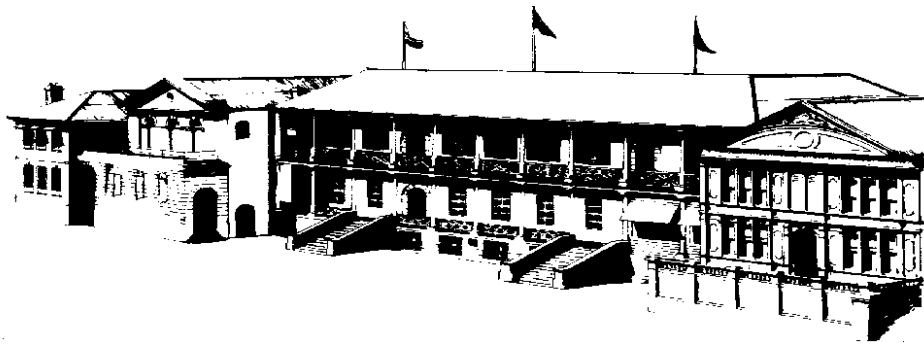




NEW SOUTH WALES



Legislative Assembly

**PARLIAMENTARY
DEBATES**

(HANSARD)

**FIFTY-FIRST PARLIAMENT
SECOND SESSION**

OFFICIAL HANSARD

Thursday, 22 October 1998

LEGISLATIVE ASSEMBLY

Thursday, 22 October 1998

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

Mr Speaker offered the Prayer.

AGRICULTURE LEGISLATION AMENDMENT BILL

Bill read a third time.

TRAFFIC AMENDMENT (TYRE DEFLATION—POLICE PURSUITS) BILL

Bill read a third time.

WATER LEGISLATION AMENDMENT (DRINKING WATER AND CORPORATE STRUCTURE) BILL

Second Reading

Debate resumed from 15 October.

Mr HARTCHER (Gosford) [10.01 a.m.]: I lead on behalf of the Opposition on this bill. First, may I acknowledge the courtesy of the Minister in making available to me and to members of my committee a presentation on the bill by staff from his department and from the Cabinet Office. The briefing was most helpful. The bill arises from the crisis related to the contamination of Sydney's drinking water in July and August this year. The purported purpose of the bill is to amend the Public Health Act and other Acts to achieve the following aims: to strengthen the powers of the Health Department concerning the safety of drinking water; to replace the companies responsible for water supply in Sydney and the Hunter with new statutory corporations; to disestablish those companies as company State-owned corporations and to establish the new statutory corporations as statutory State-owned corporations; and to give the Minister directive powers.

The Opposition, in response to the Sydney water contamination crisis, has given notice of the introduction of two private members' bills by the Leader of the Opposition, the Hon. Peter Collins. Those are the Safe Drinking Water Bill and the Sydney Water (Emergency Provisions) Bill, both of

which are on the notice paper but are yet to be called on for parliamentary debate. The bill before the House, as was explained in the presentation by the Minister's staff, will enable the Minister for Health to issue directions concerning safe drinking water supplies without the necessity for gazettal notice, as is currently required when the Minister exercises his directives power under the Public Health Act. The reason for this amendment, as was put at the presentation and was noted in the Minister's second reading speech, is that in emergencies it is inappropriate that the Minister first be required to go through the gazettal procedures. That is wholly unexceptional, and no-one would argue against it.

There could be few greater emergencies than a threat to safe drinking water. Clearly it would be inappropriate in certain circumstances to wait until publication of the next issue of the *Government Gazette* before taking appropriate measures to protect public health. However, it is important that the principle of accountability and the gazettal notification requirements be maintained, even if that notification is made after the event rather than before it. I understand that to be the case, but I would appreciate it if the Minister were to confirm that in his reply to the second reading debate. That is as much as I want to say about the amendments to the Public Health Act.

The key amendments proposed by the bill relate to the restructure of Sydney Water and Hunter Water to make those bodies more accountable to the Government and more closely administered by the Government. That is the thrust of those amendments: to remove the emphasis on the independent and commercial operations of those two bodies as State-owned companies and make them more akin to government departments, though not actually classified as government departments, through State ownership as statutory corporations. This amendment will enable the Minister to give directions he determines appropriate in the public interest.

The term "in the public interest" is not defined. It is left to the discretion of the Minister to make that determination. One does not raise exception to that as a principle. However, I cast my

mind back to 1995, when the Carr Government took office. One of the first bills introduced was the State Owned Corporations (Amendment) Bill. The purpose of that bill, we were told at the time, was to amend the State Owned Corporations Act to vest in the Minister responsible for the portfolio power to give directions to the relevant State-owned corporations noted in the schedule, including Sydney Water and Hunter Water, in respect of commercial matters and non-commercial matters.

Those directions are subject to requirements about notifications in the gazette, and about the making of suitable financial arrangements where the direction would have a financial impact. It is not clear from the legislation, nor is it clear after the presentation given to honourable members yesterday, why the Minister's powers are inadequate. Why are these amendments deemed necessary? The reason for them is not spelt out in the Minister's second reading speech, which essentially dealt with the restructure of the bodies and simply made that assertion. It was put to me that the concept of public interest is wider than the concept laid down in the existing legislation of commercial versus non-commercial, but on not one occasion in the past three years has the Minister complained to the House that he was stymied by the legislation.

In fact, on a number of occasions the Minister has told the House, either in ministerial statements, at question time or in discussing legislation, that he has been perfectly content with the structures for the administration of Sydney Water. One is left with the uneasy suspicion that the real motivation behind this legislation is not that the Minister lacked the stated powers but that the Government wanted to be seen to be doing something in response to the Sydney water crisis, and accordingly has brought forward this legislation. If that is so, it could only be said that that is not a very strong response. This measure essentially states that the Minister, in addition to the powers he has over commercial matters and non-commercial matters, will now have additional power to issue directions deemed to be in the undefined public interest.

Knowing this particular Minister, and being aware of the many rumours—and I do not give credence to all of them—about the Minister putting pressure on Sydney Water and Australian Water Technologies, and about the many and various things he is alleged to have done, I would note that the Minister seems to have been able to get his own way with Sydney Water over the past three years. Then we come to look at the way that the Minister has structured Sydney Water. I will talk only about Sydney Water, even though the bill relates to Hunter

Water as well, because there have been no problems with Hunter Water.

In the Minister's restructure of the board of Sydney Water we see the ongoing procession of the right wing of the Labor Party marching into the promised land of overseas trips, expensive cars and lots of perks. Then there is the "excellent" appointment that the Minister made in David Hill as chairman of the board of Sydney Water. What a superb choice that was! The people of Hughes rushed to the polling booths on 3 October, but not to endorse that choice. They wanted David Hill but they wanted him a long way away from Hughes. What about the other choices that the Minister has made?

The Minister was not away, quiet, or locked in his bunker when Chris Pollett was appointed managing director. I recall that the Minister had nice things to say about the appointment of Chris Pollett, but we have not heard anything from the Minister about Chris Pollett's disappearance from the scene. We have not seen his letter of resignation. We do not even know the terms under which he went. It is significant that none of the correspondence relating to Mr Pollett was included in the 20,000 pages of documents that were produced after the Sydney water crisis: it is not there. What is commercial in-confidence about that?

What is so secretive about Sydney Water's internal decisions relating to its managing director and the court cases that Slaters, Walkers and other legal firms are going to bring against Sydney Water? There is no reference to that in the documents. I hate to draw these sorts of conclusions, but I have a feeling that they are being held back and I wonder why. Is it because they demonstrate that the administration of Sydney Water is inept, or, more importantly, that the Minister is more associated with its ineptness than he would like us to believe? It is not just a question of Chris Pollett or David Hill; various other Labor Party appointments have been made. Every coalition appointee has been taken off the board with the exception of Dr Judy Messer.

Mr Knowles: What about Penton Sutcliffe?

Mr HARTCHER: I thank the Minister for his correction. All the others have been eased out by the Minister in his attempts to make sure that those appointed to the board were the people he wanted; the people who would do his bidding. That is the point. Not only did he have power generally as portfolio Minister; not only did he have power under the State Owned Corporations (Amendment) Act of 1995; he also had power in the sense that the board

was the board of his creation, made up of people he had chosen. Many had close political connections to the Minister and therefore could be deemed to be amenable to his will and direction.

Suddenly, he has rushed this legislation before the Parliament saying, "I need extra power. I need to revamp the whole system and I need these provisions to enable me to make ministerial directions in the public interest." That is not a response to the Sydney water crisis that will clean up Sydney water; it will enable the Minister to be seen to be pro-active, but it will not resolve the underlying issue. The Minister set up the inquiry into the administration of Sydney Water following the water contamination crisis. Again and again he has declined to commit to any plan to clean up Sydney's water, because he has been awaiting the final report from Mr McClellan, whom he appointed to conduct the inquiry.

No-one is saying anything against Mr McClellan: he is an outstanding Queen's Counsel and excellent lawyer, and is well regarded by all who know his work in the planning area, and the associated Land and Environment Court. The Minister has acknowledged that water contamination is an ongoing problem. He will not pretend that it has been resolved for all time. He knows it is still out there and can strike at any moment. If he is not prepared to take action to resolve the problem of water contamination until he gets Mr McClellan's report, why is he prepared to change the structure of and the law in relation to Sydney Water before he gets Mr McClellan's report?

I pause to drink a glass of Sydney water. I hope that it is safe for public consumption. The Minister has not explained why he decided not to wait for Mr McClellan's final report. He needed to be seen to be doing something. The Premier made the ambitious statement that heads would roll. He was very angry and looked very determinedly at the cameras every night. It was superb. The Minister for Urban Affairs and Planning had well and truly dropped away from the scene after the first couple of nights. The Premier appeared on television to say that heads were going to roll. That tight little face would be all bunched up, furious. Everybody was angry and heads were going to roll. Drinking water would be made safe. Where is the plan? Where is the program? Where is the decision to actually do something in relation to Sydney's water?

We are debating a bill that will give rise to an Act of Parliament. This is the only country in the world where people will be told that their water can be made clean by an Act of Parliament. The

Government is virtually saying that it is a criminal offence now to be a cryptosporidium bug or a giardia bug: it is prohibited by law. It is not prohibited by any plan. No plan is being instituted because the Government says that we need to await the reports of the microbiological panel and the report of Mr McClellan. But we can pass an Act of Parliament. Let me examine in more detail the Minister's administration of the corporation that he is now seeking to reorient and change. Let me detail how the Minister responded to the criticisms of the corporate structure and the people administering it. When Mr McClellan's first report was released, a press report stated:

The senior managers of Sydney Water—

including its then chairman Mr David Hill—

were roundly criticised yesterday for their botched handling of the first water contamination crisis that gripped the city in July. A report issued yesterday found unacceptable delays in releasing effective warnings at the start of the crisis, inadequate testing and failures in executive decision making.

They are the problems in the administration of Sydney Water: unacceptable delays, ineffective warnings and failures in executive decision making. They were identified by Mr McClellan. The bill does not address those problems. It does not provide a revamped team or structure in the senior administration of Sydney Water. We have a new board; we do not have a new senior administration. We have no decision as to who the new managing director is to be. We have not been given any indication as to how the failures in executive decision making are to be identified and remedied. The bill does not address the structural and corporate failures identified by McClellan. The report to which I referred continued:

The interim report gives a remarkable insight into the mismanagement of New South Wales Government owned Sydney Water in the crucial hours before a New South Wales Health media announcement was released on July 29 which warned 85 per cent of Sydneysiders to boil their water. The inquiry head, Mr Peter McClellan QC, found that Mr Hill had "reservations" about the capacity of his managing director Mr Chris Pollett and supported Mr Hill's decision to come to the Sydney Water office about 10.00 p.m. that night.

The report demonstrated again and again that the administration of Sydney Water failed badly. The Minister's response was to give himself the power to issue directions "in the public interest", but he has not given any outline of what the directions will be. He has not stated to the House, the community or the media what plan he intends to follow and how he will use his ministerial powers to resolve the crisis. Sydney residents are not really worried about what structures are in place. What the people of

Sydney are worried about is whether they can turn on the tap and get a glass of clean, potable water—drinking water. That is not offered by this legislation.

The legislation must be seen for what it is: a stopgap measure simply to satisfy a community concern that nothing has been done, and to enable the Government to say that it is doing something by an Act of Parliament and that the Minister will have the power to issue directions. I have no intention of detailing the history of the sorry saga of the contamination crisis as it was thoroughly ventilated in this House, which is most appropriate, in the no confidence motion moved against the Government when the House resumed in September. That motion was defeated along party lines.

I acknowledge that the no confidence motion was supported by the Independents, the honourable member for Manly and the honourable member for Bligh, both of whom can be expected to bring a degree of independence to their determinations and decisions in this place and not simply be seen to be acting along political lines. The coalition and the Independents were satisfied that the Government had botched the water crisis, and that perception of the Government, which is held by the Parliament and the community, has not changed. The McClellan report referred to the Minister, but it was fairly soft on him. In relation to the Minister's responsibility for Sydney Water, the interim report stated:

The Minister's capacity to effectively and accurately advise the public throughout the incident was seriously compromised by the inaccurate advice from Sydney Water.

On the issue of the State-owned corporation the report stated:

Sydney Water is required to balance its commercial imperatives with broader public health concerns which have the potential to compromise the decision. This is not appropriate.

Throughout the crisis coalition members have consistently argued that Sydney Water's focus needs to be reoriented from that of a cash cow for government revenue to that of a body responsible for ensuring clean drinking water for the people of Sydney. Under this Government, the focus of Sydney Water has not changed. In the past three years \$820 million has been taken out of Sydney Water by way of dividends. Under this Minister, Sydney Water has simply been used as the Government's greatest reservoir not of water but of money. If the people of Sydney are to regain confidence in Sydney Water and in their drinking water, they need a clear indication that Sydney

Water is able to clean up its act and the water system. However, this legislation does not give that indication. It simply widens ministerial power, although there is no evidence that that will resolve the issues. In relation to the roles of the Premier and, incidentally, the Minister, the McClellan report stated:

The loss of public credibility in Sydney Water made it necessary for the Government, through the Premier and Minister Knowles, to put aside the corporate management structure and adopt the primary management role in handling the crisis.

In a sense, that is what this legislation will do. Effectively, the Sydney Water board will be sidelined in all major decisions, because it will be subject to the overriding power of the Minister, and the corporate management structure of Sydney Water will be changed. We will await the announcement of the Minister, as the person responsible who will have all these powers, of plans to clean up Warragamba Dam, resolve any outstanding issues at Prospect and clean up the 20,000 kilometres of pipes throughout the Sydney metropolitan basin that are shown to be leaking, defective and potential health hazards.

We have a crisis in Sydney. It is a crisis of confidence; it is a crisis in relation to our water. That crisis will be addressed only by a government that is prepared to make the hard decisions about ozonisation or microfiltration and that will acknowledge that it has on its hands, both in Sydney and potentially throughout New South Wales, a time bomb in relation to the provision of safe, potable drinking water. I repeat: nothing in this legislation deals with those issues; it simply tightens control of the operations of Sydney Water. An article in the *Sydney Morning Herald* stated:

Ministers are to be given wider powers to intervene in the day-to-day operations of some of Sydney's largest publicly owned authorities, such as Sydney Water, under changes foreshadowed yesterday by the Premier.

"In a major shift in public administration policy," Mr Carr said, "Ministers were responsible to Parliament and the electorate, and therefore should have greater control over the administration of corporatised authorities."

"The purest model of corporatisation [Sydney Water] had failed," Mr Carr said, "and would be reviewed by the Government."

The Premier has sought, unsuccessfully, somehow to imply to the people of Sydney that had Sydney Water not been corporatised this crisis would not have happened. The crisis does not relate to corporate structure. The Government's mismanagement of Sydney Water may relate to

corporate structure—that is a separate issue—but the crisis arose for other reasons. Parliament must now address the issue of future management of Sydney Water. Effectively, the Government's proposal for future management is direct control by the Minister. That means that the Minister will be more closely associated with the operational decisions of Sydney Water.

It means that the Minister may announce the good news, but he must also accept responsibility for the bad news. The Minister cannot simply wind up Mr Colin Judge and arrange for him to appear on television programs at night to say that everything is under control. Once this legislation is passed the Minister will be in possession of all the powers that he deems necessary to resolve this crisis. We will be waiting expectantly to see how the Minister as the person in charge resolves the contamination problem. He has sought to make it his baby, and his baby it will be. No-one denies that Sydney Water still faces a threat. The Government has given us its response. The Opposition is determined to offer bipartisan support, as has been repeated frequently, to any program that will ensure an effective response for the people of Sydney.

The Opposition will not oppose the bill; it will allow the bill to go through the House unchallenged. However, certain points need to be put on the record. We will wait to see how the legislation operates, and we will closely watch how the Minister exercises his new public interest power. We have made it clear on a number of occasions that the board and administration of Sydney Water as presently constituted do not enjoy our confidence. The Opposition is of the view that Sydney Water should be thoroughly examined by Mr McClellan, and has called for the inquiry to have the powers of a royal commission. It is gratifying to note that yesterday the Premier agreed to give Mr McClellan royal commission powers, albeit narrowly drawn to a specific point in time and a specific contract.

It is necessary to give Mr McClellan those powers if we are to find out what happened to the administration of Sydney Water when the contamination crisis impacted as severely as it did in July and August. If the Government is sincere in asserting that it seeks to resolve the problems with Sydney Water, why will it not produce the documents to the Parliament? Why are the Minister and his cohort, the Treasurer in another place, withholding 4,000 pages of documents from public scrutiny by the Parliament?

The Government claimed that it wants to resolve the crisis, yet it is not prepared to be frank

and forthright about how it will resolve it. Under this legislation the Minister now has the power to resolve the crisis. He needs to tell the people how he will exercise those powers and what plan he will adopt to remove cryptosporidium and giardia from the water system. He must explain to the community and the Parliament the future of Sydney Water. If the Minister is not prepared to do that, all the powers in the world will not save him, the Government and the Premier from the wrath and indignation of the community on 27 March 1999.

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs) [10.31 a.m.]: The present regulatory powers of the Minister for Health under the Public Health Act 1991 are limited to restricting and preventing the use of water which may constitute a public risk and giving directions requiring rectification action to be taken. These powers are limited and cumbersome to use in the event of a water contamination incident. The second interim report of the Sydney water inquiry concluded that those statutory powers may need to be strengthened to extend the powers of New South Wales Health.

Those powers include requiring tests and other quality assurance processes to be undertaken by water suppliers, requiring them to disclose to New South Wales Health a range of information necessary for the proper evaluation of drinking water safety, and declaring public health alerts in relation to drinking water. The bill addresses all the recommendations of the inquiry and sets out a statutory framework for requiring information from water suppliers and for issuing advice to the public in the event of incidents in regard to water supply which affect public health.

The bill inserts a new part 2A in the Public Health Act 1991 which deals with the safety of drinking water. That part applies to suppliers of drinking water, defined as Sydney Water Corporation, Hunter Water Corporation, persons who supply water under various Acts of Parliament—including local councils that supply water—and persons who supply water as part of a commercial undertaking. A person who treats or supplies water on behalf of any of these suppliers is also defined as a supplier of drinking water. Accordingly, persons to whom a water supplier contracts any treatment or supply functions will also be bound by the provisions of the Act. Persons who supply bottled or packaged water are not bound by the provisions of this bill as requirements under the food standards code apply to those products.

The bill inserts a new section 10B in the Public Health Act. It expressly vests in the chief health officer the function of preparing advice for the benefit of the public concerning the safety of drinking water and any possible risks to health in the supply of that water. The chief health officer may direct the water supplier to disseminate such advice. That advice may include the issuing of a boil-water alert, which is a statement to the effect that water should not be used for human consumption without first being boiled or otherwise treated.

In its second interim report the Sydney water inquiry found that conflicting public health messages were issued by Sydney Water and New South Wales Health in the recent contamination incident. It was determined that the difficulties in communication between New South Wales Health and the Sydney Water Corporation were probably due to a failure to identify in advance an appropriate procedure vesting authority in an appropriately qualified person.

In response to that finding the bill inserts a new section 10E in the Public Health Act to allow the Director-General of New South Wales Health to declare that the chief health officer has the exclusive function, in relation to a supplier of drinking water, of deciding upon the issue of a boil-water advice and upon the subsequent withdrawal of that advice. The section immediately confers this exclusive function on the chief health officer in respect of the Sydney Water Corporation. The chief health officer will have the sole function under the Act for deciding if a boil-water advice is to be issued in respect of water supplied by the Sydney Water Corporation. If such advice is issued the chief health officer will have the sole function under the Act of determining when the advice is to be lifted. This sole function may be vested in the chief health officer in respect of other suppliers of water by notice published in the *Government Gazette*.

The bill contains a further measure designed to eliminate any confusion over the advice issued to the public by water suppliers. It inserts new section 10C into the Public Health Act, which allows the chief health officer to direct a supplier of drinking water to retract or correct any public health information or advice given by or on behalf of the supplier. The bill also provides New South Wales Health with new regulatory powers.

New section 10F allows a person authorised by the Director-General of New South Wales Health to enter any premises of a supplier of drinking water and carry out certain examinations and inspections, take samples of water, require the production of

records and exercise other powers relevant to the regulation of drinking water. New section 10E gives the director-general the power to require a drinking water supplier to carry out tests upon water or substances used in or produced by the treatment of such water.

New section 10I gives the director-general the power to direct a supplier of drinking water to produce information concerning the quality of drinking water and the methods by which the water has been treated. New section 10M allows for regulations to be made regarding quality assurance programs to be undertaken by suppliers of drinking water. New section 10J replaces section 7 of the Act. It maintains the present power of the Minister for Health to give directions to restrict or prevent the use of water which may constitute a risk to public health.

However, the new section removes the need for the Minister to publish such directions in the *Government Gazette*. That requirement prevented the use of the power in a timely manner as publication in the *Government Gazette* did not readily allow for a rapid response in an emergency. However, in answer to a question raised by the honourable member for Gosford, to maintain accountability a requirement has been placed upon the Minister to consult with the Minister responsible for the water supplier before giving a direction under the section.

The bill provides severe penalties for breaches of the proposed provisions. Failure by a water supplier to disseminate advice regarding the safety of drinking water and any possible risks to health involved in the consumption of water carries a maximum penalty of \$1.1 million for a corporation and \$275,000 in any other case. The same maximum penalty is imposed in respect of a water supplier who fails to correct misleading information or advice as directed by the chief health officer or who fails to comply with a direction by the Minister to restrict or prevent the use of water which may constitute a risk to public health.

These offences can have severe consequences for persons consuming water supplied by the drinking water authority. They can result in widespread human illness and even death amongst large populations whose water may be supplied by the drinking water supplier. Severe penalties are therefore required to ensure that suppliers act in accordance with the directions under the Act. Strict penalties are also imposed upon drinking water suppliers who fail to comply with a direction to carry out testing or produce information concerning the quality and treatment of drinking water. Whilst

such failures may not of themselves constitute a risk to public health, they may prevent New South Wales Health from obtaining the necessary information upon which it may form the opinion that a public health risk exists.

Accordingly, severe penalties are necessary to ensure that suppliers of drinking water comply with these obligations under the Act. The penalties for these offences are \$275,000 for a corporation and \$44,000 in any other case. Finally, the bill provides protection from liability in respect of the provision of information or advice concerning the safety of drinking water, including the issuing of boil-water advices. When making a decision to issue a public health advice, the paramount consideration of the chief health officer must be the protection of public health. He or she must be free to exercise his or her direction in order to make the appropriate decision, having regard to all the circumstances of the incident and with the paramount interest of protecting the public.

The protection afforded by this bill will ensure that the chief health officer is able to exercise his or her discretion independently and free from concerns regarding possible liabilities. This protection against liability does not extend to suppliers of drinking water themselves, and does not prevent any actions being taken against drinking water suppliers in respect of the quality or safety of their product. In summary, the amendments to the Public Health Act made by this bill address the recommendations in the second interim report of the Sydney water inquiry regarding the statutory powers of New South Wales Health. The bill allows for timely advice to be given to the public and it provides a legislative basis for the regulation of drinking water which is better placed to identify public health risks if and when they arise.

Mr HAZZARD (Wakehurst) [10.40 a.m.]: The Opposition does not oppose the Water Legislation Amendment (Drinking Water and Corporate Structure) Bill, but has major concerns about its provisions, and further concerns about the process that led to its introduction. I recall waking up one morning and turning on the radio and hearing Alan Jones speaking with a representative of Sydney Water.

Mr Brogden: He's a good bloke.

Mr HAZZARD: Yes, he is a good bloke. Whoever that representative was—and it may have been Chris Pollett—he had that morning been given the task of warning the public about the problems with Sydney's water. I listened for a while and I

found it hard to disagree with Alan Jones about the lack of information and lack of detail about the problem. As Alan Jones said, members of the public were told that there was a problem with water somewhere east of the Hawkesbury, and vague descriptions were given of where the problems were.

Alan Jones tried to pin down the representative about which areas suffered the problem, but it was obvious that the warning had been issued in an extremely vague manner, apparently to keep the lid on the problem and to perhaps mislead the public about the real dangers associated with the cryptosporidium and giardia counts. That radio interview was effectively a cross-examination of the Sydney Water representative. Eventually, the representative gave the indication that it did not matter where one was in Sydney, there was a huge problem: the water was not safe to drink.

I remember telling my 10-year-old and seven-year-old sons that morning that for the first time in their lives they were not able to drink water from the tap. It was an alarming experience. My children could not believe it. In fact, Andrew, my 10-year-old, said, "That's stupid." I must admit that is a good summary of the situation! The matter has been conducted in a stupid fashion. Members of the public were issued with a series of alerts. They were told that it would not be long before they could drink the water.

The Minister for Health earnestly told the public on a Friday night, following the second warning, that by the weekend they should be able to drink the water. They breathed a sigh of relief and believed that, regardless of the incompetence of this Government or of Sydney Water, the water would be drinkable. But what happened? Over the weekend yet another outbreak of cryptosporidium and giardia emerged. The next thing that happened could only have been dreamed up by this Government. I can imagine David Hill, the Minister for Urban Affairs and Planning and the Premier sitting in a smoky little office, perhaps with Graham Richardson, saying, "Let's just do what we do in politics. Let's fix the figures. We don't have to say any more."

Mr Fraser: Get Reba and Joe in.

Mr HAZZARD: They probably had Reba and Joe there. The discussion was probably along the lines, "Let's fix the figures. We don't have to worry about how safe it is for people to drink the water; all we have to do is say that it's safe." As Graham Richardson would say, "Whatever it takes, let's just do it. Let's make it look safe." They simply changed the levels of cryptosporidium and giardia and said,

"It's okay now, you can drink the water." The classic comment was made on radio: "We'll wait a couple of weeks and see if there is an increased level in sickness from the cryptosporidium and giardia levels in the water and, if not, we might tell them that they can drink the water." My 10-year-old son heard this and piped up, "But dad, how will they know? If everybody is boiling the water why would they be getting sick?" That is a fairly logical statement.

Mr Brogden: I want to go to the Hazzard house for breakfast.

Mr HAZZARD: The honourable member for Pittwater can come to breakfast at the Hazzard household, where we discuss worrying issues of the day. Another issue that we discussed one morning at our breakfast table was the precautions taken by the local school over the water crisis. The school's actions would not have given the children confidence in the place in which they grow up. Plastic bags were placed over the bubblers to remind the children that, thanks to the Minister for Urban Affairs and Planning, and Minister for Housing and the Premier, they were not allowed to drink the water at the school. That is typical of the messages this Government sends to the public. It is not as though there was a small obfuscation or cover-up. I am sure honourable members remember the wonderful press release in which David Hill had a personal interest.

Mr Brogden: Who?

Mr HAZZARD: David Hill, the failed Labor candidate who tried to outsmart the honourable member for Ermington, but was picked up and dropped like wet socks. David Hill got hold of the press release that was to be issued to the public to tell them of the possible threat from the levels of cryptosporidium and giardia in Sydney's water. David Hill overrode the bureaucrat and the press officer who had drafted the warning by putting a line through the word "cryptosporidium". He left the reference to giardia because, so far as he was concerned, that was not a major worry. He said, "Let's remove the word 'urgent', so that when the press release is issued it will be low key and we won't have to worry about it. Then when I stand for the Federal election I will not have this problem hanging around my neck."

Of course, the problem remained, and David Hill is now history. He is looking for a job overseas, as will the Premier and the Minister following the State election on 27 March. This problem will hang around their necks for the next few months. While the McClellan inquiry continues there is a hope that

the truth will emerge about this massive cover-up. Yesterday, the Premier was finally dragged kicking and screaming to say, "All right, perhaps we should give the McClellan water inquiry some broader powers; perhaps we should give it royal commission powers."

Would he let the inquiry have its head and produce substantive results? Not at all. He said, "We will have royal commission-type powers given to the McClellan inquiry." But what he meant was, "They will be limited, so that it cannot come up with anything that will do too much damage to us." Now that the inquiry is proceeding, the worry for the Government is that the results might show why the Treasurer in another place has refused to produce all the documents. Those documents would tell those who are entitled to know—the people who drink Sydney's water every day, the people who are at risk—what went on. Is that such a big ask?

Mr Richardson: Huge.

Mr Fraser: It is only a big ask if you are in government.

Mr HAZZARD: It is a big ask only for a Labor government, because it requires integrity, honesty and openness with the people whom it governs. That is a problem for the Carr Government, for the Graham Richardson clones—the Bob Carrs and Paul Keatings of the world. It is an impossible ask. The Government will not tell us what happened. It produced approximately 20,000 documents, but the 4,000 key documents that would tell us what happened have not been produced.

Two days ago I heard the comments of the Minister for Urban Affairs and Planning on radio. He is one of the Government's better Ministers, and that says something about the others! He said, "We cannot produce these documents; it is not possible." He said what the Treasurer said: that it would cause all sorts of problems for Sydney Water. Then the Treasurer—who is more obfuscatory, more deceptive, more into cover-ups and more into hiding things from the people—said something similar: "Gee whiz, we can't actually produce some of these documents. It's a bit like when you're involved in a car accident."

Mr Fraser: It will be a Carr crash on 27 March.

Mr HAZZARD: The honourable member for Coffs Harbour is right; there will be a Carr crash on 27 March. The Treasurer said, "Sydney Water has insurance. Sydney Water is being sued. The

Government cannot produce the documents, because if we produce them we might be breaching Sydney Water's insurance policy." How ridiculous! That is like saying that if a person sitting in the passenger's seat of a vehicle that has been involved in an accident says to the driver of the car, "It was your fault", it would negate the insurance policy. What a lot of waffle!

The fact is that Sydney Water has insurance arrangements and a contract with its insurers, presumably for negligence, and so on. However, if the Government keeps its faith with the people of New South Wales and releases the necessary documents, if it tells the community what went wrong, I cannot see how that would affect the insurance policy. It is yet another of this Government's lame-brained excuses to avoid publicly explaining what actually happened. The introduction of this legislation will effectively allow the Minister to issue a few more directions. It will mean that the Minister will not have to be accountable to the public; he will not have to tell the public why he is issuing private directions to Sydney Water. It is a back-door method of adding to his capacity to be deceptive.

Mr Knowles: Vote against it.

Mr HAZZARD: The Minister said, "Vote against it." He does not give a damn about the issue of deception; he just wants to play trivial games. If the Minister wants to wear this legislation, he should wear it. He should go before the public and wear some responsibility. All we have seen is the Minister and Bob Carr on television thumping their chests, saying, basically, that heads will roll. They have totally shifted the blame from the Minister's office and his Government to Sydney Water. There are huge problems in the administration of Sydney Water and with Labor's appointments to the board. Those issues will be considered on 27 March at about one minute past midnight. The Minister cannot walk away from his obligation to try to fix Sydney's water.

The legislation contains no plan for anything except hiding the truth from the people of New South Wales. The coalition wants to see a plan for the future. We want to see that the Minister is doing something. We want to know that he is looking at various recommended filtration systems to get rid of cryptosporidium and giardia from the water system. It is all very well to say that the legislation contains amendments that give the chief health officer certain rights. Under this Government the chief health officer is pretty well gagged. We saw examples of that with the hepatitis A outbreak in Wallis Lake.

The health officer did not rush out and take certain action. I do not blame the health officer for that, because I know that under this Government the bureaucracy are petrified of saying one word out of line.

Mr Richardson: The Minister was very quick to blame the council.

Mr HAZZARD: Yes, at that stage the Minister was very quick to blame the council. What did the health officer do about the selenium problems in Lake Macquarie? When he was asked whether children could take fish out of the lake and eat them, he said, "Kids should eat fish fingers." Hallelujah! This Government has created a climate of fear in the public service; it has a culture of intimidation. It is up to its eyeballs in efforts to ensure that the truth does not reach the public. The coalition's message to the Government is: the Government has only five months before the coalition will lift the lid on what it has done with Sydney Water, and on why it has played stupid games with people's health in regard to cryptosporidium and giardia. This legislation will not help the Government one little bit. As soon as the coalition is elected to office it will release a plan to deliver clean, drinkable water to the people of Sydney and New South Wales.

Mr SPEAKER: Order! I acknowledge the presence in the gallery of students from Wee Waa Christian School.

Mr BROGDEN (Pittwater) [10.55 a.m.]: Mr Speaker, I join you in welcoming the boys and girls from Wee Waa Christian School and their excellent member, the honourable member for Barwon, who is in the gallery with them. My wife and I drove through Wee Waa at Easter, during the cotton season. It is indeed a beautiful town. I wish to address two specific issues on this legislation. The first is the change in the status of Sydney Water from a State-owned corporation company to a State-owned corporation statutory relationship. The other issue I wish to address is the role of the chief medical officer and the disappearance of the role of an independent advisory board that was established by the Minister during the recent water crisis.

With regard to the first issue, it is clear that the Government has taken a managerial decision to reverse the corporatisation procedure in regard to Sydney Water. That must call into question the Government's commitment to economic management and its commitment to a greater and more professional level of management within State-owned corporations. The bill is a back-door method

of decorporatising Sydney Water. It gives the Minister and his successors a greater capacity to direct Sydney Water in what the bill describes as areas of public interest. I am aware that the concept of public interest is well established in New South Wales, but it brings into question where the Minister and/or his predecessors choose to define the beginning and the end of public interest.

If we believe this legislation to be a response to Sydney's drinking water crisis, we must question the use of ministerial direction in the public interest in other areas of administration by Sydney Water. For example, does this new relationship between the Minister and the board of Sydney Water allow the Minister to direct Sydney Water, in the public interest, to take action in areas such as sewerage? If so, the bill is being used as a vehicle to give the Minister greater power across the board for all areas of administration by Sydney Water. Frankly, I believe the Minister will be hoist on his own petard in the next five months over this new relationship.

The bill will introduce a level of cultural, corporate schizophrenia in the Sydney Water management structure. Four years ago Sydney Water was a government department. For the last four years it has been a State-owned corporation in a company structure, operated purely by the board, with limited directions available to the Minister. Now the Minister is forcing Sydney Water back to a schizophrenic relationship: half government department and half commercial body. That will again present a significant change in the culture of Sydney Water, an organisation that has been fraught with managerial concern. Sydney Water has a new managing director—the Minister showed the last one the door, and the Minister and the Premier showed the chairman the door. That is cause for significant concern about the management of Sydney Water.

At a local level, while my local Sydney Water officials were effective and productive in many areas, they were somewhat constrained by this managerial structure. If the Minister changes the management again, when Sydney Water is in the middle of a generational change in its management culture, it will cause great difficulties for its administration. I am also concerned about the role of the chief medical officer of the Health Department. During the recent water crises one of the few credible things the Government did was to establish an independent advisory board to advise the Government on the state of drinking water.

Frankly, that helped to save the Government's credibility on this issue. That independent advisory board disappears in this legislation and the power

goes directly back to the chief medical officer. There is no accessibility, there is no openness. He is not an independent statutory officer, he is an employee of the department. He does not have any independence and he can be placed under pressure by the Executive Government to make decisions in the best political interests of the Executive Government.

I am advised by the officers of the Department of Health, by the Minister's department and his personal staff that if the chief medical officer wishes to seek advice from other experts he may do that, but he is not required to do so. I ask the Minister to add to this bill, at least in an administrative way, an independent advisory panel to allow the public to have greater faith in the chief medical officer and his decisions in the future, because it will take many years for Sydney citizens to recover from the crisis during which they were unable to drink their water. It is a crisis that the Minister cannot guarantee will not happen again tomorrow. If it does happen tomorrow, the legislation will not give the public confidence that drinking water will be assured by an independent panel to be safe and healthy.

Mr RICHARDSON (The Hills) [11.02 a.m.]: This bill is a very half-hearted response by a half-hearted government to a water crisis that has gripped Sydney for the past couple of months. It does not really deal, as the honourable member for Gosford said, with the problems facing Sydney Water and Sydney's water supply. It does not get to the heart of the matter. That is clear from the Minister's second reading speech, in which he said when the first and subsequent contamination incidents occurred:

... the Government immediately took control of the situation following the failure by Sydney Water and relevant authorities to adequately inform the public of the initial outbreak of giardia and cryptosporidium in Sydney's drinking water supply.

Yet we have learnt from the documents the Government released—and I guess this must have been one that slipped through its micro-filtration system—that 500,000 people in Wollongong, Sutherland and Campbelltown unsuspectingly drank contaminated water last month. If that is an example of the Government immediately taking control of the situation, I shudder to think what the situation would be if it were not in control.

This legislation purports to be based on the second interim report of Commissioner McClellan. It strengthens the powers of the Department of Health to decide whether to issue a boil-water advice. That is obviously in response to the bungles of David Hill and others. As predicted in this House, David Hill

met his Waterloo on 3 October. The legislation also proposes amendments to the Water Board (Corporatisation) Act. Honourable members have known for some time that the Minister was not in favour of corporatisation. He has not actually spelled out in his second reading speech why he believes the changes he is proposing in this de facto decorporatisation bill will improve the situation. It gives him a degree more authority over Sydney Water. To date the Government has completely failed to come up with any solutions to the drinking water problems. Indeed, we have learnt that Sydney may have to continue boiling its water on and off for the next two years. That is simply not good enough. We wanted to see in this legislation a genuine response to the crisis that has affected Sydney and Sydney Water. We wanted to see some solutions provided to the people of Sydney to cope with those problems, but nothing in this legislation will do that.

The Minister knew 16 months ago that an outbreak of cryptosporidium was imminent. He knew that the Prospect water treatment plant was in need of upgrading to address the problems of cryptosporidium and giardia. What was his response? He did nothing, for the reason that he would have had egg all over his face. On 22 October in this House the same Minister spoke in glowing terms about the new water filtration plants going through their commissioning phase. They represented an investment of \$3.5 billion. He absolutely ridiculed the *Sydney Morning Herald* for reporting that a dangerous bug was in Sydney's water supply, a dangerous bug that he was well aware of. I sat on the Sydney Water Board committee with him. We were notified, and indeed it was contained in the report of the committee, that cryptosporidium and giardia were present in Sydney's water supply back in 1992. The Minister said in his speech to the House on 22 October 1996:

Once the water filtration plants come on line we can expect the removal of cryptosporidium to a level of 99.9 per cent . . .

He added:

. . . Sydney tap water is the same as and sometimes better than bottled or filtered water . . . and I assure honourable members that residents of Sydney can be confident they are drinking water of the best quality provided anywhere in the world.

To have done otherwise, to have admitted there was a problem with Sydney's water supply 16 months ago when there was notification of that potential problem, would have been to the Minister's great detriment. Further, this shabby Minister and this shabby Government do not care about the costs they have inflicted on the people and the businesses of

Sydney. Honourable members will recall that a short while ago the Minister took me to task for having had the temerity to send an email to my colleagues on this side of the House about a survey I had conducted of businesses in my electorate. That survey showed that businesses in my electorate—hotels, clubs and restaurants—had incurred average extra costs of \$440 a week over a period of five weeks, and some had incurred costs of more than \$1,000 a week over that period, or a total sum of more than \$5,000!

I have just received a rate notice from Sydney Water. We received a \$15 rebate for this period, but \$15 does not go anywhere near meeting the substantial cost that hospitality businesses incurred over that period, boiling water for washing fruit and vegetables, boiling water for their customers to drink, ensuring there could be no comeback from anyone inflicted with cryptosporidium or giardia as a consequence of dining at their restaurants. I was astounded to note that on 24 September in this House the Minister resorted to using an email he claimed had been sent to Government members of this House—that is what he said—when in fact the only member of the Australian Labor Party to whom that email had been sent was Mr Speaker himself. This Minister was so desperate to regain some of the ground he had lost over the Sydney water crisis that he was prepared to compromise the independence and integrity of the Speaker's office, and he tried to use that in an endeavour to embarrass me and the Opposition.

That is appalling and indicative of the callous disregard by this Minister and this Government for the costs they have inflicted on businesses and residents of Sydney. It is absolutely astounding, in view of similar precedent, that he still remains the Minister for Urban Affairs and Planning in charge of Sydney Water. In March 1995 the Federal Opposition spokesman on the environment and heritage, Ian McLachlan used some documents relating to the Hindmarsh Bridge incident in South Australia for political purpose, suffered embarrassment, and, as a consequence, resigned from the front bench. That was the honourable thing for him to do at the time. The Minister for Urban Affairs and Planning has no understanding of the significance of the office of Speaker to the Westminster system or the need for the Speaker to be independent of the party political process. Erskine May states:

Confidence in the impartiality of the Speaker is an indispensable condition of the successful working of procedure, and many conventions exist which have as their object not only to ensure the impartiality of the Speaker but also to ensure that his impartiality is generally recognised.

This Minister, who has no understanding of the cost of the water crisis to the hospitality industry, was prepared to compromise that impartiality for the sake of a small political gain. I am concerned that this bill does not go any way towards resolving the problem. There are no guarantees implicit in the legislation that residents of Sydney will not be boiling water for years to come. For the life of me I cannot understand why the Minister has introduced this legislation now, given that the excuse for not presenting the 4,000 additional Sydney Water documents was that an allegedly independent inquiry into Sydney Water was being conducted so it would be superfluous to do so.

Will Peter McClellan provide the solution and the answers? In the two interim reports presented so far there are no solutions. On the basis of the Minister's response to the problem I am not convinced that solutions will be provided to the Government. Indeed, it may take a coalition Government after 27 March next year to give ultimate solutions to provide safe drinking water to the people of Sydney.

Mr O'FARRELL (Northcott) [11.13 a.m.]: I will briefly speak on the Water Legislation Amendment (Drinking Water and Corporate Structure) Bill. Like the honourable member for Pittwater, I refuse to join in the condemnation of the Minister for Urban Affairs and Planning, who has tried hard to make the most of this crisis. I do not wish to comment on whether that attempt to try hard is succeeding, but throughout the crisis he has endeavoured to reassure Sydneysiders in relation to the issue. The honourable member for Pittwater and I share concerns that some of the intent of this bill will work against the objectives of the Minister during that crisis.

I know that the Minister for Urban Affairs and Planning wanted to get rid of David Hill when David Hill successfully won preselection for the Federal seat of Hughes. The Minister informed certain colleagues that it was his view that Mr Hill should resign at that time. I have to say that history has proved the Minister to be right. The Minister knows the truth and he knows in hindsight that his position at that stage was correct. The Premier is the real culprit, not the Minister. The Premier is, in effect, this Government's Goebbels, not in the role of minister for communications but as minister for propaganda. I simply want to place on record some comments made by the Premier as recently as last Sunday. I was listening to Radio National, as I often do to try to avoid the John Laws style of commercial talk-back announcer.

Mr Knowles: Alan Jones is your friend.

Mr O'FARRELL: Alan is my friend and I have no problem saying that and I will support him against John Laws any day. On 2RN on the *National Interest* program the Premier was interviewed by Terry Lane. In a reasonably frank and free-flowing discussion the Premier was asked his views about a number of issues. On the issue of privatisation the Premier said:

Privatisation, never particularly popular, has taken a few blows.

The Victorian gas crisis, the water crisis in New South Wales have added to that, rightly or wrongly. I think probably wrongly. They have been seen as warnings about private sector involvement in the provision of public infrastructure.

The importance of that remark is that the Premier in a broadcast has said that privatisation is wrong, that corporatisation is at the heart of this problem, that private sector involvement in water supply is the main fault in this issue and that what we need is a response which provides Ministers like those opposite with greater control. Yet in casting his message when talking to Terry Lane, who has a capacity to draw honest answers out of people, the Premier basically gave the game away and accepted that private sector involvement in Sydney Water and the corporatisation of Sydney Water are not problems that have been encountered. The problem, as members on this side have been saying for months, relates to the Minister's capacity to control, to properly administer, and to ensure that the interests of the public are protected.

The honourable member for Gosford indicated that one of the first bills presented in this Parliament gave the Minister greater control in relation to issues relating to Sydney Water. I refer the Minister to his second reading speech at that time. If he wants to rewrite history, that is fine, but the intent of the bill was to give him greater control of the water administration in this State. Either the Minister failed to use those powers and seeks, in some political stunt orchestrated by the Premier, to present a different face to the electorate in time for the March 1999 election, or else the Minister has been badly served by those who are responsible for reporting to him, in which case the buck still stops with the Minister.

Mr Knowles: I am giving you the same story.

Mr O'FARRELL: I read the Minister's second reading speech. It is important that the Premier's comment last Sunday be put on the record. I will not repeat the comments he made in that interview about electricity privatisation, I will simply

circulate them to the Labor Left in caucus. The policy is neither soundly based nor honestly presented, but it is designed to assist the attempt to get across the line in March next year.

Mrs STONE (Sutherland) [11.18 a.m.]: In my contribution to the Water Legislation Amendment (Drinking Water and Corporate Structure) Bill I shall focus on the potential horrific consequences of Sydney Water's management process during the crisis. Confusion was caused by the early warning message and interference with that message—an infamous interference with public safety—by the then Sydney Water Chairman, David Hill, who was also the ALP candidate for the Federal seat of Hughes. The warnings persisted hour after hour, day after day, but the common denominator in those warnings was the exclusion of Sutherland shire at all times.

The Sutherland community was relieved that its water was uncontaminated but it felt for other Sydney residents who had to battle with boiling their water. People in Sutherland were relieved that they were being told over and over again in every announcement that the Sutherland shire was excluded from restriction and that the water in the Sutherland shire was safe to drink. But what was the truth? The Government withheld the truth from the people of the Sutherland shire. They will know who to blame when they make their choices next March. The Government's neglect of the Sutherland shire has been appalling, and is a matter of record.

This mishandling of the truth is simply another example of this Government's neglect. Money for public works in the Sutherland shire has been withdrawn. Money for the Woronora Bridge has gone; money for roads and hospitals has gone. There have been many examples of bad, inappropriate and appalling treatment of the people of the Sutherland shire, and this is certainly one of them. We were told that our water was safe, but the truth is that it was not safe. Thankfully, the decision to remove funding for our firefighting equipment has been reversed. We are grateful that that funding has been reinstated. The truth about the water crisis was finally revealed: the Government had lied to the people of the Sutherland shire. The Government, for the sake of political expediency, wilfully withheld from the people of Sutherland important information that could have assisted them to avoid risks to their health.

The people of my electorate are certainly angry and I am personally very angry, because my family, including my young grandchild, were put at risk in this process. The story of my grandchild is

probably typical of many young women with young children who were faced with a dilemma to boil or not to boil water. My young daughter-in-law asked me, "What do I do, Lorna, do I boil the water or not?" She decided to boil the water for her four-months-old baby. I am pleased that she did, because in hindsight we do not know how unboiled water could have impacted on that child's health. Risk to a young infant, just four months old, which could have ended in circumstances too alarming to contemplate, is what we faced.

How dare this Government put at risk the health of all the babies in my electorate and all the other at-risk groups, simply because it was not prepared to face the truth. The truth was that Sutherland shire was not exempt. One must ask why the Government would take such a risk. Could it possibly have anything to do with the fact that we were in the middle of a Federal election campaign and that the Australian Labor Party candidate for this area, David Hill, was the Chairman of Sydney Water? Could that have had any impact on the decision which was made to lie to the people of the Sutherland shire? That is a reasonable question and the answer should be forthcoming from the Government. The bill clearly defines a boil-water advice. Schedule 1[3] to the amending bill inserts part 2A. In that part new section 10A includes the following definition:

boil water advice, in relation to drinking water, means a statement to the effect that the water should not be used for human consumption (or for purposes connected with human consumption) until after it has been boiled or otherwise treated.

I cannot emphasise strongly enough that that was the advice given to every part of Sydney except the Sutherland shire. There were a few other minor exceptions. Over and over, hour after hour, day after day, the news reports stated "with the exception of the Sutherland shire". I reiterate, did it have anything to do with the fact that David Hill, as the ALP candidate for the Federal seat of Hughes, was in the middle of an election campaign? The people of Sutherland will make their own judgment come March 1999. The Carr Government and Sydney Water have completely failed in their duty of care towards the people of the Sutherland shire during the recent water crisis. The dishonesty that surrounds the breakdown of such a critical public utility is totally unacceptable.

The shire residents have survived so far by sheer luck. But what of the next few months if health problems emerge? Documents released in Parliament indicate that the people of the Sutherland shire were exposed to potentially dangerous levels.

The Sydney water crisis has proved to be a betrayal of trust for every resident of the Sydney metropolitan area and beyond. While the majority of Sydneysiders were reminded to boil their drinking water, we in the Sutherland shire were told constantly that we could safely drink our water. We were lulled into a sense of false security by the Carr Government and our health was put at risk. People living in Sydney, despite their relative socioeconomic status, have access to drinking water. We have taken for granted the right that that water should be pure. We were the lucky country; we are now asking ourselves how lucky. Have we managed to escape a potential health hazard? We in the Sutherland shire will not know the answer to that for some time in the future.

Dr MACDONALD (Manly) [11.26 a.m.]: I presume that the bill is in response to the interim McClellan report. As such, we need to make sure that the legislation is true to the report and that we get it right. I ask the Minister why he is in such a hurry to get this legislation through when the process is not complete. I presume the answer is that the bill gives the impression that the Minister is doing something to try to implement interim measures. The Minister should wait until McClellan has completed his inquiry.

During the no confidence debate in this House some weeks ago the Minister for Urban Affairs and Planning made it clear that he was unhappy with the corporatisation process in 1994 and did not believe the Sydney Water structure should be changed whilst the regulatory framework was still under review. His words still ring in my ears. He said several times, "We should not have done it, we should have waited until the institutional framework was in place." Why is the Minister changing the structure of Sydney Water while the institutional framework and regulations are still under review?

According to today's media reports the McClellan inquiry has been given royal commission powers to dig up the bodies from 1993 and 1994. Some of those bodies will be found on the other side of the House, and some on this side. As I understand it, the Minister wants to look at the Prospect water treatment plant contracts. Understandably, the Opposition is worried because as the former coalition Government it signed those contracts. The honourable member for Gosford has condemned the McClellan inquiry, which is unfortunate. He did that because he is worried about what McClellan will find out.

Many of these issues were referred to during the 1994 parliamentary inquiry. The problems that

have arisen could have been avoided. Clear recommendations were made that catchment management, not water treatment plants, should be looked at. That is exactly what Mr McClellan will look at during the next stage of his inquiry. I understand that there will be two more interim reports and a final report before Mr McClellan finally finishes his job. I suspect that one recommendation of the next McClellan report will be to set up a catchment commission. That will pick up not only existing findings but also some recommendations of the parliamentary inquiry.

Why is the Minister rushing the bill through when there is likely to be a need for further legislation to set up a catchment commission and look at the role of licensed regulators, the Environment Protection Authority, the Department of Land and Water Conservation, the Department of Urban Affairs and Planning, and so on? A great deal of work is yet to be done. Why is the Minister pushing the legislation through at this stage? One component of the bill is that the status of the State-owned corporations is to be changed to that of statutory SOC's. Mr McClellan touched on this issue in his recommendations, and the Minister has taken it up. At page 79 of his report Mr McClellan said:

The arrangements relating to the management of Sydney Water as a State owned corporation should be reviewed to ensure that the Minister has sufficient power to obtain information from the corporation and if circumstances require, give direction which is necessary in the public interest.

Does that mean that it is necessary to change completely to a statutory SOC? Why are there no alternatives? For instance, section 64A gives the Minister considerable power. Will the Minister inform the House why it is necessary to change to a statutory SOC to obtain that power? Before corporatisation Sydney Water had enormous power: the Minister was directly responsible for Sydney Water, which was a mess of an organisation. Why should one assume that giving the Minister additional powers under a statutory SOC would necessarily bring about a better result? Risks are involved in giving the Minister those discretionary powers under a statutory SOC. What will it do to public confidence in the operating licence and the licence regulator? Who is calling the shots? Will the public be able to have confidence in the operating licence and the role of the licence regulator or will there be unnecessary ministerial interference?

Another matter I raise in connection with statutory SOC's is the requirement that the corporation regularly report on the condition of the catchment and the storage dams. At present the Health Department has a role in reporting difficulties

with water quality. There should be regular reporting. I invite the attention of honourable members to some of the recommendations made by the parliamentary inquiry of 1994. Recommendation 28(d) at page 97 of the report of that inquiry states:

The Board should publish immediately for public comment an annual auditing system and draft performance measures . . .

The report goes on to speak about success or failure in achieving the water quality goals set out in the contracts and the current state of the water, the quality and quantity of water. The statutory SOC should be given an ongoing requirement to report regularly on the state of the dams and catchments. It should not be left to the Health Department to blow the whistle and press the alarm bell when things start to go wrong. I shall be interested to hear the Minister's response. Another issue covered by the legislation relates to public health. There have been rantings and ravings from Opposition members about alarm caused in the community in relation to public health. Of course they are right, but much of the problem could have been avoided had good decisions been made prior to the publication of the report of the parliamentary inquiry and at the time of corporatisation.

Mr Knowles: It was your vote that got the corporation up.

Dr MACDONALD: I will not respond to interjections from the Minister. He is revisiting an issue about which he put forward a swathe of untruths during the debate on the no confidence motion. Let me examine the role of the Health Department. Up until now its role has been that of a reluctant regulator. The bill will give extra power to the chief health officer of the department. Not only is the department a reluctant regulator but it has a limited role. In his report Mr McClellan said:

NSW Health does not currently possess the expertise necessary for a fully informed decision about the impact of a potential contaminant in the water supply system on the Sydney population. The department is dependent on Sydney Water to define the area at risk. Sydney Water is required to balance its commercial imperatives with broader public health concerns, which has the potential to compromise the decision.

The report goes on to say that New South Wales Health has limited statutory powers in relation to the regulation of drinking water. The powers of the Health Department should be enhanced, not only to enable it to demand information—a provision included in the bill—to raise the alert and to call for the boiling of water, but to enable it to become a licensing authority and be given licensing powers and the power to set standards for drinking water quality. At the moment, surprisingly, there are no

standards for drinking water in Sydney. There are only non-mandatory guidelines which are set by the National Health and Medical Research Council. I suggest to the Minister that this is an opportunity to provide the Health Department with a role as a licensing authority. A special committee should be established to assist in the setting of standards, and that should be a public process. We must get it right this time and not simply give the Health Department a whistleblowing role. It should have a role in setting the standards. I will move an amendment to give the Health Department the power to issue six-monthly consumer confidence reports.

Mr Knowles: Do you have the amendment?

Dr MACDONALD: I will have it. The amendments I propose to move are at present with the Parliamentary Counsel. Those consumer confidence reports will provide another measure to increase public confidence. At page 78 of his report Mr McClellan said:

Greater public transparency should be introduced in the reporting of water quality data to restore public confidence in Sydney Water. This should occur in conjunction with a public education program which provides an understanding of potential risks to public health.

I will propose that water quality data be published regularly on the Internet, every two or three days. The bill deletes part 2 of the Water Board (Corporatisation) Act and inserts a new part 2. Is the Minister aware that section 5 of the Act, which deals with the prohibition of sale or disposal of shares, has not been reintroduced? I do not know whether that is an oversight. If the Government proceeds to establish statutory state-owned corporations in the manner proposed in the legislation, it will make it easier for a future government to sell off Sydney Water.

The Minister sighs. Why is it that section 5 of the Water Board (Corporatisation) Act is not repeated in the proposed legislation? That section provides checks and balances for the disposal of Sydney Water, particularly in regard to the role of the licensed regulator calling a public inquiry. I do not understand why that provision has not been included in the bill.

I turn to another question. Will the newly-created statutory State-owned corporation assume all of the responsibilities and liabilities of the current corporation? Claims are currently being made about the failure of Sydney Water to meet its customer contracts to provide clean drinking water, but others allege that Sydney Water has failed to comply with its operating licence. Will responsibility for those

matters be assumed by the new corporation? In summary, inevitably I am supportive of the bill, but it might have been better to wait for the final report of the McClellan inquiry before making these sorts of changes. I have touched on some aspects of the new statutory State-owned corporation. A number of the issues I raised will be dealt with by amendments to the bill. Other suggestions are put forward to enhance further the role of the Department of Health as a regulator.

Mr HUMPHERSON (Davidson) [11.41 a.m.]: The Opposition has indicated that it will not oppose the bill but it will raise a number of concerns about management of the Sydney water crisis and the need for legislation of this type. I note the concerns raised by the honourable member for Manly. I, and I am sure all other members of the Opposition, share those concerns. The honourable member suggested reporting on public confidence in the quality of water. He also raised whether the Government has a hidden agenda of privatisation through the amendments proposed by schedule 3[5].

The question of privatisation is interesting given the firm opposition of the coalition to privatisation of Sydney Water and the bleatings from Labor over many years that it also is opposed to privatisation of that body. I wonder whether the Government stands firmly behind its assertion. The coalition will oppose any measure that facilitates the privatisation of Sydney Water. I would be most surprised, if the amendment provides assistance towards privatisation, if crossbench and Opposition members in the upper House did not oppose that amendment.

As to the proposals put forward by the honourable member for Manly regarding public confidence reporting by the Department of Health, as well as regular disclosure of water quality data, I must say I am attracted to the amendments that the honourable member foreshadowed. I am sure they will receive a sympathetic hearing by Opposition members. The bill proposes minor strengthening of the powers of the Department of Health concerning the safety of drinking water. The bill proposes also restructuring of the Sydney and Hunter water authorities to make them statutory State-owned corporations. It seems that the Government is anxious to be seen to be taking action, more than actually doing something about this issue.

The bill is largely about creating a perception, if not a myth, that corporatisation of Sydney Water somehow contributed to the contamination of Sydney's water. The Minister said that he needed the powers proposed by the bill. Indeed, the Minister for

Health now has many of the powers that the bill purports to provide. In addition, the Minister for Urban Affairs and Planning, who is responsible for Sydney Water, has considerable clout when it comes to Sydney Water, as he did in respect of its former chairman, David Hill. The appointment of David Hill and others to the board of Sydney Water gave the Minister indirect and perhaps even direct influence over the operations of the board. It is clear that that influence extended to not raising the alert about the quality of drinking water in the Sutherland and Campbelltown areas of Sydney which, as we learned last week, was contaminated.

Honourable members are aware, from evidence provided in recent months, that the dividend provided in the last State budget was facilitated by the support and probably the indirect instigation of the Minister, the Treasurer and their officers. The dividend from Sydney Water was of the order of a couple of hundred million dollars, adding to the dividends of about \$640 million in the previous three budgets. That restructure has resulted in a severe curtailment of the financial wherewithal of Sydney Water to provide infrastructure upgrades and replacements.

The provision of quality drinking water to Sydneysiders and the elimination of risks posed by the presence in our drinking water supply of giardia and cryptosporidium can only be achieved by a higher standard of treatment of that drinking water. Treatment plants go a long way towards addressing the problem: by many assertions, 99.9 per cent of the parasites are removed by treatment. Further technologies available are ozonisation and ultrafiltration, the only means of providing a better treatment to guarantee safe drinking water. I have said in this House that I favour ultrafiltration. I have concerns about ozonisation because the treatment possibly introduces carcinogens into our water supply.

I should also make the point that the parliamentary inquiry—in which the Minister for Urban Affairs and Planning, the Minister for the Environment, the honourable member for Manly and I played a part—addressed a number of issues. However, I think there is an element of myth in the statements of the honourable member for Manly that strong and powerful recommendations were made by that inquiry relating to drinking water quality. The inquiry did not make any recommendations that specifically required action on the existing drinking water treatment plant contracts. Nor did the inquiry specify in any significant detail a standard on drinking water quality in relation to giardia and cryptosporidium.

My recollection is that the words "giardia" and "cryptosporidium", whilst mentioned in some of the inquiry hearings, were not the subject of any recommendation made by the inquiry. The Minister for Urban Affairs and Planning would be fully cognisant of that fact. It is important to bear in mind that, despite some of the rewriting of history and the activities of the committee, the issue of drinking water quality was raised. The existence or potential existence of giardia and cryptosporidium were matters of which committee members were aware. However, no specific recommendations were made in relation to that.

Minister Knowles was not only aware of the matters that I have just touched upon; he also had the opportunity, through the resolutions of the committee and of this House in 1993 and 1994, to examine the contracts, because those contracts had been made available for private scrutiny by committee members. The Minister was very much aware of the role of treatment plants and water quality in these issues. Incidentally, most of the water quality issues dealt with by the committee related to the quality of effluent and the treatment of used water in the Sydney basin, not so much the provision of water from treatment plants at Prospect and elsewhere.

It is worth pointing out that the scene was set for the corporatisation of Sydney Water in 1994 following considerable input by the committee. However, substantial input was made by the honourable member for Manly and Minister Knowles. They were well aware of the corporatisation structure of Sydney Water. They had been substantially involved in negotiations. Many compromises and amendments were discussed and taken into account leading to the corporatised structure of Sydney Water. Given the Minister's level of involvement, it is incomprehensible that he would seek to wash his hands of responsibility and pretend he was ignorant or unaware of many aspects of the operations of Sydney Water.

I return to the changes proposed by the bill. There is no doubt the Minister had power at his disposal at any time to intervene and direct Sydney Water during and prior to the Sydney water crisis. Recent calls to increase ministerial control through this legislation in a sense would return Sydney to the old days of the Sydney Water Board. These amendments do not add to the powers that the Minister now has. The contract for the Prospect water treatment plant made between Sydney Water and Australian Water Systems Pty Ltd did not require Australian Water Systems to treat the water for giardia and cryptosporidium. It was asserted by

Sydney Water in 1993, and has been asserted by the Minister since, that the treatment would remove 99.9 per cent of giardia and cryptosporidium.

The 25-year agreement did allow Sydney Water and the Minister to renegotiate the contract at any time to require treatment of further pathogens and parasites. The Minister could have used his powers under the State Owned Corporations Act at any time to direct Sydney Water to renegotiate the contract to treat the water specifically for those two parasites. When he became aware of the risks and failed to issue an instruction to renegotiate the contract he failed in his duty to ensure that the people of Sydney were supplied with the cleanest water.

For more than two years Sydney Water failed to finalise the memorandum of understanding for the Department of Health to assume the regulation of water health matters. The memorandum only came into force earlier this year, despite the Minister directing Sydney Water to secure the agreement two years ago. There was no action on the part of the Minister to ensure that the memorandum of understanding was finalised as a matter of urgency. Indeed, in 1996 the licenced regulator criticised Sydney Water for not finalising the memorandum of understanding. It is inexcusable that a document vital to public health and safety was not signed for more than two years.

The removal of dividends by the Carr Government over the past four years has made it impossible for Sydney Water to undertake the maintenance work, let alone the capital work upgrades, necessary to guarantee quality drinking water for Sydneysiders. Capital funding should have been expended on improving the treatment of waste water entering the Hawkesbury, Sydney Harbour and other waterways. According to the 1997-98 budget, nearly \$33 million was taken from Sydney Water. However, earlier this year we discovered that \$147 million had been taken. Effectively, the Government has used Sydney Water as a cash cow.

A number of matters relating to Sydney Water were bungled. Chris Pollett has been singled out for a fair bit of criticism. It would be unfair if he were to be made the fall guy and accepted all responsibility for the bungling, although no doubt his involvement was significant. The delays in issuing alerts to the public that the contaminated water posed a direct risk to health were inexcusable. The omission of cryptosporidium from the first alert was also inexcusable. Sydney Water's failure to keep the Department of Health abreast of events was a

breach of the memorandum of understanding, and that failure occurred on three separate occasions.

Although it was reported during the crisis that the Prospect water treatment filtration plant was being bypassed, reports to the contrary were released to the media. The Carr Government and the Minister cannot claim that they were unaware, or deny that they were aware, of the health risks posed to the public by giardia and cryptosporidium in Sydney's water system. As I said, the Minister has known for many years about the existence of giardia and cryptosporidium in the system. No doubt the Minister for Health was also fully aware of that, as the dangers had been drawn to the Government's attention on a number of occasions. [*Extension of time agreed to.*]

Two years ago Sydney Water was warned of the threat of giardia and cryptosporidium in Sydney's water supply. Sydney Water has been fully aware of unexplained high levels of dangerous parasites in water storages for at least six years—and overseas experiences indicate that it may have known even earlier than that. The Minister failed to heed the warning in the report of the Sydney Water Corporation that the existence of cryptosporidium was an emerging issue. A constituent of the Fairfield electorate, Mr Young of Wetherill Park, has been calling on the Government to implement urgently an impact study of giardia and cryptosporidium in Sydney's water supply. Over the past two years he has written to the Minister for the Environment, the Minister for Health, the Minister responsible for Sydney Water, the Minister for Roads and the Premier expressing concern about the existence of giardia and cryptosporidium in Sydney's water supply.

There was an outbreak of cryptosporidium last year, and reports of an outbreak in 1996 were not made public. Indeed, there are indications that regular positive tests in reservoirs and the water system over the past couple of years have been silenced or hushed. Honourable members are aware that doctors have reported numerous cases of cryptosporidium but none has been made public. In recent years the Government and the Premier have commented on accountability and on altering the degree of influence of Ministers over State-owned corporations. In the second reading on the State Owned Corporations Amendment Bill, which was one of the Government's main achievements a couple of years ago, the Premier asserted that the legislation would ensure that the Government was accountable for the operations of a statutory State-owned corporation. He said:

To this end, subject to the concurrence of the Treasurer, a portfolio Minister will be empowered to give written directions to the board of a statutory State owned corporation if satisfied that it is necessary to do so in the public interest. That is the kind of government we are.

The Minister responsible for Sydney Water has had these powers for several years and he has failed to use them. He is now asserting that this legislation will give him those powers. The Minister responsible for Sydney Water is not the only Minister with influence over Sydney Water but he has greatest responsibility and should have exercised his powers to ensure that every action was taken to protect the quality of Sydney's drinking water and, indeed, the safety and health of Sydney residents.

I turn now to the various reports issued by Mr McClellan. I am concerned that the Government has directed Mr McClellan to focus not on long-term solutions but largely and significantly on who was involved historically in signing the contracts for the water treatment plants. I acknowledge that that is a relevant factor, but terms of reference seem to place significant emphasis on apportioning blame to the former Government. Obviously, the Government has a political desire, firstly, to shift the blame and, secondly, to shift responsibility for the entire crisis to a former government.

It is fairly evident that for the past 3½ years the Minister responsible for Sydney Water had the power, knowledge and wherewithal to amend the relevant Acts, allocate expenditure and upgrade Sydney's water treatment plants if he had any concerns. The Minister had ample time and resources to address the problem. In the terms of reference the Minister seems to be apportioning responsibility for the water treatment plant contracts. Mr McClellan must ensure that the Labor Party does not use him as a puppet or a stooge, and that he is not seen to give undue weight to the specific terms of reference initiated by the Minister. If that happened, it would be unfortunate and it would dilute the significance of any recommendations he made.

Mr McClellan should not take directions from the Government or the Minister to specifically focus on those contracts alone. He should examine the contracts, but the clear direction of any inquiry must be to provide a long-term and permanent solution. Indeed, that is what everyone in Sydney experienced with the inconvenience of having to boil our drinking water over the last few months. But this bill does not address that. I trust all honourable members would agree with that direction. [*Time expired.*]

Dr KERNOHAN (Camden) [12.01 p.m.]: I shall not waste the time of this House by reiterating matters other honourable members have raised. However, everything the honourable member for Sutherland said about her constituents and how they were not served properly by this Government apply equally to the constituents of Macarthur. The most interesting aspect of the water problem has been the action of those involved in water treatment and the lack of notification of test results. Macarthur local newspapers featured a photograph of the Leader of the Opposition and me visiting the Macarthur water treatment plant on 18 September. It was poetic justice that on that same day the plant received a fax that indicated a positive reading in its water quality.

I spoke to the manager of the plant about the notification system regarding bad reports of water quality. I was told that the plant was not routinely advised of test results. Indeed, he told me that the only reason he knew that tests were being taken and that there were positive readings was that he was phoned at night and asked for permission to take samples. This is an appalling state of affairs. Any company or person responsible for managing a water treatment plant should be notified regularly of any tests carried out for water quality. I agree wholeheartedly with the honourable member for Manly about regular monitoring of the state of the catchment.

I refer honourable members to my speech of 9 September, in which I referred to possible infection of native animals in the catchment. I hope those comments were taken on board by Sydney Water and the Minister. Water quality tests are important to maintain the future purity and health of our water. The problems with Sydney Water must be examined comprehensively. I shall not take up any further time of the House. I have expressed my two points of concern. Something is being done to monitor and improve Sydney's water quality, and a bill has been introduced that it is hoped will prevent a repetition of the absolute shemozzle that occurred when the citizens of Sydney were notified about the problem.

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [12.04 p.m.], in reply: I thank all honourable members who participated in this debate, which is the beginning of a process that will deal with the various requirements and recommendations of the McClellan inquiry. I do not propose to go into much detail other than to note a particular matter raised by the honourable member for Manly. The honourable member said it was a pity the changes he now proposes were not incorporated when Sydney Water was corporatised.

I will not allow this moment to pass without placing on record that as one of the controllers, for want of a better word, of the Fiftieth Parliament, along with the honourable member for Bligh and the honourable member for South Coast, the honourable member for Manly voted for that legislation. It is a matter of fact also that the recommendations in his report as Chairman of the Joint Select Committee upon the Sydney Water Board contained provisions that went beyond those of the water corporatisation bill. It is also a fact that the honourable member for Manly consciously decided to water down his own aspirations in order to get that water corporatisation legislation passed.

At 11.40 a.m. today this House was notified that the honourable member for Manly proposed to move amendments to the bill. All honourable members can see that no copies of the amendments are yet on the table. Notice of the introduction of this bill was given more than a week ago. Briefings have been available for all those who are interested in the matter, including the crossbenchers, and the topic has been the subject of quite vigorous public debate. It is a disgrace that at a minute to midnight, if I can use that expression, the honourable member for Manly proposes to introduce amendments to one of the most fundamental pieces of legislation to be introduced, given the backdrop of events in September.

The honourable member for Manly is being appallingly capricious and opportunistic. In the spirit of trying to produce better legislation, I suggest to the honourable member that if he chooses to pursue his amendments he should do so by introducing them through one of his colleagues in the upper House so that their impact can be carefully considered. I assure the honourable member for Manly and the House that any proposed amendment will be put before Mr McClellan for his views and considered comments.

It is an indictment of this House for the honourable member to say, at 11.40 a.m., when the debate commenced almost two hours earlier—after a week's notice—that he wishes to move amendments. The House has yet to see those amendments, and I am now speaking in reply to the debate. I believe all honourable members in this place would support my remarks. In conclusion, I point out that all honourable members have supported this legislation despite the rhetoric and opportunities for political point scoring, in the knowledge that it will result in a better legislative model for Sydney Water.

In light of the findings of the McClellan inquiry, those are the simple, straightforward and

unadulterated facts and, of course, that is the appropriate way to proceed. The Government has chosen, quite properly, to rely on the advice of Mr McClellan and his interim reports, and will continue to do so. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

**RESIDENTIAL TENANCIES AMENDMENT
(SOCIAL HOUSING) BILL**

Second Reading

Debate resumed from 21 October.

Ms MOORE (Bligh) [12.09 p.m.]: The Residential Tenancies Amendment (Social Housing) Bill addresses major problems that urgently need effective solutions: crime, vandalism and other forms of antisocial behaviour in public housing. I endorse the Minister's comments that Department of Housing tenants are entitled to quiet enjoyment of their premises. The overwhelming majority of tenants are responsible and considerate citizens. I also endorse his comments that the Government has worked hard to provide improved housing services for all public housing tenants against a backdrop of neglect of the assets by past administrations and a \$200 million reduction in Commonwealth funding over the past two years. I also commend the significant changes that were commenced under Minister Webster, with director-general Gabrielle Kibble. They have been continued and developed by Minister Knowles, Andrew Cappie-Wood and Jennifer Westacott. Under Minister Schipp there was a bricks-and-mortar housing policy, but under Ministers Webster and Knowles it has become social housing with resultant profound and far-reaching improvements for public housing tenants.

The electorate of Bligh, which is soon to be expanded, includes large numbers of residents in public and community housing. That is why this bill is important to me as the community representative. The electorate includes Woolloomooloo, Surry Hills, Redfern and Paddington. The Northcott building at Surry Hills and the McKell and Poets Corner buildings in Redfern are large, high-density housing blocks containing thousands of public housing tenants. My office is regularly contacted by tenants in public housing who are profoundly affected by noise, nuisance and abuse from other tenants. The problems are diverse and significant: drinking, drugs, violence, harassment, threatening behaviour, noise, vandalism and people urinating on their front door step.

I shall give a few specific examples. One constituent in a Department of Housing property who has always maintained a good relationship with the department contacted my office about problems with her neighbours. Excessive noise was coming from their flat. The tenants constantly use offensive language. They congregate on the stairs and block access to the building. My constituent has been chased and had stones thrown at her. The front door to her block has been smashed and replaced three times in less than 17 months. Her buzzer is pressed constantly and false fire alarms are regularly activated. She has reported the problems to the resident manager and the police, but the situation has not improved. Her living environment has impacted on her health and wellbeing. She does not want a transfer and should not have to leave her home because of problems caused by others.

Another constituent told me about problems she and other residents had been experiencing with another person in the block. Those problems ultimately resulted in a apprehended violence order being taken out against the women, but the threatening behaviour continued. By the time I was contacted, her repeated contact with the police and the Department of Housing had not resulted in a solution. Another constituent sought my support for rehousing because of drug use taking place in the building. Her teenage daughter had become involved in those activities and she sought a change of environment to minimise the risk that her daughter would become involved in continuing drug use. Although I supported this constituent's request for rehousing, I do not believe she should be forced to leave her home because of the illegal activities of other tenants.

I could continue indefinitely with many more examples. At a recent community meeting I held for residents of Northcott and neighbouring public housing tenants, participants called for urgent solutions to the problems they face. There is an urgent need for effective efforts to support and improve the amenity of residents in public housing. Therefore, I was really disappointed that little consultation was undertaken in the preparation of this bill, and the discussion paper was released only a few weeks before the bill was introduced in the House. The bill will have a significant impact on thousands of public housing tenants in New South Wales. I have been told that the only community discussion was a briefing, not a consultation, with a small number of peak bodies that were required to commit to confidentiality before they could be involved in the process. I ask the Minister why that happened, as this legislation will profoundly affect so many.

I ask the Minister why this bill was not taken to the neighbourhood advisory boards that the Department of Housing spent so much time and so many resources developing? They are an excellent empowering tool. They have shown that tenants want the department to make decisions with them rather than for them. I know there will be a broad range of views in the community, even among public housing tenants, about the best way to deal with the problems this bill is addressing. Public housing tenants should be involved in that process.

There is concern that the amendments provide significant and unnecessary authority which can potentially be abused. My office has received representations from tenants who experienced victimisation. I would like to give just one example of a resident in community housing who received a notice of termination asking her to vacate the premises. The resident told me that she experienced ongoing problems with another tenant and ultimately took out an apprehended personal violence order against him. She believes that her notice to vacate was retaliation for complaints made about the other tenant.

New section 64(4) introduces changes that are broad in scope. For example, paragraph (c) is too broad and requires clarification. Paragraph (f) requires the Residential Tenancy Tribunal to undertake the inappropriate task of determining who is more deserving of public housing and to assist the department in managing public housing demand. I support the intention of these provisions but am concerned that they could interfere with judicial independence and with the ability of the tribunal to respond to the circumstances of particular cases. Similarly, I support the intention of new section 23(2), which seeks to add new terms of agreement for tenants in public and community housing, addressing harassment, property damage and drug manufacture and sale. However, most of those problems are covered in section 23 of the current Act, which states:

It is the term of every residential tenancy agreement that:

- (a) a tenant shall not use a residential premises or cause or permit the premises to be used for any illegal purpose.
- (b) the tenant shall not cause or permit to be used and the tenant shall not interfere or cause to permit any interference with the reasonable peace and comfort or privacy of any neighbour of the tenant.

These provisions need to be effectively enforced. If they had been effectively enforced, much of what the bill contains would be unnecessary. I wonder how the new provisions will be effectively enforced,

if section 23 has not yet been enforced. I have also received comments from the National Council on Social Services, the Tenants Union, Shelter, and the Inner City Tenants Service. Their concerns can be broadly summarised as follows. They believe that new section 23 makes a tenant responsible for the behaviour of an occupant regardless of whether the behaviour is intentional or negligent. There is concern that this section should be limited to deal with damage caused intentionally.

New section 44(2) could result in tenants who receiving subsidies not receiving notices of increases in payments should their incomes change. It is also considered appropriate that the tribunal examine issues of subsidies, particularly where a case relating to rent arrears is being determined and could result in a termination of tenancy. New section 64(4) includes provisions that are very broad in scope and have the potential to be abused or used to victimise tenants, particularly those already affected by community discrimination, such as the mentally ill, people with HIV and AIDS, and transgender or gay and lesbian people. These amendments limit the discretion of the Residential Tenancies Tribunal to respond to the circumstances of particular cases.

Particular concern is expressed about new section 64(4)(f). It is considered that it is not the role of the tribunal to make decisions about who is more or less deserving of public housing or to deal with decisions about the competing needs of public housing. New section 73(7) provides that a tenancy can be terminated immediately, bypassing any checks and balances. Generally those housing groups are concerned that the bill will remove rights from public housing tenants, giving an unfair advantage to the Department of Housing that will allow it to bypass legal channels that any other landlord would have to comply with. Public and community housing tenants are some of the most disadvantaged people in the community. Their needs extend beyond the financial subsidy that is provided in public and community housing.

I agree with the Minister that its core business is to provide tenancies to those in our society who are most in need. I am told also that one of the key reasons for this bill is the difficulty that the Department of Housing faces in gaining successful outcomes before the Residential Tenancies Tribunal because of lack of evidence. Housing groups believe that the real problem the Department of Housing has is in managing difficult tenancies, and this has little to do with the current Residential Tenancies Act. Problems relating to drug dealing, noise and nuisance can be dealt with effectively under current tenancy laws and the Crimes Act. The Department

of Housing's problem has more to do with inadequate management strategies and poor case preparation before the Residential Tenancies Tribunal. I am told that the Department of Housing recently recognised this problem and established a legal team to advise client service officers taking cases before the tribunal.

Problems of drug dealing and vandalism on housing estates are serious. Daily I present to this House petitions calling for increased police presence in Woolloomooloo, Kings Cross, Surry Hills, Moore Park, East Sydney and Darlinghurst. I have spoken in this House on numerous occasions about the worsening problem of drug dealing, crime and community safety in my electorate. The Government has refused to realistically address the problems and to undertake realistic and progressive drug law reform. Problems arising from the inadequate resourcing of our police service should not be passed on to the Residential Tenancies Tribunal. There should have been real consultation to identify the right responses to those problems.

This bill should have gone not only to the peak organisations but also to the neighbourhood advisory boards, regional forums and the wider community. It should have been explained carefully, and workshopped to develop effective and fair solutions. The newly established legal team should be given time to develop effective major strategies and case preparation. All Ministers in this Government must act urgently to address the real cause of problems on public housing estates. The Minister for Police must ensure that adequate resources are allocated to ensure a permanent police presence in high-crime areas.

Ms FICARRA (Georges River) [12.20 p.m.]: The Residential Tenancies Amendment (Social Housing) Bill is part of a much needed reform process. It is long overdue in addressing the serious concerns about law and order, drug-related issues and anti-social behaviour, about which many honourable members have spoken. Unfortunately, those issues are common to all housing sectors, not only the public housing sector. Social issues and reform in the public housing sector are not new. I refer to a publication entitled "The Residential Tenancy Law—The Case for a Reform Bill" published in 1988. Many aspects that were discussed in that publication are still pertinent 10 years later.

The principal objectives of the Residential Tenancies Act 1987 were: to set a balance between the rights of the providers of accommodation and those who rent accommodation through the regulation of many areas of tenancy; to inform both

the tenants and the landlords of their rights and responsibilities under the Act; and to establish a fast, inexpensive and informal dispute resolution mechanism in the form of a specialist Residential Tenancies Tribunal with wide jurisdiction. In the intervening 11 years much has been learnt, and this bill will go a long way to address some of those needs.

The bill seeks to clarify the class of matters that constitute a breach of a residential tenancy agreement and the matters to be taken into consideration by the Residential Tenancies Tribunal when hearing an application for termination of a tenancy by a landlord that is a social housing provider. It would be good if that could be extended into the private housing sector as per the amendment moved by the honourable member for Vaucluse. However, that might be outside the ambit of the bill. These problems confront the public and private housing sector. The bill further specifies the powers of the tribunal in cases of actual or apprehended damage to property or threats to persons by tenants, and specifies the grounds for rent increases in so far as they affect tenants in receipt of rental subsidies.

My electorate has a minimal public housing sector. However, in the adjoining electorate of Hurstville, which will be abolished in March next year, is the Riverwood housing estate. In my 20 years in public life—in particular in the 15 years that I spent on Hurstville City Council—the social and physical needs of the Riverwood housing estate were addressed, with the co-operation of Canterbury City Council. A large number of decent, law-abiding citizens find themselves in need of social housing, through no fault of their own. Members of the Riverwood housing estate often use the Riverwood Community Centre. I congratulate the co-ordinator, Pauline Gallagher, and the many welfare workers in the centre who look after the physical and social welfare of residents.

The Department of Housing has more than 130,000 tenancies. That huge and costly responsibility receives bipartisan support. Tenants have a right to feel safe and comfortable within their homes, as do all Australians. The majority of residents are good, solid citizens who are responsible and considerate of their fellow tenants. But unfortunately, human nature being what it is, there are always troublemakers in housing estates. It is the duty of this Government to protect citizens, often elderly citizens who are doing the right thing, who are being severely inconvenienced and who feel alarmed and anxious about the behaviour of other tenants within housing estates.

Often a lack of understanding of mental illness can cause anxiety to citizens, and we have to make a distinction between those who suffer that illness and troublemakers. The bill does not address those tenants suffering from mental illness. The behaviour of a minority of irresponsible citizens would probably be the same whether they were in public or private housing. All honourable members receive requests to rehouse tenants who cannot cope with their situations. They face the social upheaval—often because of long waiting lists; seven years in the St George area—of moving out of the area into a completely new section of metropolitan Sydney where they do not have family or friends. That can be a daunting experience, particularly for elderly tenants. It is only right to consider the physical and social costs of problems within the housing estate.

Vandalism costs the Department of Housing more than \$2 million a year, a substantial amount. I do not know whether a price can be put on staff time involved in reallocating and investigating matters. Requests for rehousing are wasteful and inconvenient to the tenants. This bill will go a long way to address those needs and to get quick and clear follow-up action on antisocial behaviour. The bill makes clear the rights and responsibilities of the tenants and enables quick and effective action if problems arise with regard to serious breaches. I congratulate the St George Area Tenants Council within my own electorate, and particularly the chairperson, Ms Rhanía Haltagh, the secretary, Mrs Joy Cesarano, and her husband, Paul Cesarano who have mediated problems within the social housing sector covered by that area council. They have undertaken many activities to increase the level of confidence of many social housing tenants and the community status within their area. Recently they have been involved in a professional development program with Toastmasters.

Members of the public housing council now feel confident about dealing with community organisations and resolving problems within the housing estate. They were more confident about attending meetings after completing their eight-week Toastmasters course. I compliment the Minister for providing funding for that program to be undertaken. Twelve graduates from the Toastmasters course attended a ceremony at the Mortdale RSL club on 8 October. Many good things happen in social housing estates that we do not hear about; we only hear about the terrible things. This bill provides consistency between other public housing offices, such as the Aboriginal Housing Office and local community housing offices, in managing tenancies effectively. It is fitting that the legislation will be reviewed in two years.

There has been a lack of consultation in regard to this bill. The Minister said that the Tenants Union of New South Wales and the Residential Tenancies Tribunal were consulted. However, the bill has been rushed through with minimal consultation. Most tenant groups would have preferred the debate to be delayed so they could have the opportunity to comment. All honourable members have received correspondence dated 18 October from a public tenant, Pat Waterman, from the People For Public Housing. That correspondence referred to consultation and to the tenants' unnecessary fears. Perhaps they misunderstand the intent of the bill. They have asked for more extensive consultation processes in future. Their letter states:

There are many stakeholder groups such as mental health advocacy bodies, people living with HIV/Aids, the NSW Guardianship Board, social housing tenants and others, who are not even aware that this process is occurring.

They are concerned that the cut-off date for consultation has not been reached as we are discussing the bill. This legislation has been rushed through. However, with proper consultation those groups would have understood that the intent of the bill would have improved the lifestyle of many of the people that they represent. Again, similar criticisms have been received from the Inner Sydney Tenants Service. Its letter, received by all members, questions the guidelines on what constitutes a breach of the agreement. Perhaps the Minister, in his reply, could give a reassurance that guidelines will be developed in consultation and will be clear. The letter from Mary Flaskas, representing the Inner Sydney Tenants Service, states:

It is our experience, as tenants workers and as tenants advocates at the Residential Tenancies Tribunal, that the Department of Housing often fails in its attempts to obtain orders for possession due to lack of evidence. There is no excuse for denying a person a right to defence and there should be no laxity in the rules of evidence as this would constitute a very basic denial of natural justice.

I am sure that in his reply the Minister will reassure Mary Flaskas that this will not occur. I cannot believe that the departmental bureaucrats would ever have that in mind. Without addressing the various sections of the Act, I repeat that I support the amendments foreshadowed by the honourable member for Vaucluse. The amendments will increase pressure on the tribunal to evict certain tenants involved in drug-related offences, not only manufacture and sale but also possession, storage and use of drugs. Often, drug-related activity causes distress, particularly if there are underlying mental health disorders, and drug taking can accelerate social problems.

The amendments are quite just and extend the legislation to cover threats of violence. Many threats are aimed at elderly tenants, who are understandably fearful of them. The Opposition supports the bill in principle, and the amendments, but encourages the Minister to make his consultation methodology a little more inclusive in future, and to consult within a realistic time frame, to bring credibility to the legislative process. I hope the Minister will give serious consideration to the coalition's amendments moved by the honourable member for Vaucluse, for the sake of improved social harmony for tenants, the majority of whom are responsible and caring citizens.

Mr LYNCH (Liverpool) [12.33 p.m.]: Certainly this legislation is needed and should be supported. Any member of this House who has not had occasion to observe situations where this legislation would have helped is, frankly, not doing the job of a local member. A number of stories have been told in this debate about difficulties with departmental tenants. I have my share of those. Without going through them all, probably my worst case involved someone on the receiving end of half a dozen apprehended violence orders from departmental officers and contractors. However, difficult tenants are in the minority.

There is always a danger in debates of this sort that the vast majority of people will be labelled with a brush that should be applied to only particular individuals. Along with other members of this House I make it clear that my comments are restricted to a small number, not the bulk of public housing tenants. Comments by Opposition members last night provoked me into making a contribution today. The point made by the honourable member for Vaucluse was that the legislation did not go far enough, and that the law should be tougher. My problem with that approach is that its underlying perspective is that this problem is related to individual behaviour and individual tenants. There are real issues of social disorder, criminal behaviour and drug dependence in many suburbs of Sydney.

This phenomenon is affecting large parts of the suburbs of Sydney. What is happening is not simply related to individual behaviour, but is part of a much broader social phenomenon. Previously when I have spoken in debates about the Department of Housing I have referred to authors who have written about this issue. I record the work of Gregory and Hunter in a document entitled "The Macroeconomy and the Growth of Ghettoes and Urban Poverty in Australia". That discussion paper was presented at the Centre for Economic Policy Research at the Australian National University.

The point made in those sorts of documents is that there has been a dramatic polarisation of incomes and wealth among Australians over the past 20 years. By 1990, the top 20 per cent of income earners had wages that had trebled; the bottom 40 per cent had wages that had only doubled. By the end of the 1980s the richest 10 per cent of Australians received 23 per cent of all personal income and the bottom 10 per cent received only 3 per cent. The significant contribution that Gregory and Hunter made to this issue was to tie those incomes figures to geography. We are talking not just about income inequality but about spatial inequality.

There is a difference not only between rich people and poor people but between richer suburbs and poorer suburbs. In 1976 the figures suggest that there was a fairly relatively equal spatial distribution of household income in Australian suburbs. By the 1990s that had changed dramatically. In 1991 the income gap between the top 5 per cent and the bottom 5 per cent had almost doubled. To try to simply revert to dealing with individual misbehaviour, to make things tougher and give greater powers to control individual behaviour, misses the point completely. This is much more a phenomenon in a society which has high unemployment rates, lower tariff protection and economic deregulation. Inevitably, aspects of what is happening flow into social phenomena, into our reality. This is the part of the debate that has been missed by the Opposition. I would like to read on to the record a quote from Gregory and Hunter which states:

The data shows that the economic distance between Australians from different parts of the city has widened to an extraordinary degree. We suggest that it may be increasingly true to say that one half of Australia does not know how the other half lives and that this is not a good thing.

I will leave my comments about the philosophy and the general principles at that. It really means that the propositions put by the honourable member for Vaucluse are absolute drivel. My second point is about the Villawood and Fairfield East housing estate. The history of that estate and what has happened to it is well known. There is a legitimate public debate and public discussion about whether the Government's activity in response to that problem was correct. The Government made a decision that was a value judgment. Members on this side of the House support that value judgment. I must say that I am disappointed that when the honourable member for Vaucluse decided to deal with this issue last night, he put up only one argument, and that is that the Auditor-General said that the Minister was wrong. That is, on any view of it, a monumentally weak argument. There are a

couple of reasons for that. Fundamentally the Auditor-General was dealing with an economic analysis of a social problem.

One does not have to be a first-rate philosopher to understand that that is a nonsense. If you want to make an assessment, you make it on the grounds that are relevant at the time, not on what Tony Harris was talking about. The Harris methodology was quite bizarre. He said that what happened in Villawood was the same as what is happening in other Department of Housing estates. Unlike the people from the Auditor-General's office, I have been to Villawood on a dozen occasions. To suggest that it is the same as anywhere else is just wrong as a matter of fact. I might repeat some of what was said last night. I went to Villawood and did not need the police to protect me, unlike the honourable member for Vacluse. It is regrettable that the honourable member for Georges River has left the Chamber.

Mr O'Farrell: It is not regrettable.

Mr LYNCH: The honourable member for Northcott says it is not at all regrettable that the honourable member for Georges River has left the Chamber. She has a different view about the Government's actions in respect of Villawood to that of the honourable member for Vacluse. She made it clear publicly, to give her credit—this is not something she has hidden; she made her position clear—that she supported the Minister's actions regarding the demolition of the estate. She made those comments on 2UE with Mike Carlton at the time when the matter was debated some time ago. The position taken by the honourable member for Vacluse is extremely weak. The final point I make about the attitude of the Opposition I am reluctant to raise, because it appalled me when the matter was debated last night and by raising it again one draws more attention to it. The difficulty is that if one allows these matters to pass without comment, one is seen to be conniving at their suppression or agreeing with the comments.

Mr O'Farrell: Which is precisely why Howard let One Nation—

Mr LYNCH: The honourable member for Northcott interjects to make a comment about One Nation. That is precisely the point I want to make. The honourable member for Maitland—I was about to say the member for One Nation but I meant to refer to the honourable member for Maitland, and that is close to being one and the same thing—made some remarks last night that justify the comment I just made. If members opposite doubt what I say I

suggest that they look at *Hansard*. At page 108 of the daily proof the honourable member for Maitland said that people of a certain nationality are causing problems. He linked the nationality of people with their behaviour. Without being rhetorical, that is racist. He suggested that a particular race behaves in a particular manner. That is wrong. It is interesting to note that the paragraph in which the honourable member made those despicable and racist comments was introduced by a reference to the Aboriginal Housing Office. People such as the honourable member for Maitland have no business being in this place.

Mr MacCARTHY (Strathfield) [12.42 p.m.]: I repeat the point made by other Opposition members: that the bill is not opposed. Nevertheless, the Opposition is critical of the weakness of the legislation and the fact that it is restricted to public tenants. By restricting the provisions of the bill to public tenants the Government is setting a double standard. It is saying that it will not tolerate bad conduct from public tenants, but it expects private landlords to do so. By adopting that stand the Government is unfairly stereotyping public tenants and effectively saying that public tenants require specific legislation to protect landlords, whereas private tenants do not. As the honourable member for Vacluse said last night, he and the Opposition reject that kind of stereotyping.

The Government should not attempt to create two classes of tenants. Unacceptable conduct should be regarded as unacceptable in all circumstances. Troublemakers in the public housing sector are few in number, but they seem to know how to work the system. As has been said by members from both sides of the House, every member of Parliament doing his job will have regularly received complaints from tenants about some antisocial neighbours. However, many tenants live in fear of violence and remain silent because they are aware of what can happen to those who protest.

I raise a specific case that was brought to my notice recently. I shall not mention the name of the person concerned, because that may add to the problems. In January 1997 a departmental home unit in Harris Street, Five Dock, was deliberately set on fire. The former tenant of the unit had to move from that location because of constant threats and harassment from other tenants in the neighbourhood, including criminals who were well known to local police. This gentleman raised his problems with me. The obvious question he posed was why the innocent tenant had to move and those causing the trouble were able to remain. I wrote to the Minister about this case but did not receive a satisfactory answer.

Following on from that I asked a question upon notice about the incidence of vandalism in the area, the type of vandalism that had occurred, the cost of repairs and whether any residents had been accused of carrying out the vandalism. That was question number 497 of 4 June this year. The answer I received would lead one to believe there was not a great problem. The Minister said that the vandalism to this property was common in most neighbourhoods, for example, broken windows and damage to locks when burglary was involved. Apparently arson is the sort of vandalism that one might expect to occur. According to the answer supplied by the Minister no-one had been accused of vandalism in this instance and therefore no-one had been prosecuted and no tenants had been evicted.

The answer gave me the impression that the department was not well informed on the issue of vandalism in public housing estates. I wrote to the Minister again on 16 July but have not yet received an answer. In that recent letter to the Minister I questioned whether arson was regarded as being common to most neighbourhoods. I drew attention to the fact that no-one had been prosecuted and that if the department was unable to advise the Minister about the problems that had occurred, it was obvious that it had a lax attitude.

The honourable member for Bligh made a similar point in her contribution to this debate. If the provisions of the Act had been policed and pressure placed upon antisocial tenants, perhaps the Act would not need to be amended. I look forward to receiving an answer to my letter. That case brought home to me the problem the department has with vandals who cause damage to property and harass people. The victims have not had a lot of success in getting action taken. Similar things occur in private rental situations, and the bill should deal with that issue.

I hope that the bill will signal a change of attitude by the department and that it will pursue antisocial tenants more vigorously. I shall deal now with the specific provisions of the bill. By definition the bill is restricted to social housing. I understand that an amendment will be moved to correct that. There should not be two classes of tenants in New South Wales. Tenants are human beings and whether they are in public or private accommodation, they should be given the same rights.

I applaud the aim of the bill to provide that tenants should be responsible for not only their own property but that of neighbours, in other words, the common property. That is a most important point and it is covered by the bill. New section 23(2)(b)

does not go far enough; it provides only for drug manufacture or sale of prohibited drugs on public housing premises. If the bill is to combat the menace posed by drug misuse in our society it should go the whole way and refer to growing, using and sale of drugs. It is absurd that the department can do nothing about a tenant who has on public housing premises drugs that are intended for sale, but is not actually caught selling those drugs. The Opposition will seek to amend that provision. I commend the Opposition amendment.

One only has to read the amendments proposed by schedule 1[4] to understand that a double standard is involved. The bill sets out certain behaviour of public tenants that is unacceptable. For instance, new subsection (4) of section 64 obligates the tribunal to consider "any serious adverse effects the tenancy has had on neighbouring residents or other persons". Such a provision should be considered right across the board. I could read other amendments to exemplify my point.

The Opposition will move further amendments to include an explicit reference to threats of violence. The case to which I referred culminated in the unit formerly occupied by the tenant being fire bombed. That incident followed years and years of threats. Nothing was able to be done, and the threatened tenant eventually had to move out of the unit. So I support the amendment to be moved by the honourable member for Vacluse to deal with the issue of threats.

I support also the removal of the cop-out words "unless the Tribunal considers that it would be unjust to do so." That relates to the new subsection (6) of section 64 and the tribunal making an order for possession where there has been a breach of an agreement regarding a residential lease. The order could be made for a breach that relates to the use of residential premises for the manufacture of drugs or to subjecting people or property to unreasonable risk. Surely, the tribunal should not have an opportunity to weasel out of its obligations. The order should be automatic. I commend the amendment to be moved in Committee by the honourable member for Vacluse.

One side benefit of the legislation is that it will assist with the long waiting lists for public housing in many parts of Sydney and elsewhere in New South Wales, but certainly in the inner west of Sydney in the area that I represent. My area has very long waiting lists. People have to wait forever, it seems, to obtain public housing. If the department is fair dinkum, armed with this bill as amended, it will be able to evict troublemakers, leading to more

movement in waiting lists. The removal of troublemakers may assist those seeking public housing. It will not make a lot of difference; I am not about to say that waiting lists will come to an end. However, that will make some difference in helping genuine applicants to move up the waiting lists, which in certain parts of Sydney, including my electorate, are very long indeed.

Provided the amendments proposed by the Opposition are accepted, the bill should prove a good tool for the department to deliver better services to our community. It will be able to do so in three ways: it will provide better protection for neighbours in public housing premises; it will create a better urban environment in general; and it will bring about savings in costs. Reduction of costs will enable the department to provide more public housing for those in genuine need of accommodation, or it will enable the Government to reduce taxes. While the bill should apply to all tenants, at least it will reinforce the message that the right to subsidised accommodation for low income earners carries with it the responsibility to care for premises and facilities and to be good neighbours. I commend the bill.

Mr ROGAN (East Hills) [12.54 p.m.]: I am pleased to be associated with this legislation. I commend the Minister for introducing it. I commend him also for having listened to the concerns expressed by members of our community and for acting upon those concerns in coming forward with these positive measures to address many of the issues that all members of Parliament who have Department of Housing accommodation within their electorates would have encountered at one time or another. That is not to say that the majority of public housing tenants are not good, decent, law-abiding citizens—because they are. I would think that well over 95 per cent of them would fall into that category.

Mr Debnam: It is more like 99 per cent.

Mr ROGAN: Or 99 per cent, as the honourable member says. All laws are made to address a small minority who will not abide by the norms of society and want to act outside a standard that is acceptable to the community. I would like to think that I played some small role in the introduction of this legislation. The Minister considered many representations from honourable members such as myself. I well recall writing to the Minister in April 1996, advising that my office was receiving a substantial number of calls from Department of Housing tenants about fellow

Department of Housing tenants being terrorised and forced to live a life of misery.

In my correspondence I detailed what I thought should be done and said I had formed the view that sometimes the department is not able to act because of lack of power in this sensitive area. That is not to say that Department of Housing offices located in Bankstown are not doing everything they can when my office seeks their assistance. Indeed, I take this opportunity to commend the officers at Bankstown for assisting not only in this respect but overall.

As would be the case with most honourable members, our staff deal with these matters on a day-to-day basis, and the department is most helpful in trying to do all it can to address problems and issues as they arise. In 1995 the Minister, in a forerunner to this legislation, issued a press release referring to a new strategy to evict troublemakers from public housing. The Minister said that troublemakers and criminals would be evicted from public housing under a new strategy that he announced at the time. The Minister said in a press release:

For too long tenants in public housing have had to put up with harassment from a small but sometimes violent group.

On 22nd September this year it was announced that legislation would be introduced to provide that public housing tenants who harass their neighbours, vandalise public property or use their homes for illegal activities will be pursued under tough State Government reforms and tenancy laws. The Minister announced in the press statement various measures that are included in the bill now before the House, namely amendments to the Residential Tenancies Act to address the adverse impact on neighbours, people or property at risk of injury or damage, and where premises are being misused, for example, for drug manufacturing and the sale of prohibited drugs.

This is an excellent bill. I have not had the opportunity to study in detail the amendments that the Opposition foreshadowed it will move in Committee. It is pleasing that the Opposition will support at least the basic principles of the bill. If some provisions of the bill need looking at, I know that the Minister and the Government will give any suggestions every consideration. I commend the Minister and the departmental people for the drafting of this legislation. I am delighted to be associated with the passage of it through the House today.

Debate adjourned on motion by Mr Merton.

[Mr Acting-Speaker (Mr Mills) left the chair at 1.00 p.m. The House resumed at 2.15 p.m.]

LEAVE OF ABSENCE

Mr SMITH: I inform the House that the Leader of the National Party is absent today because His Excellency the Governor is visiting the honourable member's electorate.

BUSINESS OF THE HOUSE**Days and Hours of Sitting**

Mr WHELAN: I inform honourable members that next week the House will sit beyond midnight on Tuesday, Wednesday and Thursday. It is important that the House sit beyond 10.30 p.m. to allow proper debate and passage of a number of important Government bills, including the Commission for Children and Young People Bill, the Police Service Amendment (Complaints and Management Reform) Bill, the Weapons Prohibition Bill, the Residential Tribunal Bill, the Heritage Amendment Bill, the Residential Tenancies Amendment (Social Housing) Bill, the Rural Lands Protection Bill and the Drug Courts Bill. Otherwise, I can confirm the sitting dates set out in the schedule released on 27 November 1997. I have provided this information so that honourable members can make appropriate arrangements in light of the changed sitting hours.

BILL RETURNED

The following bill was returned from the Legislative Council with amendments:

Olympic Roads and Transport Authority Bill

[Notices of motions]

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

Mr Hazzard: On a point of order. I have no hesitation in accepting your order placing me on three calls to order, but I was responding to the buffoonery of the Premier. The Premier also should be placed on three calls to order. There cannot be a rule for the Opposition and no rules for members on the Government side of the House.

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

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.

Macleay District Hospital

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

Ryde Hospital

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

Land Tax

Petitions praying that land tax on the family home be abolished, received from **Mr Collins, Mr Debnam, Ms Ficarra, Mr MacCarthy, Mr Merton, and Mrs Stone**.

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**.

East Sydney and Darlinghurst Policing

Petition praying for increased police presence in East Sydney and Darlinghurst, 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**.

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**.

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**.

Transmission Structures

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

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**.

Mona Vale Road Dual Carriageway

Petition praying that Mona Vale Road be upgraded to provide a dual carriageway between Terrey Hills and Mona Vale, received from **Mr Brogden**.

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**.

QUESTIONS WITHOUT NOTICE**DEPARTMENT OF COMMUNITY SERVICES
CHILD CARE LICENCE SUSPENSION**

Mr COLLINS: My question is to the Minister for Community Services. Is it the case that when a co-carer at a Coffs Harbour family day care home was accused of child sexual abuse—

Mr Whelan: On a point of order. The basis of my point of order is the sub judice rule. I am the Minister responsible for the Child Protection Enforcement Agency, which has advised me today that any further public airing of this matter during current police investigations is inappropriate and may damage potential prosecutions. I therefore ask that this question and any further questions on this issue be ruled out of order.

Mr COLLINS: On the point of order. The application of the Minister for Police should not be entertained by the Chair until after I have asked the question. The question does not disclose the identity of the person, and the Minister should at least hear the question before making any application.

Mr SPEAKER: I will allow the Leader of the Opposition to ask the question.

Mr COLLINS: My question is to the Minister for Community Services. Is it the case that when a co-carer at a Coffs Harbour family day-care home was accused of child sexual abuse, the Department of Community Services considered the matter serious enough to suspend the centre's licence—

Mr SPEAKER: Order! Does the advice received by the Minister for Police apply to this case?

Mr WHELAN: I cannot confirm or deny that, nor will I go into any specific details on the matter. I have advised the House of the advice I received from the Child Protection Enforcement Agency. I was given that advice in the hope that members, as a result of comments made in this House, do not disadvantage prosecutions or investigations. There are issues of serious criminality involved, and if this House makes public certain facts, the consequence of which is that prosecutions fail, who will be the winner?

Mr SPEAKER: Order! It is a longstanding tradition of this House that the Chair accepts the advice of a Minister who informs the Chair that the

subject matter of a question is sub judice. On this occasion I propose to do the same.

Mr COLLINS: Mr Speaker, no charges have been laid.

Mr SPEAKER: Order! I rule the question out of order.

Mr COLLINS: The sub judice rule does not apply; no charges have been laid. This is nonsense. This is a cover-up. It is not sub judice. This is a blatant cover-up. The Leader of the House is protecting the Minister for Community Services.

Mr SPEAKER: Order! I have ruled the question out of order. However, I direct that the question not be counted as one of the 10 questions provided for in the standing orders.

BANKSTOWN POLICING

Mr SHEDDEN: My question without notice is to the Minister for Police. What is the Government's response to threats against police in the Bankstown area?

Mr WHELAN: I commend the honourable member for Bankstown for his interest in his constituents. Honourable members will be aware that on Tuesday night between 8.30 and 10.30 illegal broadcasts were made over the police radio network. Threats against the police, hoax calls for urgent assistance and extremely offensive remarks were made. It meant that police had to change radio channels to ensure the safety and security of police and the public. Police believe the threats may be linked to last weekend's tragic murder of Edward Lee. These actions are reprehensible; they are unAustralian and will not be tolerated. They show clearly, however, that police investigations are on the right track.

Several issues are raised by this incident. First, I assure the House that the safety of police is of utmost concern to both Commissioner Ryan and me. Commissioner Ryan has briefed me about the incident and the actions being taken in response. Regional Commander Ike Ellis and Local Area Commander Dave Madden reacted swiftly to the threats against police. Safety precautions have been taken. I do not intend to specify the safety precaution; to do so might jeopardise ongoing operations. I understand the Police Association has been consulted and is happy with the action.

It is important, however, to understand the enormous steps taken by this Government to

improve the safety of our frontline police. More than \$30 million has been spent on vital safety measures and equipment, including new Glock pistols, bullet-resistant vests, capsicum spray, safety rainwear, eradication of radio blackspots, and extendable batons for police who need them. None of these were provided by the previous Government, despite recommendations in 1992 by that Government's own Taskforce Alpha and numerous requests by frontline police. The present Government has also increased the penalties for assaults against police to a maximum of 12 years. Under the previous Government the maximum penalty was five years. Of course, officer safety remains a priority. If Commissioner Ryan advises me that further measures are necessary, the Government will be ready to act.

Second, the issue of the security of the police radio system arises. The commander of the police communications group, Warren Stanton, advises that police have procedures to deal with incidents like this. On Tuesday night those procedures were quickly activated. Public safety was not compromised. The police radio network was sadly neglected by the previous Government. Its only solution was to try to force police onto a system that did not work at Wynyard, at Central or in Centennial Park, let alone in areas outside the Sydney central business district. Between 1995 and this financial year this Government has allocated almost \$16 million to upgrade the police radio network. As this year's budget papers show, another \$27 million will be spent upgrading the whole police network to a digital system. Only yesterday I approved the first stage of this project.

This year more than \$11 million will be spent on the new police network. New analog-digital compatible terminals and radio control equipment will be delivered before the end of the year. Commander Stanton advises that the new network will make tampering with the police radio extremely difficult, if not impossible. The new system will mean police will have the means to disable equipment causing interference or making illegal broadcasts.

I send the following message to the low life who think they can get away with tampering with the police radio: you are cowardly scum. You are committing serious criminal offences. Under State law it is an offence to hinder police investigations. The maximum penalty is seven years imprisonment. Under Commonwealth law it is an offence to interfere with police radio communications, the maximum penalty being five years. I am certain when these people are caught—and they will be—police will seek the toughest penalty possible.

Third, I must mention the concerted attack on crime in the Bankstown area, and this will be of great interest to the honourable member who asked the question. In August Commissioner Ryan and I announced Strike Force Innsbruck—a team of 50 uniformed and plain clothes police operating in the Bankstown local area command. Commander Madden and his team of dedicated police are doing an extraordinary job fighting crime in the busiest local area command in the State. As at last Friday significant results had been achieved by Strike Force Innsbruck.

I am sure the honourable member for Bankstown will be extremely interested in these figures. They include 221 arrests, 580 charges, 352 intelligence reports, the seizure of \$400,000 worth of drugs, and property to the value of \$556,000 has been retrieved. Police are relentlessly cracking down on antisocial behaviour, drug-related crime, crime hot-spots and repeat offenders in the Bankstown area. Obviously the police are getting under the skin of those who previously led a comfortable criminal existence. This will continue. Criminals and thugs in the Bankstown area should beware. Police are out there, they are after them, and they will not be intimidated.

GOULBURN ACCIDENT INVESTIGATION UNIT

Ms SEATON: My question is addressed to the Minister for Police. Why has the Minister moved to disband the Goulburn accident investigation squad without any reference to the local coroner? Given that the local coroner has raised concerns regarding the high volume of fatal and serious collisions in the area, why has he ignored this expert opinion?

Mr WHELAN: I will ascertain the appropriate details and provide an answer to the honourable member in due course.

WESTERN SYDNEY BUSINESS ASSISTANCE AND JOBS

Mr ANDERSON: My question without notice is to the Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney. Can the Minister inform me and the House what the Government is doing to promote business and create jobs in Sydney's greater west?

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

Mr YEADON: I commend the honourable member for St Marys for his keen interest in promoting investment and job creation in his electorate. The Carr Labor Government is getting behind the community, the businesses and the families of Western Sydney. Through its jobs plan the Carr Government will promote the businesses of western Sydney by working with the community, by being innovative and by forming productive partnerships. The Government is doing an excellent job at producing productive, beneficial partnerships with business and the community. With the Western Sydney Industry Awards the Government, through those business and community partnerships, is delivering a solution that is already bringing benefits to western Sydney.

Western Sydney is home to new and emerging firms, especially in the sectors of advanced manufacturing, information technology, environmental management, agribusiness, tourism, plus business and corporate services. The Government listens and responds to the people of western Sydney. It wants to ensure that the emerging firms, the wealth and job generators of now and tomorrow, grow and are successful in western Sydney. On 11 September at Penrith I formally launched the Western Sydney Industry Awards. Those awards will encourage job creation and investment growth because they will position western Sydney as a national region of excellence. At the Penrith launch of the awards Mr Charles Jamieson, the Managing Director of Austrade, delivered an address that highlighted some of the western Sydney firms that are export winners and represent the region's excellence.

I will mention only a few of the winners as a snapshot. Corinthian Doors at St Marys has state-of-the-art manufacturing technology and is now expanding into export markets. TNA Australia of Chester Hill, which is in my electorate, was the winner of last year's Australian Exporter of the Year Award. That was an outstanding achievement. I am pleased the honourable member for Gosford endorses those comments. Blue Mountains Honey, a small operation in Penrith that sells honey products through duty-free stores and direct to overseas clients, won an award. Texcrete Pty Ltd at Emu Plains has developed a large market for its stencil concrete products in Japan, and is moving into other overseas markets.

Mr Souris: Do you get the credit for it?

Mr YEADON: The Government is certainly assisting all of those firms in a valuable way,

something that the Deputy Leader of the National Party has never ever done. I will comment on his party in a moment.

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

Mr YEADON: The Deputy Leader of the National Party put \$50 million down the gurgler on Luna Park. We are fortunate he is an accountant or it would have been \$100 million. That will never leave him. Western Sydney has plenty of winners. The Western Sydney Industry Awards will promote the prosperity and success of the region's businesses in three ways. The awards will encourage a sharing of knowledge and expertise across the region; industry achievements will be acknowledged by peers and the wider community; and the awards will show the competitive advantages of the region. Those advantages have been built up by the Government and have attracted recent investment in New South Wales.

Western Sydney businesses and industries have greeted the awards and the Government's initiatives with unbridled enthusiasm. I will read some of the headlines that greeted the news of these awards. The headlines are, in the *Parramatta Sun*, "West jobs boost"; in the *Penrith Press*, "Awards launch talks west"; in the *Macarthur Chronicle*, "Awards to encourage investments"; in the *Blacktown City Sun*, "Jobs boost for west"; and in the *Fairfield Advance*, "Look west for top industries".

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

Mr YEADON: Those outstanding headlines highlight the achievements of the Government in western Sydney. The Leader of the Opposition can laugh but he and his pathetic little western Sydney task force are held in contempt in western Sydney. Tomorrow at Warwick Farm I will announce further partnerships that the Government is forming with business and industry to promote these awards and jobs and investment in western Sydney.

[Interruption]

It is interesting to hear members of the Opposition denigrating these western Sydney firms. Business is showing its support in the most practical and hard-headed way with sponsorships valued at more than \$150,000. The ability of the leadership of the Carr Government to deliver infrastructure—more than \$800 million worth of capital products this year alone—and services to western Sydney has ensured a positive future for a region that is competitive,

innovative and dynamic. As I indicated earlier it is important for honourable members to remember that the Western Sydney Industry Awards are the result of working partnerships between the Government and the community. I could spend some considerable time listing those partners, which number more than 40 firms, organisations and government agencies. However, in the interests of brevity, I seek leave to table the full list for incorporation in *Hansard*.

Leave granted.

Office of Western Sydney

The 1999 Western Sydney Industry Awards are an initiative of the NSW Government's Office of Western Sydney and have been developed in partnership with:

- **Industry**—leading industry organisations including the Greater Western Sydney Economic Development Board, Australian Industry Group, Australian Business, Greater Western Sydney Regional Chamber of Commerce and Industry, the Greater Western Sydney Business Connection, Greater Western Sydney Tourism Inc, GROW Macarthur, the Environment Management Industry Association of Australia, the Agribusiness Association of Australia, Regional Tourism Board, OZEMAIL, ENPROC, Abbott Tout, Nelson Wheeler Arnold
- **Government**—the NSW Department of State and Regional Development, NSW Agriculture, NSW Sustainable Energy Development Authority, Environment Protection Authority, Department of Land and Water Conservation, TAFE NSW, Export Centre/AUSTRADE, Local Government including the Western Sydney Regional Organisation of Councils and the Macarthur Regional Organisation of Councils and the Macarthur Regional Organisation of Councils
- **Other Key Stakeholders**—the University of Western Sydney, the NSW Innovation Council, the Co-operative Research Centre for Waste Management and Pollution Control, the Advanced Manufacturing Centre (Australian Technology Park), ENPROC, the Institute of Export, Industrial Supply Office, the Macarthur Waste Management Board, the Western Sydney Waste Management Board, the Hawkesbury-Nepean Catchment Management Trust, Prospect Credit Union

Mr YEADON: Partnerships are vital to success. That is acknowledged by the following comment:

New South Wales can be made more decent and more efficient by partnerships. Public-private partnerships are the key—partnerships between government and business, between the public sector and the community sector.

Those comments describe what the Government has done in western Sydney; they describe the Western Sydney Industry Awards. They are the words of the Leader of the Opposition in a speech to the Sydney Institute on 7 October 1998.

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

Mr YEADON: I commend the Opposition for acknowledging the merits of the Government's actions in western Sydney and for acknowledging that the Government has taken the correct approach. The Western Sydney Industry Awards are another example of the jobs plan of the Carr Labor Government bringing employment opportunities and investment to this State and, in particular, to western Sydney.

DEPARTMENT OF COMMUNITY SERVICES CHILD CARE LICENCE SUSPENSION

Mr COLLINS: My question is addressed to the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women. Is the Minister aware of any recent child sexual abuse case where the Department of Community Services thought the matter serious enough to suspend a day care centre's licence but failed to enforce the suspension or to advise parents? Can the Minister explain why parents were kept in the dark by her department, thereby delivering their children into the hands of a suspected paedophile?

Mr Whelan: On a point of order. My point of order relates to the sub judice rule. I am advised by the Department of Community Services that charges of sexual abuse of children in care have been laid against two people who were family day carers. The case is currently before the court. I have raised this point before. I do not object to the question, but the Leader of the Opposition has to wear the responsibility: if he jeopardises the trial, be it on his head.

Mr Collins: On the point of order. The question was about systemic failure of the department under the Minister for Community Services. It was not about another department or the individual who has been charged and to whom the Minister referred. The Minister failed; her department failed. That was my question.

Mr SPEAKER: Order! The question asked by the Leader of the Opposition was of a general rather than a specific nature. Bearing in mind what the Leader of the House has said, the Minister should be as brief as possible in her answer and should avoid referring to the particular case.

Mrs LO PO': I am advised by the Department of Community Services that charges have been laid. The case is currently before the court and is therefore sub judice.

COALITION LAW AND ORDER POLICY

Mr IEMMA: My question is to the Premier, Minister for the Arts, and Minister for Ethnic Affairs. What is the Government's response to the coalition's law and order policy?

Mr CARR: The House will recall that in 1991 and 1992 a veritable orgy of bungee jumping paralysed the State.

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

Mr CARR: One could not go down to the Australian Stock Exchange without one's top hat being knocked off by the excitable heels of a bungee jumper. Right across the city families of this great State were crouching in foyers, scared to go out in the streets because of the orgy of bungee jumping. But the greater the moment, the greater the man! The Attorney General of the State stepped forward with bans on bungee jumping—the only law and order contribution he made as Attorney General. That was only stage one of the policy. Stage two was the matter I dealt with yesterday: an offence involving \$100 equals a day in gaol. Today we devote ourselves to stage three of the Opposition's law and order policy: grid sentencing. The advice of the Attorney General's Department is that grid sentencing is junk food justice. The Attorney General said—

Mr Collins: Table the advice.

Mr CARR: I would be happy to table the advice, because it comes in the form of a report on sentencing that was given to the former Government in 1994. It is all there. We have been into the files and this matter was canvassed for the former Government.

Mr Collins: Table it!

Mr CARR: He keeps saying "Table it". In June 1994 the advice to the former Government was publicly released. Should New South Wales adopt an American-style sentencing grid system to provide consistency in terms of sentences of imprisonment?

Mr Collins: Yes.

Mr CARR: The former Government did not do it! In June 1994 it was in front of you and you rejected the advice. There is a host of argumentation in the report about why that option should be rejected. We can compare how grid-style sentencing would work with how New South Wales laws work

at the present time. Where grid sentencing has been applied in the United States of America, it has proved to be an absolute disaster.

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

Mr CARR: In Minnesota, for example, under grid sentencing solicitation for prostitution carries a harsher penalty than criminal sexual conduct with a child. Solicitation for prostitution can also carry a heavier penalty than drive-by shootings. In Minnesota under grid sentencing sports bookmaking, a starting price operation, can carry a harsher penalty than solicitation of children to engage in sexual conduct. In 1996 the *Washington Post* ran a three-part exposure of this wacky idea, this wacky concept. It pointed out that in a case in which a man was found guilty of second-degree murder of his wife the judge wanted to give him a sentence greater than the 14-year maximum that the grid allowed. He sentenced the man to life imprisonment. The judge had to move outside the sentencing grid to bring down a life sentence. As a result the sentence was overturned on appeal. No matter what the circumstances of the case, a judge is limited to the grid. The appeal court overturned the life sentence of a vicious murderer because the life sentence was a deviation from the grid.

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

Mr CARR: The murderer received a lesser sentence because that was all that was permitted by the grid.

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

Mr CARR: I can compare for the House grid sentencing under the proposals of the Leader of the Opposition and sentencing under the law at the present time. Under the grid of the Leader of the Opposition the penalty for aggravated robbery is two years. Under the existing New South Wales law it can be up to 10 years, but is limited to two years under his grid. It is plain wacky. It is another wacky policy idea from an Opposition with no positive solutions. Under the grid of the Leader of the Opposition murder in the second degree carries a penalty of 10 years and four months. Under the existing law the equivalent offence carries a penalty of 15 years.

To give another example, under the grid of the Leader of the Opposition first degree assault carries a penalty of 41 to 45 months—less than four years.

Under New South Wales law the penalty is 10 years. That is the great policy solution of the Leader of the Opposition. Stage one in his approach to law and order is the banning of bungee jumping. Stage two is one law for robbery from the rich and another law for robbery from the poor. Stage three is unworkable, impractical grids that have already failed and are being condemned in the United States. Let us consider these wacky policy suggestions in line with the Opposition's other wacky policy suggestions. The Blue Mountains autobahn, the turning back of the Clarence River—all wacky ideas. One of them—I think it was the member for Eastwood—even came up with the suggestion of confiscating bicycles from children in groups. These are wacky ideas from a wacky Opposition.

Mr SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mr CARR: Perhaps their wackiest notion ever is the proposition that the Leader of the Opposition should ever be Premier of this great State.

AMBULANCE HOSPITAL DIVERSIONS

Mrs SKINNER: My question without notice is addressed to the Minister for Health. Given that the number of hours ambulances are diverted from Sydney hospitals has increased threefold under this Government, how can the Minister justify his claim in the House yesterday that overall there are fewer hours of ambulance diversion than there were in 1995? Why did he mislead the House?

Dr REFSHAUGE: I refer the honourable member to the report of the Audit Office, which clearly suggests that the number of diversions across the State has decreased since 1995.

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

REGIONAL AMBULANCE SERVICES

Mr NEILLY: My question without notice is directed to the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs. What is the Government doing to enhance ambulance services in regional and rural New South Wales?

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

Dr REFSHAUGE: The Government has been building up the Ambulance Service and has a record number of uniformed officers on the road. The Government has been updating the ambulance fleet.

Our latest initiative will further enhance ambulance services in rural New South Wales. I am pleased to announce that the introduction of paramedics will be trialled in four rural centres: Albury, Dubbo, Tamworth and Wagga Wagga. If that project is as successful as is hoped, it will be expanded into other areas around the State.

Already two ambulance officers from Dubbo and one from Albury have begun their paramedic training. These officers were chosen after an intensive and highly competitive selection process. They started training in Sydney on 28 September and will be paramedics by the middle of next month. They will then return to their home stations. Over the coming months further courses will be held for officers from Tamworth and Wagga Wagga. Paramedic education is intensive. It involves six weeks at the Ambulance Education Centre, five weeks at a major teaching hospital and 14 weeks training on the road. The clinical education of paramedics increases their level of skills and allows them to perform a range of extra procedures.

Their additional training will result in improved patient care through higher diagnostic skills combined with the ability to use a broader range of drugs and equipment to treat life-threatening conditions. Paramedics are highly skilled ambulance officers who are able to provide infusions, administer a broad range of therapeutic drugs and maintain a patient's airway by intubation. Some of the additional procedures include cannulation—the placing of an intravenous needle into a patient's vein—and intra-osseous cannulation; arterial tourniquets, which are more sophisticated and complex than intravenous tourniquets; and tracheal suction, and use of the oxylog ventilator.

The training means also that paramedics can administer a broader range of drugs, including adrenalin, 50 per cent dextrose, diazepam, haemaccel and morphine. This project is only one of the ways in which the Government has been building up the Ambulance Service to meet the needs of patients and families. The introduction of paramedics into rural areas will ensure equity of ambulance care for people living in country areas. As of July this year a record 2,376 uniformed officers were on the road, and that figure is set to increase further. Since coming to office the Government has dramatically reduced the age of the ambulance fleet. This year more than 100 ambulance vehicles have been purchased, and that means that only 19 per cent of the fleet is more than eight years old, as opposed to 45 per cent when Labor came to government.

I am pleased to note that most of the 40 new Toyota four-wheel drive ambulances, which are designed to handle rough terrain, have already been delivered. The majority of them have gone to regional and rural New South Wales. Under this Government funding for the Ambulance Service has increased by 43.5 per cent. Honourable members should compare that increase to the coalition record. Between 1991-92 and 1994-95 funding for the Ambulance Service fell by 2.2 per cent in real terms. The coalition delivered a reduction in Ambulance Service funding. The Government has increased funding by 43 per cent. It is committed to building up the Ambulance Service, supporting the hundreds of men and women across the State who are at the frontline of our health care system and increasing training and paramedic services for country areas. That is a welcome advance in the provision of rural health services. I know that the members directly involved will be appreciative of that work.

SPEECH WRITER BOB ELLIS

Mr O'FARRELL: I ask the Premier a question without notice. How can we trust anything the Premier says, when Bob Ellis writes his speeches?

Mr CARR: A short time after I was elected Premier the Leader of the Opposition said to Bob Ellis, "Come and work for me and I'll pay you double."

BROKEN HILL MINERALS EXPLORATION

Mr BECKROGE: Will the Minister for Mineral Resources, and Minister for Fisheries advise the House what steps the Carr Government has taken to promote minerals exploration and to create jobs in the Broken Hill area?

Mr MARTIN: It is fitting that the honourable member for Broken Hill asked this question. He has been a tireless worker for Broken Hill and has never taken a backward step when it meant battling for Broken Hill. I am pleased to advise the House of the Carr Government's commitment to a high level of minerals exploration in the Broken Hill region to help to secure the region's future, to secure jobs and to maintain a vibrant community that has a long pioneering tradition. The Government's commitment takes the form of substantial investment in a five-year, \$15 million Broken Hill exploration initiative. That initiative has been taken in conjunction with the Federal and South Australian governments and is part of the wider and immensely successful

\$35 million Discovery 2000 program, for which the Government has allocated \$5.1 million this financial year. That is part of the reason that under this Government exploration investment reached a record high, in excess of \$100 million, last year.

The Broken Hill initiative is part of the national geoscience mapping accord, a project involving the Department of Minerals Resources, the Australian Geological Survey Organisation and the South Australian Primary Industry and Resources Department. That commitment has resulted in exploration activity increasing substantially in the Broken Hill region over the past three years and has provided new geoscientific information for use by mineral exploration companies. The project area includes the Broken Hill and Olary regions, Mount Painter, Mount Babbage and the Koonenberry belt. The Government has committed significant resources to the project because ore from the Broken Hill mine, which is the lifeblood of the Broken Hill region, is running out.

Since the discovery of the phenomenal line of lode in 1883, the Broken Hill mine has yielded more than \$70 billion in silver, lead and zinc. But the mine is nearing the end of its economic life. The only major mining company remaining, Pasmenco, has announced that, at the current rate of extraction, there are probably only eight years of reserves left in Broken Hill. The situation is already having an effect on the city: the population in 1996 had dropped to around 21,000, the lowest this century. I am told that the number of hotels has decreased correspondingly to 23, from a high of 71. That says it all for Broken Hill.

The Government is acutely aware that new ore deposits need to be found to sustain the region. That is why I inform the House of the Government's continuing exploration commitment, with \$15 million for the Broken Hill exploration initiative. The question asked by the honourable member for Broken Hill is particularly timely, because today marks the conclusion of a four-day conference in Broken Hill to discuss the work of the initiative and recent discoveries. The conference delegates heard about an impressive list of projects. To begin with, exploration has increased significantly in the Curamoma province. As a result of the climate provided by this Government, private expenditure in the region averaged more than \$14.3 million per annum in the years 1995 to 1997 inclusive.

The full impact of the investment has yet to be realised, but the area taken up by exploration licences has increased by a factor of more than 10

since 1994. Several significant discoveries have been made at Mundi Mundi, Mundi South, Thunderdome and Wahratta; a series of significant drill intersections of gold, copper and other base metals have been discovered within the Benagerie's Ridge magnetic complex, identified under the Discovery 2000 initiative; and White Dam is showing encouraging gold and copper intersections, and is progressing well.

Over the past three years the Government has contributed more than \$2 million to geological surveys in the region. We plan to contribute a further \$670,000 this year, nearly \$200,000 more than each of our partners. Additional resources have been allocated this year to geological mapping of the Koonenberry region between Broken Hill and Cobar. The initiative has featured airborne magnetic and radiometric surveys. It has been devised after full consultation with exploration companies and taking into account their needs. Approximately 300 kilometres of deep seismic reflection surveys in the region have produced some of the most spectacular results of the whole initiative. The structures revealed by the seismic surveys show a regional dip to the south-east in the upper-crust and mid-crust levels of the Broken Hill block.

Mr Phillips: Explain what that means, Bob.

Mr MARTIN: I will tell the honourable member about some of the great work being done. He would know of Roxby Downs with its lode of copper, uranium and gold. That ore is 300 metres below the surface, but it was found by detection equipment in aeroplanes that fly over the area at a height of about 250 feet. Upon drilling, it was found that the value of the copper in that area was more than our national debt. This is terrific stuff. I can also tell the honourable member that tomorrow the Premier will open the Cadia Hill mine, a great achievement under this Government. I could tell the House a lot more. The results of seismic surveys indicate a much greater degree of shallow dipping, faulting and lateral movement than had previously been envisaged. They also indicate a much thicker crust of 43 kilometres beneath the Broken Hill block than the 35 kilometres in the surrounding regions.

One of the other new and important data sets is that of age dating. These results are important in the context of developing tectonic and mineralisation models in the region. Modern minerals exploration concentrates on finding those promising areas that are less obvious. To do that, a combination of modern detecting techniques, like geophysical and geochemical surveys, and good records of

exploration activity are needed. Under this Government the old ways have been phased out and new techniques have been introduced, techniques that should provide investment and jobs in the region.

The results speak for themselves. They will be instrumental in helping to find new mineral deposits and in encouraging the minerals exploration industry to invest in the resource. That is how this Government is securing the future of mining in Broken Hill. That is what this Government is about. Tomorrow the Premier will open Cadia Hill mine, a great initiative under this Government. It was facilitated by great legislation put forward by this Government. The Carr Government is pro-mining, unlike the honourable member for Gosford, who is campaigning against coalmining on the central coast. The Deputy Leader of the National Party is campaigning against Mount Airly—

[Interruption]

Members of the Opposition are anti-mining. An ex-policeman in the upper House, who got out at the time of the royal commission, is one of the campaigners. We are a wake-up to you! I thank the honourable member for Broken Hill for his excellent question.

Mr Hartcher: On a point of order. The Minister for Mineral Resources cast a personal reflection upon a member of this Parliament.

Mr SPEAKER: Order! The member for Gosford may draw that to the attention of the Chair after question time.

Mr Hartcher: I am raising a point of order under Standing Order 81. It relates to a grossly offensive remark made by this gutless Minister about a member of the Legislative Council.

Mr SPEAKER: Order! The member will resume his seat. The Chair will hear the member on the point of order after question time.

Mr BECKROGE: I ask a supplementary question. The Minister in his response said that the Government was pro-mining. Could the Minister give examples to support his statement that the Government is pro-mining?

Mr MARTIN: The list is as long as your arm. I mentioned earlier that tomorrow the Premier will open the Cadia Hill mine. There are also the Potosi and Browns Creek mines. We spoke about Cooranbong mine yesterday. Bengalla and Cadia

Hill mines have their special legislation. The Mount Owen, Dartbrook and South Bulga mines have opened. The first sod has been turned at Airley, near Woolemi. The Mount Arthur North mine and the Wyong mine have been put out to tender. The Duralie mine has received approval. The first trainload of coal after a year and a day left from Stratford mine. The list goes on. The honourable member for Broken Hill is one of the finest pro-mining members in the Parliament. I thank him for his question.

Questions without notice concluded.

SPEECH WRITER BOB ELLIS

Personal Explanation

Mr COLLINS, by leave: I wish to make a personal explanation. For the parliamentary and public record the statement made by the Premier regarding Bob Ellis is a total fabrication and is false in all respects. It is, like much of what the Premier says, a bare-faced lie, a figment of the florid imagination of the State's Premier for the moment. It totally proves the point made by the honourable member for Northcott.

BROKEN HILL MINERALS EXPLORATION

Point of Order

Mr Hartcher: I take a point of order under Standing Order 81, which provides:

A member shall not use offensive words against either House or its members.

The Minister for Mineral Resources—who cowardly left the Chamber even though he knew I was to raise this point, because I sought to take the point of order during his response to the question—used offensive words about a member of another House. The Minister said that that member got out of the police force at the time of the royal commission. That is a lie. It is a fabrication. Under the standing order I submit that the Minister for Mineral Resources should be asked to withdraw that insinuation against a member of the other House.

Mr SPEAKER: Order! The honourable member for Gosford knows full well that the standing orders do not enable the Chair to order the Minister to withdraw the statement. The honourable member for Gosford has drawn the attention of the Chair to what he believes to be an inaccurate statement made by the Minister. The Minister may respond to the point of order if he chooses to do so.

QUESTIONS WITHOUT NOTICE

Supplementary Answer

GOULBURN ACCIDENT INVESTIGATION UNIT

Mr WHELAN: Earlier today the honourable member for Southern Highlands asked me a question about the Goulburn accident investigation unit. I have been given the following reply by Inspector of Operations G. R. Barton of Wagga Wagga. At the Deniliquin region management team meeting in June 1998 it was resolved to devolve the region's crash investigation unit, subject to consensus by the State Coroner. A condition of the devolution was that each local area command use its own experienced resources, with specialist support, to address serious and fatal crashes in each command. A further condition was that each command nominate three personnel experienced in investigating serious and fatal crashes to make up and respond as part of the local area command's critical incident investigation team to custody issues resulting from police pursuits. A meeting was held on 10 July with the State Coroner, Mr Hand, and he supported the region's move, with conditions.

[Interruption]

I have not received anything from the State Coroner but I will do so. That answers the honourable member's question. The move was supported by the State Coroner.

BUSINESS OF THE HOUSE

Order of Business

Motion, by consent, by Mr Whelan agreed to:

That standing and sessional orders be suspended to provide that:

- (1) at the conclusion of private members' statements today, business be interrupted for the introduction up to and including the Minister's second reading speech on three bills; and
- (2) members not be permitted to call a division on any question or call attention to the want of a quorum from 4.15 p.m. until the conclusion of today's sitting.

CONSIDERATION OF URGENT MOTION

Department of Community Services Staff Screening

Mrs SKINNER (North Shore) [3.22 p.m.]: My motion should be debated today because people urgently require a guarantee from the Minister for

Community Services that the Department of Community Services is free of paedophiles. People are sick with worry. They should not be made to wait another day for a guarantee from the Minister and the Government that DOCS is paedophile free. They should not be left wondering how long ago the Minister was first warned about sexual allegations against her staff. They demand to know now why the Minister did not pass on knowledge of or warn them about the allegations.

For nearly a year the Minister has defended her department by passing the buck every time a crisis arises. Time and again she said, "It is not good enough." But it is not good enough for parents in New South Wales to live in fear that their children may be at risk when they come into contact with people accused of being paedophiles because the Minister and the Government have failed to pass on warnings. Time and again the Minister has said, "I have demanded an explanation from my department." It is time for the Minister to stop blaming others and start giving answers. It is time she answered our questions.

How much did the Minister know, when did she know it and why has she not passed on the warning to people who have the right to be afraid that their children are at risk? It is not enough for the Minister to plead ignorance or to answer some other question, and it is not enough for the Government to hide behind a sub judice ruling on this matter. The people of New South Wales have a right to know that their children are safe. Honourable members who are concerned that parents have a right to know when allegations of paedophilia have been made against departmental staff should support my motion and allow the debate to proceed.

In three years we have had a succession of community services Ministers, departmental heads and chiefs of staff. The only thing we have not had is answers—we have never had answers. There has not been any change or action, just excuses. If the Carr Government had kept the promises it has made time and again since 1995, DOCS would be free of paedophiles, the State's children would be safe and cases such as those raised in this House in the past few days would never have arisen.

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

The House divided.

[In division]

Mr SPEAKER: Order! I have been advised of a misunderstanding that has resulted in a member not attending. I direct that the doors be unlocked and the division bells be rung again.

Ayes, 43

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| Mr Beck | Mr O'Doherty |
| Mr Blackmore | Mr O'Farrell |
| Mr Brogden | Mr D. L. Page |
| Mr Chappell | Mr Peacocke |
| Mrs Chikarovski | Mr Phillips |
| Mr Cochran | Mr Photios |
| Mr Collins | Mr Richardson |
| 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 | Mrs Stone |
| Dr Kernohan | Mr Tink |
| 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

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

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| Mr Armstrong | Mr Knight |
| Mr Cruickshank | Mr Nagle |

Question so resolved in the negative.

RURAL LANDS PROTECTION BILL

Second Reading

Debate resumed from 21 October.

Mr CHAPPELL (Northern Tablelands) [3.36 p.m.]: The Opposition is concerned about additional information regarding the development process of the Rural Lands Protection Bill. In the lengthy consultation process leading to its final drafting so many changes were made that there is now a lack of confidence in the bill. Of course, it is acknowledged that much of the bill remains as it was known to those who participated in the process. However, the exposure draft was subject to more than 300 proposed changes and approximately 220 changes were forwarded to the parliamentary draftsman. Although many changes were incorporated in the final bill, many others were not.

The Opposition is not satisfied that all the players know and understand the final package as it has been introduced. It is not confident that rural industries and the 48 rural lands protection boards will get exactly what they think they are getting. The bill comprises 171 pages and has been available in its final form only since late last week. More time must be given for individual rural lands protection boards and their ratepayers to consider this bill. Some specific issues in the bill still generate considerable concern. It will not surprise the Minister to hear that in those areas that are unhappy about the recent enforced amalgamations, particularly in Merriwa and Tenterfield, there is a lack of confidence in the Minister about his control of rural lands protection boards.

Ratepayers in those areas will not be happy until their genuine grievances are addressed. The next government will address those grievances. Considerable concern has been expressed about the impact of the line of authority on the local autonomy of individual boards. After all, the State council is subject to the control and direction of the Minister. The central council can direct boards, and the Rural Lands Protection Board has no right of appeal. It must be remembered that the Minister can simply remove the State council and appoint an administrator. The lack of confidence is in the line of authority and the autonomy of the boards as previously enjoyed.

The boards are financed by their ratepayers although I understand there is to be a small subvention of \$250,000 for five years. That is not provided in the legislation, so people are concerned about the added cost. A growing number of people are concerned about just how much this Act will

cost them, both boards and ratepayers. There will be a new and more costly corporatised bureaucracy. There is new accountability under the new Finance and Audit Act. There are fees to directors. Additional responsibilities are transferred from the department. All this means greater cost, but how much greater? Certainly it is more than the \$250,000 but I do not know that any attempt has been made to accurately cost that and to translate it to costs to individual boards and individual ratepayers. Minimum rating is an issue in many areas, particularly on the coast.

I understand a rating review inquiry is due to report soon. Why then are we not awaiting that report so its findings can be taken into account in this bill? This may be an opportunity to resolve this contentious issue once and for all. The New South Wales Farmers Association is still concerned about a number of aspects of the legislation. It too needs more time to study the bill as it was finally presented to the House. For those reasons the Opposition will seek to have this matter deferred to allow full and genuine review of the bill. It can come back to us in the first session of Parliament next year. By then it could enjoy the full support of the boards, their ratepayers, the Opposition and the New South Wales Farmers Association.

Surely the Government would want to know that this legislation, covering very efficient organisations that have been well accepted in rural and agricultural industries for many years, will allow those boards to go forward with their expanded areas of responsibility but with a sense of ownership by the ratepayers and the boards elected by them. The Government would do well by all the boards and all the ratepayers of these rural lands protection boards throughout the State to give this legislation more time. I acknowledge again that there were lengthy negotiations over a long time, but 171 pages of legislation with more than 300 proposed changes, and 220 of them going forward to the Parliamentary Counsel, mean that at the end of the day the package cannot yet be fully considered and endorsed by all the players. It is incumbent on the Minister to ensure that that is allowed to happen.

Mr R. W. TURNER (Orange) [3.42 p.m.]: Since this bill came before the House there have been some changes to it, and the Opposition will be seeking amendments. The aim of the bill is to repeal and re-enact in a simplified and modified form the Rural Lands Protection Act 1989. Since 1994 changes have been proposed and a working group was established to review the legislation. It recommended changes to improve the management of boards and to make them more accountable. It is

noted that the number of boards have been reduced from 57 to 48. On those boards are 386 directors, including 34 women. It is good that women are coming on to the boards, and I am sure that in future many more will be appointed.

A most important objective of the bill is to provide for the protection of rural lands. Another objective is to provide for the continued operation of rural lands protection boards, and to that the National Party gives its support. Further objectives are to constitute a State council of rural lands protection boards and to give the State council general oversight of the boards exercising their functions in accordance with determinations of board representatives at annual State board conferences. The bill will 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. Clause 238(1) of the bill, under the subheading "Protection from liability", states:

A matter or thing done by the State Council, a board, a member or employee of the State Council, a director or employee of a board, an authorised officer or any person acting under the direction of the State Council or a board does not, if the matter was done in good faith for the purpose of executing this or any other Act, subject the member, director, employee, authorised officer or person so acting personally, or the Crown, to any action, liability, claim or demand.

I interpret that to mean that although directors do not receive remuneration, if they start receiving remuneration they would have to start accepting more responsibility. That clause says that provided the board acts in good faith it is not responsible for its actions. However, once directors start to receive remuneration, somewhere down the track they would have to be mindful of their actions. A further objective of the bill is to provide for the imposition and collection of rates, charges and fees, another contentious issue. The honourable member for Oxley spoke about problems with small lots on the north coast. That difficulty arises not only on the north coast but in many other regions as well, given that many small lots are to be found around cities such as Dubbo, Wagga Wagga and Bathurst. Whether to levy small lots for rural lands protection rates is always going to be a contentious issue.

The bill aims to regulate the provision of animal health services; to provide a framework for the identification and control of animals, birds, insects and other members of the animal kingdom that are pests; to make provision with respect to the identification of stock; and to regulate the use of, and the movement and grazing of stock on, travelling stock reserves. Travelling stock reserves

are receiving a lot of attention at the moment, especially in my area, and I have had many discussions with secretaries and directors of rural lands protection boards about them.

A growing concern is that claims by Aboriginal land councils are being made on the 500,000 hectares of stock reserves under rural lands protection board control. Whether those claims are successful—and I hope the Minister can give me an assurance that those claims will not be successful—they are creating much angst amongst the boards. The boards have to supply extensive information. Some of the boards supplied as much information as they could five years ago and answered the questions at the time but they have since received another letter asking for more information on the use and maintenance of the travelling stock reserves over the past five years. The boards do not have that information. That information did not have to be stored in the past. In its annual report the Bourke Rural Lands Protection Board had this to say about land claims:

Like many Boards in NSW the Bourke Board had its share of Land Claims placed on them. We are currently still pursuing a happy end result and I suppose only time will tell. It has taken up a lot of Staff's time to research the material and put a positive case forward for these and it still seems unbelievable that claims can be put over TSR'S and Reserves.

I hope the Minister has a positive reply to those rural lands protection board concerns. They have not been faced with these claims in the past and they do not know how to handle them. They do not believe they should be subject to these claims. Travelling stock routes, from north to south, from east to west, and in times of drought, are vital for stock movement. If some land claims are successful, stock routes will be broken up. These days less stock is being moved along the routes than in the past because of the efficiency of road transport, but stock routes are still vital to the interests of regional New South Wales and must be maintained.

A precedent will be set if rural lands protection boards fail to fight to retain less used travelling stock routes because others have been lost. I seek an assurance from the Minister that travelling stock routes, although not included in the present bill, will be available for use as they have for many years. Amendments to allay concerns, some genuine and some an overreaction, of some rural lands protection boards have to be taken into account before this debate is finalised. I would be pleased if the bill remained on the table until those concerns have been satisfied and the rural lands protection boards and their directors are comfortable that the legislation will meet their needs.

The bill will be discussed in the other place and I hope that when it comes back to this Chamber for its third reading those concerns will be answered and the boards will be run efficiently. I do not know of anything that could replace the boards. They have been run as efficiently as possible and have had the confidence of a vast majority of farmers. Farmers are best served through rural lands protection boards.

Mr SMALL (Murray) [3.52 p.m.]: The Rural Lands Protection Bill is a complex document. The rural lands protection boards play a very important role in the Murray electorate. In the last two years the Corowa, Urana, and Jerilderie rural lands protection boards have been amalgamated. The Deniliquin and Moulamein rural lands protection boards have also been amalgamated because those areas have a veterinary surgeon to provide services and information. The Balranald and Wentworth rural lands protection boards are totally covered by the western division. Hay Rural Lands Protection Board is part western division and part eastern division. Travelling stock routes are a very important feature of the Murray electorate.

Stock routes particularly between Deniliquin, Hay, Moulamein and Jerilderie enable stock to be conveyed overland for stock sales taking place in southern New South Wales. That has been a traditional practice for more than a century. Stock routes are controlled and managed by local rural lands protection boards. They are important in times of drought and play a significant part in the movement of stock to help with grazing when sufficient fodder is available. Care for the land as preserved under the Rural Lands Protection Board for noxious weeds and noxious animals is another of their important roles. Rural Lands Protection Board land is used for recreation. When in government some years ago the coalition identified that Rural Lands Protection Board areas could be used for other purposes such as sport and camping, subject to the purposes prescribed by the Rural Lands Protection Board.

Grasshopper plagues have required professional management by Rural Lands Protection Board officers working together with Department of Agriculture staff. The boards work together with shires and authorities to control fires and ensure that controls are applied regarding stock diseases. Management and rangers of rural lands protection boards ensure that stock that move down the stock routes are free from disease and do not affect neighbouring farms. They also play an advisory role in drought declarations. The Balranald and Wentworth shires, which virtually cover the same

areas as the Wentworth and Balranald rural lands protection boards, are now under exceptional drought circumstances even whilst the east, central and the north of New South Wales have enjoyed a good season of rain.

Last year Balranald Rural Lands Protection Board was identified to be under drought exceptional circumstances. In October last year the area covered by the Wentworth Rural Lands Protection Board had rain but has seen little since then. That area has now been declared to be under drought exceptional circumstances after pressure from my Federal parliamentary colleague, the Hon. Tim Fischer, and myself. I was pleased that the Resource and Conservation Assessment Council—RACAC—identified the need. Many farmers are facing difficult times at the moment and rating is of enormous concern to them. The rural lands protection boards are financed by farmers through their rates. A scheme must be in place to control insects and locust plagues, noxious weeds and animals, so the rates are necessary.

Over the years rates were calculated on the sheep, cattle, horses and other stock. In recent years there has been a huge development in cropping and in some farming areas there is little stock or no stock at all. Farmers have had great difficulty paying rates, which have risen enormously. Ten years ago the ratepayers in Coleambally were having difficulty in paying their rates, because they had no stock. The fairest way to calculate rates would be on a dry sheep equivalent of the capacity of the land. However, if the land is irrigation land, the dry sheep equivalent rate is much higher. At that time I took up this issue with the then Minister for Agriculture to make sure that rating was fair and above board.

The bill defines rates, what land is rateable, the treatment of certain holdings as single holdings, types of rates, when rates are to be levied, how rates are levied and so on. The liability of rates and whether occupiers are liable to pay rates needs to be spelt out. I totally endorse the rural lands protection boards and am pleased that the bill states that they will remain. Volunteers on rural lands protection boards volunteers, chairmen—who really do a lot of work—executive officers and staff, all play an important role for country people. Ian Causley, a former Minister for Agriculture, asked for this matter to be looked at and recommended dramatic changes. The creation of a new bureaucracy, a corporatised entity, would certainly include salary rises in the senior executive service.

Presently the State council acts as an advisory entity between the Minister and the rural lands

protection boards. Unless this matter is handled carefully the cost to ratepayers will rise. That is the worst thing that could happen to people on the land. Income to land-holders is frightening these days. Most farmers, because of drought conditions and the collapse of the wool industry, are at rock bottom. The last thing they can afford is increased rates. The farmers and the boards in my area are deeply concerned. There is no need for this bill to be dealt with at this time. Although the program was commenced a long time ago, the bill was only recently introduced.

The second reading speech was given by the Minister only last week. I am sure the intentions of the Minister are honourable. It would be wise for the Minister to allow more time for people to give him more advice, such as that received by local members. Perhaps the bill should return to this House early in the New Year, or in the next session of Parliament, after it has been thoroughly investigated. New South Wales farmers are not in favour of the bill and the boards have not given all good reports. The intent of the bill is favourable, particularly because it supports retention of the boards. However, unfavourable areas could bring costing problems. The board of management must ensure that stock routes are always useable, and that process involves a cost.

Mr WINDSOR (Tamworth) [4.05 p.m.]: I want to place on record my thoughts on the bill, which, hopefully, may help others make responsible decisions. I will not support the legislation unless it is severely amended. I intend to move amendments in the Committee stage. If those amendments are not agreed to I will oppose the legislation. History shows that the bill was introduced following an inquiry that developed when land-holders on the north coast whinged about their circumstances. At that time former Minister Ian Causley, who lived on the north coast, thought he could do something. He spent taxpayers' money on an inquiry but the bureaucracy broadened the structure of that inquiry in an attempt to take control from the rural land protection boards local administration.

Last night I listened to the Deputy Leader of the National Party speaking to this legislation. He suggested that the legislation should be left on the table to allow further consideration. I have received a number of phone calls from Rural Land Protection Board members and directors and from the farming community. Many people have seen the original draft and many have spoken to the State council about amendments. Some amendments put forward have been accepted. There is a feeling in rural communities that the legislation is being rushed.

There is no point in rushing through this legislation. I believe the Minister is being snowed. I suggest he back off and give the rural land protection boards an opportunity to study this bill rather than a draft they may have seen in the past.

I will raise technical matters in the bill at the Committee stage. I take this opportunity to place on record my disgust at the way in which the Merriwa, Mudgee and Tenterfield amalgamations took place. Since that amalgamation problems have arisen involving legal wrangling and arguing. That classic case could have been avoided if the boards had not been railroaded. Those boards could have operated under the existing system at no extra cost to the Government. I place on record my disgust at the way those boards—and board members who had done a great job over many years—were handled. That is part of the reason people in those areas and others in the farming community distrust what is happening in the Parliament at the moment. They have not had the advantage of seeing the bill and being able to distribute it to other community members for consultation.

The way the amalgamations were handled was a classic example of the Government failing to put in place a realistic impact statement to demonstrate the benefits that would accrue in the public arena, to the Government, and to the State Council of Rural Lands Protection Boards. If that had been done, everyone would have realised that there were no gains. One wonders why the amalgamations were addressed. Three broad areas of concern about the bill have filtered through to me. The first is the ability of the Minister to direct the State council. The second is the power of the State council to control the management of individual boards.

I am fully aware that this is a corporatisation process and I understand the mechanics involved, but concern has been expressed as to whether this is a better way to administer the boards than was the case in the past. The individual boards have been well run and been in control of their own destiny, with the advice of the council. Though there have been problems from time to time, the boards have done an excellent job in the main. The directors of the boards should be congratulated on the work they have done. I repeat that there is no reason for this bill to be before the Parliament.

The third issue that has caused heartache for some people is the potential for the transfer of New South Wales Agriculture responsibilities to the boards. The Minister no doubt will say that is not the intention of the legislation. However, when one examines the provisions of the bill carefully and

considers the motivation for it, one understands that people should not be condemned for thinking that it is the intention of the bill that somewhere down the track there will be a transfer of responsibilities from New South Wales Agriculture to the Rural Lands Protection Board which will be paid for by ratepayers—the farmers within the board areas. The Minister should take note of the call by the Deputy Leader of the National Party to allow the bill to lie on the table whilst more consultation takes place. I am in the process of preparing amendments and hope to have them ready by next Tuesday, if the Government wants to rush the legislation through the Parliament. If the bill is put to the House in its current form, I will vote against it.

Debate adjourned on motion by Mr Watkins.

WEAPONS PROHIBITION BILL

Bill introduced and read a first time.

Second Reading

Mr WHELAN (Ashfield—Minister for Police) [4.12 p.m.]: I move:

That this bill be now read a second time.

The Weapons Prohibition Bill confirms that the possession and use of prohibited weapons in New South Wales is a privilege. The bill aims to make New South Wales a safer place in which to live. The Weapons Prohibition Bill contains the toughest controls on the use and possession of prohibited weapons ever enacted in Australia. Firearms will, however, remain subject to the Firearms Act 1996, that is, this bill will not change the existing firearms law. On 31 March the Premier announced the establishment of a task force to review the effectiveness of the Prohibited Weapons Act 1989 and its enforcement. The task force was chaired by the Director-General of the Ministry for Police and included representatives from the Police Service, the Cabinet Office, the Attorney General's Department and the Department of Fair Trading.

The task force found that the Prohibited Weapons Act 1989 is inadequate and outmoded, and recommended its repeal and the introduction of entirely new legislation. This bill implements the recommendations of the task force for tougher legislation to protect the community against prohibited weapons. A great deal of consultation occurred during the development of the bill. The groups consulted included the Police Association; the Retail Traders Association; the Firearms Dealers

Association; the security industry and security industry unions; the film and television industry; the Media, Entertainment and Arts Alliance, which is the union for the film, television and theatre industries; museums; martial arts organisations; and prohibited weapons collectors groups. I assure the House that those groups will continue to be consulted during the development of the regulations, which will also be advertised for public comment.

The bill will improve public safety by imposing stricter controls on the possession and use of prohibited weapons. In addition, the bill provides tough penalties for a range of prohibited weapons offences. The underlying principles of the bill are that the possession and use of prohibited weapons should be a privilege, and not a right, that is conditional on an overriding need to ensure public safety. The bill requires each applicant for a prohibited weapons permit to prove a genuine reason for possession or use of a prohibited weapon. It provides strict requirements that must be satisfied in relation to the possession and use of prohibited weapons, and it provides an amnesty period for the surrender of prohibited weapons to encourage their removal from the community.

The bill retains the current system of permits for prohibited weapons but provides more guidance to the police on the criteria for issuing a permit. Currently there are no legislative criteria on the issue of a permit. The bill changes this by imposing minimum criteria, such as requiring permit applicants to show genuine reason for possession of a prohibited weapon. Last session the Government introduced the toughest knife laws in Australia. Those laws were required because anyone carrying a knife without lawful reason is attacking the civil liberties of others. Today in New South Wales it is illegal to carry a knife in a public place or school without a lawful reason. Police can search for knives and confiscate them. Police can now also demand names and addresses and ask people who are harassing, intimidating or causing fear to others to move on. The Government's policy can be described as zero tolerance on knives, and it is proud of that.

All those weapons which are currently prohibited under the Prohibited Weapons Act 1989 have been retained in the bill. Some of these weapons include flick knives, sheath knives, push daggers, trench knives, butterfly knives, star knives, flame throwers, kung-fu sticks or nunchakus, side-handled batons, hand-held electronic shock devices, knuckledusters, sap gloves and studded fighting gloves, and defence or anti-personnel sprays. After police advice, three new weapons have been added:

ballistic knives, which are devices that shoot a blade by means other than by explosive; acoustic or light-emitting anti-personnel devices which are designed to incapacitate or disorientate persons; and any device designed to propel or launch a bomb, grenade, rocket or missile.

These weapons are inherently dangerous and warrant being listed as prohibited weapons. For example, the ballistic knife shoots a blade with sufficient force to pierce the skin and can seriously injure or blind a person. They are readily concealed and are difficult to detect when being carried in public. Strict control of ballistic knives is required to ensure that their use does not increase. Sound and light grenades, as they are known, emit sound and light and can temporarily stun and disorientate persons in the near vicinity. In criminal hands such devices could be lethal tools to be used in robberies or hostage situations.

Missile launchers, including the home-made launchers known commonly as PVC cannons, have no place on the streets of New South Wales. I am advised by the New South Wales Police ballistic unit that several incidents involving PVC cannons have occurred recently. Tests carried out by the ballistics unit have shown that PVC cannons can shoot missiles over 100 metres, through doors and car windscreens. If used on a person, PVC cannons could cause serious injury or death. This Government recognises that there are some legitimate purposes for the possession of some prohibited weapons, for example, by public museums that display historical weaponry, or locally produced film and television productions whose scripts centre around the use of exotic weapons.

This bill ensures that strong penalties will be imposed on those who break the law. The maximum penalty for possession of a prohibited weapon without a permit is 14 years. In addition, clause 32 of the bill provides that a person who purports to hold a permit, forges or alters a permit, lends his or her permit to another person, steals a permit, or knowingly possesses a forged or altered permit is liable to penalties of up to \$11,000 or imprisonment for two years. Clause 10 of the Weapons Prohibition Bill sets mandatory criteria for the issue of a permit. Before a permit is issued, the commissioner must be satisfied that the applicant is a fit and proper person who can be trusted to have possession of a prohibited weapon without danger to public safety or to the peace, that the applicant has completed any approved training and safety course and that the approved storage and safety requirements will be met.

For those groups in the community that can legitimately access these devices, the bill provides genuine reasons for possession and use. Clause 11 introduces a genuine-reason test for all permit applicants. This will ensure that a permit is not issued unless a legitimate need for the prohibited weapon has been demonstrated. There are nine genuine reasons. The first reason is recreational-sporting purposes. The applicant must show that the activity engaged in requires the possession or use of the prohibited weapons for which the permit is sought. For example, persons applying for a martial arts prohibited weapons permit to train competitively with nunchakus must demonstrate that their discipline requires the possession and use of nunchakus. The second is business and employment purposes. The applicant must show that the prohibited weapon for which the permit is sought is needed for the conduct of his or her business or employment.

The third is film, television or theatrical purposes. The applicant must show that the prohibited weapon for which the permit is sought is required to conduct the film, television or theatrical activity. The fourth is weapons collection. The applicant must show that his or her prohibited weapons collection has genuine commemorative, historical, thematic or financial value. The fifth is public museum purposes. The applicant must be an institution that has a written constitution that states the museum's charter, goals and policies; has a stated acquisition policy; acquires, conserves and exhibits objects of scientific or historical interest for the purposes of study, education and public enjoyment; is sufficiently financed to enable the conduct and development of the museum; has adequate premises to fulfil its basic functions of collection, research, storage, conservation, education and display; and is regularly open to the public.

The sixth is heirloom purposes. The applicant must show that he or she has inherited a prohibited weapon and that it has genuine sentimental value, for example, a trench knife which was used by a person's great-grandfather in World War I. The seventh is animal management. The applicant must be a veterinary surgeon or an organisation with responsibilities for animal management, and must show that the prohibited weapon is needed to fulfil those responsibilities. For example, a fauna park may require a blowgun and darts to tranquillise sensitive wild game which react adversely to the use of noisier tranquilliser firearms. The eighth is scientific purposes. The applicant must show that the prohibited weapon for which the permit is sought is required for legitimate scientific purposes. For example, a university may require the use of a high-

powered slingshot to shoot ropes up trees to enable research to be conducted into tree-dwelling animals.

If applicants cannot establish that they have a genuine reason, a permit will not be issued. Each permit will be for a five-year term, or for a shorter period when required. All permits will be subject to the following conditions: the holders must not allow any unauthorised person to possess or use the prohibited weapon covered by the permit; the holders must, by arrangement with police, allow police to inspect their storage and safe-keeping facilities; prohibited weapons dealers or theatrical armourers must, at any reasonable time, allow police to inspect their storage and safe-keeping facilities; and the permit is not transferable. Permit holders are also required to take all reasonable precautions to ensure the safekeeping of the prohibited weapon, that it is not lost or stolen and that it does not come into the possession of a person who is not authorised to possess it. The maximum penalty for not complying with this requirement is \$11,000 or imprisonment for two years, or both.

Breaching the conditions or the safekeeping requirements means that the permit can be suspended or revoked and the prohibited weapons seized by police. The bill introduces tough new mandatory suspension and revocation provisions to ensure that persons with violent tendencies cannot access prohibited weapons. In keeping with the Firearms Act 1996, a permit must be suspended when the permit holder has been charged with a domestic violence offence, or when the commissioner has reasonable cause to believe that the permit holder has committed or has threatened to commit a domestic violence offence. In addition, the bill provides that a permit is automatically suspended on the making of an interim apprehended violence order against the permit holder, and the suspension continues until such time as the order is confirmed or revoked. A permit will be automatically revoked if the holder becomes subject to a weapons prohibition order or an apprehended violence order.

A permit may also be revoked for any reason for which the holder would have been refused the permit: if the permit holder supplied false or misleading information in connection with the permit application, contravenes any provisions of the bill or regulation, contravenes any condition of the permit, or for any reason the commissioner considers sufficient to justify revocation in the circumstances. In the interests of public safety, the bill also provides that doctors and health practitioners may advise police when a patient is unsuitable to be in possession of a prohibited

weapon. Clause 19 provides that once a permit has been suspended or revoked, the permit and any prohibited weapons in the person's possession must be immediately surrendered to police. The maximum penalty for failure to surrender the permit or prohibited weapons is \$5,500 or imprisonment for 12 months, or both.

The bill introduces a range of powers to assist police in ensuring that the interests of public safety are maintained. Clause 33 provides the commissioner with the power to issue a weapons prohibition order to prevent someone from obtaining or possessing a prohibited weapon. Possession or sale of a prohibited weapon to a person in contravention of a weapons prohibition order will attract a maximum penalty of 10 years gaol. Under clause 19, police will be authorised to seize any prohibited weapons in the possession of a person whose permit has been suspended or revoked. Clause 39 empowers police to seize prohibited weapons when there are reasonable grounds to believe that an offence under the bill or the regulation has been, or is being, committed in connection with the weapon.

Pursuant to clause 27, police can also conduct on-the-spot inspections of prohibited weapons and permits. A person must produce their permit and weapon on demand, or if they have a reasonable excuse for not having the permit with them they may produce it to police within 48 hours of the demand. The maximum penalty for failing to produce a permit or weapon for inspection is \$5,500 or imprisonment for 12 months.

The bill also creates new offences relating to the purchase, sale, and advertising of prohibited weapons. A person who buys a prohibited weapon without being authorised by a permit to possess the weapon is liable for a maximum penalty of five years gaol. A person who buys a prohibited weapon from a person who is not authorised by a permit to sell the weapon, is liable for a maximum penalty of \$5,500 or imprisonment for 12 months, or both. A person who sells a prohibited weapon when not authorised by permit to possess it, is also liable for a maximum penalty of \$5,500 or imprisonment for 12 months or both.

Clause 25 of the bill requires any person who places an advertisement for the sale of a prohibited weapon to ensure that the advertisement states that a permit is required to purchase the weapon and includes the permit number of the seller. A person who is in breach of this requirement will be liable for a maximum penalty of \$5,500. These new offences are designed to stop the illegal trade in

prohibited weapons. The Government is serious about reducing violent crime and creating a safer environment for New South Wales citizens. It believes that the proposed laws are strict, sensible and fair. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

PRIVATE MEMBERS' STATEMENTS

PARRAMATTA TO CHATSWOOD RAIL LINK

Mr WATKINS (Gladesville) [4.25 p.m.]: I draw to the attention of the House progress in the development of the Parramatta rail link. I was pleased to hear the Minister for Transport announce in July that the Carr Government had given in-principle approval for the construction of a new 28-kilometre heavy rail link from Parramatta to Chatswood via Epping. This major new infrastructure is to be built by 2006, at an estimated cost of \$1.4 billion. It is the biggest rail construction project in Sydney since Bradfield built the City Circle underground rail line in the 1920s.

Since announcing the approval just three months ago, the Government has wasted no time in getting on with planning for this project. Already, a project control group, headed by the Department of Transport, has been established to oversee the development process. A project manager is to be appointed shortly. The Department of Transport, in consultation with the Department of Urban Affairs and Planning, already has commenced work on the urban planning strategy for the project. This will consider all the associated impacts of the rail link, such as housing, retail and employment development.

In addition to this, the rail agencies already have commenced work on the overview report, which will be released before the end of the year. The Government has called for alternative proposals for the choice of route and technology from the private sector. While the Government has announced its preferred option of a 28-kilometre heavy rail link via Epping, it wants to ensure that the private sector does not have a better solution to western and north-western Sydney's transport needs.

This is an important step in the process of developing a project that meets the needs and expectations of the community. The Parramatta rail link will have massive benefits for western and north-western Sydney by bringing the convenience

of rail travel to thousands of commuters—working families who deserve better public transport. This project is crucial to the future of Sydney's public transport system. Without a major expansion of rail infrastructure, by the middle of the next decade there will be serious congestion on the western line. The Minister made clear that the Government will not allow that to occur.

With patronage levels on the western line expected to rise to 24 million by the year 2021, there is a real commuter demand for this proposed link. There will be widespread benefits for western Sydney, north-western Sydney, the north shore and the central coast. For too long the people of western and north-western Sydney have been denied easy access to major centres such as Macquarie University, Epping and the North Ryde industrial park via public transport. This rail link will change all that by giving them access to employment and educational opportunities in this fast-growing area.

I turn now to the current state of play regarding the Parramatta rail link. The call for alternatives has closed, and those alternatives are currently being assessed by the Department of Transport. An urban planning strategy is being undertaken. The overview is on track for release by the end of the year. Following this there will be extensive community consultation. The environmental impact study is expected to commence, as announced by the Minister, by the end of the year. The project is on schedule to begin construction by the end of next year, and the line will be operational by 2006, as announced.

There will be many benefits flowing from the Parramatta rail link. It will reduce pressure on the main western line; open new and efficient public transport options for western Sydney; provide improved public transport for the areas around Ryde, West Ryde and North Ryde, so that they will be able to access the city quickly and efficiently, thereby reducing the levels of traffic on Epping Road and Victoria Road, two of the most heavily used roads in Sydney; and it will impact positively on air quality. Obviously, the more we can use public transport the better our environment will be. Further, the development of this rail link will limit the impact that the private motor vehicle has on our air quality.

It is important to note that this is a publicly-funded transport infrastructure project. It is being planned and paid for by the people of New South Wales. This recognises that public transport in general, and this project in particular, are good for

the State and are expected by the people. They will be delivered by the Government. It has especially pleasing benefits for my local community. Residents living in Marsfield and North Ryde will have a rail line to service their needs, and the communities of Ryde, West Ryde and Denistone East will be close to that rail link, which opens access to the city, the north shore, the west and the airport via the new southern rail link.

This public transport initiative is in addition to other public transport developments in the Ryde area since the Carr Government came to power. The Government recognises that Parramatta River is an integral transport corridor. In 1995 it opened a newly refurbished Meadowbank ferry wharf. This month, after extensive consultation, the development application for a new ferry wharf at Kissing Point at Putney was lodged with Ryde council. The development of ferry wharves complements improved 500, 501 and 506 bus services on Victoria Road and the 287 and 288 services to the city via Epping Road.

All these initiatives reveal a government committed to delivering public transport that meets the needs of the people of Sydney, especially the residents of Ryde. The Government wants a public transport system that delivers a better quality of life for local communities. We are well on the way to achieving that outcome. I am especially pleased and proud to be the local member while these developments are proceeding.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.30 p.m.]: I compliment the honourable member for Gladesville on his ongoing concern about transport matters, especially in the electorate of Gladesville. As the honourable member said, parts of Gladesville electorate are not well serviced by public transport. Honourable members should examine the original Bradfield concept drafted in the 1920s as a result of a report, a copy of which is in the Parliamentary Library. Some years ago when I was cleaning out a room in what was known as the old cottage, I found a copy of the report. I later gave my copy to the Parliamentary Library, which could not find its copy. I understand the library has had the document restored. The original concept included a cantilever-type bridge to the west. If the Bradfield project had proceeded, Sydney would have one of the best public transport systems in the world. However, the depression and other events intervened. I commend the honourable member, who has a keen interest in transport, for his contribution today.

SAPPHIRE COAST LIMOUSINE SERVICE

Mr SMITH (Bega) [4.32 p.m.]: I raise this matter in a last-ditch attempt to save a small business in the electorate of Bega that is being pressured to close because of excessive regulation and bureaucracy which discriminates against people in rural areas. Sapphire Coast Limousine Service is owned by the Papalia family, a well-respected family in my electorate. The family commenced operating Sapphire Coast Limousine Service in 1995 and now owns two stretch LTD luxury limousines. For a number of years the family has run a successful unrestricted hire car service, as well as a wedding car service. The local community has embraced the new service, which has proved extremely popular. It provides people with the opportunity to travel in a luxury limousine—something that city people have taken for granted for many years.

The two cars are immaculately fitted out and are of the highest standard, both mechanically and in appearance. The drivers wear appropriate uniforms and are exceedingly well suited to the task they perform. The Department of Motor Transport has an age limit of 10 years on these vehicles for unrestricted general hire cars. One of the cars recently reached the 10-year limit, and the other car is within weeks of reaching the age limit. Sapphire Limousine Service, together with other operators, has been given an amnesty on the age limit for wedding cars. I emphasise that this business is not viable without the age limit for the general hire category also being extended.

This limousine service is the only service of its type in the Bega Valley Shire Council area. If it is forced to close it will not simply be the closure of another small business in a country area; it will be the loss of a service to people who live in sparsely populated areas. The people of Sydney and the people in country New South Wales are entitled to the same services. The demand exists for this limousine service but, as always in country areas, the volume of service is lacking.

Bega valley shire has a population of some 30,000 spread over 6,000 square kilometres. The township of Bega has 4,000 people. Obviously, the sparseness of the population and the distances involved are disadvantages for the service. Those figures should be compared with what is available in Sydney, Newcastle, Wollongong and other major regional centres. Sydney has a population of about 4 million. Obviously, the volumes and distances involved make it easier for businesses in Sydney, compared to a similar country business.

I have written to the Minister on a number of occasions seeking an extension of the age restriction on unrestricted hire car licences for these vehicles; the most recent letter was on 24 July of this year. I received a response from the Minister's parliamentary secretary in which he indicated the result of a review of the private hire vehicle industry. He concluded:

In the decisions emanating from the review it was decided to make no change to the age limit of unrestricted country hire cars, but rather to extend to the metropolitan operators the same vehicle age limit concessions enjoyed for years by their country counterpart.

One can only assume from that type of attitude that the Government has no concern whatever for people who live outside the Newcastle, Sydney and Wollongong areas. It has no understanding of country living or the desires and aspirations of the people in country New South Wales. I appeal to the Minister to further examine these regulations and, if he so desires, to visit Bega to see how well presented these cars are. There is absolutely no doubt in my mind that if the age limit of unrestricted hire cars is not extended in the case of Sapphire Limousine Service, this limousine service will be lost not only to these small business people but to the people of Bega and surrounding areas. I could name many other cases of statewide regulations hindering country life. The country is not the same as the city, and it is time people recognised that not everyone lives in the capital cities and that the people in country areas want the same consideration as those who live in the bigger cities.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.37 p.m.]: I will refer the contribution of the honourable member for Bega to the Minister for Transport.

CENTRAL COAST BEACH SAFETY PROGRAM

Ms ANDREWS (Peats) [4.37 p.m.]: On Friday, 16 October, at Umina Beach the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development launched an innovative beach safety program for central coast schoolchildren. Funded by a \$35,000 grant from the Casino Community Benefit Fund, the program is being conducted by Surf Life Saving Central Coast. While recognising that beaches and surfing play an integral part in the lives of many Australians, the Minister acknowledged that, unfortunately, injury and sometimes death occur with this very popular recreational pastime.

The Minister told those gathered at the Umina Beach Surf Club that, with more than 50 years experience, Surf Life Saving Central Coast was well placed in the region to assist local communities in reducing surf accidents. The Minister paid tribute to the 15 surf lifesaving clubs operating within the Gosford City Council and Wyong Shire Council areas which generously provide countless hours of voluntary community service. This project is aimed at improving surf safety awareness at all levels of the community to reduce drownings, injury and mishaps in the surf and beach environment. The clubs will be working with local councils, the tourism industry, police and others to provide surf awareness, lifestyle programs and recreational opportunities for disadvantaged groups.

At the launch Mr Peter James, Chief Executive Officer of Surf Life Saving Central Coast, informed me that the response to invitations extended to central coast schools to participate in the program was overwhelming. Ettalong Beach Primary School was the participating school on the day of the launch.

Prior to dispersing onto the beach, the schoolchildren, many of whom are students with special needs, were shown a video on beach safety. As part of the program they were each issued with a kit and a rash shirt, which doubled as a sun protective garment, courtesy of Surf Life Saving Central Coast. Under the careful supervision of trained surf-lifesaving male and female instructors the children were split into three groups with one group being taught how to safely use a surfboard, another group being instructed in the popular beach sport of volleyball and the remaining group receiving instruction on bodysurfing.

Obviously, the children had a ball. More importantly, they simultaneously received excellent tips on how to revel in beach sports without coming to grief. Mr Gary Justin, President of Surf Life Saving Central Coast, introduced the Minister and outlined the program. Also in attendance were Mr Ray Benton, director of lifesaving and competition for Surf Life Saving Central Coast; Mrs Elaine Unger, junior activities committee director, known as the JAC director of the Ocean Beach Surf Life Saving Club; and a number of other officials from Ocean Beach and Umina surf-lifesaving clubs.

Naturally, teachers from Ettalong Beach Primary School attended to help supervise the children. The teachers were just as enthusiastic about the program as the children. Once again the surf-lifesaving movement has come to the fore by offering its services to central coast residents,

especially to children who will be the adults of tomorrow, thereby ensuring that their safety at the beach is a top priority. This program is an excellent way to utilise funding under the Casino Community Benefit Fund. I pay tribute to Surf Life Saving Central Coast for embarking upon the program and to all of those schools that have registered an interest in the program. I hope this excellent program will be repeated in many more coastal areas. Well done Surf Life Saving Central Coast!

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.41 p.m.]: I congratulate the honourable member for Peats on her remarks about the beach safety program undertaken for central coast schoolchildren and on her support for surf-lifesaving. The honourable member accompanied me last Friday to the launch of the program for Surf Life Saving Central Coast. I was thrilled to attend that launch as I have been associated with the surf-lifesaving movement for 38 years or more. The surf-lifesaving movement is based on volunteers making available their services, time and talent while at the same time taking part in the great Australian institution of surfing our many beaches. This program is indicative of what the Government is trying to achieve in its summer campaign called, "No more. It's the Law"

Early film shots of surf-lifesaving were used in the prelude to commissioning this program at Nobbys Beach on 6 November and were shown again at South Maroubra only two weeks ago. This program follows the successful rugby league promotion at the start of the winter campaign of "No more. It's the Law" Hopefully, during next winter the snowfields will be the focus of a further campaign along similar lines. This program is an ongoing part of improving harm minimisation. Surf Life Saving Central Coast must be congratulated on including young people in the program because even though they may be used to surf conditions, keen holiday-makers, and their country cousins, do not appreciate the inherent dangers of the beach. Surf Life Saving Central Coast has operated for 50 years. Its chief executive officer, Peter James, who has occupied that position for only 18 months, has made a remarkable difference and should be congratulated.

SECONDARY VICTIMS OF TRAUMA

Mr CHAPPELL (Northern Tablelands) [4.43 p.m.]: I refer to the need to develop interagency protocols for the handling of secondary victims of trauma in critical incidents, and to review existing protocols regularly to ensure that they operate well and are known to all participants in trauma and

emergency services. I shall give two recent examples of such incidents in my electorate to demonstrate how this matter came to my attention. I hasten to add that no criticism is intended of the public employees involved in the two cases. In fact, the contrary is the case.

With regard to the first incident, Kym Kilpatrick told me about her son Kel, who was on his way home on the school bus when he witnessed a tragedy. A young boy was hit and killed by the bus. Young Kel was seated at the front of the bus and witnessed the incident. He saw the dead child and heard the bus driver reporting the matter in an extremely distressed state. In the following days his parents became concerned that their young son was not receiving counselling even though a public announcement had been made that all youngsters were offered counselling.

Unfortunately, a breakdown in communication had occurred. I checked with school authorities and was told that protocols had been put in place and that efforts had been made to identify all secondary victims to the incident. However, young Kel happened to fall through the net. Obviously, that demonstrates the need for vigilance in the provision of counselling services. Counsellors were available and protocols were implemented regarding the incident. The fact that Kel did not receive counselling confirms the need to review interagency protocols to ensure they function properly. We should go out of our way to ensure that all secondary victims to incidents are identified and offered appropriate support.

The second case involves my older brother, John, who lives in Armidale. Recently he had cause to be concerned about the safety of his father-in-law, who had lived alone in Armidale following the death of his lifelong partner and wife, Julie, approximately five months earlier. Jack Carlon was a delightful old bloke with many friends and acquaintances in Uralla and Armidale, but he had not been in the best of health. When my brother ultimately broke into the house he found Jack had died during the night from a massive heart attack. My brother called the police, ambulance and various other appropriate services.

Two police officers attended the scene, a senior constable Bill Hooke and a younger constable whose name I do not know. My brother told me that they offered support to him and carried out their duties in an exemplary manner. He said that the police officers went beyond the normal service he had expected of them. I believe he has written to the local area commander to commend those officers. My point is that my brother, who attended upon his

father-in-law, to some extent was probably overlooked as a secondary victim because Jack Carlon's daughters were identified as those needing the care, compassion and support of friends.

John has coped well with the incident and has not complained, but it merely demonstrates that there is a tendency for some victims to be overlooked. In my brother's case police support was commendable, but I am sure that in respect of many incidents, particularly road accidents when police have duties to perform related to accident victims, people who may be at fault and witnesses, secondary victims of trauma may fall through the net and not be offered the appropriate level of support. I have discussed my concerns with the police, and I discussed the first incident I referred to with the local school authorities.

I repeat that we must bear in mind always that when government agencies are working together there must be a clear understanding of well-developed protocols and a follow-up mechanism to ensure that all levels of service are provided. I commend the two police officers who attended in response to my brother's call for their exemplary service. In the incident involving Kel Kilpatrick, the school did follow through with the protocols, but someone slipped through. It serves to remind us to be vigilant and to make sure those protocols are in place, well known to everyone, and observed.

LAKEMBA ELECTORATE POLICE RESPONSE

Mr STEWART (Lakemba) [4.48 p.m.]: I raise a serious matter regarding the recent completion of a report by the New South Wales Ombudsman into a complaint I made concerning an incident involving an attack on me while I was seated in my motor vehicle outside my electorate office on the night of 7 July 1997. The incident resulted in the front driver's side of my vehicle being smashed by some form of projectile or blunt instrument while I was seated in the vehicle, talking on my mobile phone. At the time of the attack I had good reason to believe that a person or persons had shot at me with a firearm.

I was extremely shaken by the incident and contacted Lakemba police on my mobile phone at 9.25 p.m. to report the occurrence. I clearly told the constable who took my call that I was Tony Stewart, State MP for Lakemba, and that I believed I had been shot at while sitting in my vehicle in front of my electorate office. I explained further that the alleged shot had shattered the driver's side window of my vehicle, which was still parked in front of my

electorate office at 82 Haldon Street, Lakemba. I was advised by police that a patrol vehicle would attend to my situation as soon as it was available.

As instructed, I waited in front of my electorate office for police to attend. At 9.36 p.m., 11 minutes after my initial call, police were still not in attendance despite the fact that Lakemba police station is only 300 metres from where the vehicle was parked. I again phoned police and requested urgent assistance, and was informed that a police patrol vehicle would attend as soon as it was available. Police finally arrived at the scene at approximately 9.43 p.m. I was obviously concerned that it had taken police so long to attend to a potentially urgent situation.

I was most disappointed and concerned to discover that the initial police report on the incident to the Minister for Police, which was signed off by local area commander Mr John Honeysett, who has since been transferred, did not reflect the true substance of what I have just outlined. In fact, Mr Honeysett's report to the Minister advised that there was an immediate police response to my situation, when there was not; that the police radio call identified that I was a member of Parliament, when it did not; and that my two mobile phone calls to Lakemba police were made in quick or immediate succession, when they were made 10 minutes apart. Put bluntly, and as reflected in the facts and findings of the Ombudsman's report, Mr Honeysett's initial report on the matter is grossly inaccurate, deficient and misleading.

On 18 July 1997 I wrote to the Minister for Police and informed him of my belief that Mr Honeysett's report on the matter was, at best, negligent or, at worst, a fabrication. My concerns were then forwarded by the Minister to the New South Wales Ombudsman for investigation. The Ombudsman's report, which was issued on 6 October this year, clearly demonstrates that there were gross deficiencies in the way the police handled this matter and gross inaccuracies in area commander Honeysett's reporting to both the Minister for Police and the Ombudsman on the issue. The Ombudsman stated on page 13 of her report:

When these shortcomings [about Mr Honeysett] are viewed as a whole, they suggested a defensive mindset on the part of the superintendent which has led him to either ignoring or misinterpreting certain facts. This kind of attitude does not assist either the police or the public. In this case, instead of seeking to properly address Mr Stewart's legitimate concerns, his actions have also caused him to mislead the Minister.

I am pleased that I have now received an apology from the police, signed by Deputy Commissioner Jeff Jarratt. He wrote:

... I would like to take this opportunity to acknowledge that the police were in fact slow to respond to your call and, having in mind the circumstances surrounding the incident, should have given it a higher priority. In addition, I am advised that certain information contained in the police reports was found to be incorrect and misleading. I find this highly unsatisfactory, particularly when it involves an officer of a substantive rank ...

He apologised further. On the whole, police in New South Wales are extremely hard working and professional, particularly those in my electorate and surrounding areas. I have no bones to pick with the work they do and how hard they work. This was an isolated incident. However, this issue and Superintendent Honeysett's handling of it reflect part of an old and undesirable police culture of covering up. I am pleased that senior police have now accepted the need to properly address the issues and concerns brought about by this incident in a constructive and positive manner. In raising the issue I had the interests of both the general public and police at heart, and I am pleased that the Ombudsman's report has fully vindicated my stand on the matter. I thank the Office of the Ombudsman for its diligent and effective work and I thank also the Minister for Police for his strong support on this most important issue.

BAULKHAM HILLS HIGH SCHOOL HALL

Mr MERTON (Baulkham Hills) [4.53 p.m.]: I wish to raise a matter that I have raised previously in this House: the lack of a school assembly hall at Baulkham Hills High School. Baulkham Hills High School was established 27 years ago and in the past 10 years or so it has been made a selective high school. It is a very big school, attended by students from all over western Sydney—students from my own electorate, The Hills, Parramatta, Riverstone and Blacktown, and generally from western and north-western parts of Sydney. As the school does not have an enclosed assembly hall, all assemblies are held in the open, weather permitting.

That means that from time to time students have to endure very hot conditions and obviously, on the other side of the coin, in inclement weather it is often very cold and sometimes wet. It is difficult for students to find accommodation for their examinations, and that imposes additional stress on young people going through a difficult period, particularly those sitting for their higher school certificate. I have received a number of representations from Sue Lawton, the President of

the parents and citizens association, and I have attended the school. The school is concerned that after being on the waiting list for many years the school hall has not eventuated. On 3 September Sue Lawton wrote to me, stating:

We are seeking your advice as to the protocol and possible benefits of having a petition from our school community to gain attention and/or support for accelerating the provision of a multipurpose facility at the school.

The prospects for improvements in the school seem bleak. This week I have attended a conference at which the theme was The solutions, examining Facility design and development.

She referred to a meeting she attended, at which people from the Department of Education and Training spoke about school needs and community halls. Her letter continued:

Some of the concerns that have emerged are the continued failure to address the needs of schools that were not provided with facilities now that were commonly standard and certainly are built in new schools.

She is saying that new schools appear to have school halls when they are built. This school is 27 years old, and it still does not have a school hall, notwithstanding the fact that it is a selective high school. Her letter continued:

The DET accepts responsibility for multipurpose areas in new schools and even upgrades such existing facilities in some schools but it is very difficult for an existing school to gain what it was denied.

Mrs Lawton believes that the policy of the Department of Education and Training lacks equity. She said:

We cannot even be advanced funds and repay them, in spite of the fact that this has been done for some schools.

She also indicated that priorities seem to be such that Baulkham Hills school's turn never seems to come around. She said she was told almost two years ago that the school could anticipate a hall in two or three years. She said:

Had this planning been adhered to we would be in a different position not the black hole we are.

On another point she stated:

Another issue is to acquire the amounts needed to gain funding means amassing a large amount of money from other areas and retaining funds in the school. This flies in the face of criticism of schools that have large reserves and do not spend their money in the year it is given for the benefit of the current students.

In other words, she is saying if there is some arrangement whereby DET contributes money and the school has to contribute money, in the process of contributing that money the school could be held liable to criticism for not spending it out of the school budget. This is a difficult situation. This excellent school has a wonderful reputation throughout the north-western part of Sydney. People are frustrated. They have a marvellous school and all they want is a school hall so that students can enjoy the facilities that most students take for granted. I know that the Minister is looking into the matter, and I ask him to see what can be done to help this school.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.58 p.m.]: I thank the honourable member for Baulkham Hills for his contribution this afternoon. I will undertake to refer the matter to the Minister for Education and Training for consideration.

SHANE EGAN ASSISTED ACCOMMODATION

Ms MEAGHER (Cabramatta) [4.58 p.m.]: I bring to the attention of the House a matter that demonstrates the important work and reforms in the Health Department in dealing with individual cases and finding solutions for people suffering from often complicated problems and circumstances. The publicity surrounding National Mental Health Week reminds me of a recent reform initiated by this Government which has resulted in a practical solution and benefit for a constituent of my electorate of Cabramatta. I refer to the joint guarantee of service between New South Wales Health and the Department of Housing which was formally endorsed by both directors-general in September 1977.

The guarantee provides clear guidelines for service co-ordination between the departments to provide appropriate supported accommodation options for people with an enduring mental illness. It acknowledges that many special tenants are also consumers of other government services. One of the 12 area health services that have signed off on local agreements based on the guarantee is the South Western Sydney Area Health Service. There are clear examples of the agreement benefiting people in our local area.

In June this year Mrs Sandra Egan approached my office in search of a solution to problems she was experiencing with her son Shane. Shane has a mild intellectual disability that has been severely compounded by behavioural problems including

illicit drug and alcohol abuse. He was often violent and aggressive and posed a continuing threat to his own safety as well that of his mother. Shane had a history of medical and psychological treatment that had not alleviated his behaviour and the problems it posed to his family. His mother turned to me after becoming more frustrated with the lack of progress from various non-government services.

It appeared that because Shane was not strictly psychotic, although he had been prescribed medication that in the past was used to treat psychotic behaviour, he was not a community health case. As a client he was caught between the Department of Community Services and the Department of Health. The immediate problem—to find him accommodation away from his mother—was the responsibility of another department altogether. As his behaviour was worsening, his mother had a real fear that he was destined to end up in prison or a mental health institution before he would receive counselling and medication, which he refused to believe he needed. It was clear that Shane's behaviour was becoming more destructive. His recent refusal to undergo psychological assessment and counselling meant that he was no longer receiving appropriate treatment or medication and his behaviour was bound to get worse.

Mrs Egan was appropriately advised to place Shane in Department of Housing accommodation. As I have already mentioned, one of the problems in finding Department of Housing accommodation for Shane was his behaviour. Mrs Egan explained to the Department of Housing that she believed he would be unable to cope living on his own. On 25 September I made further representations on behalf of Mrs Egan. She had reached a crisis point while Shane was still waiting for Department of Housing accommodation. Against her wishes, but convinced that it was the only course to take for her own safety, Mrs Egan was forced to take out an apprehended violence order against her son because of her fear of his behaviour and his threats against her.

Following one incident Mrs Egan called the police, who took her son away. He was then kept at the mental health unit of Liverpool Hospital. She requested me to make further inquiries to find housing options available to him. I made the appropriate representations to the Minister for Health, and included Mrs Egan's suggestions that Shane be accommodated in a group home or other type of residential care facility where he could receive the necessary treatment and assistance. I was delighted with the reply that I received from the Minister's office. Mr Ken Brown, the Chief

Executive Officer of the South Western Sydney Area Health Service, which administers Liverpool Hospital, advised that accommodation had been found for Shane at Craigieburn Lodge, Lakemba.

I am advised that Craigieburn Lodge is a supervised hostel which provides residential accommodation, including meals and the dispensing of medication. I understand Shane was discharged on Friday, 2 October, from Liverpool Hospital mental health unit to Craigieburn Lodge. The casebook on Shane is far from closed. He will need continual support and assistance but his family now has renewed hope and faith in a system that does not let people fall between departments when it comes to finding desperately needed assistance. I thank the Minister and the Department of Health for their assistance to the Egan family.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.03 p.m.]: I thank the honourable member for Cabramatta for her contribution, which is indicative of the work she does on a personal basis with her constituents and for those in need. Over the years honourable members on both sides of the House have dealt with tragic cases. Members of Parliament are the last stopping point for many people to obtain assistance. There has been a lack of understanding in the community generally about mental health. It was an issue that was generally hidden away. Putting young people in homes tended to make them victims of the system. Frankly, some of them were treated as foundlings. They should never have been put in those homes.

In recent years research has been carried out into people who do not have mental problems but have medical problems that lead to behavioural problems. The community has only just come to terms with referral services and adequate housing for those people, as was highlighted by the honourable member for Cabramatta. Glowing reports have been received about Craigieburn Lodge. The problem that faced Mrs Egan is faced by many parents who know that their children cannot look after themselves. They must find them accommodation where they can be fed and supervised for medication. I congratulate the honourable member for Cabramatta on her tenacity in following this matter through and on having finally found a solution.

MACLEAY VALLEY WORKPLACE LEARNING CENTRE

Mr JEFFERY (Oxley) [5.05 p.m.]: I refer to the training for retail and commerce—TRAC—

which is a new pathway to learning. Last Friday evening I had the pleasure of attending the TRAC graduation ceremony for Macleay Valley Workplace Learning Centre Incorporated, Kempsey, which was held at the Kempsey Shire Council chambers. I have not missed that annual event since the program's inception. The Macleay Valley Workplace Learning Centre is the umbrella organisation for the integrated vocational education programs for years 7 to 12 at the three participating high schools in Kempsey—St Paul's College, Melville High School and Kempsey High School—and the provision of new work opportunities for the long-term unemployed. Kempsey TAFE also supported it very strongly and has been a tower of strength.

The TRAC program began in 1992 with the formation of the Macleay Valley Workplace Learning Centre committee—the first of its type in Australia. The community management group is made up of prominent, well-respected business and education representatives. Those who are involved in the program are Andrew Evans, Director Corporate Services, Kempsey Shire Council; Chris Cooney; Chris Voase; Janet Hayes; Karen Rhodes; Mark Morrison; Rob Burke; and Mick Eller. The staff include Arthur Bain from VEGAS, vocational education and guidance for Aboriginal students, which is recognised for best practice; John Boswell from CREST, a multimedia student-at-risk program—the only program of its kind in Australia; Lisa Daley and Renai McPhail, office assistants who were both long-term unemployed and undertook traineeships in the organisation; and Jann Eason, an outstanding lady and the workplace program director.

The centre receives no significant financial support to research and develop the programs. The funding comes from the community and from businesses within the community. The TRAC program carries significant industry accreditation and is a response to an identified shortfall in the higher school certificate program to prepare students for the workplace. Graduates combine a rigorous program of education and workplace training. Kempsey has problems relating to high unemployment, low socioeconomic family incomes, a high incidence of single-parent families, a high percentage of transient population, third generation unemployment and low education retention rates for Aboriginal students.

Those issues have combined to present the challenge to counter the effects of unemployment. The teacher and co-ordinator, Jann Eason, has said that few people can believe that something this good can come from a country town like Kempsey. The positive TRAC program has received high acclaim

at international level as well as in Australia. As early as 1994 the Macleay Valley Workplace Learning Centre was recognised for its TRAC program by the Dusseldorf skills forum. In 1995 it received the *Sydney Morning Herald* Australia Day district award for community service. In 1996 the centre was one of seven national programs chosen to support the successful Dusseldorf skills forum entry in the skills for life global partnership awards in Toronto, Canada.

In 1995 the centre became the New South Wales TRAC core program overseeing 27 centres in New South Wales. This year it was a national finalist in the learning community award, the only New South Wales program to make the finals. It is highly acclaimed and recognised nationally for best practice. I cannot speak too highly of its management, staff, graduates, the community and the businesses involved. The TRAC program is the catalyst and best practice example for all programs which work together at Macleay Valley Workplace Learning Centre and contribute to the innovative mix of school and work programs. Partnerships with local training organisations provide the variety and mix necessary for the delivery of structured workplace learning programs and appropriate traineeships.

TRAC is now regarded as exemplary in the field of workplace training in both secondary schools and the wider community. TRAC has expanded to provide programs suitable for adult learners and boasts a 93 per cent success rate in New South Wales, the highest nationally. Students either go on to further education or find employment. Most TRAC students find full-time paid employment within 12 months of graduating from the program. The partnership with industry and education has been an outstanding success and the management group and local community are to be congratulated on a great team effort. Local businesses and the Kempsey Shire Council have been exceptional in their support. The greatest achievement is that the students can be successfully employed.

Last Friday night I attended the graduation ceremony, the culmination of their hard work and co-operation. Not everyone is suited to or interested in academic pursuits. TRAC fills the need for those students who want to access the workplace directly from school. The TRAC team is a group of quiet achievers whose satisfaction is in seeing young people and the long-term unemployed succeed. A truly remarkable program! I pay tribute to the Macleay Valley Workplace Learning Centre. [*Time expired.*]

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.10 p.m.]: I thank the honourable member for Oxley for bringing this matter to the House tonight and congratulate the centre on its success. The Minister for Education and Training had intended to be present to reply, but he has been delayed. I have known of the TRAC program since its inception in 1992. The honourable member for Oxley has had a real and intimate interest in people and their problems during the time he has served his electorate. In my time as chairman of the police-citizens youth club he brought several concerns to me. We were able to resolve some, but not all.

The Macleay Valley Workplace Learning Centre grew out of those concerns and the entire community has experienced long-term unemployment at unacceptable levels. The centre has worked with people of all ages, not only youth. Many people during their middle years see redundancy as a nest egg, but soon pass that stage. They need guidance and that is one of the things that this fully vocational centre has been able to achieve. Jann Eason, the centre's co-ordinator, is well known across the State. This training model has been used by other organisations. Part of it was used in a similar innovative program for young people at the Ettalong Memorial Service Club which I had the pleasure of opening last Friday. This year it was awarded the learning community award, which must have been the icing on the cake. This centre has worked very well in Kempsey, unlike in many other places, because the whole community embraced it. Support was given by the council, businesses, commerce and various volunteers. The centre fills a very important need. I congratulate all involved, including the honourable member for Oxley.

FAIRFIELD ELECTORATE ROADWORKS

Mr TRIPODI (Fairfield) [5.12 p.m.]: I take this opportunity to inform the House of the millions of dollars spent in my electorate by the Carr Labor Government on much needed, and long overdue, major road upgrades. My commitment to the constituents of the Fairfield electorate upon my election included the revitalisation of both the main central business district of Fairfield and the Villawood town centre. I am proud to say that these commitments are being honoured. In 1988 the Greiner Opposition promised a major upgrade of the Horsley Drive-Nelson Street-Court Road intersection. For seven years of coalition Government, nothing happened. The promise of the then Liberal candidate, Joe Morizzi, was never honoured. It took the election of the Carr State Labor Government for the promise to be honoured.

The upgrade of that intersection, which was completed at a cost of \$2.4 million, has cut 10 minutes off travel time during peak hours and will make a major contribution to the revitalisation of the Fairfield central business district. The new intersection features two southbound lanes and a dual right-turn bay for access to Fairfield central business district at Nelson Street. Two northbound lanes and an exclusive left-turn slip lane at Nelson Street also have been provided. Safety has been improved for pedestrians accessing the nearby shopping area and for students attending Fairfield High School and Fairfield primary school. These improvements are in the form of signalised pedestrian crossings and the installation of a pedestrian fence on the central median between Nelson Street and the existing signalised school crossing.

The revitalisation of the Fairfield business district is one of my biggest priorities. This major upgrade is just one of the measures taken by the Government to improve the quality of life for residents of western Sydney. Other scheduled major improvements include construction of a pedestrian bridge over the Horsley Drive between Fairfield High School and Fairfield primary school. This will enable removal of the existing signalised school crossing thereby further improving the free flow of traffic. Exciting news which will complement efforts by Fairfield City Council to revitalise the Villawood town centre is that tenders are at present being called for the design and construction of a State Government proposal to upgrade another hazardous section of the Horsley Drive at Carramar.

Under this proposal, the Horsley Drive will be widened from its present two lanes to four lanes between Koonoona Avenue and Mitchell Street. The proposal to construct a four-lane bridge with a right-turn lane to replace the existing two-lane Carramar rail overpass will eliminate a major traffic hazard in my electorate and greatly improve access to Fairfield and the Hume Highway. The proposal further includes the upgrade of numerous roads around Carramar and the construction of a pedestrian and vehicle underpass on Wattle Avenue. After seven years of complete neglect under the previous coalition State Government, during which time the Fairfield electorate received zero dollars and zero cents in capital road works, this \$14 million major upgrade means the people of Fairfield are receiving nothing less than the highest priority from the Minister for Roads and the Labor Government.

It is important to note that there is another major project occurring, the improvement to the crossing over the railway line between Canley Vale and Cabramatta railway station, which touches on

my electorate. Public consultation documents have been issued. This project is a Government priority and will improve safety. At the moment there is a bizarre mixture of roads and a challenging intersection structure riddled with enormous danger. It has been like that for a long time, indeed for as long as I remember. If not for the election of Labor to New South Wales that road would never have been given priority. Slowly my electorate is receiving the capital works funding for roadworks which it needs.

If the previous Government had applied a system for prioritising needs, the Fairfield electorate would have received long ago the funding it is presently enjoying. The previous funding arrangement was based on politics and on who was a friend of whom in the coalition Government. In seven years of coalition Government, Fairfield did not get one red cent for capital works. I am happy that the Minister for Roads—he and I live in the same local government area—is taking a priority decision to give my electorate the money it was always due and which it was denied by the previous Government. That money will improve road safety and travelling efficiency for people in the Fairfield electorate.

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [5.17 p.m.]: I agree with the honourable member for Fairfield about this matter.

Mr Fraser: Why?

Mrs LO PO': The honourable member for Coffs Harbour may not realise that in western Sydney there are problems with travelling as there are in the country. We do not have a road, rail or bus system that gets us to every place, because it is a large area. It is important that people have efficient road systems. I am pleased that one part of western Sydney is being treated decently by the Government. The honourable member for Fairfield was correct in saying that before this Government was elected the people in Fairfield were treated as badly as the people in Penrith.

DRUG ABUSE

Ms SEATON (Southern Highlands) [5.18 p.m.]: Few things are more worrying to parents than the prospect that their child might, knowingly or unknowingly, come into contact with substance abuse. Tonight I speak about the need to rethink our approach to drug crime and drug abuse, especially in the light of emerging information about the properties of marijuana and the known effects of a

range of other illegal drugs. As a parent of a young child I join with those parents who are trying to find ways to prepare young people to reject those choices if, regrettably, they find themselves in that environment and are seeking ways to help those who are already in the drug and substance abuse trap to find a permanent way back to normal life.

I join with parents such as Patricia Wright, a member of my community who has tragically suffered the loss of her teenage son to a drug overdose, in working to find tough and realistic preventive strategies and rehabilitation opportunities for those who are prepared to stop the cycle of addiction. Marijuana is one of the most destructive substances available to our children. We must not delude ourselves about its ready availability. I commend to honourable members a book written by Athol Moffitt, John Malouf and Craig Thompson entitled *Drug Precipice*, which contains important information about recent research into all aspects of the drug issue.

Of particular concern is the growing information about marijuana, including the very high content—up to 30 per cent—of THC in locally available marijuana, the fact that 100 grams of the substance, an amount considered by many courts to be a small quantity, can produce up to 200 joints, and the relationship between use of marijuana and mental disorders ranging from schizophrenia to acute psychosis. The effects on a young person's ability to learn are horrifying. It reduces the ability to concentrate, stays in the system for up to 70 days, impairs short-term memory, can cause feelings of depersonalisation and depression, and has been demonstrated to have a link to patterns of suicide.

Users of marijuana are more likely to have difficulty forming strong relationships and there are even suggestions of a link to a propensity for violent crime, and even homicide. If that is so, why is there such a strong lobby emphasising the soft and recreational myth about marijuana use? When I was at high school there was a strong view that marijuana was all right to use. That myth has persisted in the face of growing evidence that it is an extremely harmful and dehumanising substance. It is the basis of the harm minimisation theory, which I totally reject as nonsense.

Imagine if the same view were taken of drink-driving and people said, "We recognise that, despite the fact that it is illegal—and for very good reason—a lot of people will do it anyway. So let us teach them how to do it safely." Perhaps drink-drivers would be encouraged to wear helmets, roll bars would be put in cars owned by registered drink-drivers, and even safe drink-driving tracks could be

provided where people could drink-drive in places with padded crash barriers, in specially designed cars, or where they could injure themselves but not others. No honourable member would seriously consider harm minimisation for drink-drivers. Then why on earth does anyone pursue it where children and drugs are concerned? We should be pursuing strong educational strategies that include families, schools and friends in a realistic attempt to educate children, preferably at primary school age, about the realities of drug use.

Just as parents take time to explain road safety realistically, for example, so it should be with drugs, which should not be cloaked in some sort of politically correct indulgence of a sixties philosophy about responsible use of drugs and individual choice and freedom. For many of the young children seduced into drug use by these tacit messages of approval there is no second chance. As with a whole range of abuse behaviours, drug abuse chips away at the structures and relationships that all honourable members talk about in this House—families of whatever shape or size. If drug users, among other things, lose the ability to make strong relationships with siblings, parents, children or spouses, and if we do not get real about drug law enforcement, we are sentencing our own society to a grim future.

The statistics about drug use in schools, primary and secondary, are sobering. Every minute we let the problem increase it will become harder to deal with and society will be the poorer in all respects. There must be robust drug education; schools should be empowered to take decisive action against those who flout the rules. Rehabilitation facilities that recognise the mental health complexities of the problem should be made available, and police must be enabled to investigate the abundance of anecdotal knowledge in the community about the drug market. We need a justice system that delivers. As marijuana often is the first drug children try, and in many cases it leads to multi-drug use, it is marijuana that we need to make urgent efforts to understand more about. We must radically change our whole approach to it if we are to have any hope of halting the problem.

SAME SEX RELATIONSHIP RIGHTS

Ms MOORE (Bligh) [5.23 p.m.]: On 22 February 1995 the Premier wrote to the President of the AIDS Council of New South Wales making three unequivocal commitments:

Labor is committed to reform of legislation around same sex relationships so that same sex partners have the same rights and responsibilities as heterosexual de factos when their partner is hospitalised or incapacitated. We will also ensure

that same sex partners are not discriminated against in the operation of the wills and probate and family provisions.

The Premier has publicly and privately re-affirmed those commitments several times over the past three years. Despite that, legislation honouring them has not been introduced. Though the Premier's commitments are vital, they do not go far enough. Even if they were honoured, the laws of New South Wales would remain riddled with discrimination against lesbians and gay men. Eliminating this discrimination requires comprehensive reform. My Significant Personal Relationship Bill introduced into this House in September last year, and the De Facto Relationships Amendment Bill, introduced by the Hon. Elizabeth Kirkby in another place in May this year, seek to achieve this reform.

Honouring the Premier's commitments would be a start. They address areas where reform is most urgently needed—at times of stress, trauma and grief. How would honourable members feel if they were denied the opportunity to visit their partner or spouse in hospital? How would they feel if they were denied basic information about their partner's condition or prognosis? How would they react if they were elbowed aside by their partner's well-meaning relatives? These are experiences my constituents have regularly. While the Premier's commitments remain unfulfilled this is still a possible and practical reality for lesbians and gay men.

For more than 10 years the Wills, Probate and Administration Act and the Family Provisions Act have recognised the surviving partners of heterosexual de facto relationships. Those Acts clearly set out their status and rights. That is not the case for the surviving partners of committed, caring, loving same sex relationships. The blindness of the law in this area has caused unnecessary grief and unhappiness. Their options for obtaining what is rightfully theirs are severely limited. Indeed, their only option has been to use the dependency provisions of the Family Provisions Act. Over the past three years several cases in the New South Wales Supreme Court have relied on those provisions, often with less than satisfactory outcomes.

There is still time for the Parliament to implement these practical, sensible and much needed and overdue reforms. Indeed, there are two options. The Parliament could allow the speedy passage of my Same Sex Relationships (Compassionate Circumstances: Hospital Access, Family Provision and Intestacy) Bill or the Government could introduce its own bill. I understand that a bill

implementing the Premier's specific commitments was prepared 12 months ago. Whichever course is taken should be taken this week. I am aware that some people in the gay and lesbian community believe that the commitments do not go far enough. I agree with them. However, it seems that their position is all or nothing because they fear that achieving these limited reforms will prevent any further action on legal recognition. I do not share their pessimism.

Eliminating discrimination against people in same sex relationships is now firmly on the human rights agenda. The issue will not go away. If I am back in this place next year I, for one, will certainly not let it die. I believe there are members of goodwill on both sides of both Houses who are committed to achieving comprehensive law reform; they include the Attorney General. Our task in the remainder of this Parliament and in the next is to convince our colleagues of the need for reform. I do not doubt that the Attorney General is genuinely committed to comprehensive legal recognition. However, his procrastination and lack of fortitude have been major obstacles.

In the dying weeks of this session he has referred the matter to the Standing Committee on Social Issues in another place. Almost two years ago I wrote to the Attorney General proposing that the New South Wales Anti-Discrimination Board conduct an inquiry into discrimination against people in close personal relationships, including same sex relationships. I believe that the president of the board was willing to conduct such an inquiry. The Attorney General ignored this proposal. A short time later the Victorian Equal Opportunity Commission commenced its own inquiry into legal recognition of same sex relationships. That inquiry received more than 500 submissions from the Victorian community, the majority of which supported the approach taken in my Significant Personal Relationships Bill.

The report of that inquiry was published in March this year. This Parliament could have had the information it needed to make a decision on comprehensive law reform 12 months ago. Instead, it now seems that the lesbian and gay community will have to wait until the next Parliament. The Parliament still has time to lay the foundations for comprehensive reform. It could still pass the legislation necessary to implement the clear commitments that the Premier gave three years and eight months ago today. I call upon the Premier and the Parliament to act now. Time is running out.

STATE DEBT RECOVERY UNIT

Mr FRASER (Coffs Harbour) [5.28 p.m.]: I bring to the attention of the House and the Minister for Community Services, Minister for Ageing,

Minister for Disability Services, and Minister for Women an issue of vital concern to some of my constituents. On 20 October I received an urgent letter from the Coffs Harbour Fishermen's Co-operative headed "RE: Extremely lousy service by the State Debt Recovery Unit".

The history of the matter is that one of the co-operative's vehicles was the subject of a parking fine. The employee who had control of the vehicle at the time the parking fine was issued has since left the co-operative. The co-operative was unaware of the fine. It has since learned that an arrangement had been made for the fine to be transferred to the person who had been in charge of the vehicle at the time.

In the meantime a fine notice was issued by the Roads and Traffic Authority, which had referred the matter to the State Debt Recovery Unit. That unit had not contacted the co-operative. When the co-operative went to pay for the registration of the vehicle involved, in respect of which they had not received any notice, it was told that the vehicle could not be registered because the co-operative owed money to the State Debt Recovery Unit. The manager of the co-operative, Mr Phillip Neuss, decided to contact the State Debt Recovery Office, as he had been advised to do by the Roads and Traffic Authority. Mr Neuss, in his letter to me, said:

We were advised by the RTA to telephone the Debt Collection Office . . . our staff waited listening to the music. After some 4 hours they were told by myself to hang up.

. . . the service offered by the Debt Recovery Unit is appalling—unbelievably pathetic.

The co-op will be charged for a telephone call in excess of 240 minutes to Sydney . . .

I decided to ring the State Debt Recovery Office, lodge a complaint and try to get something done. I read from a letter that I sent to that office:

The telephone service provided by your office is appalling. On more than one occasion I have telephoned (02) 9277 6370 only to have the line ring out. Today I managed to get a recorder and was put on a queue. After a call in excess of 30 minutes I was forced, out of necessity, to quit and actually get on with some work.

I then enclosed correspondence from the co-operative, and asked the State Debt Recovery Office to ring me. After they spoke to me we sorted this matter out. Amazingly, I received another letter of complaint today from Tony Lee Nowland, who has actually paid a fine to the State Debt Recovery Office, but the office had not notified the Roads and Traffic Authority. The receipts and other information are available to support Mr Nowland's information.

When I spoke to someone at the State Debt Recovery Office I was told that they have only 15 people employed to answer between 1,500 and 1,600 calls a day. They are underresourced, not just to answer telephones but to get the paperwork done. They are stressed. The people are in a mess because they do not have enough resources, including computers. I was told by this gentleman to whom I spoke, "It is not a pleasant place to work."

The State Debt Recovery Office does not just seek to recover fines outstanding to the Roads and Traffic Authority. It pursues anyone who owes a debt to the State. There must be on its books a number of people who have defaulted on lease payments on Crown land, failed to pay land tax, and so on. I wonder how many of the people they are pursuing end up in court because of the poor and inefficient services offered by the State Debt Recovery Office. I ask the Minister for Community Services to raise this matter with her Cabinet colleagues, and with the responsible Minister in particular, with a view to providing adequate resources for this body. It seems to me that the New South Wales Government must be losing revenue because the State Debt Recovery Office is so underresourced that it cannot effectively and properly do its job.

Payments are received via the post office or some other agency authorised to collect fees on behalf of the State Debt Recovery Office. Its paperwork is so far behind because of understaffing that the appropriate agency, in this instance the Roads and Traffic Authority, will not have been notified of those payments. This is causing stress to a number of people in country communities, and it must be the same in the city. The State Debt Recovery Office needs an injection of funds. The Government should give the people at the State Debt Recovery Office the support that they deserve in trying to do their job to recover debts owed to New South Wales.

EAST TIMOR INDEPENDENCE

Mr LYNCH (Liverpool) [5.33 p.m.]: Revelations two nights ago on *Foreign Correspondent* confirm my belief that five journalists who were killed at Balibo in East Timor did not die accidentally in cross-fire. Greg Shackleton, Tony Stewart, Malcolm Rennie, Brian Peters and Gary Cunningham were the victims of an invasion by Indonesian military forces. The bulk of the evidence now suggests that the Indonesian armed forces knew that the journalists were there. It would also suggest that Yunus Yosfiah, the current Minister for Information, was responsible for their death.

These stories are broadly consistent with evidence that has been coming forward since 1979. The revelations also confirmed that the Sherman inquiry recently undertaken in this country was totally inadequate. One is tempted to suspect that the reason that the investigations have been inadequate is that DSD material and other security information from Australian sources indicated to Australian authorities well before the invasion that the invasion was about to occur. The question is not only why Australian authorities did not warn the journalists, but why those authorities did not do a great deal more to dissuade the Indonesians from invading.

The only way in which to determine precisely what happened to those journalists is to have a proper judicial inquiry. Attempts ought to be made by the Australian Government to pursue the matter with the Indonesian Government. I take pleasure in joining with other activists in this field, such as Shirley Shackleton and the Hon. Janelle Saffin in the other place, who delivered a speech on this matter yesterday, in making that call. It is a tragedy that five journalists died, but it is an even greater tragedy that a third of the 650,000 population of Timor have now died. Genocide is a word that is frequently bandied about in international politics today, but it probably has much more relevance to events in Timor than it does to some instances in respect of which it is used.

Naturally enough, these matters have not passed without resistance. There has been, and continues to be, considerable Timorese resistance to the invasion of their country. I had the pleasure on 10 September this year of hosting a delegation from Fretilin to Parliament House. Fretilin is the Frente Revolucionaria De Timor-Leste Independante, also known as the Revolutionary Front for an Independent East Timor. It was established on 20 May 1974 as the Association for Timorese Social Democrats, the ASDT. It changed its name to Fretilin on 12 September 1974. Fretilin was responsible for the declaration of independence and the establishment of the Democratic Republic of East Timor, which was proclaimed in November 1975. It has been leading the resistance against the Indonesian invasion since 1975. Its armed wing, Falintil, has been leading the armed resistance since 1975.

The delegation to the Parliament on 10 September met with a number of Ministers and backbench members, largely but not exclusively Government members. The delegation included Estanislau Da Silva, a member of the Fretilin Central Committee and a constituent of mine because he is now based permanently in Australia; Vasco Da Gama, the Youth Leader of Fretilin; Ms

Marita, Women's Leader in the Fretilin movement; and Commandante Ma'Hodu, now secretary of the political wing of Fretilin. He joined Falintil after the UDT coup in mid-1975 and was in the armed force Falintil until his arrest early this decade. After spending five years in gaol he is now free. The delegation had an interesting discussion with members of Parliament. The point they made—a point worth repeating here—is that despite protestations that the Indonesians are reducing troop numbers in East Timor, they have had publicised withdrawals but a larger influx of troops, the total number of troops has been not only maintained but increased.

The Fretilin delegation was able to meet with us because earlier, from 14 to 20 August, they held a national conference of Fretilin at Warwick Farm, in my electorate. I attended the opening of that conference, representing the Premier. The conference consisted of some 60 delegates from Fretilin communities in East Timor, Portugal, the United Kingdom, Italy, Africa and Australia. There were a number of notable people present at the conference. The delegation members that I have mentioned obviously attended.

Also present was Mari Alkatiri, Senior Deputy Co-ordinator of the Presidential Panel of Fretilin. He was a Minister in the Government of the Democratic Republic of East Timor, which was proclaimed in 1975. The sense of optimism that pervaded the conference was quite noteworthy, as was the commitment of Fretilin to national unity to resolve the problems, rather than having disputes. Clearly, not only should there be a judicial inquiry into the deaths of the journalists, but other things need to happen. There needs to be an act of self-determination by the Timorese people and Xanana Gusmao clearly needs to be released from gaol to allow that process to continue.

DEATH OF MR PETER McGRATH

Mr HARTCHER (Gosford) [5.38 p.m.]: Suicide is one of the great tragedies of our society. It is an especially serious problem for the Police Service and a tragedy for the families of those who take their lives. I speak in respect of the death of the late Peter McGrath of Erina, on the central coast. He was born in 1963, became a serving police officer, and tragically committed suicide on 15 June 1995, aged 32 years. He left behind a widow and two children, one aged 5½ months and the other aged two years and 10 months. The Commissioner of Police resisted the claim by his estate under the Workers Compensation Act on the basis that the suicide was an intentional self-injury, therefore not requiring the commissioner to honour the workers

compensation claim. That matter went before Judge Walker in the New South Wales Compensation Court at Parramatta. Judge Walker is a former New South Wales Attorney General and a former member of this House. On 23 April 1998 Judge Walker gave his judgment, in which he stated:

I have already determined that Peter McGrath was insane at the time of his death to the extent that his mind was unhinged and his volition dethroned. I have further determined that his insanity was the result of a work related Post Traumatic Stress Disorder followed by depression and severe anxiety which deepened into a major depression and which in its final stages became so severe that it manifested as a paranoid psychosis.

I have found that the paranoid psychosis was the result of the work induced major depression . . .

In other words, Judge Walker found that Mr McGrath's suicide was the result of paranoid psychosis brought about by his service as a police officer and, accordingly, his widow and children were entitled to have their workers compensation claim upheld. His widow and children have made a separate claim under the police superannuation scheme which Mr McGrath entered on 26 June 1987 while a serving officer. Under that scheme, if Mr McGrath's death was not the result of being hurt on duty, his estate was entitled to receive a lump sum of \$158,975, and if his death was the result of being hurt on duty his estate was entitled to a lump sum of \$225,950.

Under the policy, discretion as to whether death was a result of being hurt on duty rests with the Commissioner of Police. Apparently, despite the finding of Judge Walker in the Compensation Court on 23 April, the Commissioner of Police still maintains the position that Mr McGrath's death was not the result of being hurt on duty and, accordingly, has through the police superannuation scheme offered payment of the lesser amount of \$158,975, plus interest. That might be acceptable at law because of the two separate actions: one action under the compensation arrangements and another action under the superannuation policy.

However, the commissioner should take into account the careful judgment of Judge Walker, the panel of psychiatrists who examined this case and the medical evidence that was presented, and accept that there has been a judicial determination that Mr McGrath's death resulted from being hurt on duty. The commissioner should not take the narrower view that he is entitled to make a separate decision and still maintain that in this case death did not result from being hurt on duty. The commissioner, through the police superannuation scheme, has offered the lesser amount of \$158,975 plus interest, not the larger amount of \$225,950 plus interest.

Interest on the amount accumulated over several years is quite substantial. On behalf of Mr McGrath's widow and children I ask the Minister to request the Commissioner of Police to review the matter so that they are not forced to pursue further appeals. They have received an invitation to appeal to the board's disputes committee but that would simply put them through further legal pain after the agony they have endured since the loss of their husband and father. The commissioner should review his position in light of their victory in the Compensation Court, which found that Mr McGrath's death resulted from being hurt on duty.

Mr WHELAN (Ashfield—Minister for Police) [5.43 p.m.]: I thank the honourable member for Gosford for asking me to comment on this matter. It is a very sad story. If the court victory turns out to be a pyrrhic victory that will be regrettable in these sad circumstances. I will take up with the Commissioner of Police the case for superannuation as stated by the honourable member, which has considerable merit. The honourable member rightly said that there is a definitive court decision in this case. I will draw that decision to the commissioner's attention and, hopefully, justice will be done.

THE ENTRANCE NORTH ROAD SAFETY

Mr McBRIDE (The Entrance) [5.44 p.m.]: I inform the House of a major road safety initiative in The Entrance North in my electorate. The speed limit on Wilfred Barratt Drive, which has been a major issue for the residents of The Entrance North for some time, was a classic case of the Roads and Traffic Authority and traffic engineering criteria and philosophy dominating the decision-making process. That situation existed in the RTA until the election of the Carr Government. Cars, the road, engineering and other vehicular traffic were the priority for all road and traffic decisions. A change in philosophy takes time to filter through the system, especially to the lower echelons and middle management decision makers. A reluctance to change also exists within local government and local traffic committees. Often the rights of other road stakeholders, such as pedestrians and cyclists, are ignored.

I remind honourable members that more than 200 of the 590 people killed on the roads last year were pedestrians. Tragically, too many pedestrians, especially aged pedestrians, have been killed on the coast. It is pleasing that recent decisions about the design of the Chamberlain Road-Pacific Highway and Pitt Road-The Entrance Road intersections have recognised the rights of pedestrians, local residents and bus commuters. Wilfred Barratt Drive is an example of the change that is now occurring in road

and traffic management on the central coast. Currently, the 60 kilometre an hour speed zone in The Entrance extends 200 metres north of The Entrance bridge where it changes to 80 kilometres an hour. The 80 kilometres an hour speed zone then extends 2.4 kilometres to the north before changing to 90 kilometres an hour.

The 80 kilometres an hour zone skirts the residential area in The Entrance North. Wilfred Barratt Drive at this location has a wide road reserve and gentle sweeping curves. The residential development on the eastern side of the road is set well back from the roadway with limited direct access to Wilfred Barratt Drive. There is no residential development on the western side, as the road follows the Tuggerah Lake foreshore, but there are park and recreation facilities along the foreshore. The community is using those facilities increasingly not only during summer but throughout the year. It is becoming a popular place where families can fish and picnic. The current 80 kilometres an hour speed zone has been reviewed several times but has been considered appropriate, taking into account the road alignment, roadside development and general safety.

Clearly, the priority has always been engineering and cars, not the community and especially not the pedestrians. Thankfully, increased pedestrian activity has been noted and in the most recent review it was decided that a speed limit of 70 kilometres an hour should be considered. That matter was referred to the Wyong Shire Council traffic committee. At a meeting on 5 August the traffic committee finally agreed that the 80 kilometres an hour speed limit should be reduced to 70 kilometres an hour. That council decision has been taken as a result of co-operative action by me as the local member, The Entrance Community Precinct Committee and, most importantly, the North Entrance Progress Association.

I acknowledge the assistance and support of The Entrance Community Precinct Committee: Tom Lyons, secretary; Bill Lesley, vice-president; Rolf Hoppe, president; Boris Levitski, treasurer; John Adilinis, member; Pauline Bell, member; Bob Diaz, member; Joanna Haas, member; and Jim Thomas, member. The North Entrance Progress Association is a wonderful association that looks after the interests of the community in The Entrance North. That community is isolated from the rest of The Entrance because it is linked only by a bridge. However, persons who travel across the bridge move into a distinctly new precinct. I acknowledge also the support of the North Entrance Progress Association, including Terry Wood, president and treasurer; Pamela Guest, secretary; and Gregory Guest, vice president.

This initiative is a major achievement. A reduction from 80 kilometres to 70 kilometres may seem trivial; the achievement is the change in philosophy and attitude. The other stakeholders using the road—pedestrians, cyclists, bus commuters and others—have been given the priority they deserve. This initiative is important to the local community on the central coast. I congratulate Wyong Shire Council and the RTA on finally acknowledging the importance of road users and moving away from their previous priorities of engineering, the road and vehicles.

KOGARAH YOUTH SURVEY

Ms FICARRA (Georges River) [5.49 p.m.]: I congratulate Kogarah council on its excellent survey entitled "Young People In Kogarah" and the presentation of those youth survey results. Between April and July Kogarah council surveyed 1,835 young people aged between 12 years and 24 years who either resided in, attended school or TAFE in or visited the Kogarah local government area. The survey aimed to gain an understanding of the needs and concerns of young people in Kogarah. It sought also young people's ideas and preferences on a range of issues, including recreational facilities, community facilities and other local issues.

The survey group was particularly easy to access because the Kogarah council business district is an educational precinct. Young people were consulted through local high schools, St George TAFE, local libraries and youth services within the St George region. The consultations consisted of individual interviews with youth service providers, a series of youth focus groups conducted in high schools, youth services and TAFE, and the distribution of the survey to 1,835 young people within the Kogarah local government area.

The survey established that 73 per cent of 12-year-olds to 24-year-olds were from non-English speaking backgrounds. This is an incredibly high percentage, but Kogarah is an extremely culturally diverse community. Approximately 25 per cent of Kogarah's population were born in non-English speaking countries, and 34 per cent speak a language other than English at home with the main languages being Greek, Chinese, Arabic, Italian and Macedonian, respectively.

Kogarah is fortunate to have a number of secondary and tertiary educational institutions located within close walking distance of the central business district. There are six high schools and three TAFE campuses as well as the Kogarah intensive English centre. More than 3,000 students

are enrolled in high schools within the Kogarah central business district alone and St George TAFE is the second largest in Sydney. More than 5,000 people younger than 24 years of age are enrolled at St George TAFE. That means that each week more than 8,000 students attend educational institutions in Kogarah.

The survey revealed that young people were most concerned about issues such as education, boredom, having nowhere to go, school problems, insufficient sporting facilities, employment, pollution and the environment, and crime levels in the area. Some of the sensible comments were, "We need places to hang", "We need a youth centre where people can go and feel safe", "We need a huge skateboard bowl", "We need a recreational park containing skate ramps, basketball courts, graffiti walls, et cetera", "Education is very important for a good job and a good future."

I commend the three St George councils, Kogarah, Hurstville and Rockdale, particularly in the lead-up to the next State election, for lobbying their electorates for opinions on much-needed multipurpose youth facilities for sporting, recreational needs, cultural and creative arts needs within the area. Most of the young people that congregate around Hurstville are from the St George area because it has a good bus-rail interchange and shopping facilities. Obviously that would be the appropriate place for a multipurpose youth facility. I commend Brian Bell, general manager of Kogarah council for undertaking this initiative. I quote from his foreword in the survey publication:

Our 1998 Youth consultations draw on the results of significant community consultation over the last year. The findings of the consultations will help us, as a community, understand the needs and concerns of young people.

In keeping with our mission to respond to changing community needs and expectations, we will continue to ask young people about their needs. We will also continue to plan and develop appropriate youth services and facilities, so we can make Kogarah a better place.

Let's maximise the benefit of these initiatives by actively involving young people in local planning and decision making to build positive relationships between our youth and other sectors of the community.

The attitudes of Brian Bell; Howard Wallace, General Manager of Hurstville City Council; and Stephen Blackadder, General Manager of Rockdale City Council will bring great results to the St George area, particularly in the lead-up to the 1999 State election, particularly as the region now has within it three marginal seats.

Private members' statements noted.

CARBON RIGHTS LEGISLATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr YEADON (Granville—Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney) [5.54 p.m.]: I move:

That this bill be now read a second time.

At the outset, let me place this legislation in its fundamental context. The bill is a manifestation of the New South Wales Government's efforts to work towards finding practical solutions to what is possibly the most comprehensive business and environmental challenge facing the world today, that is, global climate change. As the House knows, last December in Kyoto, Japan, the world's developed countries agreed to do something that has never been done before. They decided to start a process to create a new market for trading in greenhouse gas emissions to reduce greenhouse gases and attempt to arrest global warming.

The Kyoto targets, when ratified, will bind the world's developed countries to meeting specific greenhouse emission targets. The goal is, and has to be, to solve the climate change problem in ways that allow maximum flexibility, stimulate innovation and avoid measures which are unnecessarily costly in economic and community terms. We must find workable solutions to climate change that involve industrialised countries, leading and developing countries, making an equitable contribution to the climate change solution.

The New South Wales Government is leading the way nationally and internationally to find new and innovative solutions to climate change, particularly in the area of carbon sinks and planted forests, or plantations as they are better known. These initiatives provide for new, environmentally beneficial investment opportunities which in turn will place New South Wales and Australia as a world leader in the rapidly emerging carbon business.

I am pleased that the first carbon trades in Australia were in New South Wales between State Forests and two of our electricity generators, Pacific Power and Delta Electricity. The New South Wales Government is continuing its leadership in greenhouse issues and I am pleased to introduce into the House the Carbon Rights Legislation

Amendment Bill. This is a world first as it is a bill for an Act to amend certain laws and to recognise in law the rights associated with carbon sequestered from the atmosphere by trees and forests.

I turn now to the objectives of the bill. In relation to the Conveyancing Act 1919, the bill recognises that rights associated with carbon sequestered from the atmosphere by trees and forests may be a kind of forestry right and can be the subject of certain forestry covenants. The bill makes it clear that an obligation in respect of the vesting of ownership of trees on land that is the subject of a forestry right may constitute a forestry covenant. It clarifies the elements of the existing definition of "forestry right" by making clear that a forestry right exists if an interest in land entitles its holder to enter the land and to establish, maintain and harvest, or to just maintain and harvest, a crop of trees on the land even if no entitlement is also conferred to construct and use buildings, works and other facilities on the land. Finally the bill provides for matters of a savings or transitional nature.

This legislative amendment is one of the steps in the process of addressing the introduction of the international trade in emissions. The State is developing a range of mechanisms to meet its greenhouse commitments, including energy efficiency measures and products for the market such as green energy. The New South Wales Government is working also to finalise details for carbon trading arrangements. The bill is one of the important elements of the total policy picture. Carbon trading, if adopted internationally, holds tremendous potential for New South Wales. Policy and legislative development at this stage will position the State to take advantage of this emerging market, which is predicted in some circles to be worth many millions of dollars to the New South Wales economy alone.

The bill amends the Forestry Act 1916 so that when a broader emissions trading market emerges the Forestry Commission will be able to acquire and trade in such rights. It will also allow the Forestry Commission to provide various services to investors and incorporate a corporation, whether by joining with any other person or otherwise, to assist it in exercising its functions. In relation to the Electricity (Pacific Power) Act 1950 and the Energy Services Corporations Act 1995, the bill will make similar provisions for electricity generators and distributors. The power conferred by the omnibus bill recognises carbon as an entity and it is an important step to enable carbon trading and carbon forestry investments to occur in New South Wales.

The bill will also facilitate the ability of the Sydney Futures Exchange to position itself as the hub for emissions trading in the Australasian region. The bill will have significant positive effects for regional New South Wales. By providing the power for carbon-related forestry investments, State Forests will be in a position to expand its planted forest programs in regional Australia, particularly New South Wales. This, in turn, will create more economic activity and more jobs in regional communities which have the capacity to grow planted forests for their wood and carbon sequestration values. We should not underestimate

the positive effect of this bill for regional New South Wales and Australia. With this bill I believe we are entering an exciting new era. We need to continue to seek out innovative ways to solve climate change. This bill does that in a way which is positive from an economic, environmental, community and regional development perspective. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

House adjourned at 6.03 p.m.
