Recently the University of New England, which is located at Armidale, made a commitment to the people of Tamworth as part of a broader strategy in relation to education in that area. The university is prepared to establish a presence in the city of Tamworth. The University of New England has applied for funds from the Commonwealth Government's Capital Development Fund. I ask the Minister for Education and Training and the Government to support the university's application. In some cases moneys from that fund are applied to what are referred to as growth corridors. Although the area around Tamworth is not a corridor of high population, one criteria for accessing those funds is the special needs of the area for access to technology and university education. The number of children in that area who go on to university education is far lower than that of other areas on a pro rata basis.

I recognise in the gallery representatives of the Isolated Children's and Parents Association. I am not saying that Tamworth is in a really isolated area, but I am sure those visitors understand the real needs of young children, particularly those in remote areas. This proposal has been put together by the Tamworth Development Corporation in association with the Tamworth City Council, the Parry Shire Council, the New England Institute of TAFE, the Tamworth and District Chamber of Commerce and Industry and the Business Enterprise Centre. This is really a community-based partnership.

Tamworth City Council has offered to house the university in the former city council chambers, Peel House, at a peppercorn rent. The application by the University of New England, which is supported by the vice-chancellor and the administration, is for \$1.6 million to refurbish the old Peel House. The Institute of TAFE has been involved and the development corporation has done a lot of the hack work on population data.

The Minister for Education and Training has the necessary documentation and is aware of this issue. I ask the Minister for Tourism to pass on my

comments to him; I would like his support for this proposal. There are gaps in population densities across the State. Tamworth is in the gap between the Armidale and Newcastle university structures. I repeat my request for the Minister's support. TAFE, which is controlled by the State Government, is involved; and the university, which receives Commonwealth funding, the councils and the development corporation are in partnership on this proposal. With the support of the Minister and the availability of those funds Tamworth could have a university presence.

PORT KEMBLA OUTER HARBOUR RECLAMATION

Mr SULLIVAN (Wollongong) [6.33 p.m.]: I raise the issue of further land reclamation within the outer harbour of Port Kembla. A number of proposals have been made to reclaim a large area, estimated to be approximately 23 hectares, on the southern side of the outer harbour. This reclaimed area would replace some existing finger wharves on the western and eastern ends of the reclaimed area and would add a very large area of flat land adjoining one of the deep water ports on the east coast. That 23 hectares would be a major benefit. It could house a number of berth facilities, which would open up opportunities for new port activities.

A problem that has existed throughout the proposals has been: which comes first, the chicken or the egg? Do we provide facilities as a drawcard to bring economic activity into the port, or do we wait until someone has a grand proposal and then provide the wherewithal to allow that proposal to come to fruition? Experience shows that we should take the first option and provide the deep water port facilities to attract activity. The grain handling facility, the Pivot Ltd plant, and the coal loader, came to this area because land was available on the foreshore, and those facilities generated economic activity.

Currently it is proposed to provide major storage facilities for sewage in the northside storage tunnel. Approximately two million tonnes of crushed sandstone from that project need to be disposed of. If that sandstone could be transported to the Port Kembla Outer Harbour it would provide the wherewithal to reclaim 15 hectares of the 23 hectares available. The northside storage tunnel will consist of two large caverns under northern Sydney to store untreated sewage in times of peak flow. It is a safety provision for the sewerage system and should be completed in time for the 2000 Olympics. The last thing we want in the green Olympics is a sewage overflow into Sydney Harbour.

There are a number of disposal options for the crushed sandstone. The first is to dump the two million tonnes in the shallows of Botany Bay. All honourable members would agree that that would be environmentally destructive; that area is already under great ecological pressure. The second option is to dump the sandstone in western Sydney, which would cause a number of major problems. Sites would need to be located and transport would need to be arranged—by road, rail or barge; or part by rail, part by road and part by barge.

The ideal solution would be to dump it into the Port Kembla Outer Harbour. An average 10,000 tonnes of crushed sandstone would need to be transported daily. How many truck movements would be required to move that amount of sandstone to western Sydney? The crushed sandstone could be transported on barges capable of carrying 2,000 tonnes from either Little Manly or Tunks Park. That would take it out of the road transport system in and around Sydney and would create an opportunity to give the Illawarra something that could be used as an inducement to expand the economic activity of the port. [*Time expired.*]

[*Mr Acting-Speaker (Mr Clough) left the chair at 6.38 p.m. The House resumed at 7.30 p.m.*]

POLICE SERVICE AMENDMENT (COMPLAINTS AND MANAGEMENT REFORM) BILL

WEAPONS PROHIBITION BILL

Suspension of standing orders agreed to.

POLICE SERVICE AMENDMENT (COMPLAINTS AND MANAGEMENT REFORM) BILL

Bill introduced and read a first time.

Second Reading

Mr WHELAN (Ashfield—Minister for Police) [7.32 p.m.]: I move:

That this bill be now read a second time.

The Government is proud to introduce the Police Service Amendment (Complaints and Management Reform) Bill. Today I had the pleasure of joining with Commissioner Ryan, Acting Police Integrity Commissioner Tim Sage, Ombudsman Irene Moss, Police Association President Mark Burgess, and Commissioned Police Officers Association President Warren Stanton, in announcing the new approach to

be supported by this bill. This unprecedented announcement and the co-operation which preceded it, shows that the police culture has already changed. Today's announcement means it will change forever.

Today is an historic day. To have all the participants in the police reform process work together—and achieve a consensus position—is an extraordinary result. This bill implements 10 key royal commission recommendations. In fact, the passage of this bill will mark the implementation of the "trifecta" of police reform in the first term of the Carr Government. Already, this Government has passed major legislation to establish the Police Integrity Commission and give the Commissioner of Police the power to quickly remove corrupt officers.

This bill completes the process in relation to those royal commission recommendations designed to create strong oversight of the Police Service coupled with effective powers for the commissioner and commanders to manage the Police Service. This bill gives the commissioner and his front-line managers the tools they need to, among other things, properly managed and correct non-dismissible instances of misconduct or poor performance by officers.

The amendments to part 9 of the Police Service Act will provide a framework within which Police Service commanders can manage and improve the conduct and performance of their officers. Based on the recommendations in chapter 4 of the final report of the royal commission, this bill also overhauls the complaints and discipline provisions of the Police Service Act 1990. The passage of this bill will in fact mark the implementation of most of the royal commission's major recommendations for legislation. In both its first interim report and its final report, the royal commission made some fundamental criticisms of the existing complaints and discipline system.

It said that the system was complex, inconsistent and inflexible; counterproductive because of its adversarial nature and its concentration on punitive, rather than remedial action; directed towards command and control, rather than management of its members; characterised by substantial delay; prone to leaks, collaboration and ineffective investigations; affected by bias, typified by an almost instinctive reaction to defend any charge, no matter how indefensible, and to appeal any decision made; conducive to fear and want of openness in dealings between members and the organisation; and productive of anxiety and uncertainty during the long waiting period, sometimes leading to genuine stress-related illness.

A primary concern of the royal commission was that the complaints system was divorced from the supervision responsibility of managers, and from a managerial commitment to improve the performance of staff about whom complaints are made. This structure acted to remove the emphasis on proper management practices and on the accountability of supervisors within the service. The royal commission was firmly of the view that the Police Service should move from a formal adversarial model to a more managerial or remedial model. Such a model would place responsibility on commanders at local area level to deal with complaints and detect and deal with other cases of misconduct or unsatisfactory performance. This bill implements the legislative changes required to enable this to occur.

Under the amendments to part 9 of the Act, the outdated discipline system, based on proving discipline charges in an adversarial manner and imposing punishment, is replaced. The Police Tribunal is abolished, as are appeals to GREAT—Government and Related Employees Appeal Tribunal—in relation to part 9 matters. The bill establishes a framework which places primary responsibility on front-line managers for the conduct and performance of their staff. Managers will determine the appropriate response to each case of misconduct or poor performance, whether it comes to their attention through the complaints system or through day-to-day management.

The system of employee management extends beyond this bill. In the effective implementation of employee management principles, the formal and informal recognition of good performance, of a job well done, is just as important. Indeed, the royal commission acknowledged that the recognition of good performance is "a more positive value in the pursuit of integrity and professionalism" than the censure of bad performance. These legislative changes, and the implementation of employee management throughout the Police Service, will not only correct misconduct or poor performance but, perhaps more importantly, help to foster a culture of continual improvement.

Emphasis will be placed on using appropriate modern management tools to improve performance and correct instances of minor misconduct. These tools include coaching, mentoring, training and development, counselling, increased professional, administrative or educational supervision, and performance enhancement agreements. Other approaches will also be available for use where necessary. These can include issuing a reprimand, imposing restricted duties, the recording of adverse findings and a change of shift for a limited period.

In accordance with royal commission recommendation 72, sanctions of reduction in rank or grade, reduction in seniority and deferment of an increment will be available for the more serious cases in which some form of personal penalty is required to act as a deterrent. In accordance with royal commission recommendation 74, a right of review to the Industrial Relations Commission is available for these sanctions as their imposition may have a financial impact on the officer concerned.

Before a reviewable order is made, the officer will have a total of 28 days in which to make written submissions to his or her manager, and those submissions must be taken into account by the manager when determining whether to make the final order. An officer may seek a review of this decision by the Industrial Relations Commission on the ground that the order is beyond power or is harsh, unreasonable or unjust. Indeed, it will be a merits review in line with the principles embodied in the Industrial Relations Act. The Police Association or the Commissioned Police Officers Association may also make an application for review on behalf of an officer.

An application for review must be made within 21 days of the service of the order and the Industrial Relations Commission must commence hearing the application within four weeks. These time limits are designed to ensure the review is conducted quickly. The bill also provides that the commission is to act according to good conscience and the substantial merits of the case without regard to technicalities or legal forms. Both these provisions respond to the royal commission criticisms of the old system, particularly the length of time it took to resolve matters and its technical and legalistic approach.

I am advised that initially the commissioner also plans to establish an internal review panel to ensure that local area commanders and other managers across the State are making consistent decisions when ordering reviewable actions. I understand this panel will operate for at least 12 months, or longer if required. The bill does not provide for external review for managerial actions which do not impact financially. As the royal commission noted, these proposals involve a "somewhat radical change". However, as noted in the final report, they go to "the heart of the reform process". The royal commissioner said:

The best platform for change does not involve the preparation of a new set of rules and regulations and the imposition of a more vigorous regime for their enforcement. Rather it involves the service setting proper professional standards and then doing whatever it can to encourage its members, in a managerial way, to lift their performance. Unless this is

achieved, no system of discipline or complaint management will ever bring about reform. At best it will be a safety net.

The commission also highlighted a pertinent comment from the judgment in *Hardcastle v Commissioner of Police* in which the full Federal Court said that the purpose of a disciplinary system within a professional organisation is:

to protect the public, to maintain proper standards of conduct and to protect the reputation of the organisation. It is not to punish.

The passage of this bill will introduce the structural framework for a modern system of management within the Police Service, and it will enable the fundamental cultural change in the organisation which was envisaged by the royal commission. The bill I present today also rewrites the complaints handling provisions in part 8A of the Police Service Act. The amendments address the recommendations on the police complaints system made by the royal commission in its final report. They also implement joint proposals from the Commissioner of the Police Integrity Commission, the Ombudsman and the Commissioner of Police to streamline the complaints system and to support the philosophy of the royal commission recommendations.

The royal commission in both its first interim report and its final report pointed out a number of deficiencies with the complaints handling provisions. In particular, it criticised the need for complaints to be processed through a rigid system which had many steps, the fact that the immediate supervisor of the officer the subject of the complaint loses all knowledge and ownership of the complaint, and the inflexibility and formality of the complaints system which required all complaints to be dealt with under the same regime. Part 8A was substantially amended following the release of the royal commission's first interim report in 1996.

However, further amendments in response to the final report, which draw on the experience of two years of operation of the system, are necessary. On 17 August this year the Commissioner of Police, the Ombudsman and the Commissioner of the Police Integrity Commission presented me with a joint paper proposing extensive amendments to part 8A. Both commissioners and the Ombudsman agreed that the complaints handling system needed to reflect the following principles:

- * the system, and the legislation by which the system is created, ought to be simple and capable of easy and practical application,
- * complaints should be dealt with managerially in accordance with the recommendations of the royal commission and employee management principles,

- * police and others involved in the complaints handling regime ought not be overly burdened by unnecessary or bureaucratic procedures at the expense of being able to pursue their primary duties and functions, and
- * the system should preserve and permit appropriate levels of accountability.

They also recommended that urgent consideration be given to bringing "the proposed amendments to part 8A forward to Parliament at the first available opportunity". I was determined to ensure that any impediments in the way of the successful implementation of employee management were removed and that the recommendations of the royal commission were fully supported. I also want to ensure that the honest police who work hard within the service and have a commitment to professionalism are able to get on with the job. That is why I fully support these proposals. Both the commissioners and the Ombudsman advised me that the aim of their proposals was to support the recommendations in chapter 4 of the royal commission's final report and to:

- * Ensure the Police Service "owns" all aspects of the complaints process—that is, that the service has full responsibility for the fast, fair and effective resolution of complaints about its staff and procedures.
- * Enhance the Police Service's capacity to implement its own processes for assessing, investigating and responding appropriately to complaints.
- * Encourage the Police Service to manage complaints in a way that is consistent with accepted standards of professionalism.
- * Emphasise the need for the Police Service itself to improve its communication with and service to members of the public.
- * Clarify and enhance the Ombudsman's capacity to oversee the complaints process.
- * Clarify and streamline notification and reporting procedures in a manner consistent with this scheme.

Under the part 8A amendments, the primary responsibility for handling complaints will lie with the Police Service. However, some of the core provisions of the current part 8A have been retained, such as the types of conduct which can be complained about, a complaints information recording system, referral of complaints between agencies, many of the provisions regarding the investigation of complaints and reporting of the outcomes, and the oversight roles of the Ombudsman and the PIC. But the reform is significant.

This bill will streamline the operation of the part, significant flexibility will be introduced into the

complaints handling process, and primary responsibility for determining how most complaints are resolved will reside with the Police Service. This addresses the concerns raised by the royal commission about the inflexibility of the complaints system and removal of the responsible commander from the complaints process. It also addresses the commissioner's concerns that trivial matters which are not strictly complaints and which should be dealt with managerially get caught within the current complaints system and impact adversely on the way officers do their job.

Under the new complaints system, commanders will be able to choose the appropriate response to a particular complaint, unlike the present system, in which certain types of complaints must be dealt with in the manner set out in the legislation. When a complaint is received, a commander will decide whether it should be investigated, dealt with managerially, conciliated subject to the complainant's wishes, or otherwise dealt with as a customer service matter. This is in accord with the final report, in which the royal commission commented:

The statutory requirement that conciliation be attempted in certain categories of complaint should be abolished in favour of permitting the local commander to initiate conciliation only in those matters where it is considered appropriate.

I must stress that these proposals will not reduce the powers of the Ombudsman and the PIC. The bill retains the Ombudsman's powers to oversee, monitor and investigate complaints. Furthermore, the Ombudsman's audit role in relation to the complaints handling processes is strengthened. Under new section 160, the Ombudsman must conduct an annual audit of relevant police records. She will also have the power to conduct a random audit at any time. In addition, section 160 inserts a new provision into the Act requiring the Ombudsman to keep under scrutiny the overall complaints system established within the Police Service.

I emphasise that the Ombudsman will retain independent investigation powers to use when necessary, as well as the ability to make special reports to Parliament. Under new section 139 the relevant commander may decide that a complaint will not be investigated. However, the Ombudsman may overrule this decision when necessary and direct that the complaint be investigated. The Ombudsman has similar powers under section 140 in relation to complaints received directly by her. Under section 146, the Ombudsman can monitor the progress of a complaints investigation, and under new section 152 she may query the timeliness of the conduct of an investigation.

Under division 6 of new part 8A, when an investigation has been concluded the commissioner is obliged to report to the Ombudsman. The Ombudsman is also empowered to seek further information from the commissioner to determine whether a complaint has been properly investigated. If the Ombudsman is not satisfied about the conduct or outcome of an investigation she may request that a further investigation be completed or that the outcome be reviewed. The commissioner may refuse these requests. However, if the commissioner adopts this course, the Ombudsman may make a special report to Parliament on the case or, under division 7 of the bill, make the complaint the subject of a special investigation under the Ombudsman Act 1974.

The Ombudsman may also take these actions on her own initiative if she considers an independent investigation or a special report to be necessary. Under this bill, complaints are divided into two categories. The procedures for dealing with the most serious category 1 complaints remain unchanged, with the PIC conducting investigations unless satisfied that the matter is appropriate for investigation by the Police Service. Other complaints are called category 2 complaints and will be dealt with in the manner I have already outlined, with commanders deciding on the appropriate course of action in each case.

However, there is a third category of complaint. These are certain types of Police Service internal complaints which, under the terms of this bill, will not be notified to the Ombudsman. The types of internal complaints which need not be notified will be determined by agreement between the PIC and the Ombudsman, following consultation with the commissioner. However, those complaints will still be recorded on the complaints information recording system under new section 129 and, therefore, will be audited by the Ombudsman annually. These also can be audited randomly if necessary. The three categories of complaint are consistent with recommendation 71 of the royal commission.

It is also worth noting that under division 5 of the bill certain complaints are excluded from investigation. The excluded complaints, which will be agreed between the Police Integrity Commission and the Ombudsman, after consultation with the commissioner, will be minor matters that need not be investigated but that which can be dealt with in other ways. However, these matters are still complaints and will therefore be recorded on the complaints information recording system and subject to oversight by the Ombudsman. As with all other

complaints, under the terms of division 7 the Ombudsman can also make these matters the subject of an investigation under the Ombudsman Act.

The PIC's oversight and investigation functions in the complaints system are not changed by the amendments. Like the current part 8A, which this bill replaces, the part remains subject to the Police Integrity Commission Act 1996. The PIC remains responsible for determining how a category one complaint is to be investigated. Under new section 168, the PIC also retains its power to direct that a category 2 complaint be dealt with as if it were a category 1 complaint. The definition of category 1 complaints has not been changed.

New section 145 will insert a new provision into part 8A to allow an investigation into a complaint against an officer to be extended to a particular area of the Police Service or the Police Service as a whole, where the complaint is indicative of a systemic problem within the service. This is an important change as it will allow systemic problems to be investigated and addressed. It acknowledges that, in some instances, complaints about individual officers can arise through a failure of a Police Service system rather than from the conduct of the individual officer.

I should draw attention to a final part 8A change. New section 172 will enable the commissioner to arrange for police officers from other jurisdictions to conduct a complaints investigation. This will enable the commissioner to use independent police officers when a matter warrants an external investigation. This bill, and in particular the amendments to part 9 of the Act, have been the subject of extensive negotiations conducted by the Ministry for Police with the PIC, the Ombudsman, the Police Service, the Police Association and the Commissioned Police Officers Association.

I take this opportunity to thank those involved in the negotiations for their valuable input and participation in that process. The spirit of goodwill, and a genuine commitment to reform, has been demonstrated by all participants. I am proud to be the police Minister to have overseen this magnificent achievement. I am proud to be part of a government that has implemented a wide range of measures recommended by the Royal Commission into the New South Wales Police Service.

In the last three years, key reform legislation has been passed, including the establishment of the Police Integrity Commission, summary dismissal powers for the commissioner, integrity testing

powers, drug and alcohol testing, controlled operations laws, the abolition of the special branch and the establishment of the protective security group, facilitation of lateral recruitment, protection of police whistleblowers, the removal of tenure and implementation of term employment for senior police, new witness protection legislation, legislation to provide for detention after arrest, provision for financial and integrity statements, greater confiscation powers so corrupt police can have their assets confiscated, and legislation to ensure a special audit of the reform process occurs annually.

The introduction of this bill is a key part of the Government's implementation of the final outstanding recommendations for legislative change made by the royal commissioner. Its passage will enable the Police Service to put the final processes and practices in place to manage its officers in a positive way and to encourage continual improvement. The implementation of these measures will in fact underpin the cultural change envisaged by the royal commission. In conclusion, I ask you, Mr Acting-Speaker, in your capacity as Chairman of the Committee on the Office of the Ombudsman and the Police Integrity Commission to convey the Government's thanks to committee members for their involvement in developing this wonderful project. I am pleased to introduce this bill, which I commend to the House.

Debate adjourned on motion by Mr Smith.

TOW TRUCK INDUSTRY BILL

Second Reading

Debate resumed from 14 October.

Mr PHOTIOS (Ermington) [7.54 p.m.]: The Opposition does not oppose the Tow Truck Industry Bill, which is a serious but overdue attempt to clean up the State's towing industry. I take this opportunity to commend the Chairman of the Tow Truck Industry Council, the Hon. Peter Anderson, for his extensive report on this issue. The bill paves the way for extensive long-overdue reforms. For too long motorists, insurance companies, honest tow truck operators and body repairers have been victimised by criminals whose illegal tactics have stained the entire industry.

The major recommendation of the Anderson report is the introduction of a centralised job allocation scheme. However, there are important and significant reforms with respect to the infringement processes affecting tow truck operators. The proposal is that specific tow truck operators will be

allocated a vehicle to tow, thus eliminating the current practice of several drivers at an accident scene harassing drivers, often injured drivers, and sometimes badly injured drivers, in order to secure a job.

The problems highlighted by Mr Anderson in his investigations relate only to unscrupulous practices in the Sydney metropolitan area. Rural and regional New South Wales have operated a system that provides a far better service for motorists and is not currently the subject of the controversy demonstrated by the tow truck industry in its operations within the Sydney basin. Country operators and coalition rural- and regional-based members of Parliament have made strong representations to me arguing that there is no need to change the current system that applies in rural and regional areas. Those concerns have been taken into account.

The Opposition supports only the initial introduction of the job allocation scheme to the Sydney basin. I have discussed that issue privately with the Minister for Transport and I am conscious of the fact that the Minister recognises that the acute issues principally focus on urban areas. Country tow truck operators are not paralysed by the problems that beset their city counterparts as criminals see no point in infiltrating areas that do not provide the same lucrative market.

The creation of a fair scheme will not be simple, given the differing opinions over which model is equitable. In that respect, the Opposition reserves its right to oppose the detail of the future job allocation scheme but looks forward to giving bipartisan support if a co-operative framework is demonstrated and a co-operative process is embraced by the Government in introducing such a scheme. In Victoria, for instance, work is assigned to one of 70 metropolitan depots on the basis of which depot had the least jobs for the month. In South Australia Adelaide motorists involved in accidents call police who allocate a truck for each vehicle and this prevents disputes over the responsibility for the job.

Clearly, such a system must be introduced to New South Wales, but the Government must ensure motorists and honest operators are given the best deal. We do not want a situation in which the scheme will benefit the industry's larger operators to the complete detriment of smaller businesses by pricing them and working them out of the market. Therefore, an important aspect of the final determination of a job allocation scheme must be the protection of small businesses and smaller operators, preventing collusion and a job allocation scheme

being used to limit fair and reasonable competition within the industry.

We do not want a predicament whereby the creation of another bureaucracy layer will result in motorists waiting up to an hour for an assigned tow truck. These important issues must be rectified before such a scheme can be introduced. The Minister for Transport must guarantee that these problems will not come to light under any allocation scheme. I am conscious that the further reviews being undertaken by Peter Anderson, whom I commended in my opening remarks for his stewardship on this issue, will no doubt address those important aspects.

Another significant component of the bill for motorists is that tow truck operators will be required to meet tough new accountability requirements. The driver of a vehicle involved in an accident will have control over where the car is towed rather than the operator taking the car to where he wants to take it. This is a critical issue to the men and women who drive on Sydney's streets and have often felt used and abused by the current practice.

Dishonest smash repair shop owners will now be discouraged from paying drop fees to operators. Drop fees are backdoor payments that smash repairers give to tow truck operators for bringing in work. They provide a mechanism for inherent built-in dishonesty in the scheme—in short, corruption. Hopefully, the legislation, the continuing efforts of the Anderson review and the new structure embraced by the legislation will go some way towards resolving these issues. The fees encourage operators to speed to the scene of an accident and swarm around vehicle owners to get them to sign a towing authority so they can get the job.

Three days after the Government announced it would reform the industry the *Daily Telegraph* reported a very disturbing case. Rival tow truck operators swarmed around injured motorist, Ms Mina Rojo, despite the fact that she had collapsed with shock. While paramedics wheeled Ms Rojo into the back of an ambulance several towies were seen attempting to force her to sign authorisation forms. That is sick and unacceptable. Because of practices like that reform of the tow truck industry has to be taken out of the party political environment. A strong, decisive single voice is needed in this Parliament that says we want fair and just reform, and we want it now. Fierce competition has triggered an escalation in violent behaviour as operators vie for lucrative business. The innocent victims of these appalling practices are you and I, the motorists, and honest operators who only want to earn a decent day's pay.

Brawls erupt at accident sites among competing tow truck operators over who gets the job. Other operators have conducted vicious campaigns against drivers, including fire bombing and sabotaging competitors' trucks, and assault. It is now alleged that these campaigns have led to murder. Illegal syndicates have been formed in some areas of Sydney to freeze out opposition. When I say "illegal syndicates", I am talking about what is ethically and morally illegal, even if it is technically within the existing legislation—legislation that is being appropriately reformed by the Government with the support of the Opposition. Those illegal syndicates, as I refer to them, operate in Sydney and must be stamped out. The legislation will give the Government the capacity to do just that.

In one operation five workshops in western Sydney had banded together to run 16 trucks. The Opposition has publicly implored the Government to clean up this industry. Accordingly, we welcome the Government's response to the Anderson review. Police and emergency service workers will be given stronger powers to control unscrupulous operators at accident scenes. Penalties will be increased for those who believe they are above the law. Industry entry requirements will be far more stringent and, hopefully, will keep the criminal element out of the towing business. Operators will have to prove they are fit and proper people to hold towing licenses. Potential entrants who know they cannot beat the system because they have a checkered background may want to think twice before employing a front person.

I am pleased that the bill makes it mandatory for tow truck operators to declare the involvement or interest of silent partners or any other associated person with the management and operation of the towing business. That is an appropriate reform that has come out of a intelligent report that Peter Anderson can take credit for. The fact that these operators seek to hide behind front people, associated persons, who do not have to subject themselves to the tests currently in place allows for appalling abuses and effectively makes a mockery of the law. A new regulatory body will be created to replace the Tow Truck Industry Council, which was powerless to weed out the criminals and, in large measure, corruption. The new Tow Truck Authority will be responsible for policy development, enforcement and licensing improvement.

The current system is too slow and has failed to clean up the industry. Clearly, enforcement procedures are inadequate and do not provide an effective deterrent to criminals wishing to infiltrate tow truck businesses. In that respect, I will do what is rarely done by an Opposition and propose to the

Minister that he give consideration to the appointment of a former Labor police Minister, Peter Anderson, as head of that authority. I believe he has demonstrated through this process a good grasp of the issues and he could serve in that role, at least temporarily, with some distinction. Naturally, the Opposition would reserve its right to reassess that in the future, but Peter Anderson has acquitted himself well and deserves to be appointed. So I lobby the Government to appoint a Labor man to the position, knowing that he is probably the best that members on the other side of the House have.

The senseless murder of Liverpool tow truck operator Albert Brikah in February was the catalyst for Mr Anderson's report. Mr Brikah was an employee of Active Towing, which is located in my electorate of Ermington. It was not the first time he was the victim of a gun attack. Given how close to home the tow truck industry's corruption is to me, I am particularly pleased as shadow minister to give full and complete support to the Minister for Transport and the Government in this important reform. It is absolutely critical that deaths are stopped, that corruption is halted and weeded out, that assaults are frozen, that the tow truck industry is cleaned up and that Parliament speaks with one voice and gives the Minister and whoever heads the authority power to make sure that is done. I will not attempt to open any window of opportunity and seek to undermine the Government's attempt to clean up the industry.

However, another inquiry was not needed to confirm that drug running, intimidation, extortion, violence, arson and murder are par for the course in an industry paralysed by corruption and criminality. Unscrupulous behaviour was first acknowledged in the early 1960s. In the 1970s the then Premier, Neville Wran, suspended 20 police who allegedly took spotter fees. The Carr Government has had nearly four years to act, given that the former Minister for Transport, the honourable member for Kogarah, had legislation ready to present to Parliament after a three-year review of the industry. It was inherently clear that the current legislation, that with which we are currently living, did not stop thugs and criminals infiltrating the industry and did not discourage illegal practices. The New South Wales Tow Truck Industry Council has acknowledged that conflict and intimidation among drivers is widespread but it only disciplined 20 drivers on conduct matters in the 1996-97 financial year.

The Wood royal commission also heard evidence of corrupt dealings between police and tow truck operators. Despite conclusive and damning

evidence pointing to an industry riddled with corruption, the Government will not introduce the necessary changes until at least July next year. In the meantime, it is business as usual for those who seek to exploit innocent motorists and violently oppose rival operators. In fact, talk in the industry at present suggests the delay could trigger further violence as rival operators jockey for control of the industry before the new regulations limit their grasp. In that respect, in supporting the legislation I encourage the Minister and the review chairman to move swiftly to establish a job allocation scheme knowing that in principle the Opposition will support it if it is prepared in a co-operative framework and if it is limited to the Sydney basin. At least urban areas offer some scope for negotiation with the Minister for Transport.

The Opposition is pleased to support the Government's legislation, but the new enforcement reforms clearly need to be introduced as soon as possible. The bill is good legislation. An important review report has been handed down by Peter Anderson. The industry is long overdue for reform. I encourage the Minister to act swiftly to provide the structure so that there will be an immediate end to the practices that have led the Government, however belatedly, to bring forward this important legislation. On behalf of the Opposition, I again confirm that it will not oppose the legislation. However, the Opposition reserves its position with respect to the detail of the job allocation scheme which, no doubt, will be developed following the second report currently being prepared by review chairman Anderson. Once again, I congratulate Peter Anderson on the excellence of his report and I am the first to propose his appointment as chairman of the new authority.

Mr MOSS (Canterbury) [8.10 p.m.]: This bill is an interim response to an interim report. The interim report released in May this year put forward a comprehensive package of reforms to the tow truck industry. Those reforms are implemented in this bill. Although a final report is yet to be completed, I congratulate the Minister for Transport on responding so promptly to the interim report, rather than sitting back and waiting for the final report. The Government's approach to the interim report shows how determined it is to act swiftly to clean up the tow truck industry, which has in the past been tainted by corruption and thuggery and, to an extent, has been operated by stand-over merchants and in some instances has been influenced by criminal elements.

The Government was prompted to act swiftly by widespread community concern about the

increase of lawlessness in the industry. The concern prompted a review of the tow truck industry. The review was undertaken by the Tow Truck Industry Council and was chaired by the Hon. Peter Anderson. Like with the honourable member for Ermington, Government members have every confidence in Peter Anderson, which is why he was appointed to chair the review. Being a former police officer and a former police Minister, he was ideally qualified to head the review.

In addition to the general community call for reform, calls have been made by industry bodies. Responsible operators and drivers indicated widespread fear of intimidation, physical harm and property damage. They sought a tightening of the regulatory structure to deliver a safe working environment. Consumer and motorist groups expressed concern at the harassment of motorists by numerous tow truck drivers and smash repairers at accident scenes, a time when drivers are at their most vulnerable. Insurance companies were concerned about the inflationary impact of hidden cash payments made by smash repairers—commonly known as drop fees and spotters fees—to tow truck drivers to obtain repair work.

Road safety authorities were concerned about the risks that tow truck drivers were causing to drivers and pedestrians in their race to be the first at an accident scene. Emergency services workers had concern about the inappropriate intrusion of tow truck drivers into a rescue area. Tow truck drivers have been known to harass injured drivers in an attempt to pick up business. There has been an overwhelming community response to the inquiry. The response has come not only from tow truck drivers who feel harassed or threatened by stand-over merchants but also from consumer groups, insurance groups, road safety authorities and emergency services groups, all of whom have taken a keen interest in the inquiry.

The bill has three key mechanisms for reform of the industry. First, it provides for a screening device for the granting of a tow truck operator licence, so as to weed out applicants with criminal records and other undesirables. From now on licences will not be granted to people who have committed criminal or serious driving offences. From now on operators will be responsible for their employee drivers, all of whom will have to be certified. Operators will no longer be able to use front men to do their dirty work. That is, all silent partners and associates will have to be disclosed and meet all accreditation requirements. In future everyone in the industry will have to be accredited, so there will be no scope for the involvement of any front men.

Second, the bill heralds the abolition of the Tow Truck Industry Council. In recent years the council has become bogged down with its workload and would not be able to cope adequately with the new requirements set out in the bill. The Tow Truck Industry Council is to be replaced by the Tow Truck Authority, which will be responsible for industry policy and for the licensing of operators. The authority will streamline disciplinary procedures by establishing categories of offences which can be dealt with by way of infringement notices. This measure should go a long way towards unclogging the backlog of Tow Truck Industry Council work.

Third, the bill gives power to motorists to authorise where a vehicle is to be towed, rather than the tow truck operator determining the destination. That provision will be implemented by ensuring that the tow truck operator has a signed authority as to where the vehicle is to be towed. Motorists have always been able to stipulate where their cars should be towed. However, given the vulnerability of their situation, in the past tow truck operators have often managed to get their way by towing a vehicle to the workshop of their choice—the workshop from which they receive a drop fee. I know from experience of the odd accident over the years that I have always been able to have my vehicle towed to the one panel beater in whom I have every faith and who has always repaired my cars.

I have noticed, however, when tow truck drivers have arrived at the scene of an accident in which I have been involved that when I mentioned that I knew a panel beater to whom my car should be towed the tow truck drivers would back off. Generally, they show very little interest in one's car if it is to be taken to a specific panel beater. They would rather be on their way, racing to the scene of another accident to pick up a car that they could take to a panel beater of their choice. I have never had any trouble in having a car towed to a particular panel beater, but I have noticed that when one nominates a particular panel beater tow truck drivers are generally unconcerned about one's car because they will not get anything extra out of the job.

As I have said, this bill is an interim response to the interim report. I know that when the final report is released the Government will be anxious to impose further regulations that should do away with the undesirable practice of drop fees. Drop fees are undoubtedly a racket, and the proceeds of the racket are passed on to the cost of repairing a vehicle. It is my belief that drop fees are the major cause of violence and intimidation in the industry. This bill goes some way to resolving the problem of drop fees by ensuring that all motorists authorise a repair outlet for their car.

I understand that the final report will recommend tougher measures to stamp out the payment of drop fees. The Government is considering the establishment of an allocation system, which, in the interests of safety, will see an end to those races to accident scenes by competing operators. I look forward to the introduction of the allocation system and the total abolition of drop fees, which will enhance the measures introduced in this bill. In the meantime, this bill delivers a safer and more accountable tow truck industry. It reflects the concerns of the community and should therefore be supported by all members of the House.

Mr WINDSOR (Tamworth) [8.20 p.m.]: I have been attending a meeting and did not have the opportunity to hear all of the contribution made by the honourable member for Canterbury, so I shall speak briefly on this bill from a country perspective. I understand that certain arrangements have been made between the Minister and the shadow minister in relation to the differences between country and city operators of the tow truck industry. I have met people involved with the tow truck industry from country areas. They have on occasion met the Minister to discuss specific differences of the industry in country areas. There is no doubt that the industry in Sydney is quite different from that in many country areas.

I compliment the Minister on the way in which he has dealt with these people. I hope that his undertakings will reflect the conciliation of the real differences between the industry in the country and in the city. I am sure the Minister understands that the competition for jobs and the aggressive attitude in the industry in the city, characteristics to which the honourable member for Canterbury referred, make it different to the industry in the country. In the country there is not the same number of operators competing for work as there is in the city. I have met members of the country tow truck industry who have been highly complimentary of the way the Minister received them and discussed the differences between country tow truck operators and certain city operators.

Mr Scully: It is a big tick for the Government.

Mr WINDSOR: I would not say it is a big tick for the Government, but it is a big tick for the Minister because of the way in which he negotiated with those people from the country. They were surprised by the way the Minister addressed the issues about which they were concerned. I was not present in the Chamber for some of the debate but I am told that the bill reflects the different problems

experienced by country and city operators. I know the fair dinkum operators in the country hope that the comments made by the Minister and his officers will be reflected in the bill.

Mr McBRIDE (The Entrance) [8.22 p.m.]: First, I congratulate the Minister on acting so promptly to appoint the former Minister for Police, Mr Peter Anderson, to conduct a comprehensive review of the tow truck industry. Because of Mr Anderson's ministerial experience, his experience as a serving police officer and his experience on a personal level of the matters he was reviewing, a better choice could not have been made. The appointment of Peter Anderson has brought a commonsense approach to the review of the industry. Earlier today, when I was speaking in relation to another matter, I said that all too often problems are turned over to bureaucrats and those with the problems receive a bureaucratic answer. Peter Anderson will work practically to deal with an industry that has always been a major problem to the community.

What is wrong with the industry? Some would say that everything is wrong with the regulation of the tow truck industry. The call for reform from industry participants and peak body organisations in the tow truck industry has been widespread. Responsible operators and drivers have shown widespread fear of intimidation, physical harm or property damage. Recently that fear was realised when a tow truck driver was killed. No-one should ever be subjected to that sort of intimidation in any form of employment. Most reasonable people realised certain members of the industry indulged in that type of behaviour, but, unfortunately, no-one had the will to do anything about it.

Consumer and motorist groups always express concern over the harassing of motorists by tow truck drivers and smash repairers at accident scenes. As honourable members know, drivers are at their most vulnerable and are least able to withstand pressure at that time. Often the motorists do not understand their rights. For example, when my daughter had an accident on the road she was confronted by a host of tow truck drivers who basically stood over her, intimidated her and caused her tremendous concern. At the time of an accident people are at their most vulnerable. They are concerned about possible injuries, the damage, and the cost. They realise that they have probably survived the risk of serious injury. At the same time they have to make a decision surrounded by a bevy of people who are all striving to secure a job in a difficult and tense situation.

Insurance companies are also concerned about the inflationary impact of the hidden cash payments paid by smash repairers, namely drop fees and spotters fees for tow truck drivers to obtain the smash repair work. That is also a major problem for police. In the past it was a great concern that spotters fees were paid to members of the Police Service. It was a major form of corruption and made further reform in the industry difficult, given that the police were stakeholders in the industry. This legislation is a major reform of the tow truck industry and will bring greater integrity to the Police Service. Those payments, and the pressure for tow truck drivers to be first at the scene and to use unacceptable methods to obtain a tow, or to prevent others from obtaining the tow, have led to fights at accident scenes.

The road and traffic authorities were also concerned about the risks created by tow truck drivers to the motoring public and pedestrians in their race to accident scenes. I am sure all honourable members have experienced a tow truck rushing to an accident. The motives of that tow truck driver were of concern to the community. He certainly was not seeking to rescue anyone; he was interested in getting a job. Sometimes one sees half a dozen tow truck drivers and no-one else at the scene of an accident. Emergency service workers are also concerned about the inappropriate intrusion of tow truck drivers into rescue operations in an attempt to get a tow authorisation signed by an injured driver.

Because of the number of loopholes in the Acts and regulations the Tow Truck Industry Council was concerned about the possibility of delivering an effective regulatory system. It was concerned about its inability to remove undesirable people from the industry, its inability to get around the barriers put in the way of enforcement officers attempting to audit the industry by operators and drivers, the time-consuming nature of its own disciplinary procedures and the ineffectual nature of the penalties for non-compliance with the regulatory scheme. The need for reform was reflected by all stakeholders in the industry, from those who have had accidents and damaged their vehicle through to tow truck drivers, emergency services personnel, police and insurance company representatives.

Everyone in the industry agrees that this legislation will clean up corruption within the industry. As I said earlier, it is most important to have this legislation passed by the Parliament. The bill will have a major impact on the corrupt element that honourable members acknowledge exists within the industry. The existence of that element has been

demonstrated in the investigation and report of Peter Anderson. Key areas of reform include tightening the control of the accident scene and the prohibition of touting for smash repair work at the scene of the accident. That will reduce the volatility of the accident scene. That is an important aspect.

Improving the control over entry into and participation in the industry is important. Honourable members will realise that an undesirable criminal element had penetrated the industry and was causing problems. That element was taking over an industry that otherwise delivers a service to the community. I note that Peter Anderson is at the back of the Chamber. I shall repeat my comments in his presence. More importantly, I will repeat the comments of the honourable member for Ermington, who said earlier that he nominated Peter Anderson to be the chairman of the Tow Truck Authority.

Mr O'Farrell: For five months.

Mr McBRIDE: No, as its permanent chairman. The honourable member for Ermington said that he wanted the whole of New South Wales to know that he nominated Peter Anderson to be the authority's first chairman. He said that there could be no better person to hold that position, but he was immediately undermined by the honourable member for Northcott. The honourable member for Ermington indicated that that event would never be repeated in this Chamber. The shadow minister for roads would not have behaved in that manner; he is a man of character. But the honourable member for Northcott showed his true colours.

The disciplinary process will establish clear-cut offences and a more targeted and modern disciplinary process, strengthening the audit capacity through development of clear-cut audit trails and a requirement for long-term record keeping. It will improve the effectiveness of enforcement by ensuring that enforcement officers have access to the place of business and tow trucks and will continue in the provision of a job allocation scheme. That is an important development and recommendation. I note the comments of the honourable member for Tamworth, a place that produced two great footballing brothers—

Mr O'Farrell: Tony Windsor and his brother.

Mr McBRIDE: Peter Wynn, who played for Parramatta and who has a sports store at Parramatta, and his brother, who played for St George. As the honourable member for Tamworth pointed out, when it comes to country areas, this may be a sensitive issue, because metropolitan areas do not have the

same sorts of problems. I experienced that situation when I travelled around the countryside representing the Minister for Roads. This is a most important development. As I said earlier, this legislation is important for the whole community. It is good to know that both sides of the House totally support it. In conclusion I acknowledge the contribution of Peter Anderson, a former member of this Parliament and a former Minister for Police. He has come up with an answer to a very difficult problem which affected the whole community and which no previous Government had successfully dealt with. He and the Minister for Transport, and Minister for Roads deserve the congratulations of this House.

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [8.33 p.m.], in reply: I thank the honourable members representing the electorates of Ermington, Canterbury, Tamworth and The Entrance for contributing to the debate. The contribution of the shadow minister, the honourable member for Ermington, was substantive, worthwhile and strong. The important message is that both sides of government supported the reform of the tow truck industry. Whilst my colleagues on the other side of the House might disagree with me on policy issues, it is significant that they allowed me to facilitate this legislation. We can now send a strong message to the industry: Parliament has spoken with one voice on this reform.

I share the comments of the shadow minister and my colleagues about the role played by Mr Peter Anderson; we appreciate the job he did so well. This practical resolution has met with overwhelming support by the stakeholders in the industry. I note that the shadow minister has nominated Peter Anderson to the position of chairman. I give an undertaking that I will take that nomination into account and will inform the House of the result of my deliberations in due course. I note the concerns that an allocation of the scheme may or may not operate. Obviously the biggest concern in respect of the tow truck industry relates to urban areas, but there are concerns in country New South Wales as well.

The Government's request that Peter Anderson report and make recommendations has resulted in this legislation. I do not want to pre-empt the findings of his final report, which is due at the end of November. I would rather wait until Peter Anderson has completed his deliberations before I make further comment. I am happy for Peter to meet with the honourable member for Tamworth, and I ask that he meet with the shadow minister and work through some of the concerns prior to releasing his final report. I will look closely at the

recommendations as to the location of boundaries and the extent to which the legislation will apply to country areas.

The shadow minister referred to the impact on small operators and the need to ensure a quick response rate. Obviously, Peter Anderson will take those issues into account when he makes his recommendations. I thank the members of the Tow Truck Industry Council, the auto recovery association, the Motor Traders Association, the NRMA, the Insurance Council of Australia, the Roads and Traffic Authority and the other stakeholders who were involved in consultation with Peter Anderson. They played no small part in bringing this important stage one reform to the tow truck industry. Obviously stage two is the allocation scheme, which I envisage will be in operation in July next year. I thank all members for their contributions. I especially thank Peter Anderson for a job well done.

Motion agreed to.

Bill read a second time and passed through remaining stages.

TRAFFIC AMENDMENT (TYRE DEFLATION—POLICE PURSUITS) BILL

Second Reading

Debate resumed from 14 October.

Mr SOURIS (Upper Hunter—Deputy Leader of the National Party) [8.38 p.m.]: The Opposition will support the Traffic Amendment (Tyre Deflation—Police Pursuits) Bill. Having said that, I add that in reviewing the legislation and other supplementary material I place on record some concerns that the Opposition has had and some of the discussions and deliberations that I, on behalf of the Opposition, have had with the Minister for Transport. As I understand it, this method of arresting the progress of delinquent drivers is in practice in several other countries. Technically, it is well accepted that the method arrests the speed and progress of the target vehicle and does so according to protocols that render the method safe for police officers, other motorists and pedestrians. I recognise that such other persons would not be at the scene of the arrest of the vehicle, but at this stage the operational guidelines and protocols seem to be, for the purposes of a trial, sufficient to offer that protection.

Initially, operational guidelines were not available for perusal by the Opposition; in fact, I

believe they were unavailable for perusal by anybody. At least, having asked the question, I am pleased that the Roads and Traffic Authority has provided me with a copy of the draft operational guidelines issued for the purposes of the trial being able to progress from controlled conditions to public roads. The point that attracts me to the method is that the decision to deploy it is not left, on the spur of the moment, to perhaps the pursuing officer. It would probably be in the hands of the officer to initiate the action, but the fact is that approval will need to be obtained from either the local area commander or the duty officer—people of the rank of superintendent or inspector—before the action is put into place.

I am much more content that the level of preparation for the deployment of the method is such that a lot of thought will have gone into the action; that it will not apply whenever, on the spur of the moment, it is thought that it might work. The arrest method needs to be restricted to instances where conditions are suitable, where sufficient time has enabled prediction of the route of the target vehicle, and where it is possible to marshal enough officers at the proposed site to make the relevant preparations, in particular the removal of other traffic and pedestrians and to ensure that other conditions, for example the road surface, are such that deployment of the road spikes is appropriate.

I and many others will be looking carefully at each instance of the deployment of these road spikes so that judgment can be made of the success or otherwise of this method of arresting vehicles. One part of the operational guidelines is of special concern. I will read that part of the guidelines onto the record. It refers to a pursuing officer in what is called a secondary pursuit vehicle. I understand that that would be a police officer pursuing the target. The guideline states:

If secondary pursuit vehicle is available, where possible reduce speed and prevent following traffic from engaging the tyre deflation system and control traffic until otherwise directed by DOL (i.e. use of roof message bars to assist with stopping following traffic)

The important aspect is "if secondary pursuit vehicle is available", so that the officer and vehicle can be used to prevent following traffic from proceeding and becoming entrapped. That is an important consideration. I cannot imagine that it would be appropriate to deploy these spikes if no secondary pursuit vehicle is available, or if it is not possible to muster another police officer and vehicle to follow and be present after the target vehicle has entered the target area, to ensure that following traffic does not proceed into the spikes. I ask the Minister to

especially consider this particular operational guideline and to give consideration, even at this stage, to amending the operational guideline to make it mandatory that a police officer be present to prevent traffic from following on into the road spikes.

I did raise one other aspect with the Minister. Having seen the amendment proposed to be moved by the Minister on behalf of the Government, it is obvious that the Government is prepared to accept my representations on it. The issue is that once this legislation is passed it really is not restricted to a trial. The bill does not differentiate between the trial period and the normal operational period that might follow thereafter. I requested the Minister to consider setting a maximum period for the trial and to put in place additional measures to provide that the Minister, in an accountability sense, report to Parliament on the trial, table the final operational guidelines, and put before the Parliament a motion which, if passed, would permit the legislation to have continuing effect for normal operations according to the guidelines. I am pleased that the Minister has agreed to move such an amendment in Committee.

I am pleased that the Opposition is able to support the bill. We really must have a measure of this nature. I know that Staysafe committee members, present and past, have considered this issue. I know that current Staysafe committee members will want to speak to the bill. So it is not without much consideration by many people that we have finally come to the point of introducing legislation to trial this measure. I repeat, we must have some form of vehicle-arresting device, for if we do not we tell the public: if you can flee fast enough, then the practice will be that the police will give up their pursuit and let you go.

We cannot possibly tolerate such a position being normal, because in many cases we are not talking about a speeding vehicle per se; we are talking about a driver fleeing from arrest because the vehicle might have a cargo of drugs, or the driver may have been involved in other serious crimes. We cannot send a message to the public that the normal practice is that a driver with a fast enough vehicle will not be further pursued by police because of the danger of extremely high speed pursuits. It is with that thought in mind that I welcome this measure. I earnestly hope that the trial period proves the method to be successful. I hope that when the Minister of the day reports to Parliament somewhere between now and one year hence the report will prove to be positive. I have pleasure in supporting the bill.

Mr McBRIDE (The Entrance) [8.49 p.m.]: Before I speak to the bill I acknowledge the presence in the gallery of Basil and Wanda Boredin, Colin and Toni Grant, and David and Sandy Grant, all representatives of contractors in the building industry. The purpose of the bill is to allow the New South Wales Police Service to trial the use of tyre deflation devices in high-speed police pursuits. The trial will assess the potential of tyre deflation to reduce the risk to members of the public and police officers in a high-speed pursuit.

The bill amends the Traffic Act 1909 to allow a general exception for police officers to deploy tyre deflation devices. Currently, the Local Government Act 1993, the Roads (General) Regulation 1994 and the General Traffic (Pedestrian) Regulations 1937 make it an offence for a person to place objects such as glass or road spikes on a road or a road-related area. The bill retains the general prohibitions against placing objects onto the road or road-related area, but it provides the Police Service with an exception to the current provisions. Although many pursuits are short lived and do not result in injury or damage, a significant number of pursuits have posed a threat to other road users and their property.

The profile of serious offenders pursued by police includes offenders driving stolen motor vehicles, drivers under the influence of drugs and alcohol and drivers who fail to stop for police. This year alone police have pursued 228 vehicles involved in serious criminal offences, including drug offences, ram raids, armed robbery, kidnapping, break, enter and steal, and home invasions. A further 330 pursuits involved stolen motor vehicles. If police discontinue the pursuit, allowing the offender to continue driving, it creates a greater threat of serious injury or death for other innocent law-abiding motorists and members of the community.

This Government wants to save lives by developing better methods for deterring high-speed pursuits and for improving the handling of police pursuits of offenders when they occur. The Government and the Police Service have been working together to examine a number of strategies that can be used to reduce the risks involved in these pursuits. The Deputy Leader of the National Party raised a number of questions on behalf of the community. Indeed, I admit that the community is concerned about the use of tyre-deflation devices. It is important that such devices are used in a proper way and do not threaten the rest of the community.

One question asked by the community is what precautions are being taken to ensure that passers-by

or bystanders are not involved when these devices are used. Obviously, the safety of law-abiding citizens is a priority for the Government. To ensure that tyre-deflation devices are managed safely, standard operating procedures for their use require that the deployment and support officers are to exercise care with respect to their own safety and that of others when operating within a deployment site. Police vehicles specifically not engaged in the deployment will be utilised to direct other traffic away from the site. Police vehicle warning lights will be applied to indicate the location of the tyre-deflation devices when available.

Once tyre-deflation devices are deployed, the deployment officer and support officer must remain at the site until all spikes, needles, any other equipment, debris, et cetera have been removed from the roadway. Another question is what guarantee there is that the spikes will not fly from beneath the vehicle and hit a bystander. The tyre-deflation device to be used in the trial has spikes embedded in foam and is contained in a plastic triangular prism. I am advised that this will minimise the potential release of spikes not picked up in the offender's tyres. A further question is what the Government will do to ensure that these devices do not unnecessarily endanger the lives of offenders.

This legislation is about safety. It is about making legal new technology that will improve the capacity of police to terminate high-speed pursuits so that the safety of police, the community and even the offenders is improved. Police chases are dangerous. They involve high speeds and frequently the drivers are affected by drugs or alcohol. They require split-second judgment by police when faced with a vehicle whose driver ignores the direction to stop. In such cases authorised police may utilise road spikes.

I congratulate the Minister on bringing forward this legislation. There is always resistance to the introduction of new techniques, modern technology and so on. Many high-speed pursuits have resulted in innocent people being injured, major damage being caused, and the whole community being threatened. This legislation is another example of the Minister reacting positively to the needs of the community and, most important, improving road safety for the whole community. Last Saturday evening it was pointed out to me that the Minister for Roads, through his accelerated reforms, has changed the whole culture of the road transport industry and road safety in New South Wales. It is a great pleasure for me to be the Parliamentary Secretary to the best Minister for Roads ever in New South Wales.

Mr SMALL (Murray) [8.55 p.m.]: I was pleased to be appointed to the Staysafe committee in 1991, and I am pleased to have been a member of that committee for the past seven years. Staysafe is an excellent committee.

Mr McBride: With a wonderful chairman.

Mr SMALL: The honourable member for Wakehurst is a former chairman of the committee, and the honourable member for Londonderry is the present chairman. In 1994 the committee visited Wellington, New Zealand, to observe the procedures used by the New Zealand police. During that visit we had discussions with the assistant police commissioner and senior police officers, and we visited an area where trials were being undertaken. The area, which was like a showground, was part of the police training school, including traffic police.

I am pleased that the Minister for Transport has brought these measures before the House in an amending bill. I recognise the support of the shadow minister for transport, the Deputy Leader of the National Party, for this bill. During the trip to New Zealand committee members visited two areas where tests were being undertaken. In one area the police were testing vehicles fitted with heavy iron frames along the sides, across the doors and on the front, on the bumper bars. When pursuing stolen vehicles, or pursuing a vehicle for any other reason, the police in these specially designed vehicles would draw alongside the vehicle being pursued and then move from the right to the left and ram the vehicle, steering it to the side of the road. Members of the committee had an opportunity to travel in the police vehicle during testing—it was quite traumatic.

Although the tests by the New Zealand police have been successful, the members of Staysafe did not believe that they were a good reason to suggest that police in Australia should ram vehicles during high-speed pursuits. During the visit to New Zealand we also observed tyre-deflation devices being tested. The tests involved a belt with a width of about 300 millimetres or a foot, with spiked nails about 1½ or three centimetres in length being laid across the road.

A police vehicle was driven across the belt to demonstrate what would happen. The vehicle travelled a distance of between 200 and 300 metres before its tyres were completely deflated. Obviously, this distance provides a safety factor by enabling the driver to maintain control of the vehicle as the tyres deflate slowly and the vehicle comes to a halt. It is important that the tyres do not immediately deflate after crossing the spike belt. Once the tyres are

deflated the occupants would not be able to escape the police vehicles because the flat tyres would soon come off the rims.

In New Zealand the committee discussed the potential of a program that sought to curtail the dangers associated with high-speed police pursuits. In reference to police pursuits the committee expressed in its report concern about the risks faced by police, pedestrians and other road users during high-speed pursuits. In recent times police have determined that the speed of the vehicle being pursued was too fast and, to avoid possible danger, took note of the number plate of the vehicle being pursued to forward to police located in the general area the vehicle was heading, and aborted the pursuit. Inspections undertaken by Staysafe of various traffic control programs and proposals of various Ministers over the years have benefited the community.

The proposal to use spike belts to stop high-speed vehicles has benefits for the community and for the police. I did not participate in further committee investigations of traffic control proposals. Other countries use the spike belt to stop speeding vehicles. If my memory is correct, the suggested cost of a spike belt was \$600 or \$700. To provide all police vehicles with spike belts in the event of having to engage in a high-speed vehicle pursuit would place an expensive burden on the Government. It would not be easy for police to ensure they had sufficient time to set up a spike belt and also to safely bypass other traffic.

The time factor would necessitate clever handling of vehicles and manipulation of the pursued vehicle into the area that had been prepared with the spike belt. Obviously, this area would be well ahead on the highway or road system so that a buffer zone could be created that would force that vehicle onto the road where the spike belt had been laid. I support trialling the use of tyre deflating devices in an effort to overcome the many dangerous police pursuits of vehicles driven by people who inflict danger on other road users and who may cause loss of life and injury. If a spike belt tyre deflation implement were to be utilised in New South Wales, the police must have the responsibility of identifying how, where and when it can be used.

Mrs BEAMER (Badgerys Creek) [9.04 p.m.]: Last night in Mount Druitt police were again involved in a high-speed chase that resulted in the injury of a police officer. Police were chasing a stolen vehicle and the police car went out of control and ended up on its side. High-speed pursuits and

the safety of police officers, bystanders and those in the car being pursued are of the highest concern to this House.

On one occasion when I was travelling home at about 11 o'clock at night after attending a function I saw a vehicle that appeared to me to be travelling at an excessive speed, perhaps up to 120 kilometres per hour, along a suburban street. I pulled over to the side of the road because I was concerned about the speed at which this car was hurtling towards me. I noticed that it was being pursued by approximately five police vehicles. This all happened not far from my home and after I arrived home I heard the police sirens for roughly 20 minutes as the pursuit continued at high speed, regardless of the hour, and within a suburban area.

Statistics reveal that last year there were more than 1,400 police pursuits. By and large those pursuits were undertaken without property damage or personal injury. However, one-third of those pursuits were terminated. Last year three fatal accidents involving innocent bystanders resulted from police pursuits. There were 211 occasions when damage was occasioned to motor vehicles and 45 persons were injured when high speed pursuits were undertaken. The important question is not whether police have enough time to get in front of vehicles to prepare the spike belt but whether there is a safe means of stopping vehicles.

Deflating tyres and allowing a lengthy distance for the vehicle to slow down safely will provide less danger to bystanders, should they happen to be present, to those being pursued and to the police officers involved in the pursuit. The trial must be safe for everyone involved. However, some classes of vehicles will not be safe. For example, a spike belt would not be deployed in a high-speed chase of a motorcyclist. Test trials on truck vehicles reveal that truck tyres deflate at the same rate as cars. Therefore, spike belts could be deployed in high-speed truck chases. However, I imagine the spike belt would have limited application as trucks might not travel at the speeds about which we are concerned.

To ensure that tyre deflation devices are managed safely a number of measures will be undertaken. Standard operating procedures for tyre deflating procedures have been drafted to ensure safety. When it is determined that road spikes can be utilised to terminate the pursuit an authorising officer will nominate both a dedicated vehicle containing the device and a deployment officer to set it up. Depending on site availability, tyre inflation devices are best deployed just before the

vehicle is forced to make a turn. Once the device is deployed the officer communicates the exact location to authorising officers. The deployment officer must remain at the site until all debris, spikes, needles, et cetera are removed from the roadway.

The honourable member for Lake Macquarie visited a police station in Manchester where he saw the deployment of such devices. He said the United Kingdom police were supportive of this measure as a way of dealing with dangerous situations. Infra-red cameras showed cars being stopped safely, with the eventual arrest of the drivers. These devices enabled safety to be part of the chase scenario. Tyre deflation devices will be deployed only by senior officers who have successfully completed the tyre deflation device deployment course and are approved by the local area command as deployment officers.

I commend this bill to the House because the general safety of the public is of paramount concern to the Parliament. Last year high-speed pursuits resulted in three fatal accidents involving innocent bystanders. It is important that vehicles be used safely, that pursuits are conducted in controlled situations and that a set of guidelines is in place to enable safe deployment of these devices so that no-one is put in danger. The use of tyre deflation devices will be trialled and their use reassessed in 12 months. They have been used successfully in New Zealand and in the United Kingdom. I commend the bill to the House.

Mr HAZZARD (Wakehurst) [9.11 p.m.]: After hearing that excellent dissertation I can only say that the Opposition will not oppose this legislation. If the Opposition was thinking of opposing it, following that convincing dissertation it is now convinced not to oppose the legislation. Mr Acting-Speaker, you know as well as anyone the significance of trying to address police pursuits. You continue to be a member of the bipartisan Staysafe committee of this Parliament which has examined a number of road safety issues, not least of which is the significant and difficult issue of police pursuits.

I was Chairman of the Staysafe committee from 1992 to 1995 and during that time the committee was asked by the Government to look at police pursuits following some very serious accidents and fatalities involving not just people being chased in their vehicles, but also innocent bystanders. That was a big issue at the time and no doubt remains a big issue for the families of the victims of those pursuits. Young police also were disadvantaged and continue to be disadvantaged.

Young police tend to find themselves behind the wheel and involved in pursuits because the older, more experienced police are behind a desk and are not involved with high-pursuit vehicles.

The honourable member for Badgerys Creek spoke about high-speed pursuits. She is right to a degree, although quite a number of fatalities occur during low-speed pursuits. The lay person tends to regard pursuits as chases involving high speed. Members of Staysafe would be well aware that fatalities and injuries occur just as frequently from low-speed pursuits. Vehicles go out of control and collide at intersections whether travelling at high speed or at low speed.

Honourable members should also be aware when considering this legislation that not many situations arise where tyre deflation devices will be useful. The Opposition supports the proposal to conduct a trial but I question why has it taken 3½ years to implement the recommendation of the Staysafe committee to hold such a trial. At the end of 1994, towards the end of the coalition's term in government, Staysafe made its recommendations on police pursuits and one of those recommendations was to trial tyre deflation devices. Why did Staysafe recommend a trial of these devices? As the honourable member for Murray indicated, only a couple of members of Staysafe had the benefit of seeing these tyre deflation devices being operated in different jurisdictions.

The honourable member for Murray referred to what happened in New Zealand. I saw these devices operating in London, with the London Metropolitan Police. In the company of another Staysafe member and a staff member I saw a trial vehicle—from recollection it was a Corolla—approach a tyre deflation device, which is essentially a large mat about a foot wide and 50 feet in length with devices rather like hollow nails poking up out of them. When the vehicle that is being pursued crosses the device, the hollowed out nail-type devices penetrate the tyre and there is a gradual deflation of the tyre so there is no immediate danger to the driver or to anybody in the vicinity of the vehicle going out of control. In that sense, they work in controlled circumstances.

The committee did not recommend them in all Australian conditions because very few road conditions are suited to the use of these devices. The vehicle must be being pursued along a road which has no turn-offs and another vehicle must be further along the road with the device available in its boot. Also, there must be sufficient time to lay the device out on the road. The police would also need to know

that no other vehicles are on that stretch of road that would pass over the device rendering it useless, let alone deflating the tyres of innocent motorists. Staysafe felt that the number of times the device would be useful in Australia would be limited. Nevertheless, 3½ years ago the committee agreed that a trial should be conducted and I am pleased that will happen.

Highway patrol officers do not believe that these devices will assist to any great extent. On the weekend I was speaking to a highway patrol officer who was laughing about it, basically suggesting that if the Government is going to address police pursuits, police will need other measures recommended by Staysafe. Most highway patrol officers have heard of the Staysafe committee. To them, Staysafe is almost a bible on how they go through their training course. When I was Staysafe chairman I assisted with the curriculum development of the course for highway patrol officers on police pursuits. Before that time police were aware of Staysafe but since then as part of their course highway patrol officers have had to answer questions on various Staysafe recommendations.

One highway patrol officer said videos and computers are needed in their police vehicles. He said the Government should make officers more professional by giving them the tools they need to make informed decisions on the spot. This in turn will enable them to make much more rational decisions about when to pursue an offender. The honourable member for Murray made that point earlier. Police, who often work in the heat of the moment, must realise that circumstances may arise when it would be better for them to just take the registration of the vehicle and not pursue the offender, who can be picked up later. In other words, if police put the registration number into their computer they will be able to ascertain where the vehicle is garaged. If the driver is thought to be currently living at that location, in many instances there is no reason to pursue.

Mr Schipp: What about a stolen car?

Mr HAZZARD: That is a different matter. If a car has been stolen then the police may well have to make an informed decision to pursue that vehicle. The highway patrolman to whom I was speaking refreshed my memory on issues before the 1994 inquiry. Patrol officers will not be limited in doing registration checks. For example, highway patrol officers on the north shore do not bother with radio checks most of the time because they experience difficulty in getting a result from the radio control room.

Mr Schipp: They are underresourced.

Mr HAZZARD: They are unbelievably underresourced. As the highway patrol officer said to me—and as committee members discovered when examining the issue overseas—that means that the police do not pick up vehicles that could well be detained. The driver of a vehicle may be known to be a serious offender, someone who has committed serious traffic offences or criminal offences. A patrol officer travelling behind a suspect vehicle should have the ability to log the registration into a computer and make a quick search, perhaps discovering that the vehicle could be in the hands of a serious offender. In those circumstances the police could organise appropriate arrangements to apprehend the driver of the car. It could well be that they decide not to initiate a pursuit. They may decide to radio ahead and request an informal blocking of the highway further up the road in order to effect the arrest of the car driver.

We need to make sure that patrol officers are given the tools they need to do their job. So far this Government has undertaken a so-called trial of computers. The computers have not really been trialled—so far as I know, only a few cars have been fitted with Toshiba computers. There has been no serious trial of computers and there has been no serious trial of videos for police cars. It is my understanding that the police unit responsible for such matters went ahead with a trial of video recording in police vehicles without the authority of the Minister for Police or the Government. The unit was delighted by the results of its trial. The videos would be one more tool to give officers the opportunity to make informed decisions about what they are doing.

Use of video recording equipment would be advantageous if the police were involved in pursuit. Evidence could be presented to a defendant subsequently and the defendant asked whether he or she wanted to take a matter to court. Ninety-five per cent of the time the answer to that question would be no. A defendant's solicitor could view video footage and reach an informed decision as to whether a matter should be taken to the courts. There are very good reasons that improved technological tools should be provided to the police. Unfortunately, the Government has not provided those tools.

If the Minister for Police and the Minister for Roads were serious about addressing the number of fatalities and serious injuries following police pursuits—and this matter should be treated seriously—they should put a dollar value on human

life and get on with installing videos and computers in all police pursuit vehicles. Police officers accept the need for new technology. The day after the release of the Staysafe report the Police Association, in a rare move, welcomed it. Radio programs that morning reported the association as saying that this was one of the few times that police had not been bagged in a report on police pursuits. The association described the report as rational and sensible, and requested implementation of its recommendations. Shortly afterwards the coalition lost office, the Labor Government took over administration of this State, and that was the end of any rational thought for quite some time.

I welcome this rather belated initiative from the Government. The Government should also install computers and videos in police vehicles. The new technology could be married with new curriculums that have been developed for highway patrol officers, new courses that remind officers of the dangers of high- and low-speed pursuits and initiatives taken with police radio control rooms. Pursuits should be carried out only after approval from a control officer at the radio control room. In that way we should have some hope of reducing the number of fatalities and injuries that occur in this State year after year following police pursuits. I encourage the Government to take action. Let us not stop with tyre deflation devices. Let us have some fair dinkum action: let us have computers and videos installed in police vehicles, and let us have them sooner rather than later.

Mr GIBSON (Londonderry) [9.25 p.m.]: I support this bill. The honourable member for Wakehurst said that the bill has come too late. The bill is not too late, it is never too late. Road safety in New South Wales has come a long way. As I have said many times, in 1988, 1,400 people died on the roads. Last year the number of road deaths stood at 574, the best record for this State. Road safety procedures are working. The police are damned if they do and damned if they do not. If they choose not to pursue a car then they are criticised for that. If they choose to pursue someone and something goes wrong, they are criticised for travelling at such high speeds and taking chances—we are all great experts in hindsight. The police are paid to do their job.

The honourable member for Wakehurst referred to police officers. I have a son who is a policeman. He is not in the highway patrol but he welcomes the introduction of spikes for use on cars. Police officers will be given a device that will be useful in pursuits. At present the police have nothing—they are faced with a situation that is

rather like that of someone trying to fight Mike Tyson with a hand tied behind his back. The cost of the spikes is minimal. I congratulate the Minister for Roads, as I have done a few times this week, on the job he is doing. It is easy for people to say that these recommendations were made by the Staysafe committee in 1994 and 1995. That may be so, but what was needed was a Minister prepared to implement the recommendations. This Minister for Roads has certainly had the guts to do that.

I have examined the tyre deflation devices and in New Zealand, Germany, England and Sweden I have driven in cars on which they have been tried. I assure honourable members that the devices definitely work. The beneficial aspect of these devices is that a motor car will not experience something similar to a blow-out. When a car drives over the spikes there is an even release of air from all tyres. From the driver's perspective, there is no movement of the steering wheel. This is the safest way known of pulling up a car in a pursuit. It takes some 60 to 80 metres for a car to be pulled up. The Staysafe committee looked into this matter, and the Minister has taken the issue up with the Roads and Traffic Authority.

The spikes device will be implemented on a trial basis. I have no doubt that the new device will be accepted. In my opinion, it would not cost too much for each patrol car to have a pad of spikes in its boot. They could not be used in every pursuit situation, but there are many situations in which they could be used. What price do we place on a life? If one life is saved through the implementation of this new system, the expenditure will be worth it. I congratulate the Minister on this bill.

Mr TRIPODI (Fairfield) [9.29 p.m.]: This bill allows the New South Wales Police Service to trial the use of tyre deflation devices in high-speed police pursuits in order to assess the potential of tyre deflation to reduce the risk to members of the public and police officers from high-speed pursuits. This bill amends the Traffic Act to allow a general exception for police officers to deploy tyre deflation devices. The Government wants to save lives by developing better methods for deterring high-speed pursuits and, when high-speed pursuits do occur, for improved handling of police pursuit of offenders. The Government and the New South Wales Police Service have worked together to examine a number of strategies that can be used to reduce risks in police pursuits.

The use of tyre deflation devices or road spikes offers significant potential benefits. The devices are a metre long triangle of foam encasing

hollow spikes. I am advised that road spikes can be used in lengths from three to five metres, either locked into one another or placed into a nylon sleeve. As the offending vehicle travels over the device the spikes detach and lodge in the vehicles tyres, which uniformly and gradually deflate so that the vehicle slows down within a short distance. Police tests under controlled road conditions have demonstrated the success of these devices in stopping high-speed vehicles. These devices have been successfully deployed also in the United States of America and in New Zealand.

The use of tyre deflating devices in certain pursuits has significant potential benefits. Police engaged in high-speed pursuits will have an opportunity to stop speeding offenders more safely by deploying road spikes. Police will be able to halt pursuits more quickly, and that will reduce the risk of injury. Tyre deflating devices act as a deterrent to engaging in high-speed pursuits that may lead to potentially fatal behaviour, a greater likelihood of apprehension and a subsequent reduction in the necessity for police pursuits in the future. They will make our roads safer for motorists. The initial trial by the police will assess the operational effectiveness of road spikes and will examine any safety implications for police and the public. The trial will ensure the safety of the police and the community on our roads.

Before any trial commences the Police Service will draft standard operating procedures to cover the deployment of the spikes. They will be subject to approval from the Roads and Traffic Authority with input from the Attorney General's Department. These guidelines will build on existing roles when engaging in pursuits and urgent duties. Only senior officers trained in using road spikes will be able to deploy the device. Their training will emphasise safety requirements in using the devices. Road spikes will be deployed only in a pursuit with authorisation from a duty operations inspector or a local area commander. During the trial period the police will use the devices at selected sites in metropolitan and rural areas and then only according to standard operating procedures. The trial will run for 12 months. The Police Service and the Roads and Traffic Authority will then evaluate the effectiveness of the trial and submit a report to the Minister for Roads.

The overriding concern in this trial is the safety of police and the community. The Government is committed to making our roads safer and to providing the police with sufficient resources to play their part in assisting to achieve road safety. The introduction of this bill confirms once again that

the Minister for Transport is committed to the safety of our road and rail networks. He should be congratulated on this initiative and commended for his co-operative work with the Staysafe committee. I am sure that relationship will continue in the next Labor government.

Mr HUNTER (Lake Macquarie) [9.32 p.m.]: I support the Traffic Amendment (Tyre Deflation—Police Pursuits) Bill. The overview of the bill states:

The object of this Bill is to facilitate the use by police officers of devices to cause the deflation of the tyres of a vehicle being pursued by police.

The bill inserts a new section in the *Traffic Act 1909* that provides for the Commissioner of Police to authorise the use by police of tyre deflation devices in police pursuits and provides an exception for police officers from any provision that would otherwise prevent the use on or near a road or road related area. Examples of those provisions are section 630 of the *Local Government Act 1993* (concerning the placing of dangerous articles in a public place), regulation 7 of the *General Traffic (Pedestrian) Regulations 1937* (concerning obstruction and nuisance) and clause 11 of the *Roads (General) Regulation 1994* (concerning placing things on road).

As the deputy chairman of the Staysafe committee I am pleased to support the trial of tyre-deflating devices and I certainly support the bill. Although I know that there are many varying opinions about the use of tyre-deflation devices I believe the trial is warranted. As the honourable member for Badgerys Creek earlier pointed out, on a trip a few years ago to the United Kingdom I witnessed the use of tyre deflation devices on a video produced by the Manchester police. I was in Manchester to investigate the use of infra-red cameras in helicopters, something the Manchester police use quite frequently. The use of what are called in the United Kingdom stingers was explained to me when I inspected the infra-red devices used in helicopters. The stingers are like hypodermic needles. They are placed on the ground and as a vehicle passes over the needles they penetrate into the tyre and slowly deflate the tyre. The video was impressive and after viewing it I travelled with the local police to the main Manchester police station, where a stinger device was shown to me.

During my time with Manchester police I was involved also in a high-speed police chase which reached speeds of 160 to 180 kilometres an hour. Thankfully the police chase was called off, but it certainly brought home to me the need for the use of these devices. That is why I congratulate the Minister on introducing a trial. As has been mentioned earlier by other speakers, the Staysafe committee previously examined this issue and made recommendations about the trial of the devices. The

trial is timely. I congratulate the Minister on introducing this legislation. I am sure that every police officer in the State will welcome the use of these devices. I am sure that with correct planning and trialing the devices will be used for many years to come and will save many lives that would otherwise have been lost as a result of high-speed pursuits.

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [9.36 p.m.], in reply: I thank the exhaustive number of members who have contributed and added different perspectives to this issue. I thank the shadow minister, the honourable member for Ermington, for his co-operation. In respect of the matters raised by the shadow minister, I will move an amendment in the form of a quasi-sunset clause that will provide that in the event of a resolution not being passed by both Houses of Parliament the clause will cease to have effect. That will meet the shadow minister's concerns about whether the control is genuine.

In the event I am still Minister for Roads I undertake to ensure that a report is made to the House about the trial of the tyre-deflation devices, including the tabling of final standard operating procedures at the conclusion of the trial. The Police Service will ensure that the standard operating procedures reflect the need to have a police vehicle on hand, where possible, to manage traffic following the deployment of tyre-deflation devices. I acknowledge the concerns of the shadow minister. I will ask my senior advisers to take into account his contribution to the debate. The shadow minister has been furnished with a copy of the draft standard operating procedures, which are still being finalised. However, they contain the substance of what is proposed. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [9.40 p.m.]: I move the Government amendment as circulated:

Page 3, schedule 1. Insert after line 16:

- (3) This section ceases to have effect at the beginning of the day that is 1 year after the day on which this section commences unless either House of Parliament passes a resolution that this section is not to cease to have effect in accordance with this subsection.

- (4) Either House of Parliament may pass a resolution that this section is not to cease to have effect in accordance with subsection (3), but any such resolution has no effect unless passed before the time at which this section would, but for the resolution, cease to have effect.

Mr SOURIS (Upper Hunter—Deputy Leader of the National Party) [9.41 p.m.]: I thank the Minister for having had the amendment drafted and for moving it. The amendment improves the bill, as it introduces an additional accountability process.

Amendment agreed to.

Schedule as amended agreed to.

Bill reported from Committee with an amendment and report adopted.

BILLS RETURNED

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

Commonwealth Places (Mirror Taxes Administration) Bill
Nurses Amendment (Nurse Practitioners) Bill
State Revenue Legislation (Miscellaneous Amendments) Bill

RESIDENTIAL TENANCIES AMENDMENT (SOCIAL HOUSING) BILL

Second Reading

Debate resumed from 15 October.

Mr DEBNAM (Vaucluse) [9.43 p.m.]: I lead for the Opposition on this bill. At the outset I advise the Government that the Opposition will not oppose the bill. However, the Opposition believes it is a weak response to the core issues of crime and drugs and will highlight a number of issues of concern. I foreshadow amendments which I will outline in a short while. It is a disgrace that criminal activity, drug use and trafficking, harassment, abuse, violence and the threat of violence are constant worries for many public housing tenants and for neighbours living alongside public housing. But let us be clear that this bill is not only about public housing tenants. The Government's bill is an attempt to quarantine the issue to public housing, but that is simply wrong.

This bill should not be regarded as an attempt to deal with mental health problems as they relate to public housing. Many difficulties in public housing and in the wider community flow from mental health issues. The bill does absolutely nothing about mental health problems and that is consistent behaviour for the Carr Government. It is now clear

the Carr Government will face the electorate in March with an abysmal record on mental health issues in public housing and in the wider community. The real issue underlying this bill is law and order, public decency and personal safety. I emphasise that my speech should not be interpreted as an attempt to stereotype public housing tenants. Rather, I hope my address is regarded as the opposite. I specifically reject the stereotyping and I have, over the past year, expressed disgust at the Minister's shameful attempts to gain publicity at the expense of public housing tenants.

The reality is that all honourable members are aware that the people who suffer most from the out-of-control drug running, violence and intimidation are themselves public tenants. Public housing tenants, young and old, are the ones who themselves have been pleading for help in controlling the wave of antisocial and criminal behaviour. As I said, the issue underlying the bill is law and public order, public decency and safety. The bill has wide ramifications not only for people in public housing but for those in the wider community. Because of that, one of the amendments I will move in Committee will seek to widen the provisions of the bill to include the private rental market. There are very real problems in our communities, whether public or private. Many residents live in fear, silence and anger at Government inaction.

Returning, however, to the initial question of public and community housing, the culprits, the troublemakers, the criminals and the drug runners are small in number but they are scattered throughout public housing and they know the bureaucratic system only too well. They know they can pursue their activities with immunity, and they have done so. I have visited streets in public housing estates where drug traffickers openly defy police and the community, using violence and intimidation to subdue the surrounding community and potential witnesses. A small percentage of tenants are making life a misery for the other 99 per cent of public housing tenants and for surrounding neighbours. Public housing tenants and the wider community have been looking for assistance for a long time. To date, we as a Parliament have ignored their cries for help. As I will show, the bill is not a strong attempt to address the issue. It is too little too late.

For the past four years, the Carr Government has been in denial. It has suggested that pathetic bureaucratic measures were dealing with the problems. That was and is a blatant lie. As I have stated continually this year, drugs in public housing are a huge problem. Combined with violence and intimidation, drugs represent an ongoing and

widespread nightmare, but it is happening in broad daylight. Unfortunately, while the thrust of this bill is the right one, the reality is that the bill is an election stunt by the Carr Government. It will have no effect before the election and in its current form it will be stillborn.

Mr Tripodi: Have you been to Fairfield, mate?

Mr DEBNAM: I will get to Fairfield. The Opposition will move a number of amendments to improve the outcome for the community. Most honourable members of this House would understand that the overwhelming majority of public housing tenants are the first to highlight those problems and it is a disgrace that many live in fear of violence and in silence. In the 10 months I have held the shadow housing portfolio I have been contacted each week by public housing tenants and neighbours who are at the end of their tether in trying to deal with antisocial behaviour or who are living in real fear of their lives. That is a disgrace and as representatives of the community we should be embarrassed.

We as a society have not acted to protect our citizens. Everyone's first right is to personal safety. We are not observing that right, especially in public housing. Members of Parliament are certainly accustomed to occasional abuse and threats, but we also have a number of measures to protect us and make us feel less vulnerable. The average members of the community do not have that protection and many are subject daily to far more risk. In many cases, people in public housing and in our community generally suffer indignities, intimidation and violence in silence. It is everyone's right to live safely in their homes, whether private or public, free of harassment, drugs and violence. They hope and pray we will act as community leaders to protect their interests, not get caught up in our own interests. We should be clear on that.

The majority of members of the community will not ring us, write to us or visit our offices to complain or ask for help. Many live in fear of asking for help. Others simply would never think of asking. They know they have members of Parliament and government bureaucrats who should be leading and managing in the interests of the community. They simply ask that we act in their best interests. We have not been doing that and we are still not doing it. We have an opportunity to do it now if we get serious and amend this bill. My first concern with this bill is that it is too little too late. The problems have been obvious for a long time. In early 1996, the Carr Government asked the

New South Wales Bureau of Crime Statistics and Research to examine the question of whether there was any relationship between public housing and crime. I suggest honourable members who have not read the report by Don Weatherburn should do so.

That request followed a series of disturbances at Villawood in December 1995. However, as Don Weatherburn noted in his report, the trouble at Villawood was by no means the starting point for concern. His report suggested there was further potential for research into crime and public housing. The Carr Government's response was not to undertake further research, but to introduce its good neighbour policy in late 1996 and to pretend that it was addressing crime and drug issues. It is interesting and, I must say, distressing that as I visit public housing tenants in New South Wales, I see that many of them have retained their copies of the December 1996 good neighbour paperwork. They had high hopes that the Government would finally act in their interests. They still have that paperwork in 1998, but they are disappointed.

The Government has betrayed the people of New South Wales in so many ways but in public housing the Government has been simply despicable in giving up on law and order and pretending the good neighbour policy addressed the issue. It did not and the Government has not. The Auditor-General also visited the public housing issue earlier this year and was moved to note that the problems at Villawood were not unique and that the data collected by the department suggested that other public housing estates experience many of these problems too. I said at the time that bulldozing the estate at Villawood would not fix the problem.

Mr Tripodi: It did.

Mr DEBNAM: It did not fix the problem. The honourable member for Fairfield thinks that it has fixed the problem. I suggest he visit the estate.

Mr Tripodi: The last time you visited the estate the police had to save you.

Mr DEBNAM: I visit the estate regularly. I suggest the honourable member visit the estate and talk to its residents. Villawood is an albatross for the Minister. Crime and drugs were too embedded in public housing, and tolerance of that crime was firmly entrenched. The Minister ignored the warnings. Mr Harris, the Auditor-General, delivered a learned and measured report on the Villawood problem. For his efforts, the Auditor-General was abused by the Carr Government. The Minister even moved to ambush the Auditor-General in a press

conference where he attempted to belittle Mr Harris and his staff. It was one of the more disgraceful displays by a Minister of the Crown in recent memory. Now that the Auditor-General has been proved correct, I again ask the Minister to unreservedly apologise to Mr Harris and his staff.

As I noted at the outset, this bill is about law and order, public decency and safety in the New South Wales community. While he is at it, the Minister might like also to apologise to the thousands of public housing tenants who have been abused, intimidated and threatened under his administration. The administration of public housing in New South Wales has a sad history in the past four years. I do not intend delaying the Parliament tonight by discussing the many problems that have arisen during the just one year that I have had responsibility for this portfolio.

All honourable members are aware of the problems; they have all received representations about them. The shame is that the Minister has not addressed those problems. The real issue has been lack of political will and lack of leadership. The Carr Government finally issued in the last month a discussion paper dealing with tenancy management issues. A few weeks later, the bill before the House was rushed into Parliament. The bill purports to address disturbances and drugs in public housing. It does not do that. While this type of reform is long overdue in addressing serious law and order and drug issues, the bill is not sufficiently definitive to guarantee effectiveness, and it does not extend to tenants in the private market.

The Government's consultation also has been minimal and is apparently ongoing in terms of operational guidelines for implementation of the discussion paper proposals. Everyone to whom I have spoken about this bill is nervous about what is happening in the department and what will come out of the Government's rush to get this bill through Parliament while still negotiating so many related aspects of it. I might add that it is absurd that we now have more draft legislation before the House which deals with significant reform of the tribunal itself. The brief consultation period on the social housing bill is truly extraordinary, given that another bill of major relevance is being introduced at the same time with no apparent consultation or review of their joint impact.

I return to the Government's bill. It pretends to come down hard on drugs in public housing, yet it limits its focus to the manufacture and sale of drugs. It ignores the use, possession or storage of prohibited drugs. The Opposition will move

amendments to extend drug breaches to include those aspects. While the Government has included drug breaches and unreasonable risks to persons or property as reasons for immediate evictions, the Opposition's amendments will also specifically list threats of violence as grounds for immediate eviction.

The Government's bill is couched as guidance only to the tribunal. We must acknowledge that the tribunal has a very poor history in such cases. It needs more than guidance, and to strengthen the Parliament's direction to the tribunal, the Opposition will move to delete the sentence that suggests that the tribunal can ignore the need to evict troublemakers if the tribunal considers it would be unjust to do so. While we all understand the Government has not performed in the community's interests, the Department of Housing has not performed also, and the Residential Tenancies Tribunal has certainly not performed in the interests of the community. It needs more than guidance. It must perform in line with community expectations. But it is not only the tribunal which has been doing a terrible job.

While the Carr Government lacks political will and leadership in dealing with law and order, public safety, and public decency, the coalition will fix that on 27 March 1999, when the Carr Labor Government will be given its marching orders. But a further concern is the incompetence of the Department of Housing in presenting evidence at tribunal hearings. A number of community groups have raised this issue and stressed the need for the Department of Housing to dramatically improve its performance in accumulating evidence and presenting arguments before the tribunal. Hundreds of thousands of people are depending upon the department getting its act together.

Once this bill is passed, provided it includes the Opposition's amendments, it will provide a good tool for the Department of Housing to deliver better outcomes to the community. The department must review its procedures, its staff allocation and its motivations. It must deliver results. Given the Government's rush to introduce this bill without proper consultation—as is its practice—I am particularly indebted to my coalition colleagues and the following organisations and individuals who gave very quick responses to my request for comments. The groups include community housing groups, public housing community groups, the Inner Sydney Tenants Service, the New South Wales Shelter, the Real Estate Institute of New South Wales, the Tenants Union, the Eastern Area Tenants Service, the Property Owners Association and the Council of Social Service of New South Wales.

Most responses expressed surprise at the Government's rush to introduce the bill without wide consultation. Several responses noted the difficulty of getting the original discussion paper from the Government. Some are still waiting for the discussion paper. It seems the Carr Government wanted to be seen to be doing something but preferred that people not have an in-depth understanding of the bill, the discussion paper or the proposed means of delivering results. In short, this bill has been rushed because it has more to do with theatrics than it has to do with improving quality of life for people in the community. I thank David Mills of the Parliamentary Counsel's Office for the continued high standard of service in drafting amendments within minutes of my request for advice. As I noted at the outset, the Opposition will not oppose the bill. The coalition supports the thrust of the bill, but will move amendments to improve the operation of the legislation and the outcomes.

Mr TRIPODI (Fairfield) [9.56 p.m.]: It is with much content that I support this bill. At last this great measure has been introduced. It is an appropriate response to need. The Government, unlike the former coalition Government, has allowed a long process of consultation before introducing this bill. We have tried everything before introducing this measure. I speak specifically about what happened in east Fairfield, or what is referred to as the Villawood housing estate. It is interesting that the Liberal Party puts up the honourable member for Vacluse to speak on public housing. His would be the only electorate in New South Wales that does not have public housing.

Mr Debnam: Wrong!

Mr TRIPODI: The honourable member has some public housing in his electorate, does he?

Mr Knowles: Some 122 units, out of a 133,000 units of New South Wales public housing stock.

Mr TRIPODI: That is about 0.1 per cent of the public housing stock.

Mr Knowles: He knows every one of them personally.

Mr TRIPODI: At least he goes to other electorates to experience what public housing is all about. He has to go outside his own electorate.

Mr Knowles: In his Bentley or Roller.

Mr TRIPODI: Exactly. When he came to Fairfield to learn about public housing it became

embarrassing. We had the honourable member wandering around the estate being confronted by the very types of people that we want to get rid of. The Opposition opposes the taking of these measures. When confronted by those people the shadow minister had first-hand experience of the types of hooligans that we want to get rid of. His experience should lead him to have sympathy with this measure. He should be expressing nothing but support for it and welcoming the initiative. He should embrace this bill, rather than indicating that he will amend it and water it down.

This is an apt and appropriate measure to address the problem. In each instance that police or Department of Housing officers have tried to act to address a problem they have been restricted by the Residential Tenancies Tribunal. I have had numerous meetings with local police, who tell me, "We know who they are but we cannot get them out of the estate." In the case of east Fairfield, the housing estate has acted as a dome of protection for those who would engage in criminal activities. The design of the estate allowed offenders to communicate effectively to avoid law enforcement measures. Clearly, we had a situation where offenders could be identified but law enforcement officers did not have the right to remove them from their homes. That was despite the fact that police knew what they were doing and how they were committing crimes. In effect, the criminal elements completely upset the whole housing estate in east Fairfield but they could not be evicted. It is mainly for that reason that it was decided to demolish the housing estate in east Fairfield, and that demolition is almost complete.

Criminal activities on the housing estate continued because measures such as those in this bill did not exist. We tried everything to remove the criminal elements. The police monitored the housing estate in east Fairfield. The Department of Housing took measures and compiled many documents about activities on the estate. Even the State government agencies signed a memorandum of understanding so that they could monitor the housing estate more effectively. Fire services, ambulance services, the Department of Housing and police had to co-ordinate the provision of standard services on the estate.

The hooligans on the estate acted as though the property belonged to them and they could do what they liked. That meant going beyond the law, which they did constantly. The honourable member for Vacluse said that there was insufficient consultation on these measures. I would have thought his visit to the housing estate in east Fairfield was sufficient consultation to convince him that this is good law, but he seems to be a slow

learner. I suggest that the next time the honourable member decides to visit the housing estate, which is now almost completely demolished, he contact the police beforehand, rather than ring them and distract them from more important responsibilities to save his neck.

When I was elected to Parliament the first Minister to visit my electorate was the Minister for Urban Affairs and Planning, and Minister for Housing, and the first thing he did was look at the problems on the east Fairfield housing estate and in Villawood shopping centre. Since that visit we have worked together to resolve the major problems on housing estates, and this legislation is a good solution. Members opposite referred to the Auditor-General, saying that he somehow believed that this decision was the wrong decision. The Auditor-General probably did not have the same experience as the honourable member for Vacluse.

Mr Debnam: Has the honourable member spoken to the Auditor-General?

Mr TRIPODI: I have not spoken to the Auditor-General.

Mr Debnam: He is only too happy to discuss the issue with the honourable member.

Mr TRIPODI: The Auditor-General is simply wrong on this matter. He has a history of being wrong on this matter. He often indulges himself on policy matters, as members opposite have said on many occasions. The Government's decision to demolish the housing estate in east Fairfield was a good, sensible decision that stacked up not only for the social benefits to the 1,200 public tenants on the estate but for the economic arguments, because the housing estate was unsustainable. The most vulnerable people living on housing estates are the good public tenants who obey the law. Why should they continue to suffer because people, including members opposite, have no idea what happens on housing estates? At least the Minister understands the problems and has introduced measures to solve them. The measures in this bill are the best solution.

In the case of the housing estate in east Fairfield, parents came to see me to ask for my help in having their children who were involved in criminal activity evicted from their home, because they were concerned about the effect their children were having on them. Those parents still thank us for the measures we introduced. Had the measures in this bill existed at the time, we could have acted quickly and properly to evict the criminal elements. These are good proposals. The bill needs the support of the House. I do not believe it requires amendment

because it effectively summarises the situation. The legislation will provide enormous relief to many tenants, especially the good citizens living in public housing estates. It will allow them to live normal lives.

Mr JEFFERY (Oxley) [10.04 p.m.]: At the outset I am concerned that the Residential Tenancies Amendment (Social Housing) Bill does not go far enough. New section 64(b) provides for a possession order to take effect immediately if the breach of the tenancy agreement subjects persons or property to unreasonable risk unless the tribunal considers that it would be unjust to do so. What an out! Honourable members are aware that in the past the Residential Tenancies Tribunal has not been able to take appropriate action. Indeed, one family in Kempsey wrecked not one house or two houses but three houses, but the tribunal could not evict the family unless alternative accommodation was arranged. That is one problem.

The legislation must have teeth. Indeed, it would be strengthened if the Minister for Housing moved to delete paragraph (b) of new section 64(b) from schedule 1[4]. The objects of the bill are to provide for social housing tenancies under the Residential Tenancies Act 1987 and to ensure that breaches of tenancy agreements are dealt with by the tribunal in the most effective and appropriate manner. The bill removes some of the legal barriers to dealing with disruptive tenants. Tenants of social housing will have to comply with certain responsibilities and requirements under their residential tenancy agreement. Failure to do so will constitute a breach of the agreement and render the tenancy liable to termination by the Residential Tenancies Tribunal.

As honourable members have said, in some cases only one or two families are disrupting the whole neighbourhood; they are creating havoc. Public housing tenants—indeed, the bill should go further and include both private and public tenants—who harass neighbours, vandalise property or use their homes for illegal activities will now face eviction. I challenge the Minister for Housing to visit the public housing areas in Kempsey to see first hand what is happening. His chief of staff visited Kempsey and inspected the social problems in some public housing areas. If the Minister did visit the public housing areas in Kempsey I am sure he would then amend the legislation to strengthen it.

Too often breaches have been allowed to continue and the Department of Housing has been subjected to a long drawn-out process to evict tenants who do the wrong thing and have no respect for departmental property, their neighbours, often their families and the community environment.

Under this bill the department will be able to protect the rights of most tenants, as well as protect its property and rental income. Under section 64 of the Act a landlord may apply to the tribunal to terminate a residential tenancy on the grounds that the tenant is in breach of the residential tenancy agreement.

This bill amends that section to provide that when a social housing provider makes an application the tribunal is obliged to consider, together with other matters it considers in such cases, the obligations of the landlord to his other tenants and the interests of other persons eligible for social housing, as well as any adverse impact on neighbouring residents and the history of the tenant or tenancy. The Minister may correct me if I am wrong but I understand that vandalism and other antisocial behaviour costs New South Wales taxpayers, the shareholders of this State, more than \$11 million a year. That amount is horrific.

New subsection (2) of section 23, which relates to the use of premises by a tenant, provides that a tenancy agreement is breached if the tenant uses the property or any adjoining or adjacent property for the purposes of manufacturing or selling a prohibited drug within the meaning of the Drug Misuse and Trafficking Act 1985. Hopefully, that Act covers also the growing and storage of marijuana on Department of Housing property, as happens in public housing areas. Conviction for a drug offence should result in the immediate eviction of the offender. I ask the Minister to address that matter in reply. Recently on the mid north coast there have been problems with social housing tenants not doing the right thing. Not only are tenants doing the wrong thing; their dogs are doing the wrong thing.

Mr Knowles: Perhaps we should have a law to outlaw dogs. The honourable member should put that on the record.

Mr JEFFERY: I will put it on the record. The Minister should talk to the Australia Post employee who has twice been attacked and bitten by dogs and who now refuses to deliver mail to a street in south Kempsey. Even the pizza man will not make deliveries to the public housing area in Kempsey.

Mr Knowles: Settle down, Bruce, you're red hot.

Mr JEFFERY: It is red hot, because the Minister does not care about the people or the Australia Post worker. Coalition members worry about the workers and the people who live in public housing.

Mr Knowles: This is like your doorknocking campaign.

Mr JEFFERY: Everyone in the street, including the postman, suffers because some housing tenants will not take responsibility for their animals. One could ask, what about the dog catcher? The dogs in those streets are like some of the tenants.

Mr Gaudry: Are you saying tenants are dogs?

Mr JEFFERY: No. One night I visited an area with police. When someone in authority turns up, the troublemaker goes to ground. Even the dogs have learned that. When the dog catcher comes out, the dogs go to ground, because they recognise his car, and as soon as he leaves they start to create trouble again. I am sure the Minister has read the article in last week's *Macleay Argus* and would agree that there is a problem. Regulations must be enforced. Many Department of Housing tenants are moving out because of the troublemakers.

Mr McBride: You're not reading your speech, are you, Bruce?

Mr JEFFERY: I have the Act in front of me. The honourable member should read it. Once we had a butcher representing The Entrance; now we have the block. After the next election the butcher will be back in this place. I am sure that all honourable members would agree that Department of Housing tenants are entitled to the safe and quiet enjoyment of their home. Mostly tenants are responsible citizens who look after their homes; they live in peace and harmony with their neighbours. Those who cause trouble are in the minority, but they must be held accountable for their actions. The department must protect the good tenants and their property but at the same time it must come down hard on those who damage departmental property and tarnish the department's tenancy image.

Mr McBride: Are you opposing the bill?

Mr JEFFERY: I am not opposing the bill, but its provisions do not go far enough. A clear message must be sent to the troublemakers.

Mr Gibson: You had seven years in which to do it.

Mr JEFFERY: We were getting there and doing a great job, but things have got worse. The problem was nowhere as bad when we left office as it is now. New sections were inserted in the Act to counter vandalism of department property, because repairing damaged property diverts valuable resources from other areas of administration. This

bill was introduced after I spoke to the Minister and his chief of staff. I was assured that within six months something would be introduced to address the concerns I have been raising for the past 2½ years on behalf of my constituents.

I receive representations constantly. The Minister is aware of that from the number of representations he receives from me. Almost daily people make representations to me about their concerns over the behaviour of some Department of Housing tenants. Many of those problems have not been addressed satisfactorily. Staff resources have been diverted from core housing administration responsibilities. I hope that the tribunal will help to weed out problem tenants and address the problems of crime, violence and anti-social behaviour that occur in public housing estates.

Unfortunately, many of my constituents are applying for rehousing and relocation to accommodation away from the problem area. This is a costly process and still leaves the problem unsolved. This bill should apply to all social housing providers and also to the private market. It is obvious that the honourable member for Londonderry does not share my concern for the people of this State. In serious cases the tribunal can make an order for immediate possession of premises. I have already outlined some of those cases to the House.

Mr Iemma: You are opposing the bill.

Mr JEFFERY: I am not opposing the bill. Damage to neighbouring areas will be dealt with in the same way as damage to rental property. A serious breach will lead to eviction. At the same time providers of social housing will be able to salvage a tenancy in certain circumstances. It is a question of considering the victims of crime first, not the other way around. Community perception is that many of the worst vandalism cases have been allowed to continue for so long that vandalism has become accepted as normal behaviour. It is not acceptable behaviour, and governments have a social responsibility to protect good tenants from bad, just as the department has a responsibility to protect public assets against deterioration.

The tribunal will, and should, no longer be restricted to considering the welfare of the tenants. Hopefully the tribunal will now be able to consider the adverse impact of unacceptable behaviour on neighbours, whether people or property are at risk of injury or damage and whether premises are being misused, such as for the sale of drugs.

In Kempsey, 439 public housing tenants will benefit from the changes proposed by the bill. Those who do wrong will be dealt with severely. In the past troublesome tenants were often allowed to remain in premises despite continued complaints about threats to property and person and despite representations from me. The honourable member for Vacluse mentioned that many people are intimidated and choose not to go to the police. Those victims lock themselves in their homes and will not even go shopping because they know their houses will be broken into. They ask a friend to mind the house.

These reforms have the support of most tenant groups, including some do-gooders who oppose the bill. Public tenants must be protected from the troublemakers. The tribunal will be able to evict tenants who abuse their tenancy and make life hell for their neighbours. The legislation must protect the rights of all tenants, especially those who do the right thing. I will continue to represent public housing tenants in my electorate who do the right thing. I urge the Minister to remove the proviso in new section 64(6)(b):

unless the Tribunal considers that it would be unjust to do so.

That provision is a cop-out. The tribunal has experienced trouble in the past with tenants, and that proviso will be the escape clause for troublesome tenants. It must be made clear that bad behaviour will not be tolerated. For people who commit a breach of the Act eviction should be immediate. If that clear message is sent to the community, some of these troublesome people will be removed from the public housing sector.

Mr GAUDRY (Newcastle) [10.17 p.m.]: I congratulate the Minister on introducing this bill, but it is a sad day when legislation is needed to deal with an extreme social disruption by some public housing tenants. We should examine whether the causes include unemployment, drug abuse, poor communication between tenants and the department, or relationships between police and the community. The time has arrived for improvement, and I congratulate the Minister on taking this action. The rights of the vast majority of public housing tenants must be respected and taken into account.

No longer can we tolerate the minority of people involved in drug dealing and non-payment of rent to harass and persecute other tenants, causing them to live in fear and refrain from reporting that misbehaviour to the Residential Tenancies Tribunal because, on the balance of probabilities, the

offending tenant will be given enormous latitude before action is taken against them. Often, the tribunal put the Department of Housing through the wringer rather than give due weight to the rights of the majority of public housing tenants in the area and the preservation of the good order and reasonable lifestyle of those people.

My electorate takes in a fair number of Department of Housing people. For the seven years that I have been the member for Newcastle, Department of Housing tenants, particularly aged tenants, have consistently approached me with their concerns about the totally different approach to life of many people who are moving into their areas. Their concerns may relate to noise, or to the fact that many single people now live in Department of Housing areas, which were formerly fairly homogeneous, perhaps settled in the 1950s by couples who grew up with a certain echelon of people. Because of changes in policy, because of anti-discrimination requirements and the obvious need to house people living in disadvantaged circumstances, the mix has changed. In most cases those aged people can adjust to the changes, even though there may be some clashes.

However, when people involved in the drug culture, who blatantly live outside the norms of ordinary life, are injected into the mix, they create enormous pressure and fear in the surrounding community. When people extort from their neighbours, use apprehended violence orders and every effect of the law to persecute people around them, it is obviously time to take action. I congratulate the Government on the introduction by the Minister of the good neighbour policy. It has meant that communities work together to try to solve issues. That is not always possible. It is time to take action. It is time to acknowledge that the lifestyle of many people is being impacted on by the few. I congratulate the Minister for his stand on this issue.

A tenant, a woman in her fifties, told me that when she moved into her Department of Housing unit in an inner-city Newcastle block she thought her dreams had come true. She had a wonderful ground-floor unit looking out on a beautiful lawn area surrounded by other one-bedroom units. Over a period of a year or so, people who were involved in drug dealing, and people with psychiatric illnesses but who were without adequate support moved into those other one-bedroom units. Those people have made that woman's life an absolute misery.

She has made representations to me and to the Department of Housing. Department of Housing

officers have worked in a determined and proper way to deal with the issue, but under existing laws when it comes to the Residential Tenancies Tribunal they really have to struggle to get action. It has reached the stage where this woman and her friends who live in the same area spend their days in shopping centres because they do not feel at ease in the community in which they live. It is my view, and I am sure it is the view of every member of this House, that this situation should not be allowed to continue. The Department of Housing needs a facility that operates through the Residential Tenancies Tribunal to come to terms with that issue quickly. I congratulate the Minister on introducing this bill.

First of all, there has to be a fair process. The Department of Housing cannot pre-emptively remove people from their tenancy on the basis of one or two complaints. The same applies in the private sector. But if there is clear-cut evidence from tenants that a pattern has developed, and the matter is referred to the Residential Tenancies Tribunal, these amendments will take into account the adverse effect of tenancies on neighbouring tenants and other persons. They will also take into account whether the breach of the tenancy agreement is serious and whether, having regard to the behaviour or the likely behaviour of a tenant, a failure to terminate the agreement would subject or continue to subject neighbouring residents or any persons or property to unreasonable risk.

Other things to be taken into account are the history of the tenancy, whether the tenant, wilfully or otherwise, is or has been in breach of an order of the tribunal, and the sorts of property damage that might occur. Other honourable members and I have referred to the issue of drug dealing and the crime associated with drug dealing. It is unacceptable that people have to be subjected over a long period of time to that sort of harassment and fear, living within what ought to be—and is for the majority of people—an acceptable environment.

I have great pleasure in commending the Minister for introducing this bill. I reiterate what I said at the beginning of my contribution: this is an indication that many issues within our community are beyond the Department of Housing and deserve the attention of government, better funding, and the support of members of the House. Those issues are social dislocation, unemployment, the great difficulties faced by single parents, and certainly what I might call a front-end approach to drug dependency and drug use in our community, rather than just the rear-end approach of prosecution. Much more detail and attention needs to be given to what I

might call the demand end of the drug culture, because that is a significant issues within the Department of Housing. With those statements, I certainly commend the bill to the House.

[Debate interrupted.]

BUSINESS OF THE HOUSE

Extension of Sitting

Motion by Mr Knowles agreed to:

That the sitting be extended beyond 10.30 p.m.

RESIDENTIAL TENANCIES AMENDMENT (SOCIAL HOUSING) BILL

Second Reading

[Debate resumed.]

Mr BLACKMORE (Maitland) [10.28 p.m.]: I support the Opposition in the debate on the Residential Tenancies Amendment (Social Housing) Bill and some of the points outlined by the shadow minister. Although I also agree that the bill does not go far enough, at least I will have the courage of my convictions and say to the Government that this is a definite step in a direction which I believe is fitting in current times. It is 11 years since the Residential Tenancies Act was enacted, and honourable members can see how much their lifestyle has deteriorated in that period. It has not deteriorated much for the majority of people. I make the point loudly and clearly that previous speakers have stressed that a minority of people are affected. Unfortunately, in any society a minority of people commit crimes against society and make life uncomfortable and unbearable for others.

Honourable members have referred to the manufacture or sale of prohibited drugs. I am concerned that the provisions of this bill do not go far enough. In one instance, acting on advice, I gave information to the Maitland police. An investigation took place. Police attending an address found 18 marijuana plants growing at a house. The plants had an estimated street value of \$36,000. However, nobody at the house confessed to owning the plants and therefore no action could be taken. The plants were confiscated by the police, but the police were hampered in their inquiries because of that simple technicality.

The Minister would agree that police actions have to be sufficient to register charges against tenants. It is not simply by way of information or

complaints received by members of Parliament that action will take place. I am pleased that this aspect is addressed at least in part in the bill. I ask the Minister and the Government to consider the case I have mentioned. There should be provision that the cultivation or possession of drugs could, following successful charges being laid, lead to termination of a tenancy.

Last year a murder was committed at Metford in the electorate of Maitland. Charges involving two young offenders were laid. The mother of one offender is a tenant. She was placed on home detention because she had threatened a witness, who is also a tenant, in court. Because of events that have occurred in recent times, such as the offender being escorted home by juvenile justice officers, the family of the deceased made requests that she be moved. The department is unable to move her. The Minister is aware of this case because I have made approaches to him about it. A case such as this causes great pain. The tenant, who does not want to move from the area, was protected.

I hope that this bill frees up the Department of Housing. It may give an opportunity to open the window for peace of mind. The case to which I have referred is extremely difficult. Those involved live in private housing within 300 metres of the murder scene. The honourable member for Newcastle alluded to aged housing. In my area a problem arises with respect to aged housing. A program of aged housing has been followed and units have been built. The department has since varied occupancy by allowing younger people to move into those areas. The change has resulted in a great level of concern and many complaints to me. There are complaints about swearing at and abuse of older residents.

I have handed those complaints on to the department but the department does not appear to be able to do anything to assist. Once again I preface my remarks by saying that police action will be necessary before the department will be able to terminate a tenancy should the Residential Tenancy Tribunal be brought into a matter and be asked to move tenants. Verbal and physical abuse and juvenile crimes are complex matters. Younger family members of tenants, being juveniles, are not held accountable for an offence. As has been noted before, punishment comes down to a simple slap across the wrist.

Paragraph (c) of the overview of the bill includes the phrase "or threats to persons by tenants". I ask the Minister to address this matter in his address in reply. I should be interested to know

whether this provision will be covered by new section 64(4)(a) relating to any serious adverse effects a tenancy has had on neighbouring residents or other persons. I hope that this provision will cover the situation to which I referred earlier in which actual threats are being made and carried out. In the case to which I referred a tenant who was a witness in a court matter was protected by the police while the case was being heard. Unfortunately, once the case was completed there was no further protection but the tenant was still subject to abuse.

It is the small matters that make life a little difficult for tenants in my area. I am pleased to note that the Aboriginal Housing Office is listed as a social housing provider. In this State everybody should be treated equally. There should be no distinctions of class or creed and no lines drawn up for people who may be of a different nationality. It would appear that certain people are treated differently from others. Whether it comes down to emergency housing, works being performed or eviction of certain tenants, there is a difficulty growing in such size and nature and so rapidly that it is causing grave concern in my electorate. I repeat the comment I made at the outset of my contribution: a very small minority of people in the Maitland electorate, who in some cases appear to be of a certain nationality, that are causing problems.

I hope that this bill supports the department. Departmental officers are ordinary people who are trying to do their job. They are faced with many complaints. I am concerned that this bill may not go far enough to provide an adequate level of protection to those people. This is not the time to pose such a question to the Minister, but I would imagine that officials of his department suffer from a high level of burn-out. Those people have to put up with a high level of abuse and they face a great number of complaints. We as members of Parliament receive complaints from tenants, so we realise the stress levels that must be experienced by departmental officers.

After office hours and on the weekends tenants phone us complaining, for example, that their hot water system is not working and asking that we as their local members get these problems fixed over the weekend. My statements tonight are made not to criticise the Minister but in an effort to ensure that the bill follows an approach that allows the provision of much-needed protection to the department and to the majority of tenants who need the support. I hope that the Minister in his reply takes note of the comments I have raised. I look forward to his answers.

Mr IEMMA (Hurstville) [10.38 p.m.]: I support this bill. The honourable member for Oxley, in his inimitable style, made comments about the bill. He said that the bill did not deal adequately with antisocial behaviour. He would not have been able to make that comment had he read the bill. The schedule of the bill outlines measures to deal with antisocial behaviour. The tribunal will now be asked to consider a number of factors when an application for possession under section 64 is made before the tribunal.

The tribunal has to take into account a number of factors when looking at the circumstances of each case. One of those factors is the effect of such antisocial behaviour on other tenants. The honourable member for Oxley said that this legislation does not deal with antisocial behaviour. When the tribunal examines the circumstances of a case and it has to decide whether a tenancy should be terminated, it looks at the actions of a tenant and establishes how those actions have impacted on other tenants. It is quite astounding for the honourable member for Oxley to say that this legislation does not deal with antisocial behaviour. The honourable member for Vaucluse, the shadow minister for housing, commented on the criticisms of the Auditor-General in relation to Villawood housing estate. The decision to bulldoze that estate and other decisions relating to it were not made on the basis of good economic policy. Those decisions were not made with a view to obtaining the best value for taxpayers' dollars.

Are the honourable member for Vaucluse and the Auditor-General aware that the provision of social housing falls within the jurisdiction of State governments? If State governments were asked to make housing policy decisions based on strict economic factors we would have no antisocial housing policies. Social housing is not provided on the basis of strict economic factors; it is a social policy. Governments are elected to make social decisions and they formulate social policy. If they were asked to make decisions based only on economic factors we would not have housing trusts in South Australia and Western Australia and we would not have housing commissions or departments of housing. We have those bodies now because governments recognise that people have a right to live in affordable housing in well-located areas.

Governments have to make decisions that are not based strictly on economic factors. Governments are asked to make social decisions for good, social policy reasons. All those decades ago when housing commissions and housing trusts were established,

those decisions were taken with a view to implementing good, social policy because lots of people in this country could not meet their housing needs in the private market. They still cannot meet those needs and that is why this Government has maintained an ongoing commitment to the provision of social housing. That is why we have social housing programs. If we looked only at strict economic factors lots of people would be seriously disadvantaged when trying to obtain adequate housing in affordable and well-located areas. That is why departments of housing and housing trusts exist in every State.

Not so long ago the honourable member for Eastwood spoke about the neighbourhood improvement program and the money being spent on that program, but he failed to recognise that governments have an obligation to make decisions for good social and economic reasons. In the area of housing policy governments have to make decisions based on good social factors and not just on economic factors. The Government has to determine whether it is economic to bulldoze the Villawood public housing estate and maintain the neighbourhood improvement program, which seeks to modernise and upgrade most of the broadacre housing estates in New South Wales. The Auditor-General's comments were way off the mark when he chose to attack the Government's decision.

This legislation proposes something which should be welcomed by all members of Parliament who have public housing in their electorates. Apart from applications for rehousing, one thing that generates most work for members of Parliament is complaints by public housing tenants about antisocial behaviour—neighbourhood disputes between tenants. Often long-standing and law-abiding tenants of the Department of Housing who abide by the terms of their tenancy agreements are subjected to harassment and acts of violence. Often the innocent person is forced to make an application to be rehoused somewhere else because of a flaw in the system which enables the perpetrator of the antisocial behaviour, the violent or other illegal activity, to remain in a certain area.

One of the criticisms made is that the client service officers are incompetent or are not able to do their jobs. Client service officers are not skilled forensic evidence gatherers. They should not have to present cases to administrative law tribunals to try to weed out people who do the wrong thing; they are there to service the housing needs of Department of Housing tenants. However, those officers are expected to gather evidence—something that has been added to their workload. I said earlier that they

are not forensic evidence gatherers in that sense. A flaw in the system has enabled the perpetrators of antisocial behaviour to get away with that sort of behaviour. Because of factors set down in Swain's case—a Supreme Court decision in a leading case in this area—judgments are based on the tribunal's interpretation of the effect of a tenant's antisocial behaviour.

The tribunal has not paid enough attention to other factors. So the Government introduced this bill to broaden the field—to give the tribunal more guidance to enable it to determine other important factors, such as the effect of the actions of the tenant, who is the subject of the action before the tribunal, on other tenants and the impact on the neighbourhood in which that tenant is living. That is one of the critical issues which has prevented the department from successfully initiating such a case. The Minister quite properly introduced this legislation to make reasonable and balanced changes to the Act to enable the tribunal to consider other factors—the impact on other tenants, the impact on the neighbourhood and the length of tenancy of the tenant the subject of the action—when deciding whether a person should retain his or her tenancy. I support these balanced, quite moderate and reasonable proposals.

Mr SCHIPP (Wagga Wagga) [10.48 p.m.]: There is nothing worse than a former expert in some area or another trying to tell current Ministers how to go about their business. As a local member I have certain responsibilities towards the housing sector. Let me reflect for a moment on my time as Minister for Housing. I am rather intrigued with the use of the words "social housing". I attended a ministerial conference in Canberra when Brian Howe was Federal Minister for Housing and Deputy Prime Minister. I remember drawing to the attention of the 106 people attending that conference that if they were back home doing their work they could have saved enough money to build about six public houses, which is what they were called then. I said to the then Deputy Prime Minister, "I subscribe to social housing but not to socialist housing", as the Federal Government had determined that 30 per cent of a person's income should go towards rent assistance. I have not heard the expression "social housing" but it better describes the term "public housing". A lot of people cannot forget the old Housing Commission and that sort of terminology.

The honourable member for Hurstville attempted a sleight of hand when speaking about comments about dogs by the honourable member for Oxley. All sorts of issues arise with tenancies. When I was Minister I recall my staff telling me about a

problem at Penrith. A tenant in a small unit with a little courtyard kept what were described to me as a duck and a lamb. They were being kept in the wrong environment and causing all sorts of mayhem and stench. Penrith council's health officers could not persuade the tenant to get rid of the duck and the lamb. At the time the *Sydney Morning Herald* wrote a half-page story, after I had told my staff not to worry about the matter because it involved only a duck and a lamb. But it became a huge event.

When I inquired of the *Sydney Morning Herald* why a story was written about a tenant being evicted because of a hygiene problem caused by a duck and lamb in the unit, I was told it wanted a human interest story every now and again. Little did I know that that story would become such a headline issue. It was near Christmas and unfortunately as Minister I said that perhaps the duck and lamb should be fattened up and got ready for Christmas, which did not go down too well. These problems do not go away. This speech might be regarded by some as my political swan song but surely legislation should be improved if good ideas come from the Opposition. Any objective person interested in this legislation would conclude that some matters raised today deserve close attention in an effort to improve the legislation.

One major issue raised by the members on the Opposition benches is the effect the bill will have on private sector housing. That issue ought to be addressed against the backdrop of social housing integration. The mistake made in the past was that such housing was located in pockets. In 1988 I worked hard to integrate housing throughout the community by letting contracts to private sector builders and others on their own land. I tried to do away with enclave housing which exacerbated antisocial behaviour. Public sector or social housing, whether paid for by rental assistance or through the department's direct rental tenancies, is integrated with the private sector housing.

Landlords and tenants in the private sector should be able to get a fair go at the tribunal. People who have attended the tribunal over private sector activities come to members of Parliament. Invariably they express concern about bias against them and about not receiving the equal treatment they felt they deserved. I said by way of interjection that the tribunal is only as good as the people appointed to it. I have lost touch with information about the sorts of people appointed to that tribunal. When I was Minister I always tried to balance the tribunal, and that practice must prevail if this legislation is to work.

As the Minister said, the bill is still only a guidance to the tribunal. If that terminology is correct members of the tribunal will be able to make their own determination. Regularly the courts defy the standard expectation of outcomes. In his contribution the Minister said that the legislation will be monitored to ensure that, during the first 12 months, it is being given effect to. That strong issue must be bedded down to make the legislation work and to ensure that people who are not prepared to take up the spirit of the legislation are somehow or other brought to heel. Justice Spigelman issued strong guidelines to the courts in regard to road accidents involving serious injury or death. It may well be that the head of the tribunal will have to reinforce the guidelines to ensure proper effect is given to this legislation.

The problems of housing are very serious. There is quite a large social housing sector in Wagga Wagga. The problems of about 60 per cent of people who come to their local member's office in some way would involve housing. My office was directly adjacent to the Department of Housing. I have had a good relationship with the staff of that department during the 23 years that I have been a member of this place. The department is now located slightly further away, but people in my office see the staff on a social basis and we have a good rapport with them. Unfortunately, the regional office of the Department of Housing at Wagga Wagga has been dismantled. If the people who go to the Department of Housing office do not get the key handed straight over the counter they come to my office for advice.

Today we are talking about the trauma that is caused to Department of Housing tenants and also to private sector tenants who regularly experience antisocial behaviour. Their cases have been rejected by the tribunal even though the behaviour is causing havoc in their lives. The abusive behaviour—the shouting, the swearing—has been taped, yet that was not taken as evidence by tribunals and authorities. The Minister has to sort out the roles of the Department of Community Services and the police in intergovernment relationships. The honourable member for Bligh will speak later in this debate. The Woolloomooloo consultative committee on which she and John Franks from the Woolloomooloo Bay Hotel serve has found that no matter what money or police resources are poured in to try to overcome crime and other problems in Woolloomooloo, interdepartmental breakdown, as much as anything else, is causing problems.

John Franks told me that although the good neighbour policy was based on good intentions, it has not worked because interaction has not occurred between the Department of Community Services and, in particular, the Department of Housing. The Department of Housing cannot tighten things up if similar attitudes are not developed in other government sectors. I suggest that the Minister reinforce the role of the Department of Housing. Recently, I went to Darwin and looked at zero tolerance policing. I am not using that idea in the same context but it is an example of what is needed to achieve attitudinal change within the psyche of departmental staff. The staff have to believe that they will be supported in any action they take even if they do not succeed on every occasion. They have to believe they will not be rubbished if they are not achieving the success rate that others might expect of them.

That is the experience of the Darwin Police Service, as related to me by the Acting Commissioner at the time. The police needed to be confident that, as they went through the process, the Government would not let them down. I hope that the Minister will stand firmly behind his staff if they go through the processes that the legislation seeks to implement. Unless the tribunal is fair and helpful, the legislation will not have the intended beneficial effect. If bias is shown towards a tenant, if the tribunal does not take an objective approach—and there have been ample complaints to suggest that is the case—the legislation will not be of benefit. As the honourable member for Maitland said, the legislation is necessary because social attitudes have changed drastically in a short time. My experience in dealing with many tenancy issues confirms that.

I reiterate that the Opposition considers that this legislation should be expanded to include the private sector. Public housing is integrated into the private sector and over the years public housing has been sold to tenants. Therefore, many private tenants live among tenancies managed by the Department of Housing. Hopefully, the legislation will have the desired effect. I view the matter objectively because I know the dilemma that is faced by the administration. Moving tenants from one house to another merely transfers the problem. If tenants are dumped on the streets the media hears one side of the story and publishes blazing headlines about a hard-hearted government or Minister.

No matter who is in office, the government of the day will have to deal with this issue. I will support any provisions that will give the tribunal and the department a stronger hand. I ask the Minister to accommodate the amendments that will be moved in

Committee. I suggest that is the proper function of this Parliament. If we acted with maturity and considered each other's proposals to ascertain whether they had any merit, I am sure the people in the community would have a different view about the role of Parliament.

Ms Moore: That is what it was like in the Fiftieth Parliament.

Mr SCHIPP: Other honourable members might not share that opinion. I hope that the legislation fulfils its intentions.

Debate adjourned on motion by Ms Moore.

BILL RETURNED

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

Legal Profession Amendment Bill

JOINT SELECT COMMITTEE ON VICTIMS COMPENSATION

Message

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

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that having had under consideration the Legislative Assembly's message dated Wednesday 23 September 1998, relating to the reporting date of the Joint Select Committee on Victims Compensation, it has this day agreed to the following resolution—

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

Legislative Council
21 October 1998

DUNCAN GAY
Deputy-President

JOINT STANDING COMMITTEE UPON SMALL BUSINESS

Message

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

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that having had under consideration the Legislative Assembly's Message dated Wednesday 24 June 1998, relating

to the terms of reference of the Joint Standing Committee on Small Business, it has this day agreed to the following resolution—

That the terms of reference of the Joint Standing Committee on Small Business be amended by inserting the following paragraph:

(7) That should either House stand adjourned and the Committee agree to any report before the House resume sitting:

- (a) the Committee have leave to send any such report, minutes and evidence taken before it to the Clerk of the House;

- (b) the documents shall be printed and published and the Clerk shall forthwith take such action as is necessary to give effect to the order of the House; and

- (c) the documents shall be laid upon the Table of the House at its next sitting.

Legislative Council
21 October 1998

DUNCAN GAY
Deputy-President

The House adjourned at 11.05 p.m.
