



NEW SOUTH WALES



Legislative Assembly

**PARLIAMENTARY
DEBATES**

(HANSARD)

**FIFTY-FIRST PARLIAMENT
SECOND SESSION**

OFFICIAL HANSARD

Wednesday, 28 October 1998

LEGISLATIVE ASSEMBLY

Wednesday, 28 October 1998

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

Mr Speaker offered the Prayer.

RETAIL LEASES AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Ms NORI (Port Jackson), on behalf of Mr Whelan [10.02 a.m.]: I move:

That this bill be now read a second time.

The opening sentence of the retail tenancy chapter of the Reid report entitled "Finding a balance towards fair trading in Australia", dated May 1997, states, "There is a war going on in the shopping centres around Australia, between retail tenants and property owners and managers." The Retail Leases Amendment Bill is further evidence of this Government's continuing commitment to small business and the retailing industry in the State, its willingness to work with the business community to address difficult problems and to develop workable solutions. This legislation reasserts the New South Wales Retail Leases Act as the national benchmark in retail tenancy legislation and has been proclaimed by the industry as the basis for implementation of harmonised retail tenancy legislation across Australia. It is the peace agreement that has been negotiated to end the war.

The Retail Leases Amendment Bill is not about interfering in the cut and thrust of commercial dealings and negotiations; it is not about protecting retail tenants from trading difficulties; and it is not about diminishing the property rights of property owners. It is, however, aimed at changing the behaviour of both retailers and landlords in relation to retail leasing transactions. The bill provides greater certainty to both parties to a lease regarding their obligation to each other. It retains the current focus of the Act on small to medium retail shops, addresses the inequities in leasing negotiations, and prohibits the application of unconscionable conduct by either party in retail leasing transactions.

Retail tenancy legislation has been in place in New South Wales since 1994 in the form of the Retail Leases Act. The legislation has provided a basis for good leasing practices in the retail industry in New South Wales and has provided for a more equitable bargaining position between the parties to a lease and, where disputes arise, provides for cost-effective and timely resolution. The success of the legislation is reflected in the fact that since its establishment in September 1994 the retail tenancy disputes unit has handled nearly 6,000 inquiries, resulting in nearly 900 successful informal mediations and more than 260 formal mediations. Three-quarters of those formal mediations successfully resolved the areas of dispute.

In July 1997 amendments to the Retail Leases Act were introduced based on recommendations of the Retail Leases Advisory Committee. These amendments were primarily minor in nature. The Ministerial Advisory Committee, the major industry stakeholders and the Registrar of Retail Tenancy Disputes have, however, identified further issues, especially in relation to end-of-lease situations, which are the cause of continuing and significant areas of dispute, and which need to be addressed. As Parliamentary Secretary, and at the request of the Minister for State and Regional Development, I undertook in 1997 to work with the major industry bodies, the Retail Traders Association in New South Wales and, initially, the Property Council of Australia but later the newly formed Shopping Centre Council of Australia, to facilitate discussions that would lead to the development of workable legislative changes that address these issues.

The Property Council of Australia represents around 30 to 40 per cent of retail property and 100 per cent of retail shopping centres. The Retail Traders Association of New South Wales, together with affiliated industry associations, represents in excess of 75 per cent of retail tenants. In December 1997 I represented the Minister for State and Regional Development at the Retail Tenancy Ministers Summit, convened in Canberra by the Commonwealth, where agreement was reached between the States and Territories to establish minimum standards for legislation in relation to

retail shop leases. While this was an important step forward, New South Wales already met or surpassed the majority of those standards and it was viewed as only the first step towards consistent retail tenancy legislation across Australia.

At that meeting I proposed that the States and Territories should work co-operatively with the industry stakeholders in their endeavours to establish harmonised retail tenancy legislation across Australia. This was in recognition of the fact that a number of the industry players, including retail centre managers such as Westfield, Lend Lease and AMP, chain stores and a growing number of smaller retailers and franchised operations, operate in more than one State. In fact, there are currently more than 165 national chains operating across State borders, including around 35 franchises. These stores include such names as Katies, Portmans, Sussan, Rockmans, Copperart, Goldmark and Lenards Poultry.

At the time there was little indication of support by other States and Territories for this approach, as they separately battled with the issues. However, I continued, on behalf of the New South Wales Government and with the support of the Department of State and Regional Development, to facilitate discussions between the major industry stakeholders aimed at establishing workable solutions and reducing disputation in the industry. Every State and Territory of Australia was represented at the meeting, and I say to those who felt it was too difficult and could not be done that it can be done and is being done in New South Wales. I look forward to the other States adopting the New South Wales position.

While the consultations have primarily involved the Retail Traders Association and the Shopping Centre Council, the views of other organisations, such as the Real Estate Institute of New South Wales and the Australian Property Institute, have also been sought and taken into account in the drafting of the amendments to the Retail Leases Act. There are a number of significant initiatives in the bill: first, a recognition of the importance of full disclosure of relevant matters by both prospective lessors and lessees. This will assist in their considerations prior to entering a lease for a retail shop. A substantial number of disputes arise because parties to a retail shop lease claim they were not aware of particular matters in relation to a lease or had relied upon particular information or representations that later proved not to be complete or accurate.

Clearer, more specific disclosure statements are designed to ensure that property owners and

managers offering a lease, retail merchants taking up a lease and merchants taking over a lease on assignment are much better informed about the terms and conditions of leases and the commercial obligations of the parties. Retail property owners and managers will continue to have to provide a disclosure statement to merchants setting out all available information on the lease and, in the case of shopping centres, information about the existing and proposed tenancy mix and any plans for redevelopment. This will ensure that merchants taking up leases are fully aware of all the conditions that apply to the lease and the competitive environment of the shopping centre.

There is also a new requirement for retail merchants to make a disclosure statement to the lessor acknowledging that they have received the disclosure statement from the lessor. Merchants will also have to declare whether or not they have taken independent advice on the commercial terms of the lease and that they are able to meet all the conditions of the lease, including the ability to pay the rent specified and other outgoings. The intention of this disclosure statement is to ensure that retail merchants make sure they fully understand the terms of the lease before they sign it and that they have confidence in their business capability.

It has sometimes been the case that retail merchants—particularly those new to the highly competitive and professional business of retailing—have entered leasing arrangements without taking care to properly understand all of the obligations entailed in renting commercial property and to ensure that they have a realistic business plan to generate sufficient revenue to cover rent and other business costs. There will also be a new disclosure requirement for lessees on assignment of a lease to another merchant. This often happens when a retailer sells a business to another retailer part way through a lease term. The assignor's disclosure statement will require the merchant selling the business to declare to the incoming merchant all relevant information regarding the lease conditions and the trading performance of the shop.

A small retailer selling his or her business will now have the opportunity to be released from the ongoing responsibilities under the lease, provided the retailer gives a disclosure statement that does not contain false or misleading information and that is not incomplete. I am sure many small businesses will appreciate this important amendment. The intention of this disclosure statement is to ensure that merchants taking over a lease on assignment when they buy into a new business do so with their eyes open, fully aware of the obligations due under

the commercial terms of the lease and any concessions and benefits that have been conferred by the retail property owner on the original lessee.

The bill also recognises the impact of changing economic and commercial conditions and the need to void any provisions in a lease that limit or specify the amount by which a base rent in a lease can decrease in response to those changes. The Act already prohibits ratchet clauses, and this amendment further limits the ability of lessors to exploit lessees in this way. The amendments also establish a process for effectively dealing with the determination of current market rent where it applies to a retail shop, including the appointment of a specialist retail valuer where the parties fail to agree and the detailing of matters that should be considered in the determination of current market rent.

The bill places a limitation on a lessor's ability to pass on unrelated costs to a lessee, by prohibiting a lessor from requiring a lessee to pay amounts in respect of interest and other charges incurred by the lessor on amounts borrowed by the lessor or in respect of rent and other costs associated with unrelated land. A limitation is also placed on the amounts and use of sinking funds and the bill provides for the distribution of funds remaining in a sinking fund if the shopping centre or building is demolished or destroyed or ceases to operate. Sinking funds are provided in relation to some shopping centres and buildings as a provision for repairs and maintenance to the premises.

The bill extends to other retail shops the current provisions in the Act that apply to relocation of retail shops in retail shopping centres. This is aimed at providing all retail shops covered by the legislation, not just those in shopping centres, with provisions in relation to the amount of notice to be given and other entitlements if a retail shop is required to be relocated. In cases in which the lessor requires the lessee to fit out a retail shop, the lessee is now entitled to reasonable compensation for the fit out if the shop lease is terminated on the grounds of demolition, whether or not the demolition proceeds.

The several amendments to the Act just outlined will strengthen the legislation and, in some areas, extend its coverage. However, the greatest achievement of the bill is the draw down of the unconscionable conduct provisions of the Federal Trade Practices Act into the Retail Leases Act. This will provide affordable access, particularly for small business, to justice on matters of unconscionable conduct. The intention of this bill is to enable the

protection afforded to both lessees and lessors against the misuse of power in their business relationships by section 51AC of the Federal Trade Practices Act to be available under New South Wales law. This is not so much about putting sanctions in place for those who act unconscionably in retail leasing transactions; it is primarily aimed at behaviour change, establishing an acceptable framework within which leasing transactions can occur, and changing the culture from one of confrontation and disputation to one of communication and commercially advantageous co-operation.

One of the most crucial issues, and the most difficult to deal with, raised during consultations with merchants and property owners was the situation at the end of a lease. On the one hand, the merchants felt vulnerable, having invested their time and money in their business and having no certainty that the lease would be renewed. They may have invested tens of thousands of dollars in fitting out the store. There may be no other suitable location in a town or city and their goodwill may be tied up with the location. On the other hand, the property owners wanted to be able to apply their property rights, and rightly so. If the property owner wanted to change the store mix of the centre to attract more customers; or if a merchant was performing poorly, which reflected on the centre and its other merchants; or if the property owner thought he could achieve a better return for the shop, which the current tenant was not prepared to meet, they wanted the ability to be able to respond.

The adoption of the unconscionable conduct provisions into the retail leases legislation provides a mechanism that will enable both merchants and landlords to pursue their commercial interests in respect to retail leasing, as long as they comply with the legislation and do not behave in an unconscionable manner in their dealings with one another. In proposing the incorporation into New South Wales law of the concept of unconscionable conduct, the Government has been mindful of the rights and responsibilities of property owners and managers in relation to the use of the property they own or manage on behalf of others. Nothing in this bill is intended to diminish the property rights of lessors.

Under this clause of the legislation failure to renew a lease or issue a new lease is not sufficient ground for an unconscionable conduct claim, and a person is not taken to have engaged in unconscionable conduct simply by instituting legal proceedings in relation to a retail lease or referring a leasing matter for arbitration. If an unconscionable

conduct claim is made by either a landlord or retail tenant and is not resolved through the alternative dispute resolution mechanisms established under the Act, the matter can be heard in the new Retail Tenancy Division of the Administrative Decisions Tribunal that will be established by this bill.

The Government is confident that these improved rules governing the relationship between merchants and managers will go a long way towards reducing points of friction. However, when disputes do arise, the Government wants to ensure that effective means are in place to settle disputes and see that justice is done. The bill extends the range of alternative dispute resolution mechanisms available to the Registrar of Retail Tenancy Disputes and, as indicated earlier, establishes a new Retail Leases Division of the Administrative Decisions Tribunal to adjudicate on retail tenancy disputes.

The tribunal will continue to provide a forum for dealing with retail tenancy claims and will also ensure that matters of commercial contract law dealt with under the unconscionable conduct provisions are heard in a jurisdiction with the appropriate degree of legal expertise. To this end, these amendments provide for unconscionable conduct matters to be heard in the Retail Leases Division by a retired judge of the Supreme Court or the Federal Court, or a lawyer of equivalent experience and qualifications, who will be appointed by the Government after appropriate consultation with the retail and retail property industries. This judicial member will determine whether unconscionable conduct has been proved, and will be assisted, in an advisory capacity only, by two other members of the division who will be appointed by the Government, after due consultation with industry, on the basis of their experience working for lessors and lessees respectively.

The amendments also provide for reference of unconscionable conduct matters to the Supreme Court. This can be done in the first instance on the application of a party to the proceedings to have the proceedings transferred to the Supreme Court. The Administrative Decisions Tribunal must transfer proceedings to the Supreme Court if it is satisfied that the claim can be more effectively and appropriately dealt with by the Supreme Court and the interests of justice do not require the matter to continue to be dealt with by the tribunal. In the second instance, there is a right of appeal against decisions of the tribunal. On matters dealing with unconscionable conduct, there will be an unfettered right of appeal to the Supreme Court on questions of law. There is also a right of appeal to the Supreme Court, by leave of the Court, for a review of the merits of a decision by the tribunal.

The appointment of a judicial member with Supreme Court or equivalent experience to determine unconscionable conduct matters, combined with the right to have unconscionable conduct matters removed to the Supreme Court, either by reference or by appeal, will ensure that the important issues of legal judgment that are inherent in the concept of unconscionable conduct will be dealt with at an appropriate judicial level with proper regard for the rights of the parties to the case. It is recognised that as the unconscionable conduct provisions established through this bill are based on the Trade Practices Act their application is, to a certain extent, dependent on issues in relation to coverage within the ambit of the Commonwealth.

On a further matter, the Retail Leases Act was scheduled for review during 1997-98 under the National Competition Policy agreement. That review has commenced, with the terms of reference having been established. It is intended that the review will cover the revised legislation represented in this bill, which will give provide the opportunity to monitor its progress. I extend my thanks to Mr Ken Carlsund, the Registrar of the Retail Tenancy Dispute Unit, for his superb support over the past 18 months in what has been a difficult and marathon negotiation process. I thank also Graeme Manning, an officer of the Department of State and Regional Development, for his great assistance. Graeme is a magnificent public servant.

I place on record the Government's appreciation of the co-operative and constructive approach undertaken by industry associations in the development of this bill. I acknowledge the presence in the gallery of a number of the stakeholders. In particular, I acknowledge the excellent working relationship that has developed between the Retail Trader's Association and the Shopping Centre Council, whose representatives worked together on practical and sensible amendments to the leasing law in New South Wales that will go a long way towards resolving many of the differences that can arise in this commercial relationship. I thank those officers for their support and hard work; I am sure it was not easy for them.

The Government will work with the industry to tackle the next major task, that of developing programs aimed at raising the awareness of prospective lessors and lessees of the implications of the expanded provisions of the Retail Leases Act and improving their skills and behaviour in relation to retail leasing transactions. The Government hopes that the spirit of co-operation that has drawn these long negotiations to a successful conclusion will be reflected in more harmonious working relations between retail merchants and property owners in

central business district shopping precincts, suburban shopping centres and neighbourhood shopping strips throughout New South Wales. I commend the bill to the House.

Debate adjourned on motion by Mr Smith.

RESIDENTIAL PARKS BILL

Bill introduced and read a first time.

Second Reading

Mr CRITTENDEN (Wyong), on behalf of Mrs Lo Po' [10.25 a.m.]: I move:

That this bill be now read a second time.

This bill represents the most significant legislative initiative concerning the caravan park and manufactured home estate lifestyle since permanent residents were first given full tenancy status in 1989. The bill constitutes further recognition of the unique nature of park and estate tenancies. In such tenancies the majority of residents live in their own dwellings but rent the site on which their home is located. This is a far different situation from conventional tenancies in which the dwelling forms part of the land and belongs to the landlord. There are more than 940 caravan parks and manufactured home estates in New South Wales, with 25,000 sites for permanent tenancies. Currently some 50,000 residents reside in parks and estates as their permanent home.

Many of today's caravan parks now have modern, manufactured or relocatable homes occupying park sites. In the last 10 years there has been a significant increase in the number of long-term sites being provided in parks. There has been an increase of 21 per cent in approved long-term sites in New South Wales over the last 10 years, compared to an increase of just 1 per cent in tourist sites. Park living has proven to be an attractive lifestyle for many New South Wales residents and offers a secure and friendly community situated in some of the State's most desirable coastal and inland locations. The bill aims to support this lifestyle and to assist in confirming it as a viable housing option for potential and existing residents.

The bill is also directed towards giving industry a solid foundation for future investment and expansion. It is important that the park owner and resident relationship be supported by a fair and workable legislative framework. People have been choosing to live in caravan parks and manufactured home estates since the 1950s, although it was not

until 1986 that such arrangements gained legal recognition under the local government laws. When the Residential Tenancies Act commenced in 1989, permanent residents of caravan parks and manufactured home estates were included in its coverage. While a number of provisions in the Act, regulations and code of practice dealt specifically with park and estate tenancies, residents have, in the main, been under the same legislative umbrella as conventional tenants.

It has become increasingly obvious that there are so many differences between tenancies in parks and estates and other types of residential tenancies that separate legislative provisions are necessary. The bill has provisions specifically tailored with the needs of park and estate communities in mind under a stand-alone bill, for the first time. The bill had its genesis in a detailed review and report into the concerns of park and estate residents that was carried out by the Tenancy Commissioner in 1997. Consultation is the foundation of this bill. A working party was established in June last year to assist in carrying out the review. The park industry and residents were represented on that working party.

The Department of Local Government, the Department of Land and Water Conservation and the Department of Urban Affairs and Planning were also represented. Each of those departments has an ongoing interest in park and estate accommodation. The working party was chaired by a representative from the Department of Fair Trading. An issues paper was prepared and released to the public in September 1997; more than 2,000 copies were distributed. It not only dealt with residents concerns but also included matters of particular interest to the industry. Written submissions were sought and more than 100 were subsequently received. Public discussion forums were held at Wyong, Nowra and Coffs Harbour, and were attended by more than 200 residents, park owners and managers.

The Tenancy Commissioner's report was drafted after detailed consultation with all key stakeholders. Following the report's release and development of the bill, further opportunities have been provided for constructive input from both resident and industry interests. The views of the industry have been given close consideration during the final drafting of this bill. The Minister's office and the Department of Fair Trading have had several meetings with industry representatives during August, September and October. Let me now turn to the details of the bill. The title of the bill is extremely significant. It recognises the fact that the nature of accommodation now used for park living

has to a large extent moved beyond old-fashioned caravan-type dwellings.

To some residents "caravan park" has had negative connotations as it commonly implies a temporary holiday style of living which is a far cry from the sophisticated homes occupying sites in parks in the 1990s. "Residential park" is to be the new name for the purposes of the tenancy laws. It is essential that the profile of this important segment of the accommodation market be given due recognition. During the consultation undertaken by the Tenancy Commissioner in the course of his review, it became clear that the single issue causing greatest concern to residents is rents and the way disputes about rent increases are dealt with by the Residential Tenancies Tribunal. A high proportion of park residents are older people on fixed incomes; 40 per cent of residents are 60 years of age or older and approximately 80 per cent are not in paid employment.

Rent levels can have a marked effect on their quality of life. It can also be an expensive undertaking for park residents to move their home from a site if they have to leave because they can no longer afford the site rent. This is one of those obvious areas in which the circumstances are completely different to conventional tenancies. While a tenant of a house or flat who must move has an element of genuine inconvenience in having to pack belongings and find alternative accommodation, the situation is greatly magnified for a park resident who has to move not only personal belongings but also the very home in which he or she lives. The transport costs alone can amount to more than \$15,000.

The new excessive rent provisions provide additional criteria for the Residential Tenancies Tribunal to take into account when ruling on excessive rent applications. No longer will the market level of rent for comparable premises be the single predominant factor for determining whether an increase is excessive. Whilst market rents will still be an important factor, the tribunal will be able to consider a range of other matters, including, for example, the frequency and size of past rent increases, the consumer price index and rents paid for similar sites or dwellings in the same park. These new provisions will also help to address difficulties presently encountered by the tribunal as a result of having to primarily rely on the market level of rents for comparable premises.

A problem often experienced by the tribunal is that there are no comparable premises as the park is the only one in the vicinity. This is quite unlike the

circumstances for houses and flats, when even small towns will usually have at least some other rented premises which can be used as a comparison. Sometimes the nearest residential park can be 60 kilometres away. The provisions were incorrectly reported in some media as a form of rent control. Excessive rent dispute resolution processes have existed in New South Wales since 1986. The new provisions merely provide a more workable and logical mechanism for resolving disagreements over alleged excessive rents or rent increases.

The tribunal itself has identified that there are difficulties in applying the excessive rent criteria for conventional premises to parks. The bill includes a number of provisions designed to encourage the usage of alternative dispute resolution mechanisms. In a strategy to limit the number of matters which end up in the Residential Tenancies Tribunal for formal adjudication, several steps have been taken to enable disputes to be resolved by more appropriate means. Each park with 20 or more occupied long-term sites will be required to establish a park liaison committee. Park owners will have a specific responsibility to set up and maintain a liaison committee. Although there will be no set number of members on the committee, there is to be a majority of resident representatives. This will ensure that the voices of residents are heard.

The role of the liaison committee will reflect the overall aim of the new legislation, namely, to encourage harmony within residential parks. Liaison committees will enable park owners and residents to work together to improve the lifestyle and wellbeing of residents and the community aspects of the park. They will assist in the preparation of park rules and in developing guidelines of behaviour for both residents and park owners. Liaison committees are intended to be a vehicle for heading off problems before they arise. Park residents and park owners wish to live in a peaceful and stress-free relationship, and these committees will provide a genuine opportunity for the enhancement of goodwill. Effectively, they will be "dispute avoidance" committees, handling issues at the beginning of the process.

A further initiative in the bill involves widening the role of the current park disputes committees. Under the code of practice, such committees have had a limited role in attempting to resolve disputes about changes to park rules. Disputes committees will now have a much wider role and be able to deal with a range of disputes except, of course, applications by the park owner for possession of sites or dwellings. This will afford another opportunity for disputes to be resolved in-

house. While these provisions will encourage the use of mechanisms other than applying to the Residential Tenancies Tribunal, the fundamental right of parties to apply to the tribunal for an order will remain.

The tribunal will also have the power to refer matters for alternative dispute resolution if considered appropriate. During the public consultation phase prior to the development of this bill, it was clear that both residents and park owners wanted access to a variety of means to prevent and resolve disputes. One major area of concern to residents revealed during the tenancy commissioner's review is the issue of water and electricity charges. The bill takes some major steps to resolve these contentious items once and for all. Charging arrangements for water and electricity have been affected by a number of factors over recent years. There have been rapid changes in the way individual consumers have been billed for these essential services.

Also, there have been recent court decisions on water-charging arrangements which have had an impact on parks. In particular, there are a number of existing inconsistencies and uncertainties in this area which the bill addresses. The manner in which park owners supply, charge for and bill residents for electricity consumption will be locked into a code of practice devised by the Department of Energy for application to long-term residents of caravan parks. The bill makes it clear that when residents agree to pay for electricity charges all requirements of the code must be met by the park owner. The code deals with the reading of meters, frequency of accounts, information contained in accounts and maximum charges payable.

All these matters were identified by residents during the review as being in need of clarification to remove any doubt and to make the legislation consistent with a decision made by the Residential Tenancies Tribunal in a test case run by the Tenancy Commissioner. Electricity availability charges will be payable by residents when the availability charge is a component of the published domestic tariff and the site is properly metered. This provision makes the position of park residents consistent with other tenancies and effectively means residential park residents will pay the same rate as that of other households. It is a clear indication to the park industry that the Government has listened to its concerns on this issue.

Water charging arrangements are also dealt with in the bill. There will be a two-phase introduction process so that by 2000 we will have a

consistent and logical system in place whereby all residents with a prescribed standard meter on their site will pay for the water they use. The arrangements will work in the following way. Up until 31 December 1999, residents will be under the same provisions as at present. Provided the site is individually metered by an authorised type of meter—which will be prescribed under the regulations—there is a term in the tenancy agreement requiring the resident to pay for water and there is no minimum charge payable to the park owner, residents can be required to pay for water consumption. The amount charged per kilolitre will be restricted to an amount which is the same as the domestic rate payable by other households in the community.

From 1 January 2000, all residents with meters will be required to pay for water use whether there is a term in their agreement or not. This will overcome the anomalous situation experienced in some parks in which meters are installed on every site, but one resident pays for water and the person on a neighbouring site does not merely because of differences in clauses in their tenancy agreements. To offset any disadvantage experienced by any residents who find themselves paying for water consumption when previously they had not, the bill provides that the residents may apply to the tribunal for a rent reduction. The Government could not be any fairer to both parties on this fundamental issue, which has been the source of much misunderstanding and disagreement in the past.

Another key area provided for in the bill is in the sale of dwellings by residents on site. This activity is one of the unique features of park and estate living that separates it so markedly from other residential tenancies. It is a very common practice for park owners to allow their residents to sell their homes on site. The bill provides that unless the park owner and resident have a prior agreement in writing that the dwelling cannot be sold on site, then the owner cannot obstruct the sale. Residents who wish to move from their park and not take their dwelling need unhindered access to the sale process.

Residents can choose to use the park owner as a selling agent and pay the owner commission. However, the bill tidies up some of the grey areas of the process. Commission arrangements will have to be in writing. If there are no provisions in the tenancy agreement about "For Sale" signs, the park liaison committee will be able to set some guidelines on the size and type of signs so that there is consistency throughout the park. It will be an offence for the park owner to interfere in the sale of a dwelling. Disputes over sale and commissions will

be brought within the jurisdiction of the Residential Tenancies Tribunal.

Park owners' rights to select the tenant of their choice and to reasonably refuse assignment of tenancy agreements will continue. Deeds of assignment will have to be in the prescribed form. The bill makes it clear that all the rights and obligations of an assignor are transferred to the assignee when an assignment has occurred. The new on-site sale provisions will provide more clarity and certainty to the process and will provide a more workable mechanism for residents who need to move, but who leave their dwellings behind. The delivery of mail is one of the acute concerns of park residents.

Unlike most other members of the community, park residents often do not receive their mail directly from Australia Post; they have to rely on the park manager to sort their mail and perhaps place it in a pigeon hole in the park office. There is often no privacy or security over their mail. It is clearly an unsatisfactory arrangement. Sorting mail can also be a burden on park owners. I understand that the staff of a large park may spend several hours each day in the Christmas period merely sorting mail. It would be preferable if residents had their own facilities for the receipt of mail directly from Australia Post. Provisions in this bill encourage and facilitate such a result.

In cases in which a majority of residents elect to have individual facilities, the park owner will be able to charge a reasonable one-off fee to residents for the installation of mailboxes. The bill provides a sensible mechanism for this process, with the park liaison committee having a role in the development of mail facility proposals in consultation with Australia Post over the location and type of the mailboxes. The bill is not unnecessarily prescriptive on this important aspect, but it does provide a logical process for the resolution of this longstanding concern.

A new provision will cover purchase and tenancy packages when a manufactured home is purchased off site for location in a park under a tenancy arrangement. As a protection for purchasers, such contracts will have a five-day, cooling-off period. It is likely that such packages will attract older members of the community who may view the purchase as retirement housing. These people, who may be making one of the largest and most important purchases of their lives, need protection. Unlike bonds for conventional tenancies, rental bonds paid on park sites are presently not captured by the provisions of the Landlord and Tenant (Rental Bonds) Act.

This inconsistency is overcome in the bill. Bonds will have to be lodged with the Rental Bond Board and disputes over their refund will be dealt with by the Residential Tenancies Tribunal. A new provision will allow disputes over alterations and additions to dwellings to be heard by the tribunal. At present, park owners do not need any valid reason to refuse a proposed alteration or addition by a resident to his or her dwelling. If a resident wishes to install an awning to provide protection from the rain or hot northerly sun and the owner refuses permission, there is no mechanism for the matter to be resolved.

Provided the proposed alteration or addition meets local government requirements, the park owner will not be able to unreasonably refuse. Any disputes about consent being unreasonably withheld will be able to be heard by the tribunal. The tribunal will have to operate within any building approval limitations imposed by local councils. Disputes often arise in parks over who is responsible for the trimming and lopping of overhanging tree branches. Serious damage can be caused to residents' homes when branches fall. The bill provides that the policy on tree maintenance should be formulated within the liaison committee so that everyone understands the practice, and so that the potential for disputes over this issue will be minimised.

The tribunal will have a number of new, extended or confirmed powers to assist in dealing with some of the initiatives included in this bill. These powers will extend to sale of dwellings on site, commissions, fees charged for mail facilities, orders on refund of overpaid rent and, importantly, possession orders allowing the tribunal to not only order possession of a site and/or dwelling, but also order that a resident not remain anywhere within the park. This provision recognises the concerns raised by owners that a disruptive resident can significantly undermine the harmony of a park.

The provisions of the current caravan and relocatable home park industry code will be included in the bill and refined to overcome previous difficulties in the code's operation. To address concerns over the enforcement of the code, penalties will be attached to its obligations. To ensure that the practical operation of this new bill meets expectations, the Government will ensure that it will be closely monitored. The Residential Tenancies Consultative Committee and its parks subcommittee, which operate under the administration of the Department of Fair Trading, will have this task. Any difficulties becoming evident will be addressed.

If necessary, further legislative refinement will be carried out. If the Department of Fair Trading's current national competition policy review of the

residential tenancy laws generally reveal any further matters affecting parks that need to be addressed, then the necessary steps will be taken. Regulations to support the bill will be developed following consultation with all the relevant stakeholders. Among the matters to be addressed will be new and more relevant standard tenancy agreements and condition reports, standard deeds of assignment and minimum metering standards for water supply. In addition to this bill, the Department of Fair Trading plans a number of other initiatives to assist park owners and their residents.

As recommended by the Tenancy Commissioner, the department will organise or sponsor information sessions in regional areas of New South Wales on rights and obligations under the new legislation. Discussion will be held with TAFE over the possible development of courses in park management for those entering the industry or wishing to update their skills. There is a continuous demand from park owners, managers and residents for information on park living. The Department of Fair Trading is committed to meeting this demand with a variety of different strategies. The bill recognises the special nature of park living and addresses in a responsible way the issues that separate it from other types of tenancies. I commend the bill to the House.

Debate adjourned on motion by Mr J. H. Turner.

POLICE SERVICE AMENDMENT (COMPLAINTS AND MANAGEMENT REFORM) BILL

Second Reading

Debate resumed from 21 October.

Mr TINK (Eastwood) [10.50 a.m.]: The Opposition supports the Police Service Amendment (Complaints and Management Reform) Bill, the object of which is: to replace the existing scheme for handling complaints against police officers with a new simplified scheme; to replace the existing scheme for taking disciplinary action against police officers with a new scheme for dealing with police officers' misconduct and unsatisfactory performance; to provide for the review by the Industrial Relations Commission of certain orders made in connection with the new scheme referred to; as a consequence of the new scheme, to abolish the Police Tribunal; and to make consequential amendments to the Ombudsman Act and the Police Integrity Commission Act.

As indicated by the Minister in his second reading speech, this bill will make Police Service managers more responsible for the people under their command; they will be able to internalise the investigation of police complaints as management matters and deal with them on a more informal, conciliatory and managerial basis. I strongly support this approach and have done so for a number of years. In 1992 when I was chairman of the parliamentary Committee on the Office of the Ombudsman, the first task of that committee was to investigate the police complaints system.

That involved an interesting process, culminating in a closed-door meeting between a former Ombudsman, Mr Landa, and a former police commissioner, Mr Lauer, as a result of which a comprehensive move was made to try to encourage the conciliation of police complaints whilst at the same time giving the Ombudsman wider power to investigate police complaints at first instance on his own motion. Regrettably, it would appear that over the years the conciliation process became more clogged and formalised than the committee anticipated. It had hoped that procedures would be put in place to prevent that from happening, but it was not to be.

I hope that this bill, once implemented, will deal practically with some of those issues to ensure that matters are handled without unnecessary red tape, and that people who make honest mistakes in the Police Service learn from them and are not punished to a point where the punishment becomes counter-productive. For some time I have been concerned that a lot of police time is taken up with internal complaints that are extremely debilitating and frustrating to deal with in that they in effect require officers to formally and independently investigate each other. That often occurs in circumstances where there is not much foundation to the complaint.

I am pleased to note that the other major issue covered by the legislation relates to certain powers of the commissioner and police, and the right to a review by the Industrial Relations Commission following royal commission recommendation 74, which is of extreme importance to rank and file police officers. It is important for me to place a few other concerns on record. I am concerned about the nature of what I consider to be serious police complaints and the way they have been handled by the Police Service. I hope that once this bill is implemented the quality of some internal investigations will improve markedly. I want to refer to some issues that have caused me great concern.

The first relates to Alison Lewis and the Lithgow police. That was a matter that I referred to the Ombudsman in circumstances that I considered to be exceptionally serious. Suffice it to say an internal investigation was carried out by a senior police officer which was accepted by the current Commissioner of Police but was found totally wanting by the Ombudsman. I hope that in relation to matters of this type we can do a bit better in the future. Another matter related to the honourable member for Lakemba. An article in the *Sun-Herald* on Sunday, adverting to a matter involving the honourable member for Lakemba, contained some significant unanswered questions.

I have refrained from saying anything publicly about that article because I do not know of my own knowledge that the serious allegations are correct. In the context of legislation of the type now before the House, it is important that there is no doubt about these matters. If the Ombudsman is told that something is going to happen, it should happen; there should be no change to what the Ombudsman has been told. The article to which I referred alleged that the position is different to that. It is important to get to the bottom of such allegations to ensure that the quality of investigations is enhanced.

The third issue that has caused me great concern is the Star City Casino matter. There appears to be a difference of opinion within the Police Service about this issue. Without going into detail, the matter concerns the acceptance of some tickets from casino management by a senior police officer when officers under his command were investigating an alleged bashing at the casino. It appears that at the most senior levels of police management there is a view that the mere declaration of the gift made to a senior police officer is sufficient to deal with the issue of conflict of interest.

However, it has come to my attention that a different view appears to have been taken by internal affairs officers, as suggested in an article in the *Sun-Herald* of 24 May 1998 which stated that anticorruption officers are said to remain deeply concerned at the apparent conflict of interest. The Police Service has to get to the bottom of what is or is not a conflict of interest in these circumstances. The commissioner has issued a code of conduct in relation to it. However, it is not helpful when senior police managers and anticorruption officers within the Police Service appear publicly to have a difference of opinion as to what constitutes a conflict of interest and what does not. I note that at this time there is no deputy commissioner of police, operations.

If this Act is all about senior police managers taking control of police complaints which, as I have said, is a step I strongly support, police managers must be appointed to those senior positions. I am asking the Government to ensure before this legislation comes into force that a deputy commissioner of police, operations is appointed to take the place of the late Bev Lawson, who filled that role extremely well. At present there is only one deputy commissioner, Mr Jarratt. He performs both roles at the moment. In the context of the recent restructuring of the Police Service that places an almost unbearable load on his shoulders.

If this legislation is to revolve around effective management in the Police Service it is critically important that all management positions are filled, and that includes the position of deputy commissioner, operations. A number of senior police officers who are currently serving in this State and who have had lengthy and distinguished careers in the Police Service could fill that role. It is not my job to mention names; that is inappropriate. I just observe that plenty of police officers who have long and distinguished careers in the New South Wales Police Service are ready, willing and able to fill the position of deputy commissioner, operations. That job has to be filled. The Government and the commissioner must ensure that that position is filled before this legislation comes into effect.

Mr Whelan: Jack Williams, or someone like that?

Mr TINK: I think a few senior regional commanders would be more appropriately qualified to fill that position. I hope that the Minister is thinking about appointing one of those officers to fill that position before this legislation comes into force. The Opposition is pleased to support the bill. We sincerely hope that it works. It has the best wishes of the Opposition. It is critical for police complaints to be managed internally, as far as is possible. But the management structure has to be there. We have some way to go in light of recent internal investigations. The report of one more investigation involving Katrina Oliver, which is in the pipeline, is due for release very soon. All these matters require leadership from the top. All positions must be filled to ensure that that occurs.

Mr GAUDRY (Newcastle) [11.03 a.m.]: This legislation, which is critical for the reform process of the Police Service, will lead to the rebuilding of confidence in that service. Honourable members would be aware of the dramatic impact on the Police

Service and on community confidence of the Royal Commission into the New South Wales Police Service and the reform process that flowed from that. I congratulate the Minister for Police and the Government on the assiduous way in which they picked up and implemented the recommendations of the royal commission. Legislation, oversight and continual reassessment of the reform process are required if we are to achieve the modern Police Service that this Government and Commissioner Ryan want.

A number of bodies have been created by legislation similar to the bill before the House. The Office of the Ombudsman oversees police complaints and the Police Integrity Commission originated from the recommendations of the royal commission. Both those bodies have the task of overseeing the Police Service and keeping a constant watch on the reform process. I congratulate the Minister for Police, who is in the Chamber, on introducing this legislation. The Minister referred comprehensively in his second reading speech to the fact that the changes to part 9 and part 8A of the Police Service Act will give us the framework that is needed for the management of the Police Service—the employee management system—and oversight of what was called in the past the complaints and discipline system.

The royal commission report and the overseeing bodies have referred quite clearly to the need for the Police Service to change its command and control system—a military model of control and an extreme mechanism for dealing with complaints. Some complaints pass through about 26 hands before the officers about whom the complaints have been made are dealt with. It is time for us to change that system and to introduce modern management practices that recognise the role of area commanders and senior service personnel in the management of their offices, in the mentoring, correcting and emphasising of cultural change and in effecting discipline where required.

We must reinforce the work that these police officers do. We must move away from what was a military system to a modern management system. I speak in debate on this bill as the Chairman of the Committee on the Office of Ombudsman and the Police Integrity Commission. That committee, which comprises 11 members of this House and the other House, diligently carries out its overseeing role. In the past few years six-monthly general meetings have been held with officers of the Parliament to discuss key issues following the release of the annual reports or special reports of those bodies. At every meeting of that nature the need for the reform

of the current police management system has emerged.

I refer honourable members to the committee's August report which covers matters arising from the seventh general meeting with the Ombudsman; the third general meeting with the Commissioner of the Police Integrity Commission; the second general meeting with the PIC inspector; and talks with heads of agencies, that is, the Ombudsman, commissioners and the Commissioner of Police. The need for change was clearly identified in that report and in other reports. Concern was expressed about the problems that might be encountered by the Police Service when making changes of that nature. If these changes are to be effected the Minister must introduce the appropriate legislative reforms.

This legislation will give ownership of the service and management of discipline-based complaints—complaints relating to the relationship between the Police Service and the public—back to police managers. Complaints of that nature were dealt with in an extremely rigid manner. The roles of the Ombudsman and Police Integrity Commissioner in their oversight of the Police Service are in no way diminished by the legislation. In fact, in some ways they are strengthened, particularly the Ombudsman's auditing role of the complaints handling process. The legislation places the role of developing a cultural change within the Police Service—which is necessary if the community is to have confidence in the service—at the local area command and senior police levels.

Police officers will be rewarded for good effort and their indiscretions will be dealt with in a reasonable manner. That does not mean that police who flout the law or act outside what is considered reasonable behaviour will not be dealt with in an extremely strong manner. Any disciplinary action will be overseen by the Police Integrity Commissioner or the Ombudsman, or matters will be taken up by those bodies if they consider appropriate. I congratulate the Minister on this legislation, which strongly reflects the recommendations of the royal commission. The process of reform will be ongoing. It will not merely be a matter of passing legislation and saying that everything will change. In discussions with the Ombudsman and Police Integrity Commissioner, a concern was raised about the capacity of the Police Service to make cultural change, and to do so in a timely manner.

Cultural change will be brought about by the college education of incoming police officers and by ongoing education within the Police Service. That

education process must be properly resourced and oversighted, particularly by the Independent Commission Against Corruption. The reform process will not occur instantaneously; it will take time. The committee noted in discussions that there was, naturally, some resistance to reform by some members of the Police Service. That is why the involvement of management at the local level is pivotal to the process. Accountability must occur at the local level. There needs to be a commitment to cultural change, which the oversight process is a part of. I emphasise the need for community understanding of modern policing and management methods.

The Minister for Police should continue to publicise the changes, or perhaps increase the publicity. Further, the Minister should ensure that some of the promotional responsibility is undertaken by local area commanders. Changes are already occurring, such as the introduction of the crime agencies and, yesterday, the police assistance line—PAL. That odd acronym reminds me of a commercial product. The PAL system, an important new initiative, will release police officers to front-line duty rather than keeping them manacled to their desks, and will provide them with greater access to operational matters. Such initiatives should be publicised in the community. The community needs to understand that in changing management relationships there will be continual emphasis on reform, oversight by the Ombudsman and the Police Integrity Commission and a continued role by the parliamentary committee to ensure that the process is occurring.

I conclude my contribution by referring to two outcomes in the Newcastle area from the changes in management and focus of policing. First, I refer to the very successful operation by the Police Service against heroin dealing. The police sought broad support from other agencies to assist in its operation. Its success was dependent upon a modern, integrated approach. Second, the Waratah patrol has recently been commended for its actions against break-and-enter crimes and similar offences. I note that Mr Deputy-Speaker nods his approval. The Waratah patrol crosses the borders of our electorates. Once again, it is an example of modern intelligence-based policing focusing on crime problems to achieve a successful outcome. Those outcomes of the reform process are a result of a new approach in police operations, as directed by the Police Commissioner. *[Extension of time agreed to.]*

The outcomes are a result of a continued focus and oversight on the reform process and a Government dedicated to providing a Police Service

of which the people of New South Wales can be proud. Corruption within the service is targeted by oversight bodies. Police officers who do not operate within the codes expected by the Police Commissioner are rooted out by the processes of the PIC or the Police Service internal affairs. By the process of legislation, continual oversight and reform, the Government is moving towards giving the people of New South Wales the Police Service they deserve. I support the bill.

Mr KINROSS (Gordon) [11.18 p.m.]: Like the preceding speakers to this bill, I am a member of the Committee on the Office of the Ombudsman and the Police Integrity Commission. Since becoming a member of that committee, I have maintained a close interest in and concern about the management of complaints against police, the claim of ownership of such complaints by the Police Service, and the satisfactory resolution of complaints. I am satisfied with the changes brought about by the legislation. I acted on behalf of a constituent who made a number of complaints about an assault in a police van in Bankstown. The matter was poorly handled by the Police Service. Sadly, after a great deal of lobbying by me—and by the honourable member for St Marys, who is a friend of the constituent—the matter was lost in the ether. Eventually my constituent gave up on the complaint.

This legislative amendment marks a change that the community has been crying out for over some considerable time. The shadow minister for police, the honourable member for Eastwood, remarked that he has been well and truly involved with this issue since 1992, when he was chairman of the Committee on the Office of the Ombudsman. Since then the committee has been given the important function of oversight of corruption investigations by the Police Integrity Commission. I wish to address specifically section 136, which deals with complaints made by members of Parliament, but first I will make some general comments about the operations of the system thus far and hence the need for this important legislative change.

In August 1998 the seventh general meeting of the Committee on the Office of the Ombudsman and the Police Integrity Commission with the New South Wales Ombudsman, which followed meetings held on 11 June and 8 July, produced two reports. One was entitled "Seventh General Meeting with the New South Wales Ombudsman" and the other was a report on matters arising from the seventh general meeting and other meetings of the committee. I spoke to both reports in September when the House dealt with reports from committees. The need for legislative amendment was flagged at page 14 of the

latter report. For honourable members who seek detail, at that page the report sets out the necessity for this legislation. At page 15 the report gave background and recommended four classifications of police complaints.

Apart from representing a constituent in relation to that matter, I have genuine concern about what could be classified as communications—which the honourable member for Newcastle, who is in the chair, would know about—in attempts at conciliation. The P520 form, headed "Complaint-Conciliation Form", has not been revised since the coalition lost government in March 1995. That form could be improved.

The Committee on the Office of the Ombudsman and the Police Integrity Commission discussed with the Ombudsman and Mr Steve Kinmond, the police officer in charge of those complaints, some aspects related to the P520 form. Indeed, I brought to light evidence that I believe elevated the classification of a particular complaint from category 3, customer service matters, or category 2, misconduct, to what I would regard as a category 1 complaint, that is, serious misconduct and perhaps even corruption. The problem that I raised is widespread in the Police Service.

At least two honourable members on this side of the House have raised serious concerns about the extent to which police officers force some men and women of this State to sign a conciliation form without providing to them full information about their rights, roles and responsibilities. Some constituents were virtually told that they had to sign those forms or else their matters would not progress. That is totally incorrect. The police have a duty to communicate those matters to complainants. I applaud the police in my area for their active work at the coalface in their attempts to prevent crime, but police generally, including those in my area, could improve on their level of communication with members of the community.

I had something of a run-in with a Hornsby police inspector who accused me of lying when I told him that I had never seen a Police Service complaint conciliation form. Mr Acting-Speaker, you would recall that I raised that matter in the committee hearings in December last year. This is a serious matter because, up until that time, I had not been receiving serious complaints about police at the level that they now come across my desk in my office. That is perhaps similar to the situation with apprehended violence orders or domestic violence orders: the increase in the number of complaints is perhaps attributable to the fact that people are now

more aware of their rights. They see that teeth are being given to authorities to probe for, investigate and root out corruption, and accordingly decide that they ought to air their complaints and have them satisfactorily resolved.

The Hornsby inspector of police was reluctant even to provide me with a pro forma of the P520 form so that I could advise my constituent on whether the complaint ought to be conciliated or referred directly to the Ombudsman. If police want a better interface with the community and genuinely want better resolution of complaints, they should not exert pressure on men and women to sign the complaint form without first giving those persons adequate relevant information and discharging their duty to inform complainants of their rights and responsibilities and the consequences of signing the form. I read from the back of the P520 form:

The complaint was successfully conciliated.

1. I accept that the conduct of the subject officer was lawful and reasonable;
2. I accept the apology given (by-on behalf of) the subject officer;
3. I accept the apology given on behalf of the Police Service;
4. I accept that everything possible has been done to resolve my complaint, which has been brought to the attention of the subject officer/s.

That is a statement which can be marked, indicating that no further action is required. Once that form has been completed, that effectively disposes of the matter. Therefore, it is important to make sure that before people sign these documents they are made aware of their rights and responsibilities. I want to ensure that, through education and training, police are fully equipped to understand the rights and responsibilities of members of the public and that police inform them of those rights before they sign the P520 form. Mr Acting-Speaker, you would recall that the Committee on the Office of the Ombudsman and the Police Integrity Commission discussed with the Ombudsman and Police Service representatives what the Police Service was doing in relation to alternative dispute resolution.

I asked this question of Mr Kinmond. If I recall correctly, his response was that the course provided to enable inspectors to handle disputes occupied no more than two to three hours. That is woeful. The recommendations of the Wood royal commission indicated that this instruction should be part of the induction course undertaken at the Police Academy, Goulburn, or that education and training similar to that provided to lawyers and other

professionals should be given to police officers to ensure the updating of training of all men and women in our police force—whom we call upon in times of danger and need.

The present level of police training on dispute resolution is inadequate. The Minister might address in reply whether officers still receive only two to three hours training on matters involving alternative dispute resolution, because in the end it is the inspector who will be responsible for dispute resolution procedures. If this legislative amendment is an attempt to bring employee and management systems into focus, then ownership of a dispute as well as performance-based measures and response times have to be claimed by the force. Officers will go a long way to claiming ownership if they have a better understanding of methods of dealing with and resolving complaints properly.

Category 3 and category 4 complaints are the most common complaints. Of course, the media, with its propensity to highlight what is negative in our society, often give credence to complaints falling within categories 1 and 2. That has become obvious from the committee's monitoring of the functions of the Police Integrity Commission and matters that it exposes. This important issue must be addressed. I look forward to the reply from the Minister.

The only other issue I wish to raise is also noted at pages 14 and 15 of the report of the committee on its seventh general meeting with the Ombudsman, among other matters. That is an extensive report of some 200 pages. At pages 14 and 15 it sets out concerns about the sudden increase in the failure rate in conciliating complaints against police. I know it has been a concern of yours, Mr Acting-Speaker, that there has been a diminution of the success of conciliation of complaints against police. I quote from the report:

A review of conciliations in the period since 1 July shows the number of complaints referred for conciliation as a proportion of complaints determined has risen to 26 per cent.

In other words, the percentage of matters that have failed at the conciliated stage has increased to 26 per cent. Nearly one in four conciliations is a failure. That is an alarming statistic which needs to be addressed. As I say, further comment appears at page 16. I do not propose to seek an extension of time, given that the Government, in true Labor Party style will no doubt apply the gag to other legislation tonight or tomorrow night. New section 136 reads:

A member of Parliament does not become the complainant merely because the member of Parliament makes a complaint to an investigating authority on behalf of some other person.

I also have concerns about authorisation. The practice of the Office of the Ombudsman is to seek a written authorisation or authority from the member of Parliament to show that it is acting on behalf of the constituent. The young men and women in the gallery may have had some dealings with the Police Service, perhaps through their parents, who may have asked their local member to act on their behalf. I was concerned that after acting for the constituent in making a category 3 or category 4 complaint to the police, which may involve a reasonable explanation for a failure to respond to a 000 call, which was my concern, or which may border on a more serious complaint, the police and the inspector dealt directly with the constituent.

In other words, the conciliation form had been signed, everything had been done and no communication passed back to me as the member of Parliament acting on behalf of the constituent. Members might ask why the constituents rang up. They did so because they were told by the police, "Look, we need to finalise this very quickly, you are to come up to the station." They went up to the station and the matter was presented to them almost as a fait accompli. In other words, there was a double error, which was perhaps intentional, on the part of the police to sideline my oversighting of the matter and deal directly with the constituents after I had been authorised by the constituents to ensure that the matter was dealt with satisfactorily.

That is bad form, it is bad practice and if it continues it will be manifested in a complaint about the behaviour of members of the Police Service and will, I hope, constitute a breach of new section 136. However, new section 136 does not give me much comfort in that regard and I ask the Minister to address the issue so that when members of Parliament are acting on behalf of constituents in matters which in the main are serious the police deal with the member of Parliament rather than sidestep the member and dealing directly with the constituent.

Ms MOORE (Bligh) [11.33 a.m.]: I welcome this legislation, which implements 10 recommendations of the royal commission. Those recommendations related to complaints against police and the discipline system. At long last the bill implements more effective procedures for handling complaints against police. It seeks to improve police performance, enable police to do their job and makes provision for remedial action when police are not performing. I welcome new section 145, which provides for the investigation of systemic problems in the Police Service in relation to matters such as responses to calls for assistance, which has been a

concern of many of my constituents. The bill also provides for training to correctly prioritise calls. It addresses the problems of inexperienced officers on the beat. That is another issue of importance to me because of the complex nature of my electorate, which includes areas such as Kings Cross and Darlinghurst. The bill also deals with general training needs.

Many of my constituents have complained that police have either not responded to calls for assistance or have said they could do nothing. In one particular patrol that is the response the constituents have received, and the Minister knows how important that particular matter is in my electorate. It is for that reason that on each sitting day I submit petitions to the Parliament calling for increased police resources in the difficult areas of Kings Cross, Darlinghurst, East Sydney, Surry Hills and Paddington. Those areas have been a real challenge for young officers coming straight into the centre of the drug trade and drug dealing, which has taken off in a big way in the Kings Cross area. When problems have occurred to date the complaints process has been unwieldy and inadequate. I believe the legislation effectively addresses those problems and I commend the bill to the House.

Mr WHELAN (Ashfield—Minister for Police) [11.35 a.m.], in reply: I thank honourable members for their contributions to the debate. I particularly thank the Chairman of the Committee on the Office of the Ombudsman and the Police Integrity Commission for his important contribution. I will first make my general response and then reply specifically to some of the individual matters raised by speakers in the debate. This bill is clearly an overhaul of the management and complaint system in the Police Service. Those who have been responsible for its development, and I start with the royal commissioner, believe it will lead to a major change in police culture in New South Wales. The employment management system will result in front-line managers and commanders being made responsible and accountable for the effective management of officers. That will include misconduct, unsatisfactory performance and complaints. The matters raised by the honourable member for Bligh clearly fall into that category.

Under the previous system complaints against members of the Police Service went unresolved for months, and I believe it is not unrealistic to say that some of those complaints went on for years. The complicated nature of the appeal system involved the Commissioner of Police, the Police Tribunal or the Government and Related Employees Appeal Tribunal making a decision. It is not unrealistic to

say that three years was too long for both the police officer and the complainant to wait for the resolution of a complaint, with the police officer still sitting in a Police Service office. In some cases, which were clearly in evidence in the royal commission, officers who should have been removed from the Police Service remained there. I have said publicly that those officers infected the morale of the Police Service of New South Wales. That situation has now changed.

The new system values people and respects the need of police officers to believe that they have support and that they will not be treated unfairly for minor mistakes. The employment management system is not only about misconduct and poor performance; it is about ensuring good police work and ensuring, as part of the overall management structure of the Police Service, that a job well done is acknowledged. The Government, the commissioner and I want to ensure that honest police who work hard within the Police Service are committed to professionalism and to getting on with the job. The legislation probably contains 10 key reforms. The first is the abolition of what people have described as the military model of police management in New South Wales and its replacement with a modern management framework.

Ms Moore: A Terry Griffiths model.

Mr WHELAN: I do not know if former Ministers for Police understood policing. I think they understood it to be part of the army.

Ms Moore: He used to want everyone to salute him and click their heels.

Mr WHELAN: He did.

Mr O'Farrell: What do they say to you when you walk in the door?

Mr WHELAN: Most of the time they are very polite and they say, "Good morning, Mr Whelan" or "Good morning, Paul". I do not have a police radio in my car and I do not do point duty to control traffic at intersections. That is the way it should be. The movement away from the military model will occur as time passes. Credit must be given to the royal commission for bringing into the public spotlight what was really happening in the Police Service. The second reform involves front-line commanders being accountable for the effective management of staff, which is essential. The third reform involves the formal and informal processes for acknowledging good police work. A file with a note on it that an officer has done good work

undoubtedly will lead to that officer being promoted and being given seniority. Promoting good police and giving them a proper career path is vital.

Another key reform involves further streamlining the categories of complaint in line with the royal commission recommendations and simplification of complaint processes after agreement between the Commissioner of Police, the Police Integrity Commission and the Ombudsman. The commissioner will have a new power to use police officers outside New South Wales to investigate certain complaints. The PIC has a statutory obligation not to employ New South Wales police and the commissioner is now being given the power to employ officers where he deems it appropriate. More appropriate management tools and sanctions such as performance enhancement agreements will be available to deal with police misbehaviour and unsatisfactory performance. Systems failures as well as an individual's behaviour will be able to be investigated so that widespread problems can be better addressed.

The honourable member for Eastwood mentioned the case of Alison Lewis. This reform will deal with such cases because there will be power to investigate systems failures, not only individual faults. Abolition of the Police Tribunal and disciplinary appeals to the Government and Related Employee Tribunal will streamline the process dramatically. The Industrial Relations Commission will conduct an external review of sanctions involving a financial penalty. There will be no external review of managerial action not involving a financial penalty. The reforms amount to an extraordinary result.

Sitting beside me at the press conference on the reforms were the Ombudsman, Irene Moss; the President of the Police Association, Mark Burgess—Peter Remfrey was in the audience—the Commissioner of Police; the Acting Police Integrity Commissioner, Tim Sage; and the President of the Commissioned Police Officers Association. It was a very important event and it was more than symbolic; it gave everyone, particularly members of the Police Service, a clear understanding that the organisations represented had got together to resolve long-term problems with long-term solutions.

I take the opportunity to thank those people who have virtually done the impossible. I have to start with the royal commissioner, who made the recommendation to initiate the process. I thank Nicole from my office, and Les Tree and Lynne Ashpole from the police ministry. I thank the commissioner for his personal interest and his staff

members Meryl Skyring, Karen McCarthy and Michael Murphy. Andrew Naylor, from the Police Integrity Commission, did a fantastic job. I also thank Steve Kinmond from the Ombudsman's office. Greg Chilvers' presence in the gallery today during this debate demonstrates his long-term interest in this matter. The Police Association is keen to have the bill passed and is supportive of its aims. Warren Stanton and Don Freudenstein, from the Commissioned Police Officers Association, also support the bill.

I thank the honourable member for Newcastle, who is in the chair, for his contribution and ask him to convey our thanks to the committee he chairs. The reforms in the bill will provide great benefits in the future. As I said in introducing the bill, the achievement of consensus on such a radical overhaul of the management and complaints systems is something all participants should be extremely proud of—and I certainly am. When the process started a few wavering doubts persisted about the ultimate success of the process. But it has been a success. People of disparate views and independent different interests came together to find a solution.

The honourable member for Eastwood raised one or two significant matters in his speech. One related to the deputy commissioner of field operations. Graeme Morgan is filling that position at the moment. The issue is under control. The commissioner has decided to trial and train people at the regional ranks in that position, and he has done a very good job in that respect. I hope that will allay the concern of the honourable member for Eastwood in this regard. When the honourable member for Newcastle spoke in the debate he raised a question about modern policing and yesterday's announcement about the police assistance line. The police assistance line will be accompanied by an education campaign.

Already we are seeing the benefits of the changes in the structure of the Police Service. Operation Digos, which took place in the Waratah electorate, was an outstanding success. The police involved deserve praise. In July, as a result of operation Digos, there was a 16 per cent reduction in property theft. Break and enter offences involving residences fell by 23 per cent and break and enter offences involving business fell by 52 per cent. Assaults were reduced by 20 per cent and stealing fell by 20 per cent—an outstanding result. I congratulate the members of the Police Service who are doing such a fine job protecting the community. In relation to the issue raised by the honourable member for Gordon, new section 136 of the Police Service Act will provide that members of Parliament

must be informed of the outcome or resolution of a complaint to the Ombudsman.

Motion agreed to.

Bill read a second time and passed through remaining stages.

WEAPONS PROHIBITION BILL

Second Reading

Debate resumed from 22 October.

Mr TINK (Eastwood) [11.49 a.m.]: The Opposition does not oppose the Weapons Prohibition Bill, the objects of which are to require each person who possesses or uses a prohibited weapon under the authority of a permit to have a genuine reason for possessing or using the weapon; to provide strict requirements that must be satisfied in relation to the possession and use of prohibited weapons; and to provide an amnesty period to enable the surrender of prohibited weapons. The legislation allows the Commissioner of Police to issue permits for weapons that are otherwise prohibited, and the penalties for possession of those weapons are fairly severe. The power of the commissioner under the 1989 Act is wide ranging and discretionary.

The bill seeks to put a framework around the exercise of that discretion by requiring a genuine reason for the issuing of a permit, which is generally in conformity with the gun legislation but without the registration provision. I understand that the table of reasons is not exclusive or exhaustive and the commissioner has a general discretion. I ask the Minister to clarify whether that is the case. The bill is more descriptive than the Act but it is not necessarily more prescriptive. I do not know whether at the end of the day that will have a significant effect, particularly if the general discretion remains with the commissioner. Some time ago the Firearms Act removed a number of categories of firearm weapons from the provisions of the bill. However, the bill includes a small number of prohibited weapons.

A recent article on page 3 of the *Daily Telegraph* speculated in some depth about the existence of a ballistic knife. I hope the Minister will respond to that speculation because honourable members are not here to legislate about a fictional James Bond type weapon. I understand that the article was written by Charles Miranda, who said that a ballistic knife is a fictional knife which was featured in a television program and had been added to the State's list of banned weapons.

Apparently the Firearms Dealers Association asked for a "Please explain!" as to whether the weapon existed. The police ministry was apparently unsure about that, but the weapon had featured on the Channel 9 television program *Murder Call*. As a result of that the weapon was included in the bill. Apparently the Minister is in no doubt about its existence. In his second reading speech he stated:

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.

One would assume the Minister is saying that such knives exist and that they are a problem. The advice from the police ministry does not confirm whether Charles Miranda is right or wrong; the ministry does not know. The Parliament should not legislate about a weapon that does not exist. Perhaps the Minister in reply may care to clarify whether there is a weapon known as a ballistic knife and whether it poses a tangible threat to the public. In his second reading speech the Minister made reference to ensuring that the use of the ballistic knife does not increase; presumably he was referring to the use of such knives in the community.

I ask the Minister where the knives have been used or found, which police have found them, when were they found and in which local patrols they are a problem, for example, in Bankstown, Cabramatta, Liverpool, Kings Cross, Kempsey or Bourke? The Opposition seeks tangible evidence that such a weapon exists before it will agree to clause 7. Clause 1(2) of schedule 1 to the bill refers to knives and "a ballistic knife that propels a knife-like blade of any material by any means other than an explosive". Until the situation is clarified the Opposition cannot make a decision on whether that clause should remain or should be deleted. This bill has caused some interest and speculation.

Yesterday I referred to problems with the definition of "kung-fu sticks". A number of people share my concerns. While I was downstairs talking about the police assistance line—PAL—the Minister made a short ministerial statement suggesting that the former coalition Government had legislated to include skipping-ropes within the definition of kung-fu sticks. That claim is either the result of incorrect advice from the police ministry or the Minister is playing games with the House. The relevant section was in the 1989 Act. However, the Minister failed to inform the House that the 1989 Act as reprinted in 1996 included the old definition. By doing so the Minister misled the House.

There was no problem with the existing definition of "kung-fu sticks". Schedule 1[37] to the Prohibited Weapons Act 1989 No. 26—the authorised reprinted Act which came into force on 15 February 1996, only a couple of years after the Government came to office—referred to an article or device commonly known as kung-fu sticks, otherwise known as nunchakus, or any similar article. That was the law until December last year. The word "similar" clearly deals with other articles. The schedule referred to the primary definition of kung-fu sticks, which at that time did not include skipping-ropes and jumper leads. On 19 December last year the Minister slipped through an amendment to the Act on page 7 of the *Government Gazette*, which omitted the simple, obvious, precise and limited definition of kung-fu sticks which had been in the Act since 1989 and inserted instead:

An article or device commonly known as kung fu sticks or "nunchaku" or any other article or device consisting of two or more sticks or bars made of any material that are joined together by any means that allows the sticks or bars to be swung independently of each other.

That was the Minister's Christmas present to the children of New South Wales on 19 December last year: he effectively turned skipping-ropes into prohibited weapons. That is the type of sloppy, pathetic legislative drafting and thinking that has become the trademark of this Government. That is particularly so in the lead-up to what the Government has styled a law and order election. We must do better than that. We must get our definitions a little more precise in order to avoid these absurd consequences, so that on the eve of Christmas, when no-one is paying particular attention or watching, amendments such as this do not slip through.

An interesting feature of the prohibited weapons legislation is that its provisions relating to categories of weapons could be amended by regulation and notified in the *Government Gazette*. This is all the Minister's own work; his fingerprints are all over the *Government Gazette* of 19 December 1997. He is the one who turned skipping-ropes and jumper leads into prohibited weapons. The bill provides an opportunity to fix the legislation. It could be easily fixed by the addition of the word "similar" in the appropriate place. That would make it clear that the words of general application, that currently cover just about anything that is joined together with a string, are clearly referable back to the primary issue of concern, which is the banning of kung fu sticks. I foreshadow that I will move the following amendment in Committee:

Page 34, proposed clause 2(16) of schedule 1, line 23. After "other", insert "similar".

That amendment would counter the sloppy drafting that took place in December last year. It would also remove the ban that has been put on a whole range of items, not only skipping-ropes but also jumper leads, electrical extension cords, blind sashes, and all sorts of other items that plainly should not be covered by this legislation. The Opposition does not propose to move any other amendments, but I wish to refer to a couple of matters that have been raised with me and seek the Minister's comment on them. Schedule 1 contains a list of prohibited weapons and clause 1(3) of that schedule refers to a sheath knife.

My query is whether clause 5, which enables the list of prohibited weapons in schedule 1 to the proposed Act to be amended by the regulations, will make possession of a Stanley knife illegal. In my view it will not. The words in clause 1(3) are to be read as relating only to a "sheath knife" and in my view would not make possession of the Stanley knife illegal. However, the matter has been raised with me and I would appreciate the Minister's views on it. Concern has also been expressed in relation to crossbows. Some businesses distribute replica medieval crossbows for ornamental use.

I have been informed that the weapons are currently approved for sale by the police firearms registry. The suggestion has been made that the words "unless it is of an approved type" should be added at the end of clause 2(5) of schedule 1. The Opposition will not move that amendment but seeks the Minister's views in relation to it. Another matter that has been raised relates to the discretionary power vested in the Commissioner of Police or his deputy. The Opposition also seeks the Minister's views on that aspect. In a letter to me dated 27 October, Mr Michael Silvers, Sales Manager of Howard Silvers and Sons Pty Ltd, importers, distributors and exporters of armour and swords, stated:

In view of the existing grey areas in the act . . . we believe the act should encompass a section providing the Commissioner with the discretionary power to interpret items falling within Schedule 1 and other relevant sections of the act.

Our concern arises from items which may technically fall within a description or definition however due to its size, construction and usage, doesn't.

Whilst we appreciate that currently it's possible to make complaints to the Administrative Review Tribunal we believe this should be a secondary course of action after a review has been made by the Commissioner.

We believe that the community will benefit from this proposal as the [Tribunal's] case burdens will be reduced by diverting time wasting cases to the Commissioner for initial consideration.

I am happy to make a copy of the letter available to the Minister, and seek his comments on the matters I have raised. I would be concerned about a discretionary power in the Commissioner of Police to include or exclude weapons from schedule 1. It seems that significant gaol penalties already apply for the possession of such weapons. It must be made reasonably clear what weapons are covered by the legislation. I raise this matter because there may be a way around the problem. The legislation provides the commissioner with discretion based on genuine reason. A further matter raised relates to kung-fu sticks, which I propose to deal with by way of amendment. With those comments the Opposition does not oppose the legislation but proposes to amend it in one respect and seeks the Minister's views on the remainder of it.

Mr WHELAN (Ashfield—Minister for Police) [12.07 p.m.], in reply: With regard to the first issue raised in relation to ballistic knives, I assure the House that ballistic knives are extremely dangerous weapons and that they do exist. As I advised in my letter to the editor of the *Daily Telegraph* concerning an article published in that newspaper on 26 October, ballistic knives were originally developed in the USSR for use by elite military forces. A ballistic knife is capable of seriously wounding and even killing a person from a distance of 10 metres or more. The following advertisement, depicting a photograph of the ballistic knife, appeared in an American publication:

THE BALLISTIC KNIFE
... THE KNIFE THAT SHOOTS!

THE MOST DEVASTATING KNIFE EVER PRODUCED!
SILENT AND ACCURATE . . .

This knife was reported to be capable of being fired silently and accurately with the ability to kill to a distance of ten meters.

Mr O'Farrell: Is it in Australia?

Mr WHELAN: Yes, of course it is. If one reads the letter I wrote to the *Daily Telegraph*, one will appreciate why the weapon is banned in parts of the United States, Victoria, South Australia and the Australian Capital Territory. It will be banned in New South Wales as a result of this Government's action. The ballistic knife is a horrible looking weapon. I assure the House that any weapon capable of being fired silently and accurately and able to kill to a distance of 10 metres will be banned in New South Wales.

The Government has a zero tolerance policy on knives and dangerous weapons. It has made it

illegal to carry a knife in a public place or school without lawful reason. It has given police the power to search for knives and confiscate them. It has banned the sale of knives to people under 16. The Government is not waiting for ballistic knives to become an epidemic or problem in New South Wales, or to come to the attention of weapons dealers, before prohibiting them. This bill will be passed and the Government will be strong on that point. For the benefit of honourable members I will table a copy of the letter I sent to the *Daily Telegraph* following its article of 26 October.

The other issue relates to skipping-ropes and the definition of kung-fu sticks. I do not know how long a career the honourable member for Northcott will have in politics, but he certainly does not have a long-term business career as a barrister in the Supreme Court of New South Wales. On any sensible reading of the bill, kung-fu sticks, or nunchakus, or any other article listed on page 34 of schedule 1 to the Weapons Prohibition Bill clearly means exactly the articles detailed. If the honourable member for Eastwood were to refer to the legislative package, he would realise that it refers to "a mace or any other similar article", "a flail or any other similar article", et cetera.

I have no objection to the amendment, but the honourable member is drawing a longbow to suggest that the Government will join the elite club of banning bungee jumping, and banning kids from having skipping-ropes. Any piece of rope or any two pieces of electrical cord could fall within his interpretation. It is clearly not the intention of the legislation. The bill will never be judicially interpreted in the way referred to by the honourable member. We do not intend to ban skipping-ropes. The 1997 amendment was requested by the New South Wales Police Service ballistic unit, and has been included in the Weapons Prohibition Bill. The honourable member's argument is spurious. He demeans the intent of the legislation by saying that a child's toy, which is not designed to function as a weapon, would be covered by the description of nunchaku contained in the bill.

The honourable member's reading of the bill is clearly a distortion of its spirit and, regrettably, trivialises the damage that can be inflicted by prohibited weapons, which can cause death. The amendment would be better omitted. It is a waste of time and it is not needed. However, I am happy to accept it because I know that otherwise there will be a barrage of opposition in the upper House that will delay the passage of the bill. I want the bill to become law as quickly as possible so that we can get on with the job of protecting the people of New

South Wales, not from skipping-ropes but from genuine, prohibited weapons.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Mr TINK (Eastwood) [12.13 p.m.]: I move the following Opposition amendment:

Page 34, clause 2(16) of schedule 1, line 23. After "other", insert "similar".

I have covered the arguments in my contribution to the second reading debate. The Opposition is keen to ensure that dangerous weapons are prohibited. It is for this Parliament to get the wording in its legislation right when talking about weapons attracting 14-year gaol terms. The Government, in accepting the amendment, acknowledges that the wording of the legislation has to be tighter. We want tight, tough, targeted legislation that will ban prohibited weapons, not skipping-ropes. The amendment will tighten the legislation. It is on that basis that the amendment is before the Parliament and it is on that basis that the Government has accepted it.

Amendment agreed to.

Schedule as amended agreed to.

Bill reported from Committee with an amendment and report adopted.

SUBORDINATE LEGISLATION AMENDMENT (REGULATORY FLEXIBILITY) BILL

Bill introduced and read a first time.

Second Reading

Ms HARRISON (Parramatta—Minister for Sport and Recreation), on behalf of Mr Carr [12.16 p.m.]: I move:

That this bill be now read a second time.

The main purpose of the bill is to achieve less prescriptive, lower cost and more flexible regulation. By flexible, I mean that so far as possible people should not be confronted with highly prescriptive requirements, but are told what outcome is required and given some freedom and incentive to attain that outcome in the most efficient way. A related

objective of the bill is improved clarity and accessibility of regulatory objectives to the general community by the introduction of new requirements that apply to the making of future regulations under the Subordinate Legislation Act 1989.

In the Government's pre-election economic development strategy for investment and jobs, it made a commitment to cut red tape, especially as it applies to small to medium businesses. We indicated that although the sheer quantity and growth of red tape is a problem, the quality of the rules is the more serious problem. We also said that where a firm or industry association can show that any government regulation is an unnecessary hindrance, it will qualify for an exemption. The bill gives effect to these commitments through three simple, but far-reaching, changes to the process for making future regulations under the Subordinate Legislation Act.

The changes are, firstly, that the objectives of regulations, including amending regulations, are to be spelled out in either the regulation or the accompanying explanatory note. Secondly, regulations that have an appreciable cost impact on either the business community or the community as a whole generally will have to be performance based. Thirdly, if it is not possible or appropriate to make such a regulation performance based, it must allow people to propose alternative methods of compliance that meet the objectives of the regulation. In other words, a prescriptive regulation would have to leave the door open for people to propose better ways of achieving regulatory ends.

The bill represents the achievement of a further milestone in the Government's ongoing crusade against red tape. The theme underpinning this reform is that of minimising the incidence of bad regulation and promoting good regulation. Bad regulation does not serve a clear public policy purpose and is often overly complex and prescriptive. The effect is to impose an unnecessary cost burden not just on business but also on the broader community. Bad regulation often involves a double whammy. In addition to being costly, bad regulation stifles innovation and willingness to comply. The end result is regulation that achieves no public policy objectives, yet imposes costs on the community.

Good quality regulation has clear objectives and focuses on fixing identified problems. Good regulation also emphasises the regulation of ends rather than means. The Subordinate Legislation Amendment (Regulatory Flexibility) Bill has been guided by these principles. Its aim is to improve the quality of future subordinate legislation. The bill

does this by requiring regulations to state objectives, and by creating a general presumption in favour of performance-based regulation. The requirement for regulations to state objectives is fundamental to best practice regulatory technique. The objectives of regulatory intervention are the outcomes, goals standards or targets that are to be achieved, rather than the means for achieving them.

The requirement will ensure that regulatory objectives are transparent, clear and accessible to the community. Clarity of objectives will also assist compliance with other regulatory flexibility obligations, to which I now return. The presumption in favour of performance-based regulation will lower the cost of complying with future regulations. Performance-based regulations specify compliance in terms of desired outcomes but are neutral on the method of compliance, that is, they focus on the regulation of ends rather than means. For example, a regulation that sets a maximum limit on the amount of pollution that can be discharged into a river does not have to restrict the choice of pollution abatement method to be employed.

Of course, performance-based regulations may still offer an alternative prescriptive safe-harbour method of compliance. Under performance-based regulation, each business is free to adopt its own chosen approach to compliance that best suits its circumstances. The approach rewards firms that are able to innovate and develop new low-cost but effective methods of compliance. No doubt there will be cases where it is not practical or appropriate to have a performance-based regulation. This may be because the risk associated with even a small number of occurrences of non-compliance results in huge costs. Consequently, prescriptive regulation may still be appropriate because of the certainty it provides in indicating how to comply with a regulation.

Accordingly, the bill provides that a regulation does not have to be made performance-based if the costs of doing so outweigh the benefits, or it is impractical to do so. This issue will in future be assessed in regulatory impact statements. However, if a Minister chooses to make a prescriptive regulation, it must contain a provision that allows people to propose an alternative method of compliance that meets the objectives of the regulation. This provision is referred to in the bill as an alternative compliance provision. The bill provides that it will not be necessary for regulations to contain an alternative compliance provision if the responsible Minister considers that the cost outweighs the benefits, or it is not practicable to have it.

For example, regulations requiring people to drive on the left-hand side of the road may be judged as providing no scope for being either performance-based or allowing alternative compliance proposals. The issue of whether a prescriptive regulation should contain an alternative compliance provision will in future be assessed in the regulatory impact statement. An alternative compliance provision will enable any person, business or group to propose, and Ministers to approve, alternative ways of achieving regulatory objectives. For example, an industry association could, on behalf of its members, make an application to a Minister that its members be exempt from complying with some parts of a regulation and instead comply with alternative arrangements.

The approval of alternative means of achieving objectives recognises that a business or other party has been able to achieve the Government's regulatory objectives more efficiently than envisaged under the regulations and removes the additional cost penalty entailed in compliance with redundant provisions. The inclusion of an alternative compliance provision in a regulation will empower business and the broader community to drive reform of prescriptive regulations by proposing better ways of achieving ends. It recognises that government does not have a monopoly on designing quality regulation. It allows regulations to be tailored to the specific needs of small business and other parties where it is in the public interest to do so. There will be two ways of including an alternative compliance provision in a prescriptive regulation.

The first is by adopting the standard alternative compliance provision contained in new section 9D of the bill. The second is by incorporating a purpose-built alternative compliance provision into a regulation. The standard alternative compliance provision in new section 9D of the bill establishes a regime of ministerial orders that allow responsible Ministers to approve applications for alternative compliance arrangements. However, before making an order, the responsible Minister would have to be satisfied that the alternative arrangements will be effective in meeting the objectives of the regulation, and will not cause an appreciable increase in risk to human health or safety or to the environment.

This standard alternative compliance provision could be adopted in any future regulation. Of course, if a regulation is made performance-based there would be no need for an alternative compliance provision. Alternatively, Ministers could include a purpose-built alternative compliance provision in a regulation. Essentially, this is a do-it-yourself approach that allows Ministers flexibility in developing their own tailor-made mechanisms for achieving flexibility.

The essential requirement of an alternative compliance provision is that it must allow people to obtain approval for alternative methods of compliance that meet regulatory objectives. In some cases, existing exemption mechanisms may fit this definition. Examples of a purpose-built alternative compliance provision could include accreditation and certification schemes or other regimes based on ministerial approval.

Honourable members will note that the bill gives Ministers discretion in deciding whether to make a regulation performance-based or whether to include an alternative compliance provision in a prescriptive regulation. This discretion is needed to ensure that performance-based regulation and alternative compliance provisions do not become ends in themselves. Rather they are to be implemented only in cases where it is practicable to do so and where it is in the interests of the community as a whole. To assist Ministers' consideration of these issues they will in future be addressed in regulatory impact statements.

To balance this discretion given to Ministers, a new supervisory function is to be given to the parliamentary Regulation Review Committee. The committee will be given the task of considering whether the special attention of Parliament should be drawn to any regulation because of non-compliance with the regulatory flexibility obligations contained in the bill. This task is consistent with the committee's existing functions under its Act in relation to the making of regulations. Finally, the bill amends the list of exemptions from the requirement for the preparation of a regulatory impact statement. The amendment exempts matters involving the implementation of an intergovernmental agreement that have already been the subject of regulatory assessment in accordance with principles approved by the Council of Australian Governments. This is a simple amendment that removes duplication of existing processes applying at State and intergovernmental levels. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

PARLIAMENTARY REMUNERATION FURTHER AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Ms HARRISON (Parramatta—Minister for Sport and Recreation), on behalf of Mr Carr [12.28 p.m.]: I move:

That this bill be now read a second time.

The Parliamentary Remuneration Tribunal is currently required to make its initial determination under the amended Parliamentary Remuneration Act by 1 December 1998. The tribunal is presently undertaking a complete review of all parliamentary entitlements. During the course of this review members from both sides of the House have raised concerns that this date does not give the tribunal sufficient time to complete a thorough review. Any determination made on 1 December will become redundant at the next election in March 1999, leading to a waste of time and resources in both making the determination and educating members as to how it applies to them. The reduction of the number of members of this House and the redistribution of boundaries which will apply from the next election will require a new determination to be made. This is because electoral and travel entitlements are currently calculated according to the size and location of electorates.

It is, therefore, not possible for current entitlements to be carried over after the next election. It should also be noted that the annual determination of the tribunal must be made in June 1999 for the next financial year. If the tribunal were required to report in December 1998, that would lead to the absurd position of three different determinations being made within seven months. In these circumstances, honourable members raised with the tribunal and the Government the prospect of removing the requirement for the tribunal to make its initial determination by 1 December 1998, so that it will now occur in March 1999 based upon the new electoral boundaries.

Justice Sully of the Parliamentary Remuneration Tribunal has been consulted on this proposal and supports it. This proposal has the advantage of: preventing the tribunal from having to make three different determinations within eight months; avoiding the prospect of a determination being made on 1 December 1998, which will only have effect for three months and then become redundant; and ensuring that the tribunal has sufficient time to complete a thorough review of parliamentary entitlements. Accordingly, this bill provides that the tribunal will make its initial determination on or as soon as practicable after 27 March 1999, which will ensure it is made on the basis of the new electoral boundaries. Provisions have been inserted to give the tribunal flexibility in terms of the date from which entitlements will apply, allowing the tribunal to phase in entitlements if it so wishes. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

CRIMINAL PROCEDURE AMENDMENT (SENTENCING GUIDELINES) BILL

Bill introduced and read a first time.

Second Reading

Ms HARRISON (Parramatta—Minister for Sport and Recreation), on behalf of Mr Whelan [12.32 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Criminal Procedure Amendment (Sentencing Guidelines) Bill. This bill permits the Attorney General, as first law officer of the State, to request that the Court of Criminal Appeal consider providing sentencing guidelines with respect to an offence, without the necessity of an appeal relating to such an offence being before the court. This bill takes a critical step towards addressing the need for consistency in sentencing. It does this in the interests of justice and community confidence in the criminal justice system.

This bill is a worthy addition to the criminal justice system in that it achieves this aim without unduly fettering judicial discretion. The Government has introduced this bill in light of the recent decision of the Court of Criminal Appeal of New South Wales in *Regina v Jurisic*. That decision broke new ground in the law of sentencing in this State. It formalises and extends the longstanding practice of the Court of Criminal Appeal to provide guidance to lower courts on sentencing.

In the *Jurisic* case the court adopted the English practice of issuing formal sentencing guidelines. Sentencing guidelines go beyond the specific point raised in the particular case to formulate general principles in relation to sentencing. Sentencing guidelines achieve two main objectives. First, they set a sentencing range for a particular offence or category of offences. Second, they differentiate and analyse the aggravating and mitigating factors which may be relevant to the particular offence or category of offence. Sentencing guidelines are not meant to be applied rigidly to every case. They act as an indicator to structure sentencing discretion.

In this way, sentencing guidelines promote greater consistency in sentencing, without inappropriately fettering judicial discretion. That is important. Public confidence in the administration of criminal justice requires both consistency in sentencing decisions and flexibility to ensure that the

sentence meets the particular circumstances of each case. Whilst the Court of Criminal Appeal in *Regina v Jurisic* has indicated a willingness to provide further sentencing guidelines, there are limits on its ability to do so effectively. Under the existing appeal structure, the Court of Criminal Appeal is only able to issue a sentencing guideline as a result of a particular matter when that matter is brought before the court.

A matter may only be brought before the court by the Crown in certain limited circumstances. The Crown may only appeal in relation to a particular case. It does not have the ability to bring general issues to the attention of the court. Inconsistency in sentences for a particular offence cannot be addressed unless, and until, an appeal regarding an example of the offence in question is brought before the court. Accordingly, there may be a significant delay, of months or even years, between the recognition of the need for a particular sentencing guideline and the ability of the court to issue the guideline.

To overcome this deficiency, this bill proposes that the Attorney General may request the Court of Criminal Appeal to consider formulating a sentencing guideline with respect to a particular offence or kind of offence. There are three particular matters of note in relation to the proposal. First, no particular case will need to be before the court for the Attorney General to make this request. This is a new concept for the criminal justice system in New South Wales. It is based, in part, on similar legislation recently enacted in England. This English legislation empowers the court to receive applications for guideline judgments, even when there is no case before the court.

Second, in conformity with the English legislation, the Attorney General will only have the power to request the Court of Criminal Appeal to consider the provision of a sentencing guideline. The Attorney General will not have the power to order the court to issue a sentencing guideline. This distinction is crucial in ensuring that the fundamental principle of judicial independence from the executive is retained. Third, the provisions in this bill are in addition to the power of the Court of Criminal Appeal to issue sentencing guidelines as set out in the case of *Regina v Jurisic*. In other words, the court will still be able to issue guideline judgments when appeals come before it in the usual way.

I turn now to the specific provisions of the bill. Schedule 1 inserts a new part 8 in the Criminal Procedure Act 1986. This part provides for

sentencing guidelines on the application of the Attorney General. New section 26(2) states that an application may be made to the Court of Criminal Appeal for sentencing guidelines with respect to the sentencing of persons found guilty of a particular offence or category of offence. Only indictable offences may be included in a guideline judgment. That is because the Court of Criminal Appeal does not deal with appeals from courts exercising summary jurisdiction.

Under new section 26(3), an application for sentencing guidelines may be made whether or not there are any pending proceedings before the court. That is the key provision in the proposed legislation. It enables the court to redress any perceived inconsistency in sentencing principles, without the need to await for the arrival of a specific case. Under new section 26(6), the Senior Public Defender, or his or her nominee, may appear in the proceedings and make submissions in relation to the proposed guidelines, including submissions opposing the application.

This section makes it abundantly clear that the Senior Public Defender is not responsible to the Attorney General when appearing in these proceedings. This provision ensures that there can be no doubt that the Senior Public Defender exercises his or her functions in these proceedings independently of the Attorney General. Under new section 26(4), the powers and jurisdiction of the court in relation to applications by the Attorney General will be the same as the powers and jurisdiction of the court to give guideline judgments apart from this bill. That means that the principles enunciated in the Jurisic case will apply to applications for sentencing guidelines by the Attorney General.

New section 26(5) provides that a guideline judgment may be given separately, or in any judgment the court considers appropriate. Whichever course the court adopts, the guideline judgment will have the same effect as an ordinary judgment of the court. In this regard, it will be no different to the judgment of the Court of Criminal Appeal in the Jurisic case. In other words, judgments under this bill will be just as binding as the judgments of the Court of Criminal Appeal.

Under new section 27, a guideline judgment may be reviewed, varied or revoked. New section 28 confirms the power of the court to issue guideline judgments apart from the provisions in this bill. This means that the court may issue sentencing guidelines in an ordinary case which comes before it, even if the Attorney General has not requested that a

guideline judgment be given. New section 28 also confirms that the court is not required to provide a guideline judgment upon the request of the Attorney General. This is a very important provision. It provides the court with the opportunity to decline to issue a sentencing guideline if it is not appropriate to do so for a particular offence, or a particular category of offence.

Finally, new section 29 provides that rules of the court may be made with respect to the conduct of these proceedings. In short, the promulgation of sentencing guidelines is an important step forward. Sentencing guidelines promote consistency in sentencing by clearly communicating to sentencing courts, legal practitioners, and the community generally the appropriate penalty range for a particular offence. This improved consistency in sentencing will have the added benefit of bolstering public confidence in the ability of the courts to deliver appropriate and just sentences in all cases that come before the courts. In order to maximise the benefit of sentencing guidelines, it is important that the Attorney General have the ability to seek sentencing guidelines from the court of criminal appeal, irrespective of whether there is a particular case before the court regarding the offence in question. This bill achieves that worthy aim. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

IRRIGATION CORPORATIONS AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [12.41 p.m.]: I move:

That this bill be now read a second time.

The purpose of the bill is to enable the transfer of ownership of Murrumbidgee Irrigation and Coleambally Irrigation from the Government to their local customers. The transfer is happening at the request of local community representatives. By way of background, I advise that since the establishment of irrigation areas and districts—principally in the first half of this century—irrigation scheme operations have grown to be substantial commercial businesses. Murrumbidgee and Coleambally irrigation schemes, for example, have approximately 2,500 kilometres of supply and drainage channels, all of which service about 3,400 rural land holdings comprising a total irrigated area of 173,000 hectares.

Each scheme is a natural monopoly with long lived assets, which are best financed by way of a sinking fund. A sinking fund allows cash reserves to be set aside for future needs. Historically, the former Department of Water Resources has managed and operated seven rural irrigation schemes. Four schemes, Murray Irrigation Ltd, Western Murray Irrigation Ltd, Jemalong Irrigation Ltd and Gumly Gumly Private Irrigation District were privatised early in 1995, and another scheme, Hay Private Irrigation District, was privatised in 1996. The track record of those five irrigation entities that have already been privatised is good. They are progressing well with works; there have been few, if any, major staffing problems; and linkages with government agencies at the regional level are effective. On balance, experience has shown us that the management of these businesses is better in the hands of the local community.

The remaining two schemes, Murrumbidgee Irrigation and Coleambally Irrigation, were separated from the Department of Land and Water Conservation and corporatised as State-owned corporations on 1 July 1997. The State Government currently owns and controls these schemes. I emphasise that the Government's plan is to transfer Murrumbidgee Irrigation and Coleambally Irrigation from government to the local community. It is not a sell-off to a third party. When considering the local ownership proposal, the Government has been particularly mindful of the level of broad-based community acceptance, staff and industrial associations, and customer support. Strong support in all areas must be clearly demonstrated for local ownership to proceed.

Both Murrumbidgee Irrigation and Coleambally Irrigation have consulted with their community, staff, industrial associations, and customers, and these discussions are continuing. Negotiations on any outstanding funding issues, including asset refurbishment, must be completed and funding agreements entered into in contemplation of local ownership. The deals struck will help to ensure the continued viability of each scheme, as will responsible local management. Under local ownership, the irrigation corporations will be responsible for their future business undertakings.

Under local ownership, management and ownership of the irrigation schemes are vested totally in a customer-owned business organisation. The existing irrigator customers will be the initial shareholders. I repeat, there is no sale to a third party. Shares will be distributed fairly in proportion to the water allocations that irrigators presently have.

It is important to note that the move to local ownership is consistent with the national strategic water framework. Briefly, the Council of Australian Governments' strategic water framework, 1994, requires:

... that constituents be given a greater degree of responsibility in the management of irrigation areas, for example, through operational responsibility being devolved to local bodies, subject to appropriate regulatory frameworks being established ...

Local ownership has a number of advantages. Importantly, local ownership and management will provide incentives for savings to be made and reinvested regionally, bringing financial benefits to the community. In terms of environmental protection, the established regulatory framework will ensure that land and water management plans are developed and implemented. These plans will specifically address major environmental problems, such as rising water tables and salinity, as well as broader environmental issues such as remnant vegetation, biodiversity and Aboriginal sites. The requirement for Murrumbidgee Irrigation and Coleambally Irrigation to implement land and water management plans will be a condition built into their bulk water licences.

The required amendments to the State Owned Corporations Act 1989 of New South Wales and the Irrigation Corporations Act 1994 of New South Wales will: convert, as a transitional measure, Murrumbidgee Irrigation Ltd and Coleambally Irrigation Ltd from statutory State-owned corporations to company State-owned corporations; transfer the business undertakings of Murrumbidgee Irrigation and Coleambally Irrigation to the new company State-owned corporations; remove the names of Murrumbidgee Irrigation and Coleambally Irrigation from the schedule to the Stated Owned Corporations Act; transfer the shares in the company State-owned corporations from ministerial shareholders to the existing customers; and designate the locally owned companies, namely Murrumbidgee Irrigation Ltd and Coleambally Irrigation Ltd, as class 2—locally owned—irrigation corporations.

Finally, I wish to address the important matter of industrial relations following the move to local ownership. Transferred staff of the irrigation corporations will be entitled to either preserve their rights to any benefits accrued under the State Government Superannuation Scheme, or transfer their entitlement to the private scheme which must be established by the irrigation corporations. Also, the staff of those irrigation corporations will be able to retain the rights to any benefits which they accrued as employees of the State-owned

corporations. These provisions apply with respect to both permanent and temporary employees. I repeat that the move to local ownership will give Murrumbidgee Irrigation and Coleambally Irrigation, and their customers, the opportunity and financial incentive to improve business efficiency. The future operation of these organisations is best decided by their local communities. I commend this bill to the House.

Debate adjourned on motion by Mr Fraser.

FOOD PRODUCTION (SAFETY) BILL

MEAT INDUSTRY AMENDMENT BILL

Bills introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [12.49 p.m.]: I move:

That these bills be now read a second time.

With the introduction of these bills, New South Wales takes a major step towards paddock-to-plate implementation of industry-based preventative programs to minimise food safety risks. The Australia New Zealand Food Authority recently estimated the annual cost of food-borne illness to government, industry and consumers to be \$2.1 billion. Behind this figure lies the human story: the death of a four-year-old Adelaide girl in 1995 and hospitalisation of 17 others after eating contaminated sausages; the death of a 77-year-old New South Wales man in 1997 from hepatitis A, traced to eating raw oysters from the Wallis Lake area; and the death of two elderly Victorian men in 1997 from salmonella poisoning, traced to products of a Melbourne smallgoods company.

The Food Production (Safety) Bill will establish a statutory authority to be called Safe Food Production New South Wales, or Safe Food. When fully established, Safe Food will be responsible for minimising food safety risks in the production, processing, wholesale and transport of food for human consumption from the paddock or ocean to the back door of the retail shop. It will also cover retail premises where raw meat is further processed such as butcher shops and supermarket meat departments. The New South Wales Health Department and local government will continue to cover the retail, restaurant and takeaway sectors. The Health Department will also retain all its responsibilities under the New South Wales Food

Act, including surveillance and monitoring of food-borne illness, and compulsory recalls.

The bill will implement a key recommendation of the 1997 Food Safety Task Force chaired by Mr John Kerin, a former Federal Minister for Primary Industry, and more recently the Chairman of the Australian Meat and Livestock Corporation. Dr Gavin Frost, an eminent public health specialist and former Deputy Chief Health Officer for New South Wales, was a special adviser to the task force. The Kerin task force found that the responsibility for food safety in New South Wales is fragmented. It is shared by six State government departments or agencies and 177 local councils, leading to gaps in coverage, overlap and duplication, and variable or inconsistent enforcement. The task force found that these weaknesses may compromise food safety and also may lead to excessive compliance costs on business.

Of particular concern to the Government was the task force's finding that these weaknesses in the regulatory system will inhibit effective implementation in New South Wales of the national food hygiene standard. The draft standard has been developed by the Australia New Zealand Food Authority and is likely to be adopted by Commonwealth, State and Territory health Ministers later this year for implementation over six years. The national food hygiene standard will require preventative programs to be in place at all points in the food supply chain where significant food safety risks may arise. The standard will require all food businesses with significant food safety risks to establish food safety programs based on a risk management methodology known as HACCP, the acronym for hazard analysis and critical control point. HACCP is now international best practice in preventative food safety regulation.

Under HACCP, Government's traditional inspectorial role will increasingly change to one which focuses on system approval, audit and accreditation. Government will need to ensure that food businesses establish adequate food safety programs, and that compliance with these programs is effectively audited, either by Government-employed or contracted auditors, or by accredited third party auditors. The Kerin task force recommended that the Government commit to a long-term goal of establishing a single food safety authority. The task force recommended that as a transitional step the Government establish a new body now to be called Safe Food Production New South Wales or Safe Food. Safe Food will incorporate the existing Australian Dairy Corporation and Meat Industry Authority of New

South Wales and extend similar food safety coverage across the remaining primary produce sectors and the seafood sector.

The task force also recommended that the Health Department continue to oversee the overall implementation of the national food hygiene standard. New South Wales Health would also have direct responsibility for implementing the standard in the retail, restaurant, and takeaway food sectors. When the six-year roll-out of the standard is well under way and effectiveness of the Safe Food initiative can be evaluated, the task force recommended that the Government should determine the most appropriate structure for a comprehensive food safety authority.

The Kerin task force recognised that the co-regulatory partnership approach needed to successfully implement the national standard has been pioneered by the Australian Dairy Corporation and the Meat Industry Authority. These agencies, which operate within the portfolio of the Minister for Agriculture, have driven the implementation of HACCP-based preventative programs in the dairy and meat industries over recent years. For this reason, the task force recommended that their expertise and experience be utilised by incorporating the agencies into Safe Food, and retaining Safe Food within the agriculture portfolio. The Kerin recommendations anticipated the findings of the Commonwealth-State Review of Food Regulation chaired by Dr Bill Blair.

A key recommendation in its August 1998 report called on State and Territory Governments to take urgent steps to reduce the number of food regulatory agencies in their jurisdictions. At pages 66 and 67 the report specifically endorses the New South Wales strategy reflected in the bill. The Government intends to set up Safe Food early next year, initially incorporating the functions of the Dairy Corporation. Development of a co-regulatory food safety regime covering high risk areas of the seafood industry will be an immediate priority. The shellfish quality assurance program, now being established by New South Wales Fisheries and the shellfish industry, will be transferred to Safe Food as soon as possible and further developed. In the second half of 2000, when the reforms being introduced by the cognate Meat Industry Amendment Bill have been implemented, Safe Food will incorporate the functions of the Meat Industry Authority.

I turn now to key features of the Food Production (Safety) Bill, which does not by itself impose any new regulatory requirements on industry.

It provides a framework to develop and implement co-regulatory preventative food safety regimes called food safety schemes under the bill. Each food safety scheme will cover a particular primary produce or seafood industry or sector and can only be introduced as a regulation under the Act. Clause 19 sets out what a food safety scheme may contain. For example, a scheme may require food businesses to provide standard information; require food businesses to establish food safety programs based on HACCP or quality assurance principles; establish arrangements for the auditing of these programs; where food safety risks warrant, provide for the licensing of persons, businesses, premises, vehicles, vessels or equipment; and establish fees, charges or levies to help fund the scheme. These schemes will be based on scientific assessment of food safety risks and will be tailored to minimise those risks and comply with the requirements of national standards, in particular the ANZFA standard.

The requirements for low or medium risk sectors will not be as extensive as those for high-risk sectors. For example, while licensing will be retained in high risk sectors of the dairy, meat, and oyster industries, it is highly unlikely to be required in low risk horticulture sectors. Extensive safeguards are contained in the bill to ensure that the schemes contain only those requirements—and associated compliance costs on business—which are needed to ensure the production of safe food. Because each food safety scheme will be introduced by regulation, the standard requirements of the Subordinate Legislation Act will apply. These include preparation of a regulatory impact statement which includes cost-benefit analysis of the scheme's provisions and alternative options; structured consultation based on the draft scheme and regulatory impact statements with stakeholders, including the affected industries and consumers; and parliamentary scrutiny, including the possibility of disallowance.

Each food safety scheme must also be approved by the Minister for Health before introduction, and also by the Minister for Fisheries if it covers any seafood sectors. Clause 20 of the bill strengthens these safeguards by requiring additional information in the regulatory impact statement including an assessment of the food safety risks which meets national and international standards for risk assessment; if the scheme imposes any standards beyond applicable national standards, an explanation of why these are required; and if the scheme provides for licensing, an explanation of why this is necessary. At the request of the New South Wales Farmers Association and the New South Wales Chamber of Fruit and Vegetable Industries, clause 20 also requires the identification

of any quality assurance schemes operating in the sectors covered by the scheme. It also requires an assessment of the extent to which these quality assurance schemes meet the requirement of national food safety standards.

These requirements will ensure that food safety schemes are soundly based, effectively targeted, and do not impose unnecessary costs on business. They guarantee transparency and will maximise the opportunity for both food industries and consumers to participate in and influence the development process. I stated earlier that effective partnership is the key to success of this initiative. In particular, the food safety schemes will rely on a close working relationship between Safe Food and industry. Several features of the bill provide a sound basis for partnership with industry, consumers, and recognised technical and scientific experts. Firstly, each food safety scheme must establish a structure for continuing consultation with the relevant industry sectors on the operation of the scheme and any changes to it. Existing consultative structures, such as the Dairy Industry Conference, may be recognised for this purpose. These structures may include consumer representation, as the conference does at present.

Secondly, the Minister for Agriculture—with agreement of the health and fisheries Ministers—will establish an advisory committee with technical or scientific expertise covering the areas set out in clause 16 of the bill. The advisory committee, which must include a consumer expert, will provide expert advice or recommendations on request. Thirdly, the bill allows the Minister to appoint special purpose subcommittees with both technical and industry experts, who may be appointed as temporary members of the advisory committee for the special purpose. For example, a special purpose subcommittee could be established to help Safe Food develop a new food safety scheme.

I turn now to the management of Safe Food, and its accountability to Government and to the community. Safe Food will be managed by a chief executive officer appointed by and responsible to the Minister for Agriculture. To ensure that public health and industry perspectives are each taken fully into account, the appointment or removal of the CEO must be agreed by the Ministers for health and fisheries, as occurs with advisory committee appointments. The Government intends to structure Safe Food in industry-based divisions. A dairy division will be established when Safe Food is set up and the functions and staff of the Australian Dairy Corporation are transferred to it.

When the Meat Industry Authority is incorporated in the second half of 2000, a meat division will be established. Further divisions will be established as appropriate as new food safety schemes are developed. The Government and food industries recognise that consumer confidence in the Safe Food body will require proper separation of industry and government responsibilities. The major role of Safe Food will be to ensure that industry establishes the preventative programs required by national standards, and that these are properly audited so that they continue to provide the highest level of consumer protection. In carrying out these functions, Safe Food will be accountable to the Minister through the chief executive officer, not to industry.

The bill contains search and seizure provisions, and offences and penalties, modelled on those in the current Dairy Industry Act, Meat Industry Act, and Food Act. Safe Food officers will also be able to impose on-the-spot fines for breaches, subject to the right of appeal to the Local Court. These provisions will ensure that Safe Food can act when food laws and safety standards are breached. Safe Food will also be required to produce an annual report and will be subject to the reporting requirements of the Public Finance and Audit Act. The Freedom of Information Act will apply to Safe Food. The Government intends that Safe Food, when fully established, will be funded by the industry sectors it covers by fees and charges for regulatory services, and by levies if required. This parallels the current arrangements for the Dairy Corporation and the Meat Industry Authority, which are respectively funded by the dairy industry and the meat industry.

However, both the establishment of Safe Food and the staged development of food safety schemes in coming years will be funded through the State budget. The Government also recognises the concerns of industry in relation to possible levies such as the current meat industry levy which helps to pay for the food safety activities of the Meat Industry Authority. Levies may only be introduced as part of a food safety scheme, thus ensuring that the extensive safeguards I outlined earlier will apply. The bill also contains a provision prohibiting cross-subsidisation of activities under a food safety scheme from levies raised under a different food safety scheme.

I turn now to the special arrangements which will apply to the dairy and meat industries because the functions of the Dairy Corporation and Meat Industry Authority are being transferred to Safe Food. These arrangements were developed in close

consultation with those industries and the management and staff of the two organisations. I place on record my appreciation of the goodwill and co-operation of all who were involved in this process. The successful partnership between government and these industries has been made possible by several features of the current arrangements. They include: industry-specific Acts providing for both the food safety functions and the non-food safety functions of the Dairy Corporation and the Murrumbidgee Irrigation Area; robust consultative arrangements, underpinned by each Act, which preserve industry autonomy and a clear line of advice to government through the Minister on all matters affecting the industry; and management structures which ensure that staff have industry-specific knowledge and sound relationships with industry.

I outlined earlier the industry divisional structure intended for Safe Food. In addition, the bill will retain the current Dairy Industry Act and Meat Industry Act, while amending them to repeal the food safety provisions now contained in the bill. Before the Dairy Corporation and the MIA are incorporated into Safe Food food safety schemes which will in effect re-enact the food safety regimes in each industry will be introduced by regulation. The non-food safety functions of the two bodies, which include pricing and supply management of fresh milk and the provision of a range of industry services, will be retained in the dairy and meat Acts. The meat industry levy will also be retained under the meat Act.

The provisions which establish the Dairy Industry Conference will be retained under the dairy Act. The Board of the Meat Industry Authority, which includes representatives of the meat industry sectors, will be retained as the Meat Industry Consultative Council with statutory advisory functions similar to those of the Dairy Industry Conference. The Government values its successful partnership with the dairy and meat industries and is confident that these arrangements will ensure the partnership continues effectively under the Safe Food initiative.

I turn now to the cognate Meat Industry Amendment Bill. In 1996-97 the Government reviewed the Meat Industry Act 1978 in accordance with its obligations under the national competition policy. A review group chaired by my department was established and included representatives of the Meat Industry Authority, Treasury and the Cabinet Office. The review group produced a public issues

paper, called for submissions and consulted widely before preparing its final report and recommendations. The review endorsed the MIA's move toward a co-regulatory approach to implementation of the national meat standards. These standards were developed in the wake of the 1994 Garibaldi incident in South Australia by the Agriculture and Resource Management Council of Australia and New Zealand—ARMCANZ. Like the proposed Australia and New Zealand Food Authority food hygiene standard, the ARMCANZ national meat standards are based on HACCP principles.

The review's recommendations, which are implemented by this bill, were intended to facilitate further development of the HACCP-based approach and extend the MIA's coverage to include related sectors such as poultry and game meat. As recommended by the review, the bill will also sharpen the MIA's focus on food safety by removing obsolete provisions such as the market stabilisation powers to buy and sell stock or regulate prices. The review also recommended extending the MIA's coverage to retail premises where meat is processed as well as sold. This includes butcher shops and supermarket meat departments, which are currently regulated by New South Wales Health and local government, but does not include restaurants, takeaways, or corner shops.

This review recommendation was strongly supported by industry, including the National Meat Association, the Retail Traders Association and the Supermarket Institute. A key concern of industry was inconsistent interpretation and enforcement of meat safety standards, and variable resources applied to meat safety, by the State's 177 local councils. The Government has decided to implement the recommendation, but only in a way which does not simply impose an additional layer of regulatory control on existing arrangements. Accordingly, agreement will be reached with the local government sector on withdrawal of its food regulatory activities before the extended coverage commences. The MIA will cover all aspects of food regulation on these premises, including for example food labelling requirements. This will require some additional training of MIA staff. The Government anticipates that the MIA will be able to take over the coverage of retail meat premises from mid-1999, once these issues are addressed.

The board of the Meat Industry Authority is intended to broadly represent the sectors covered by the MIA. The bill will revise the current MIA composition to better reflect sector coverage under

the new arrangements. The bill also contains a provision which will facilitate the New South Wales export trade by enabling the MIA to certify that meat for export has been produced in accordance with the ARMCANZ national meat standards. Many New South Wales export markets accept that meat produced in accordance with these standards is safe for their domestic consumers. Implementation of the measures in this bill will be a considerable task for the MIA and the meat industry. For this reason, the Government has decided to postpone incorporation of the MIA into Safe Food until the second half of 2000.

These bills will ensure that New South Wales takes the leading role among Australian States and Territories in the shared task of integrating food safety arrangements and effectively implementing both the Australia New Zealand Food Authority national food hygiene standard and industry-specific national standards. The Government believes that the Safe Food initiative will help bring about justified consumer confidence in the safety of the food supply without imposing unnecessary burdens on industry. The Government also commits to the long-term goal of establishing a comprehensive Food Safety Authority as recommended by the Kerin review and by the Blair review. For this reason, clause 72 of the bill requires a ministerial review of the initiative after three years. The report of this review is to be tabled in Parliament within 12 months and it must be considered whether and how New South Wales should at that stage move to a single food safety authority. I commend the bills to the House.

Debate adjourned on motion by Mr Fraser.

[Mr Acting-Speaker (Mr Clough) left the chair at 1.08 p.m. The House resumed at 2.15 p.m.]

[Notices of Motions]

Mr Hunter: On a point of order. The notice of motion of the honourable member for Ermington is out of order; it is not written on the correct form.

Mr SPEAKER: Order! I understand that the Clerks are flexible about the quality of the material upon which they receive written notification of motions from members.

BILLS UNPROCLAIMED

Mr SPEAKER: Pursuant to standing orders, I table a list detailing all legislation unproclaimed as at 28 October.

PETITIONS

Governor of New South Wales

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

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, Dr Kernohan, Mr MacCarthy, Mr Merton, Mr Photios, Ms Seaton, Mrs Skinner and Mr Tink.**

Land Tax

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

Kings Cross and Woolloomooloo Policing

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

Surry Hills Policing

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

Kings Cross Policing

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

Sir David Martin Reserve

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

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**.

Gymea Bay Public School

Petition praying that a classroom burnt down at Gymea Bay Public School by vandals be rebuilt, received from **Mr Phillips**.

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**.

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**.

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**.

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**.

Alfords Point Road Noise Reduction Barriers

Petition praying that noise barriers be constructed on the eastern side of Alfords Point Road, received from **Mrs Stone**.

QUESTIONS WITHOUT NOTICE**COMPUTER MILLENNIUM BUG
HOSPITAL EQUIPMENT FAILURE**

Mr COLLINS: My question is addressed to the Minister for Health. Why has the Minister allocated just \$30 million to fix the millennium bug problem in New South Wales hospitals, when leaked departmental documents show that—

[Interruption]

This is a serious matter, and it requires a serious response from the Government. I shall start again. Why has the Minister allocated just \$30 million to fix the millennium bug problem in New South Wales hospitals, when leaked departmental documents show that \$125 million is needed to protect patients' lives? Does worldwide evidence show—

[Interruption]

Members opposite may laugh at patients' lives being put at risk. I have a right to ask this question without their guffaws. They are laughing at the people of this State, and they are treating this House with contempt. I ask that I be heard in silence.

Mr SPEAKER: Order! The Chair will maintain decorum in the Chamber. The Leader of the Opposition has been given the call for the purpose of asking a question.

Mr COLLINS: Does worldwide evidence show that if the shortfall in funding is not provided to overcome this problem, it could easily lead to the deaths of patients?

Mr Whelan: On a point of order.

Mr SPEAKER: Order! I anticipate the point of order the Leader of the House seeks to take. Traditionally the Chair has allowed the Leader of the Opposition a degree of latitude during question time. For that reason I shall permit him to continue. However, had the question been asked by any other member, I would have ruled it out of order.

Dr REFSHAUGE: I am delighted that members opposite are preparing themselves for the next term in Opposition. Obviously, given that the Leader of the Opposition is asking about our preparedness for the millennium bug, the Opposition wants to catch us out in the year 2000. I assure the Opposition that Labor will be in government in 2000. My guess is, however, that the Leader of the Opposition will be replaced by that stage. I presume that the honourable member for Lane Cove will not replace him; she will be blamed at least in part for the loss because of her disruptive tactics. So members opposite are hunting for a new Leader of the Opposition for the next term. I am pleased to say that the Government's plans to address the problem of the millennium bug, the Y2K bug, have been—

Mr Collins: According to the document, \$125 million is what you need. You're putting patients' lives at risk.

Mr SPEAKER: Order! The Leader of the Opposition will remain silent.

Dr REFSHAUGE: The Audit Office has examined the preparation of New South Wales Health relating to Y2K rectification and has commented that we have done it better than almost anyone else. The Audit Office has asked if it can use our method as the model for other departments.

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

Dr REFSHAUGE: The 1997 Audit Office report showed clearly that Health has got its act together very well.

Mr SPEAKER: Order! I call the Minister for Roads, and Minister for Transport to order.

Mr Collins: You are \$95 million short—why don't you admit it?

Dr REFSHAUGE: In 1995 when the Leader of the Opposition was the Treasurer, just as it is claimed today that cryptosporidium did not exist

then, is it suggested that the millennium bug did not exist either? There was no preparation by the former Treasurer. Not a penny was spent. The Government has commenced a program and it has already tested 15,000 items of equipment in the health system. Certainly we have looked at the worst case scenario. My understanding is that the Leader of the Opposition has misquoted the letter about how much is required. It seems that he has trouble with numbers on a regular basis.

Mr Collins: Would you like the document?

Dr REFSHAUGE: I have it here.

Mr Collins: No you haven't. That's all out of date.

Mr SPEAKER: Order! If the Leader of the Opposition wishes to table the document, he may do so with the leave of the House.

Mr Collins: I seek leave to table a document from the Health Department entitled "Systems Integration". It may assist the Minister. It is a Government document.

Leave not granted.

[Interruption]

Mr SPEAKER: Order! The Leader of the Opposition has sought leave to table the document. Leave has been refused. He will cease interjecting.

Dr REFSHAUGE: As the area health services develop their business plans for the Y2K rectification, they produce a number of options that will obviously decrease the cost. Much of the equipment is new because of our rebuilding program, and much of the equipment rectification can be covered by the guarantees provided by the companies from whom the equipment was purchased. We are decreasing costs as well as ensuring, as we upgrade equipment, that new equipment is year 2000 compliant. We are also cognisant of the possibility that costs in some areas will increase. We are in constant consultation with Treasury about the potential effects of such increases. I reiterate that the Audit Office has looked at how Health has performed in this regard, and not only has it given New South Wales Health a big tick, saying that it is doing it right, but it has asked if it can use the New South Wales Health plan as a model for other departments to follow.

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

Dr REFSHAUGE: Other States are following the lead of New South Wales Health.

INNER CITY STREET CRIME

Mr McMANUS: My question without notice is directed to the Minister for Police. What are the results of City Safe III?

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

Mr WHELAN: Honourable members will recall that in April police began operation City Safe, phase one. At that time I indicated that I would report on the results of operation City Safe. I remind honourable members that City Safe is a concerted police attack on crime in the Sydney central business district and Kings Cross. The results of the first two phases were impressive. Today, with the completion of City Safe III, I am pleased to report a further drop in drug-related and alcohol-related crime, assaults, robberies and property theft. The high policing profile City Safe provides has had a profound effect on reducing crime levels in the Sydney central business district. The message is getting through to would-be offenders.

Mr SPEAKER: Order! There is far too much audible discussion in the Chamber, and the most audible conversation is emanating from the Government benches.

Mr WHELAN: Criminals who commit offences will be caught and prosecuted. The City East Commander, Ken Maroney, and his team will not tolerate antisocial and criminal behaviour. They are determined to make a difference, and they are. Operation City Safe III started on 23 September. It involved a crack team of 32 specially trained police patrolling areas covered by the city central, Surry Hills, Kings Cross and Redfern commands. The police did not work alone. They were supported by the City East Transit Unit, the highway patrol, mounted police, the dog squad and parking patrol officers to target recidivists in crime hot spots at high crime times.

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

Mr WHELAN: The police also worked in close liaison with other agencies, including Mission Beat, the Department of Immigration, South Sydney City Council, Sydney City Council, the State Rail Authority, Sydney Buses, the Australian Taxation Office, the Roads and Traffic Authority, the Environment Protection Authority and the

Department of Community Services. The results are nothing short of impressive. During City Safe III, police arrested 183 people, including 17 illegal immigrants. Thirty-five of the arrests resulted from the Government's tough new police powers to search for and confiscate knives. Police laid a total of 336 charges, and issued 620 traffic infringement notices and 190 traffic defect notices.

Under the Government's new anti-gang laws, police moved on 30 people. They collated 706 intelligence reports on known offenders and their criminal activities. There were some significant arrests, including one man who was arrested and charged with supplying and possessing 33 grams of amphetamines, 16 grams of cannabis and 17 ecstasy tablets. Another man was arrested and charged with possessing 38 grams of amphetamines. A juvenile was charged with 48 credit card fraud matters and stealing. A man was arrested and charged with two counts of robbery and wounding after assaulting two men in Hyde Park. These results are a clear indication that City Safe is driving down street crime.

Since City Safe began in April, police have made a total of 349 arrests, laid 616 charges and issued a total of 477 warnings regarding antisocial behaviour and directions to move on. In all, they have arrested 20 illegal immigrants. Police have collated a total of 1,026 intelligence reports and, as I said earlier, the remainder of those statistics speak for themselves. I am pleased to say that crime in the city is on the way down. Robberies dropped more than 24 per cent, stealing dropped by 19 per cent, car theft is down 31 per cent and serious assault has fallen 21 per cent. The police are getting on with the job using the new tough police powers that the Government has given them to search for and confiscate knives and to give directions to move on.

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

Mr WHELAN: They are doing a great job and they deserve our wholehearted support and praise.

COMPUTER MILLENNIUM BUG HOSPITAL EQUIPMENT FAILURE

Mrs SKINNER: My question without notice is directed to the Minister for Health. Given that testing by the Minister's department found that vital hospital equipment such as ventilators, defibrillators, ECGs and ultrasound monitors will fail because of the millennium bug, will the Minister now repeat his unequivocal guarantee that patients will not be put at

risk at any time, despite his \$95 million in underfunding?

Dr REFSHAUGE: It is a delight to compare the members of the National Party and members of the Liberal Party.

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

Dr REFSHAUGE: Members of the Liberal Party want the Government to spend more money on computers. Honourable members will remember the question asked by the Leader of the National Party: why are there more computers than beds in Coffs Harbour hospital? Members of the National Party want the Government to spend money on running hospitals rather than on computers, and members of the Liberal Party want the Government to spend more money on computers than it spends on running hospitals. The development of coalition policy is interesting. Talking about policy, recently I came across a letter from the honourable member for North Shore to her colleague the honourable member for Bega, who is awake at the moment. That letter states:

My colleague Mr Russell Smith, Member for Bega, has forwarded to me a copy of your letter concerning the introduction of fees for meals in public hospitals.

Mrs Skinner: On a point of order. My point of order relates to relevance. I asked the Minister whether he could guarantee that lives were not being placed at risk. The Minister has misquoted the letter; it is not addressed to the honourable member for Bega.

Mr SPEAKER: Order! If the honourable member for North Shore believes that what the Minister has said is incorrect, she may make a personal explanation at the appropriate time. I place the honourable member on two calls to order.

Dr REFSHAUGE: The honourable member for North Shore, in writing to the constituent of the honourable member for Bega, made reference to the introduction of fees for meals in public hospitals.

Mr Phillips: On a point of order. It is obvious that the Minister knows nothing at all about the millennium bug. You have ruled time and again, and rightly so, that you have no power to direct Ministers how they should answer questions, but you have also said that the answer must be relevant to the question. Those are your rulings. The Minister does not know the answer to the question he has been asked. He has launched into a speech about the

payment for meals, which has nothing to do with the millennium bug. The Opposition wants an answer to the question.

Mr SPEAKER: Order! The Deputy Leader of the Opposition failed to mention that the Chair has also ruled that Ministers are entitled to respond to interjections.

Dr REFSHAUGE: I know why members of the Opposition have kept this policy under wraps; it is very interesting. I will read the policy to members of the coalition when policies are being discussed.

Mrs Skinner: On a point of order. The Minister has waved a prop around. In the past you have ruled such conduct out of order. I ask him to table the document from which he is quoting so that we can see it is a lie.

Mr SPEAKER: Order! The honourable member for North Shore has asked the Minister to table the document.

Dr REFSHAUGE: By leave, I table a copy of the coalition's policy document, which states:

I found your proposal very interesting. I find it very encouraging that you would be prepared to pay for your meals . . .

Please be assured that the Coalition will take your suggestion into consideration when formulating policy prior to the next State election.

[Interruption]

Mr SPEAKER: Order! The Minister will refrain from responding to interjections and concentrate on his answer.

Dr REFSHAUGE: It is nice to receive bipartisan support from the honourable member for Oxley. I commend the honourable member for North Shore for persisting with her questions about the millennium bug. In the beginning of 1996 the Government undertook a comprehensive audit of all equipment that could be affected by 2YK. All hospitals, health services and facilities that could be affected in any way are being reviewed. There is no doubt that the Government has set world-class standards in the way in which it is combating the year 2000 problem. As I said earlier, the performance audit was carried out in August 1997 by staff in the Auditor-General's office. They were so impressed with the thoroughness and innovation of the approach of New South Wales Health that they have requested approval to cite the material as an example of best practice.

The Government is certainly addressing the problem. For many items that may be affected by 2YK, it is important that the cost of rectifying the problem be covered by the maintenance of those items. Comparisons with interstate and overseas agencies—and this is important because the Government wants to give them the value of its expertise—indicate that New South Wales Health is ahead of the field in tackling the millennium bug with a collaborative, comprehensive and co-ordinated strategy. The Government wants the families and communities of New South Wales to be secure in the knowledge that the year 2000 date issue will not compromise the ability of New South Wales Health to provide safe, appropriate and high-quality care through the millennium change. I welcome the preparedness of the coalition for another four years on the opposition benches.

FRUIT BAT LYSSAVIRUS TRANSMISSION

Mr SULLIVAN: My question without notice is directed to the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs. What steps can the public take to reduce the risk of bat rabies?

Dr REFSHAUGE: Bats are capable of transmitting serious diseases, including lyssavirus and equine morbilliform virus. Both those diseases can be fatal. Lyssavirus, which is related to the rabies family of diseases, was responsible for the death of a Queensland woman in 1996. That was the first reported case of its kind in Australia. Handling of bats poses the greatest risk of lyssavirus, particularly if people are bitten or scratched by them.

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

Dr REFSHAUGE: In the past week 10 people have either been bitten or scratched by bats and are now being treated with rabies vaccine and immunoglobulin.

Mr SPEAKER: Order! The Minister is answering a question on a serious subject. He does not need any assistance from the Opposition.

Dr REFSHAUGE: Four of the cases are from the Coffs Harbour area, one from Manilla, two from the Glen Innes region, one from the Hunter area and another from the Dubbo area. Patients who may have been exposed to lyssavirus require a series of vaccinations to prevent the onset of disease. Symptoms of lyssavirus include sharp pain around the injured area, headache and fever, paralysis,

drowsiness and encephalitis. Untreated, lyssavirus can kill. Anyone bitten or scratched by a bat should immediately wash the injured area vigorously with soap and water, and then urgently seek medical attention. Infection is best avoided by preventing any contact with bats, whether they appear well or sick. Bats can be carriers of the disease without displaying any symptoms of lyssavirus. Look but do not touch is, by far, the best protection.

COMPUTER MILLENNIUM BUG HOSPITAL EQUIPMENT FAILURE

Mr PHILLIPS: My question without notice is to the Minister for Health. How can the Minister claim that patients in New South Wales hospitals will be safe from the millennium bug when a Health Department committee told him a year ago that 80 per cent of medical equipment is potentially affected but that testing and repairs needed to avoid the crisis are unlikely to be completed by 1 January 2000?

Mr SPEAKER: Order! The Minister for Urban Affairs and Planning and the Minister for Information Technology will remain silent.

Dr REFSHAUGE: Have honourable members heard some of Ronnie's policies? Recently on *Stateline*, the program the Premier loves to appear on and talk about, the shadow treasurer said that too much money is spent on health. The Opposition's policy is that no more money should be spent on health and that public hospitals should be privatised. That was a pretty good idea! Little Ronnie and his group of activists are looking at the honourable member for Sutherland and the honourable member for Georges River.

Mr O'Doherty: On a point of order. Standing Order 138 states that an answer shall be relevant to the question asked. The Minister is not responding to interjections; he clearly commenced his answer by talking about an irrelevant matter. I ask you, as the party responsible for upholding the standing orders in this House, to draw him back to the question.

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

Dr REFSHAUGE: The Deputy Leader of the Opposition asked about last year. In August 1997 the Auditor-General's office said that it was impressed by the thoroughness and innovation of the approach taken by New South Wales Health. The department did so well that the Audit Office wants to cite the material it used as an example of best

practice. The Deputy Leader of the Opposition asked about last year.

Mr SPEAKER: Order! The Leader of the Opposition has asked a question on this subject. He will remain silent.

Dr REFSHAUGE: Last night was a very late night for some members. It would be nice if members of the Opposition could get their act together. The Deputy Leader of the Opposition asked about last year. If he could talk as well as he puts knives into the member beside him, there would be some cohesion on the other side of the House.

TAXI SERVICE STANDARDS

Mr MOSS: My question without notice is to the Minister for Transport, and Minister for Roads. What is the Government doing to give independent taxidriver a fair go and to improve services for passengers with disabilities?

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

Mr SCULLY: Since coming to office the Carr Government has introduced a wide range of reforms to improve the service of the taxi industry. The Government has worked closely with the taxi industry to introduce a raft of reforms to raise the standard and safety of taxi vehicles, improve customer service and reduce waiting times. The Government has introduced higher standards of roadworthiness, vehicle maintenance and cleanliness and the standard that taxis are to be smoke-free zones. Enforcement of taxi standards has been increased with a stronger on-road presence by taxi enforcement officers, particularly at Sydney (Kingsford-Smith) Airport, with special attention paid to drivers who refuse hirings, leave taxis unattended or do not maintain the cleanliness and presentation of their taxis.

The Government has also extended the hours of the taxi complaints hotline, introduced a new charter of rights for customers and raised the standard of English required by new drivers. Recently I announced that the Taxi Advisory Committee would examine the merit of a purpose-built taxi suited to Australian conditions and offering a better standard of safety, comfort and accessibility. To reduce waiting times during peak hours, 100 peak availability licence plates are being issued to address the shortage of taxis in peak periods. These taxis will be required to be on the road between noon and 5.00 p.m. Traditionally that is the most difficult time to book or hail a taxi.

The Government is aware of the concern of people with disabilities that waiting times for passengers who need wheelchair accessible taxis has been unacceptably long. In June the Government announced the progressive release of 400 wheelchair accessible taxi licence plates. These taxis will be required to be wheelchair accessible, to operate 20 hours a day and to operate between noon and 5.00 p.m. They must be logged onto the wheelchair accessible taxi booking service and will be obliged to give priority to bookings by people in wheelchairs. That initiative also provides an opportunity to reward taxidriver who are committed to a high-standard taxi service which offers genuine accessibility to people with disabilities.

Mr Armstrong: No more Carr's cages?

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

Mr SCULLY: Is the Leader of the Opposition going to ask about the millennium bug in taxis? Do Government members remember how hard it was when we were in opposition to find a question on taxis? It must be easy for the Opposition. Today I am pleased to announce that the next 60 wheelchair accessible plates will be issued on merit to independent drivers who can demonstrate a high level of customer service, a good driving record and a proven appreciation of the needs of taxi patrons who require a wheelchair accessible taxi. These are drivers who are not operators and they do not own other licences. They meet strict eligibility criteria to ensure that they are of a high standard. One reason the industry has such a high turnover of drivers is that they find it difficult to buy their own plates, which currently sell for as much as \$270,000 each.

These six-year non-transferable plates will cost \$36,000 each, making them affordable for the average independent taxidriver. This means that successful taxidriver will have the choice of setting up their own taxi business. Drivers must have held a taxidriver authority for at least five of the past eight years, demonstrate that they have good customer service and driver records, and must not have been convicted of a criminal offence. Only one licence will be available to each applicant. If there is strong interest in this initiative from drivers, the remaining 280 wheelchair accessible taxi licences will also be allocated in this way. The Government wants drivers who offer a high standard of service to remain in the taxi industry, to ensure that it remains competitive and experienced. This Government initiative offers a career path for drivers who want to stay in the industry and offer excellent service to the people of Sydney. These are just rewards for our top

taxidriver. How about a decent question from Opposition members?

CAMPBELL HOSPITAL, CORAKI

Mr ARMSTRONG: I ask a question of the Minister for Health. Have the people of the Coraki district expressed concern that the Government intends to downgrade or close Campbell Hospital—but not until after the election? Given that such action would create special problems for the large Aboriginal community in the area, will the Minister give the people of the Coraki district an assurance that Campbell Hospital will remain open?

Dr REFSHAUGE: I was hoping for a change in attitude of National Party members to computers, but it seems that they are not moving in that way. The people of Coraki, like any other people in New South Wales, deserve and get quality health care. The Government is always looking at ways of expanding health care in rural New South Wales. The Government, in the four budgets it has provided, has increased rural health funding by more than 35 per cent. It has put extra money into country health. Not only that, but the Government has embarked on a major program to rebuild country hospitals—hospitals that the coalition Government ignored. Broken Hill hospital is being rebuilt right now.

Mr Carr: And Lithgow hospital.

Dr REFSHAUGE: We will open Lithgow hospital before the end of the year. We built that hospital, and we are proud of that fact. We are also rebuilding Manning Base Hospital in Taree, despite outbursts of nastiness every so often by the local member. Although the honourable member for Coffs Harbour is checking, he will find that this Government is continuing to rebuild Coffs Harbour hospital. This Government reopened Kiama hospital—a hospital in the bush closed by the coalition. Quite significantly, this Government is rebuilding Dubbo hospital, and the local member appreciates that.

Even the recently departed member for Burrinjuck was moved to thank me for the rebuilding of Boorowa hospital. I was there to formally open that delightful hospital, along with the honourable member. The Government is working on bringing more people with professional health skills to country areas of New South Wales. We are working with the colleges to get more training positions. This is the only government of the past 10 years not to have closed a hospital. In those 10 years there have been the Greiner, Fahey and the

Carr governments. The Greiner and Fahey governments closed hospitals, particularly in country New South Wales.

The Leader of the National Party sat in the Cabinet room and said nothing when those hospitals were ticked off the list, one by one, as the coalition Government wound them down or closed them. The honourable member for Oxley knows about the problems of privatised hospitals, because his community is complaining about the Port Macquarie base hospital refusing to accept patients in emergency situations, even though the people seeking help have broken bones. He would know about those cases because they have been referred to in the local press.

There is no doubt that this Government has a real commitment to improving Aboriginal health. It has developed a partnership agreement with the New South Wales Department of Health and the Aboriginal Health Resources Co-operative, the peak organisation representing all community-controlled health services in New South Wales. Only last weekend I was in Kempsey to witness the signing of the partnership in that area between the Mid North Coast Area Health Service, the Durri Aboriginal Medical Centre and the Biripi Aboriginal Corporation Medical Centre—a landmark in changes in attitude in the delivery of services to Aboriginal people in those areas. Also, the Government is involved in the development of a \$200 million infrastructure program for Aboriginal communities to meet their urgent water and sewerage requirements, following on from housing and apprenticeship training. We will rebuild Aboriginal communities with their approval, with their direction and in partnership with them.

Mr Hazzard: You know that nothing has been done under that program—nothing!

Dr REFSHAUGE: The honourable member for Wakehurst has woken up. He interjected and commented on a program that he knows nothing about and has done no research on. He does not know what he is talking about, but at least he is awake. The Government has no intention of closing any hospital in New South Wales.

SCHOOL COMPUTING AND INFORMATION TECHNOLOGY COURSES

Mr PRICE: I direct a question without notice to the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs. What is the Government doing to improve computer resources education in our school?

Mr AQUILINA: I am pleased to advise the honourable member for Waratah and the House of two more initiatives that the Government is implementing to secure the future educational, life and job opportunities of our young people. Today I can announce further measures to improve computer resources and provide students with new, practical and ground-breaking curriculum in the area of computers and information technology.

The new higher school certificate being introduced by the Government will make curriculum fairer and better prepare our students for the new, bug-free millennium. Nothing demonstrates this reform more than the new higher school certificate course in computing and information technology. Today I am releasing the draft writing brief for two courses that will prepare the webmasters and software designers of the new millennium. The draft writing briefs for the new courses are being sent to schools this week.

These new higher school certificate courses recognise the importance of, and rapid changes in, information technology, and will begin the training of students for employment in one of the fastest growing industries in the world. Students will be on the way to careers in information systems, multimedia design, computer science or software development. The information technology industry already employs 350,000 people nationally and demand for employees has been growing by about 12 per cent each year. There are jobs that did not exist 18 months ago, as well as growing markets for skilled people in areas such as e-commerce, webpage design and data communications. The new courses will fast-track school students to TAFE New South Wales computing courses which are highly regarded by employers. The two new courses—information processes and technology, and computing studies—will replace the current single course in computing studies.

The area of computing is changing so quickly and becoming so complex that it is now necessary to have two streams of more specialised study. The courses will bring students up-to-date with developments such as publishing on the worldwide web, the Internet information highway, hypermedia tools and microcomputer support. Of course, it will tell students all about the millennium bug—for the information of the Opposition as well! Industry and professional groups have specifically requested that employees have strong general skills as well as good English language, mathematics and social skills and be able to work successfully as part of a team.

The new courses will take these needs into account, particularly through project work, and will be written to encourage girls because of the range of future opportunities that will be opened up. In the information processes and technology course students could use computers to analyse, organise and communicate information for business, multimedia, communications and web design. They may be required to work in teams to develop projects such as databases for personal or business contacts, design web pages to promote their school or recreation club, or develop a graphic design presentation.

They may set up systems for projects over the Internet. The new computing studies could cover the creative design and development of software. Students may consider real-world problems and write programs in a range of computer languages to implement solutions. I would encourage teachers to examine and provide feedback to the Board of Studies about the future directions and content of the courses. The new syllabuses will be finalised and distributed to schools in mid-1999.

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

Mr AQUILINA: At the same time I am pleased to announce to honourable members, including those opposite—and even the honourable member for Ermington—the next phase of the Government's \$186 million computers in schools program. Our students will be training on the most modern equipment—millennium bug-free! Under the Government's extensive and comprehensive computers in schools program the equivalent of 22,000 new multimedia computers valued at \$33 million are to be distributed to schools across the State.

Mr O'Doherty: Where is the money coming from?

Mr AQUILINA: The honourable member should not concern himself with money. The Premier and Treasury provide the money, with \$186 million of it to be used in the computers in schools program. Some of that money will be allocated to the electorate of the honourable member for Kuring-gai—he should be grateful! The latest roll-out brings to 90,000 the number of new computers which the State Government has distributed to schools. I advise the honourable member for Waratah that Government schools in his electorate

have received the equivalent of 777 new computers under this program—777, the jackpot! In addition, this year alone more than \$150,000 has been provided to schools in his electorate as part of the computer co-ordination allocation and technology grants, which allow schools to undertake cabling, networking, training and development and to set up technology support contracts.

Across the State more than \$14 million has been allocated this year for these purposes. In addition, 160 teachers from the electorate of Waratah have been trained in the technology in learning and teaching program, designed to train teachers to use computers more effectively in the classroom. Across the State more than 15,000 teachers have undergone this specialised training. This week I will distribute to all honourable members details about how the program will benefit their electorates. Our students will be the best prepared in the country for the information age. Our reforms, improvements and new resources attest to that, as does the \$186 million Carr Government's computers in schools program.

ARDEL LTD RESIDENTIAL DEVELOPMENT

Dr MACDONALD: My question is to the Minister for Agriculture, and Minister for Land and Water Conservation. Why has the Minister shirked his responsibility to protect the Manly Dam catchment by effectively paving the way for the Ardel residential development at Allambie?

Mr AMERY: It is very rare to get a question from members of the Opposition these days, not to mention the crossbench members. They can groan—they should ask a few questions! This is a very important matter. The honourable member for Manly seems to be indicating that I have shirked my responsibilities. Like the Leader of the Opposition I want to be heard in silence! I have been called to account. The only Minister in this place who should be called to account is the Minister for Health. He is spending \$450 million on mental health and this lot still have not been locked up!

An unformed Crown road provided legal access to land subject to a development proposal by Ardel Ltd at Allambie Heights. Recently, Warringah Council refused to take ownership of the Crown road and it is now proposed to transfer the road to council using the provisions of section 151 of the Roads Act. I will soon come to the point of the honourable member's question. The decision of the Land and Environment Court clearly indicated that Ardel's proposal should proceed and that the company had meaningfully addressed the constraints

and impact on the subject site. It would not be appropriate for the department to attempt to overturn the clear and stated intention of the court.

It is the policy of the Government that Crown roads are transferred to council with its consent when construction of a road is required. The court has clearly indicated its intention to approve the proposal and that is a compelling reason for transferring the road to council. The court is in a position to expedite the matter by considering the threatened species legislation as it applies to the recently listed plant community, and to direct council to provide its consent when necessary in order to finalise the matter between the two parties. Council, as the local planning authority, and Ardel Ltd are the parties to the appeal in the court. The department is not a party to the appeal action.

It is appropriate that finalisation of this matter should remain with the court and the two parties. Therefore, the road is to be transferred to the council. Council, as the local road construction authority, is the appropriate owner of the road for the purpose of maintenance and establishing construction standards. The Department of Land and Water Conservation can act only within the terms of the Crown Lands Act 1989 and cannot assume a de facto planning role. The Director-General of the Department of Land and Water Conservation informed council of the department's intention to transfer the road in a letter dated 11 September. The letter provided council with a further opportunity to elaborate on its position by submitting additional information within 21 days of the date of that letter.

The honourable member for Manly, who suggested I have shirked my responsibilities by transferring the road back to council, is actually saying that in the event that a council determination is the subject of an appeal to the Land and Environment Court and the court makes a decision I should use some technical or legal provision of the Crown Lands Act to frustrate the decision of the court. In other words, it would be a secondary boycott situation. That is not how planning rules in this State apply. If a council does not approve a project and somebody appeals to the court it is not up to me to use a technical legislative provision to frustrate the decision of the court. I reject the suggestion that I would in any way frustrate the decision of the court.

NORTHERN NEW SOUTH WALES CROP DISEASES

Mr NEILLY: I ask the Minister for Agriculture, and Minister for Land and Water

Conservation: what is the Government doing about the recent outbreak of crop diseases in northern New South Wales?

Mr AMERY: The Department of Agriculture has brought to my attention the fact that there are problems in some northern New South Wales crops. Similar problems are occurring in Queensland. The problems have resulted in greatly reduced wheat and barley yields and a significant reduction in quality due to pinched grain, which occurs when the grain is starved of nutrients and has an unusually heavy incidence of disease.

The problems in pulse crops such as chick peas and faba beans have been major crop losses due to diseases such as blight and chocolate spot. These have been caused apparently by the excessively wet growing conditions this season, which caused the development of a number of fungal diseases affecting the roots and leaves of crop plants such as wheat and barley. Premature death of the leaves means that the plant's ability to produce grain is restricted. This is particularly disappointing to growers since the crops appeared until recently to have very high yield potential.

In Goondiwindi, Queensland, where wheat crops received sufficient rainfall to yield up to four tonnes per hectare, they have yielded one tonne per hectare, and much of that has been downgraded due to pinched grain. The New South Wales barley harvest has begun in the north and early indications are that the crop is experiencing similar serious yield and quality problems. In a further development, satellite information has disclosed that last night's frost has the potential also to affect crop yields. Wheat harvesting in the northern border area of New South Wales is imminent.

Today I have established as a matter of priority an expert team from New South Wales Agriculture and the New South Wales Farmers Association to investigate the situation in northern New South Wales. The team comprises Dr Lindsay Cook, chief of the plant industries division of New South Wales Agriculture, and Martin May, the cereal products program manager of New South Wales Agriculture, as well as a representative of the New South Wales Farmers Association and a prominent wheat grower in the State's north. The team will use all available resources of New South Wales Agriculture, consult with local industry and Graincorp and report back to me as a matter of urgency. The problem has implications not only for the current harvest but also for the planning and

management of next year's crop. What I have announced today is an important first step to investigate the problem and look at ways to respond to it as soon as possible. When the investigation has been completed I will advise honourable members of the results.

Questions without notice concluded.

HONOURABLE MEMBER FOR NORTH SHORE CORRESPONDENCE

Personal Explanation

Mrs SKINNER, by leave: During question time the Minister for Health referred to correspondence under my signature. He did not quote all of it: he quoted it out of context. He lied to the House when he said that it was correspondence to the honourable member for Bega. It was correspondence to Mr R. H. Sonter of Narooma. May I inform the House that in correspondence with this man I said, and I say again, that there is absolutely no way a coalition government would ever charge hospital patients for meals.

CONSIDERATION OF URGENT MOTION

Rural Health Services

Mr ARMSTRONG (Lachlan—Leader of the National Party) [3.24 p.m.]: All members of this House should share with me the alarm and deep concern about information contained in a report on drug and alcohol services in rural and remote Australia compiled by the Australian Rural Health Research Institute attached to the Charles Sturt University at Wagga Wagga. This matter is urgent because the report states that people in rural New South Wales are being deprived of adequate funding to treat drug addicts and alcoholics. In fact, in New South Wales rural health received just 10 per cent of the State's drug and alcohol program budget although rural New South Wales has more than 20 per cent of the State's population. On a per capita basis this translates to about \$14 per person in inner Sydney for drug and alcohol services and less than \$3 per person in country areas of the State.

This matter is urgent because the drug and alcohol programs are mostly provided through local public hospitals and community health services and the level of drug and alcohol services often depends on the commitment of local health authorities. Clearly, the figures I have just given indicate that health authorities in rural areas are not being given

enough funding to provide even a basic drug and alcohol service. Surely rural areas are entitled to an adequate level of prevention and treatment services for drug and alcohol problems.

This matter is urgent because research indicates that alcohol and other drug abuse is more prevalent in rural areas than in the cities. In most rural areas of New South Wales the availability of drug and alcohol services does not meet population need or demand. The report says that it is consistent with the view that health services in general for rural populations are often unavailable or inaccessible. This matter is urgent because the health of rural people is being put at serious risk by the appalling lack of funding, particularly at school and young adult levels. We believe that the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs is in possession of a report on drug abuse amongst the State's schoolchildren but has chosen to keep it private because of its startling findings. I repeat: we believe that the Minister for Education—

Mr Aquilina: On a point of order. The Leader of the National Party should be trying to convince the House why the matter he has brought before it is urgent. He should not be talking about the substance of the matter, irrespective of the fact that what he is presenting to the House is wrong.

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

Mr ARMSTRONG: It is urgent because the education Minister has not released the report. Why has the Minister suppressed that report? The matter is urgent because it is about the State's schoolchildren. The education Minister is attempting to cover up. It is urgent because not only should we be made fully aware of the extent of the drug and alcohol problems of this State; we should also be using this information to better target problem areas and adjust the totally unacceptable imbalance of health funding between city and country.

Dr Refshauge: On a point of order. The Leader of the National Party is highlighting not the imbalance between the funding, because the funding is not in imbalance; he is talking about non-government organisation funding. There are many more non-government organisations in the city than in the country. That is why he has got the figures wrong. He is not talking about the urgency of the situation; he is showing that he does not understand the budget figures.

Mr SPEAKER: Order! The Minister is arguing the substance of the motion rather than dealing with the reasons advanced by the Leader of the National Party as to why his motion should receive priority.

Mr ARMSTRONG: It is a matter of grave urgency because we are talking about the lives, the health and the welfare of young people. Country families are being disadvantaged by this Government. In Sydney the allocation for drug and alcohol services is up to \$15 per adult compared with less than \$2 per adult in some areas. Is it fair and reasonable, and is the Government doing its job in providing fair protection to country people, especially country kids? I can think of no matter that should be raised more urgently in this House in the last days of the Parliament than the future and health of our children. Addressing the issue of drugs in country schools should be paramount. If the Government refuses to debate this matter it will be hoist with its own petard at the next election because it has refused to accept that drugs are an urgent issue. [*Time expired.*]

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

The House divided.

Ayes, 44

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

Noes, 48

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

Pair

Mr Cruickshank Mr Clough

Question so resolved in the negative.

CHARITY HOUSIE**Matter of Public Importance**

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [3.37 p.m.]: This matter of public importance provides me with an opportunity to clear up certain misunderstandings about the conduct of housie games. Mischief has been spread throughout the length and breadth of this State and to alleviate any confusion I inform the House that there are no changes in the rules covering housie or bingo games conducted in registered clubs. For obvious reasons various people throughout the State have caused mischief, although not for political purposes. I know of only one instance involving a former Federal member in the lead-up to the recent Federal election, Bob Baldwin, the former member for Paterson.

When this matter was discussed recently the honourable member for Port Macquarie and the honourable member for Coffs Harbour, both of

whose electorates have ageing populations, were supportive of the legislation, and I am sure all honourable members would agree with them. Following the recent passing of legislation on this issue, I released a document outlining the rules for housie. Also, I visited various registered clubs and assured bingo players that there would be no threat to their housie games. Housie plays an important role in the social life of the club movement and provides members with the opportunity to win valuable prizes.

As I have said on earlier occasions, I will not discontinue housie when I have just recently increased the value of the prizes from \$15 to \$30. No mechanism existed within the former Chief Secretary's Department to monitor that figure of \$15, which was a significant sum 12 or 13 years ago but has much less value today. The only change in the law relates to social games of housie, which are generally conducted by elderly persons on housing estates or, more commonly, in nursing homes, aged persons villages and senior citizen centres throughout the State.

Housie games have been held for many years, but unfortunately they have been held illegally. As happened in regard to a lot of matters, the previous Government ignored the situation that existed. Nothing was done by the former coalition Government to rectify the situation with regard to these harmful activities that people engage in, and that applies to almost every area of my administration. During debate on the bill when it was being considered previously in this House, I sought to clarify the three types of housie or bingo that exist in this State, and I will do that again. Firstly, there is the cash charity-type bingo that is played in some clubs and halls, which requires a licence.

Some time ago I changed the rules to complement the rules in Victoria and Queensland in regard to the limits to be set, the amounts of money to be offered, and the like. As near as practicable, the rules that apply to the eastern States, that is, Queensland, New South Wales and Victoria, mirror each other. Secondly, there is club bingo, to which I have already referred. Club bingo was brought in by the late Ken Booth during the time of the previous Labor Government, and that was done to allow people to enjoy recreation within licensed clubs in a form of bingo involving not cash prizes but goods. As I have said, the value limit has been increased from \$15 to \$30. The former coalition Government was content to allow citizens to engage in this harmless game and face prosecution.

Some four or five Easters ago a group of ladies in the Newcastle area were playing a harmless game of bingo on Good Friday. The person who reported them to the nearby police station was offended by the fact that they were playing the game on Good Friday, not realising that it was an offence to engage in such activity at any time. Unfortunately, the police arrived, and these people are now liable to prosecution and a maximum fine of \$5,100. Honourable members can imagine the upset caused to those aged people, not to mention the humiliation of being raided by the police. The only crime they committed was playing the harmless game of housie.

I can cite several other examples. One officer of my department, following a complaint, attended premises in Lalor Park, in the electorate of the Minister for Education and Training. It has never been the role of officers of my department to go around raiding these people; however, they generally react to complaints. The cards that were being used were not the normal housie cards for prescribed cash housie games conducted in clubs for charity. Obviously, those cards are used because some people have failing eyesight or are sight impaired. That provision has not been included in the legislation that was before the Parliament recently. Several people on the central coast, in the electorate of the honourable member for Wyong, expressed similar concerns. Complaints were made about people engaging in this activity.

Obviously, a war was going on between various people, and unfortunately this came to the notice of my department. As a result I undertook, as I did with regard to charity housie and club housie, to regularise all such activities so that they fit in with the modern-day society in which we live. For that reason Cabinet agreed with my recommendation that such activities should be legalised. This has been done by amending the Lotteries and Art Union Act to allow social games of housie to be played without a permit. Nothing will change, except that elderly people playing social housie will now do so legally. This measure clears up the stupidity created under previous legislation in which elderly people, members of sporting bodies and people who went to guest houses and various places during the Christmas period for the purpose of engaging in fun were liable to a fine of \$5,100 for playing a harmless game of housie. That was the legacy of the previous coalition Government.

Now that the legislation has passed through the Parliament, I will be issuing a housie fact sheet, which I have had widely distributed amongst people throughout the State who have been concerned about

the issue. The document will be part of the new charities bulletin to be issued in the near future.

The legislation will allow for the conduct of social games of housie along substantially similar lines to those currently conducted. It will allow social housie games to be conducted for their entertainment and therapeutic value and perhaps for the purpose of achieving a small profit for a non-profit organisation.

For example, people in the electorate of Wyong raised money for a community bus, whereas I understand that the Lalor Park community raised money for a Christmas party. A permit will not be required as the Government does not wish to burden these people with further requirements. It is part of the Government's policy to try to reduce the amount of red tape. Nevertheless, as has been raised with me on radio, conduct of social housie will be subject to some legislative conditions. One radio commentator said to me at the time, "Why put conditions on it if you are not going to have a permit?" As with everything else in life, there will always be someone who will try to make a quick quid or try to do something that is wrong. The Government is merely providing guidelines for playing such games.

Income from ticket sales may be applied to costs and expenses properly incurred in connection with the conduct of the game. An amount may be retained when conducting the game for the purpose of fundraising for a non-profit organisation of an incorporated or charitable nature. The proceeds after deducting any proper expenses from the fundraising amount must be paid out in prizes or otherwise returned to the players according to the rules of the game. Conditions or restrictions include limiting the value of the prizes in the game to a proposed \$30—in other words, the same condition that applies to registered clubs at present, so that the two remain parallel. Other restrictions include limiting the value of jackpot prizes in a session of games to a proposed \$150, which also mirrors what happens in clubs; limiting the cost of the cards, proposed to be no more than 40¢; and disallowing the payment of any commission or remuneration to any person. As I said earlier, someone will find a way to rort the legislation.

Social games of housie will be banned from registered clubs and licensed hotels. That is where the legislation came off the rails. It was the subject of an article in the *Sun-Herald*, and people assumed that the Government was banning what was already in place. The Government is simply saying that the conduct of these activities is already against the law, and the intent is to legalise what is already happening, not to expand gaming. Social housie is

largely conducted on the premises of retirement villages, residential care centres and citizens hall centres. In addition, games are conducted in other public and communal areas, and a few games are conducted on premises of registered clubs or in licensed premises. That has never been a source of complaint. To allow social games of housie to be conducted on the premises of registered clubs or in licensed premises would commercialise what is essentially a non-commercial community activity.

The document will be reprinted and made available to members, particularly those whose electorates have a large elderly population, such as the honourable member for Port Macquarie who made a valuable contribution when the bill was debated. Members can distribute the information in the document to their constituents to allay their fears of facing a fine of \$5,100. We will monitor the situation. My department, my ministry and I have a good rapport with charitable organisations. We are always able to glean from them any emerging problems. Officers will not run around checking to see if people are doing the wrong thing. We will find out if that is occurring, as we have done in the past.

Generally people do the wrong thing out of ignorance. When it is brought to their attention they are happy to continue lawfully. Anyone organising a social game of housie will not have to comply with the onerous conditions placed on the organisers of larger games of housie that benefit charities and offer large cash prizes. Obviously, such organisations will be subject to regulation and compliance. When considerable amounts of money are involved, it is essential to ensure that proper checks and balances are in place so that correct percentages are returned to the charities. Over the years promoters of large games of housie have generally conducted themselves in a proper manner.

Recently the major operators have formed a collective to exchange information, which has probably removed a number of difficulties encountered by the Department of Gaming and Racing through organisations trying to outdo each other. It is an indication of the times in which we live that the charitable dollar, the dollar for non-profit organisations, has been shrinking. That phenomenon is not confined only to this State. At a recent meeting of interstate racing and gaming Ministers, I discovered that the same situation exists throughout all the States and Territories of Australia. This matter of public importance will be printed in the news-sheets—an innovation of mine—that are distributed to charities from time to time to keep them informed of what is going on. [*Time expired.*]

Mr OAKESHOTT (Port Macquarie) [3.52 p.m.]: Earlier this month the coalition supported reforms in relation to social housie, and is again happy to support this matter of public importance, although the reason it has been brought on as a matter of public importance today is questionable given that it already has been dealt with by this place. If its purpose, as the Minister states, is to clarify certain issues, we accept that. However, I hope the multibillion dollar State budget is not put on hold while non-contentious matters are discussed.

The Minister for Gaming and Racing, the father of the House, is yet to declare an interest in this matter. As the baby of the House, I am happy to declare my interest. I have been involved in several games of housie and I have even had the pleasure of calling a game of housie in my electorate. There is no question that housie is important to the older community. It is an important game that this Parliament should protect. Often the State has good intentions, but the innocent are sometimes caught. I recall a debate about 12 months ago about the innocence of drinking a beer at a surf club. My memory is that the matter remains unresolved.

If this matter of public importance is an attempt to clarify and regulate gaming laws, the game of housie had the potential of being caught in the same trap, which would deny community-based games, particularly for the elderly throughout New South Wales. The implications, therefore, of not allowing social housie were significant. The very basis of our community is social networking in its many forms, particularly among the elderly population for whom participation in some of the more physical community-based activities becomes harder due to the effects of ageing on the body and mind.

Social housie is an important social, physical and mental outlet and an important aspect of social networking for many in our community. An issue that governments of all persuasions have really not analysed in any great depth, but one that I believe is a sleeper in its impact, is loneliness. From anecdotal evidence I have gleaned from travelling in my electorate, there seems to be a high number of elderly, healthy, older ladies who have lost their husbands and are limited in their social network. Any avenue, therefore, that promotes greater social interaction within the elderly population is vital in addressing the many health and moral issues associated with loneliness.

Housie is one such important avenue. The elderly population, when participating in such

games, must be able to rest easy in the knowledge that the integrity and fairness of such games are protected. It is pleasing that the Parliament has recognised that point by ensuring that any community-based game has appropriate and important protection. Protections that allow housie to take place for therapeutic advantage include the requirement that no charge or other consideration, other than the purchase price of the ticket or card, is made or given for the right to enter any place where the game is played.

The Parliament has disallowed any other payment by a player for the right to participate in the game or to enter any place where the game is to be played. Except as prescribed in the regulations, no charge or consideration is to be made or given for the right to participate in the game. At this stage, the Government proposes to limit the cost of the ticket, the card or the amount paid for the right to participate in a game to no more than 40¢. No salary, wage, fee, commission, percentage or other benefit, other than the payment of prize, is to be paid, given to or taken by any person with a connection to the game. Tickets, cards or other game material can only be distributed at the place where the game is conducted.

The Parliament has not imposed a standard ticket format. This will allow organisers of social housie games to use reusable tickets or cards to save costs, or to use tickets or cards with large type so that people with poor eyesight—of whom there are many in the elderly community—to read the numbers. Other gaming devices may be used, such as playing cards. As was said in earlier debate, the Government's intention is to legalise what is already happening, not to expand gaming throughout New South Wales. On the mid-north coast of New South Wales social housie is primarily conducted on the premises of retirement villages, residential care centres, and community and senior citizens halls.

Before the new legislation was introduced, the Act allowed games of housie to be conducted for charitable fundraising purposes and as a form of social entertainment for members and guests of registered clubs. In both cases permits were required. As we are all aware, for many years games of social housie have been conducted by various community or social groups in places like retirement villages, church halls and housing estates without consent. Under the old Act, organisers of such legal social games of housie were liable to \$5,000 fines. We are all aware that generally these games are organised purely as a form of entertainment or a social pastime. However, some non-profit organisations run social housie games to raise a

small amount of money to finance their activities. Given the apparent public acceptance of social housie games as a harmless pastime, legalising social housie games but requiring them at the same time to be conducted in accordance with the new Act, and thus essentially legalising and regulating what already happens, is a positive step forward and one which the coalition happily supports.

Mr GIBSON (Londonderry) [4.00 p.m.]: I am proud to speak in the debate on this matter of public importance. In my youth I, like the honourable member for Port Macquarie, sold tickets at housie, played housie and even called housie in the old town hall at Young. In those days housie games were conducted by the Catholic Church. For many years organisations such as the Catholic Church have conducted the game of housie. Many of the funds and facilities available to people today, particularly in country towns, can be attributed to the game of housie. People were able to make a few bob out of housie and pay some of the bills that they would not otherwise be able to pay. It is a good example of how we can help the community and how young people can earn a few bob. It is also a good example of how young people can do something to help others.

Not only the elderly play housie. Some people play housie on the weekend because they might not have had an opportunity to mix with people during the week. Housie affords them that opportunity. The Minister for Gambling and Racing, who is in the Chamber, said that the playing of housie used to be illegal. Many people at housie venues could have been arrested, charged, found guilty and fined a maximum of \$5,000. Most people who attend housie venues are looking for company; they do not want to win vast amounts of money. It would be scandalous if such people were picked up by the police and charged. I do not wish to be political, but the Minister has done a great job in relation to housie. He detected a flaw in the law, something the previous Government failed to do.

The former Government had seven years in which to do something about this matter, but it did nothing. The Minister has done a great job not only in relation to housie but in the whole of his portfolio. The rules covering housie and bingo games conducted in registered clubs will not change. Opposition members claim that the Government intended to close down housie games, thus depriving lonely people of an opportunity to play the game. They also claim that those who go out for the day or for the night to play housie would not be able to do so because they would need special licences and the cost of those licences would result in the closure of

housie halls. That is not true. The Government has legitimised something that is already happening. Nothing will change. It is a good idea to fix the cost of a housie ticket at 40¢ and the maximum amount of a prize at \$30 to bring the game into line with registered clubs.

Uniformity in this area is needed. For years the only way many for churches to survive has been through the game of housie. It would be a travesty of justice if some poor old lady was charged because she had played housie, taken to court and fined a vast amount of money. In the past people who played housie were guilty of breaking the law. Contrary to the claim by one Opposition speaker the legislation will not result in an increase in gambling in this State. New South Wales is a gambling State. People often ask, "How far can the gambling dollar go? How far can it be spread and how many times can it be turned over?" There are many forms of gambling in New South Wales and the Government reaps much benefit from it. However, hospitals and other services in this State also benefit from the gambling dollar. I congratulate the Minister on initiating debate on this matter today.

Mr SLACK-SMITH (Barwon) [4.05 p.m.]: The Opposition supports the sentiments embodied in the matter of public importance. However, I echo the sentiments expressed by the honourable member for Port Macquarie, who could not understand why this matter was more important than many other problems presently being experienced in New South Wales. The game of housie has been played for a long time. When I was young—and later, when I was a member of an Apex club—I remember collecting money from, and calling numbers for, the game of housie being played at the Catholic hall at Wee Waa. The game provided elderly people with some social interaction and enjoyment, and that made all my efforts worthwhile.

Some of the elderly people used walking sticks, walking frames and wheelchairs to make their weekly pilgrimage to the Catholic hall, where they played housie for four or five hours, had a sandwich, a cup of tea, a chat and then went home. The legislation that was introduced recently was timely. As the honourable member for Port Macquarie said, the father of the House, the Minister for Gaming and Racing, must be thinking seriously about what he wants to do at weekends. He must have had a vested interest in implementing legislation such as this so that he does not break the law. If the Minister has a few hours spare at the weekend he should take the rug off his knees and go to his local club and play a game of housie. Housie is played not only by senior citizens and elderly

folk; many sports clubs, surf clubs and churches conduct games of housie.

This activity more than anything else enables people to have a social outing. Housie is a small fundraiser as fundraising goes, but it is a worthwhile pastime. As a member of the Apex club I used to spend many enjoyable evenings meeting elderly people and having a chat with them. I thought I was doing something worthwhile. Unfortunately, many of the Catholic halls in which those games were played have been pulled down so I might not be able to participate in a game of housie 40 or 50 years from now; I might have to indulge in playing some other sort of game. Housie is a great game for the elderly.

Mr McMANUS (Bulli) [4.08 p.m.]: I am concerned that Opposition members have trivialised this matter of public importance. The Government must ensure that people are aware that it cares about the elderly. I congratulate the Minister for Gaming and Racing, who is in the Chamber, on raising this issue today. The elderly in our society must feel secure in the knowledge that they have the support of the Government. The coalition Government in Canberra, which was elected only recently, intends to impose a goods and services tax on the elderly of our State. The elderly are frightened about such an imposition. The coalition Government does not understand why they are frightened. The Carr Government now has an opportunity to say to the elderly in this State, "The coalition Government may consider this matter trivial, but we care about you and want to help you."

The legalisation of the game of housie might be a small thing, but it is important to my elderly mother, who gets a great deal of enjoyment out of playing the game. She will now be able to say to her friends, "The game of housie is no longer illegal." With the legalisation of social games, elderly people can enjoy their housie in a retirement home, club or public hall without the fear of a gaming officer or police officer turning up to advise them that they are acting illegally. All honourable members would have concerns about the effect of such an incident on elderly pensioners. I congratulate the Minister on the provisions in the bill. As he said in his second reading speech, unscrupulous people in our society will take advantage of the legalisation of housie for social purposes.

Limiting the value of prizes in a game to \$30, the jackpot prizes in a session of games to \$150 and the cost of tickets and cards to 40¢ will ensure that unscrupulous people do not take advantage of the elderly. Although the matter may be trivialised by the Opposition, I am proud that the Australian Labor

Party in this State has implemented legislation that will ensure the wellbeing of the elderly in our community and enable them to participate in recreational activities, such as housie, with peace of mind. I congratulate the Minister.

Mr GLACHAN (Albury) [4.11 p.m.]: I support what has been said about the matter of public importance. It is high time that this innocent pastime was legitimised. It has been a matter of concern for the organisers and the many participants that those who played social housie games could be fined \$5,000. The Opposition supports the legalisation of the games referred to in the bill. I am sure the Minister for Gaming and Racing will not mind if I refer to this innocent pastime as bingo rather than housie. The people in the southern part of New South Wales, which is strongly influenced by Victoria, would not know what housie is, but they are very familiar with the game of bingo.

Limiting the value of prizes in a game to \$30 and the cost of cards to 40¢ is a positive step. Money is not important to those who take part in this pastime; they attend for the social contact and interaction. Their purpose in playing is not to win huge amounts of money. Many people play simply to make a contribution to the charity or organisation that organises the game, and in return they enjoy a pleasant social occasion. Many people look forward to playing each week, or even daily. People in my electorate travel to games in the area because they enjoy this social activity so much.

The fact that people could have been fined \$5,000 for participating in this pastime is a sad reflection on past authorities. I congratulate the Minister on removing that fine. The change was needed and will bring a great deal of comfort to people whose enjoyment in life is playing bingo or housie. For them it is a wonderful social activity. The Opposition supports the legitimisation of social housie. This innocent pastime should never have had the stigma of illegality attached to it in the first place.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.14 p.m.], in reply: I thank all honourable members who have contributed to the debate. The members who spoke represent diverse areas. The honourable member for Londonderry represents the western part of Sydney, where housie is often played—at places such as Lalor Park—by aged citizens. The honourable member for Bulli represents the Illawarra area, which also has a high proportion of aged citizens, particularly at Stanwell Park and in the old

coalmining areas. Opposition members represented the far west and a coastal area which has a large retired population.

Most important, the honourable member for Albury represents an electorate near the Victorian border. A great deal of confusion has arisen because of the different laws that apply in border towns, particularly those on the Victorian border where there is considerable disparity in each State's housie prize levels. New South Wales was lagging behind. For the information of the honourable member for Albury, the community game provided for in the bill is based on the Victorian model. I did not want to reinvent the wheel, so after the large cash housies were brought into line with the major prize levels and card prices in Victoria and Queensland, I tried to overcome the other problems by using the Victorian model. The legislation, which mirrors the Victorian model, should overcome the problems in the Albury electorate and in the electorate of the honourable member for Murray, who has raised the matter with me from time to time.

The same concerns about this activity were not raised in the northern part of the State, where it is an important pastime for a variety of people within the community. Honourable members have said that housie is played in surf clubs and at various games nights. I take on board what the honourable member for Albury said about bingo. Although Australians speak the same language, it is interesting that we use different words to describe the same thing. People in Newcastle, an old coalmining town, use many words that their Sydney counterparts do not use. I use two languages—one in my electorate and one in Sydney.

Any confusion in the club industry has been clarified. This legislation does not change the law in relation to clubs providing cash prizes. The Registered Clubs Association realised that changes were necessary and was extremely co-operative. Many RSL sub-branches, as distinct from RSL clubs, organise housie or bingo games to raise money for their auxiliaries, guilds and youth clubs, which undertake marvellous work throughout the State. A licence is required for large cash charity housies and strict conditions apply. The prize level for club bingo is limited to the same as that for social housie games, but the prizes must be in products only, such as meat and chocolates. Although the legislation refers to cash prizes, it is flexible. When I was at Lalor Park recently the prize was a knitted quilt rather than cash.

The clubs are quite happy with their arrangements. This community type of gaming assists charities throughout the State. At the same

time it has a therapeutic effect for residents of retirement villages and so on. It enables people to have a bit of harmless fun. Whilst I have been sitting in the House I have changed the housie fact sheet, and I will supply each honourable member with about 20 copies of it. These fact sheets will be made available to retirement villages through the charities bulletin, the network within the Ageing and Disability Department and pensioner newspapers so that people will be clear about what they can do. This is a step in the right direction.

Finally, an interchange of information continues to take place among those responsible for the various charitable portfolios in each of the States and Territories. Whilst there will never be a national policy on the issue, each of us with the relevant portfolio responsibility is trying to mirror the provisions of other States and Territories as best we can, bearing in mind the borderline problems between, for instance, the Australian Capital Territory, New South Wales, Victoria and Queensland. The Ministers meet from time to time and, because we seem to have each other's ear, we will be able to continue to monitor this matter. That will overcome what is obviously a serious anomaly.

Discussion concluded.

WEAPONS PROHIBITION BILL

Bill read a third time.

PERIODIC DETENTION OF PRISONERS FURTHER AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr DEBUS (Blue Mountains—Minister for Energy, Minister for Tourism, Minister for Corrective Services, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [4.22 p.m.]: I move:

That this bill be now read a second time.

This bill is straightforward. It will ensure that reforms to the periodic detention scheme which Parliament approved in the budget session will be fully incorporated in the Periodic Detention of Prisoners Act 1981. Honourable members may recall that in the previous session I introduced the Periodic Detention of Prisoners Amendment Bill. Central to that bill, which the Parliament passed, were amendments to transfer from the courts the function of cancelling periodic detention orders and to place that function with the Parole Board.

The explicit purpose of those amendments was to speed up the process by which a periodic detention order may be cancelled when a periodic detainee fails to meet his or her obligations under the periodic detention scheme. I said at that time that the Department of Corrective Services anticipated that the Parole Board would take about 10 days from the date of a routine application to cancel a periodic detention order, and that the board would have the capacity to process particular applications more quickly.

Following the passing of the legislation, the Department of Corrective Services developed several minor amendments to the Periodic Detention of Prisoners Regulation 1995 designed to facilitate the operation of the new cancellation process. In the process of settling this necessary regulatory framework, legal advice was received indicating that while the Periodic Detention of Prisoners Amendment Act shifted the cancellation function from the courts to the Parole Board as intended it left some undesirable legislative ambiguity as to the procedures to be followed by the Parole Board when cancelling a periodic detention order.

The board has its own procedures which it follows, for example, in the case of the revocation of a parole order or a home detention order. The Act, because it did not explicitly set out the procedures which the board must follow, may by implication have required the board to adopt court procedures. The procedures of the board are simpler and more expeditious than those of a court. The bill which I am introducing today will insert sections 25AA, 25AB and 25AC into the Periodic Detention of Prisoners Act 1981. These new sections set out normal Parole Board procedures and apply those procedures to the cancellation of periodic detention orders. These new sections will, therefore, complete the reforms which the Parliament had, in my view, assumed were contained in the bill passed in the previous session.

The current bill will make one further change. The previous amending Act contained a savings and transitional clause which meant that only those offenders entering the periodic detention scheme after the commencement of the reforms would have been subject to the new cancellation procedures. Existing detainees would still have been dealt with by the courts, rather than by the Parole Board, resulting in a dual system which would have continued for several years. It is clearly in the interests of the fair administration of the periodic detention scheme that the new cancellation process should operate fully from the commencement of the amending Act, except that any cancellation

application actually part-heard by the courts should remain a matter for the courts.

The bill seeks to omit existing clause 25 of schedule 2 to the Act and insert new clauses 25, 25A, 25B and 25C. The effect of these amendments will be that, unless the hearing of a cancellation application has already commenced in the courts, the application will be dealt with by the Parole Board. Finally, I assure the House that the current bill is fair to periodic detainees. The bill will mean that a periodic detainee whose periodic detention order is to be cancelled will be in the same position as a parolee or a home detainee whose parole order or home detention order is to be revoked. I commend the bill to the House.

Debate adjourned on motion by Mr Smith.

CHARLES STURT UNIVERSITY AMENDMENT BILL

Second Reading

Debate resumed from 21 October.

Mr RICHARDSON (The Hills) [4.27 p.m.]: I lead for the Opposition on this bill, which the Opposition will not oppose. This is the second of two similar bills that this House has debated in the past few months. The previous bill related to rearrangement of the University of Western Sydney legislation. The rationale for bringing this bill before the Parliament is similar to the rationale for the previous bill. In each case the university had been created by amalgamation of what were colleges of advanced education in the late 1980s under Mr John Dawkins, the Federal Education Minister. The universities have outgrown their original charter and the legislation under which they were constituted.

Charles Sturt University is a regional university of enormous importance and significance to the cities of Bathurst, Wagga Wagga and Dubbo. I emphasise to the House exactly how important the university is to those towns in providing educational opportunities not only for young people and adults who live in the country but also for people wanting to undertake particular courses of study, which I will come to in a moment, for which the university or campuses of the university are known.

I note that the Minister said in his second reading speech that the bill formalised the evolutionary development of Charles Sturt University over the past decade. Indeed, the university has developed. One of the important changes that has occurred is that for the past nine

years the University of New South Wales has sponsored Charles Sturt University. What will now happen is that Charles Sturt University will stand on its own two feet and be a fully autonomous institution.

I join the Minister in thanking the University of New South Wales for its contribution to Charles Sturt University through its sponsorship over that period of time. There is no doubt, as the Minister said, that as a result of that arrangement Charles Sturt University has avoided some of the difficulties which have beset the University of Western Sydney. Honourable members may recall that in 1995 there was a move to disaggregate the university that was caused, I suspect, largely by the fact that when the campuses had been brought together the faculties did not extend beyond each campus. The institutions were acting almost as autonomous colleges of advanced education under the one university framework. Charles Sturt University has not operated like that. The faculties in effect straddle all the campuses of the university, although the courses offered are not identical at each university.

The university's mission is to produce graduates with a professional edge who are competitive in meeting the present and changing needs of society, commerce and industry. The university seeks to achieve this mission by balancing professional and vocational course needs with the development of skills for and positive attitudes towards lifelong learning; attracting students nationally and internationally because of the excellence of its courses, teaching, scholarship and support to students; and being committed to open learning through access, articulation and student support programs. They are starting to engage in high-quality research of regional significance and they are attracting international support for that research. They combine a dynamic regional commitment with a growing international reputation.

The university's mission also provides a flexible, innovative and challenging environment in which to teach, learn, research and work. Indeed, that mission was expanded at a graduation ceremony that I attended in March or April of this year—a ceremony of great significance to me because it was my daughter Jane's graduation ceremony. She completed the Bachelor of Arts in Communications course at Bathurst campus over three years—a course which I think exemplifies the strategy that Charles Sturt University has followed over the last nine years. I recommended that my daughter undertake that course if she wanted to become a journalist and follow in my footsteps because I had employed a large number of graduates from the old

Mitchell College of Advanced Education and from Charles Sturt University.

This course is recognised as being perhaps the pre-eminent journalism undergraduate course in New South Wales. One attribute of the course is that there is no tertiary entrance rank prerequisite for entry. Higher school certificate graduates are evaluated on the basis of their aptitude—indeed, they might be mature age students—and they are required to write an essay. Everything does not come down to one number, the TER—an issue which I know the Minister feels quite strongly about. In that sense the communications course at Charles Sturt University has been undertaking a trailblazing role.

The graduation ceremony address was delivered by Dr Roland Williams, Chairman and Chief Executive of Shell Australia, who spoke about the role of the university in fostering research which is becoming an important component of the programs on offer at the university, particularly in the environmental area. In 1997 Charles Sturt University was named as university of the year for its exemplary ability to provide education for first generation students. I will outline for the benefit of the House some of the achievements of the university in recent times.

The university has signed a major agreement with the private education group IRI Hong Kong Pty Ltd, providing the potential for a tenfold expansion in the number of international distance education students enrolling at Charles Sturt University. Distance education is a very important part of the university's work. The foundation stone was laid for the first academic building for the Thurgoona campus at Albury-Wodonga, and the honourable member for Albury will speak about that in a moment. The State's new Wine and Grape Industry Centre, based at the campus at Wagga Wagga, provides research and education for winegrowers around Australia. Many of Australia's best known winemakers are graduates of that course—another trailblazing course.

Honourable members will see that Charles Sturt University has made enormous strides over the last nine years—and, indeed, I suspect it will continue to do so under the new arrangements laid down in the bill before the House. A major change relates to the governing body of the university. It is no longer to be known as the board of governors. It will be called a council and there will be fewer ex officio members because the current chief executive officer of network members will in future be called heads of campus and will no longer automatically

become members of the governing body. The council will include a broader range of community members. As with the current board of governors, the external community interests will be in the majority in the membership of the new council.

Of course, with the new autonomous structure of the university it is appropriate for the four University of New South Wales council representatives to withdraw and be replaced by four graduates of Charles Sturt University. They were nominated by the council following a formal selection process and appointed by the Minister. We will be getting a local feel within the council, and the majority of council members will be community members. The university apparently indicated that a formal selection process will be put in place to ensure that a wide range of interests and locales are represented by the graduates nominated for appointment by the Minister.

There is a requirement in the bill that graduates may not be currently serving or recently retired members of the university staff or enrolled students. In his second reading speech the Minister said that that was directed at ensuring that the broadest possible range of interests were represented on the council. We on this side of the House would agree with that. We think it is important that there should be broad community representation on the council and we hope that this structure actually works well. The bill places a clear legislative obligation on the university to continue to maintain and operate existing campuses at Albury, Bathurst, Wagga Wagga and Dubbo, but it does leave the way open for further expansion of the university to other regional areas. There are university facilities in Sydney, and I suspect it is going to become a truly great regional university in the twenty-first century.

My daughter was not the only member of my family to graduate from the university this year. My niece from Dubbo—again emphasising the importance of the university to country New South Wales—graduated from the recreation and human movement course. She is a gifted athlete who has competed for New South Wales in various athletic pursuits. This was another of those flagship courses which people are actually fighting to get into. While the courses do not guarantee a job, they provide a much better chance of getting one at the end of the day.

Indeed, I was encouraged when listening to the address of the Chancellor, Mr David Asimus, at my daughter's graduation ceremony. He was talking about the links the university was forming with industry. That has been a feature of the way in

which the University of Western Sydney has gone about building an identity for itself in western Sydney, and it is clear that Charles Sturt University is going down to the same path. The broad range of courses on offer are much more likely to be sought after not just by students from country New South Wales, but also by students from Sydney if indeed they have some specific relevance. The HSC On-Line program that the university has initiated on the Internet has had—I checked it before coming down to the Chamber—269,000 hits.

Mr Aquilina: It is running at 45,000 a day.

Mr RICHARDSON: That demonstrates that the program is enormously successful. This is the peak time for access to the site. The initiative was started under the previous Government, coming online in 1996. I am delighted that the current Government thought it worthwhile to continue the initiative. It provides support for all students studying for the higher school certificate and information, particularly for students in rural areas who to some extent are disadvantaged in tertiary education. It provides support for teachers preparing students for the HSC. It is a vehicle by which interested parties may gain access to the deliberations, publications and activities of the various subject associations, and it provides an environment in which the various parties involved in the HSC enterprise may communicate via the web.

The board of management is chaired by Mr John Ward, the general manager of the Board of Studies. The web site is helping to build the reputation of the university, making students with the HSC think about Charles Sturt University as an option. It may focus their attention a little wider than just the metropolitan universities. The bill will give clear direction for the future and enable the university to expand to other centres, all of which can only be to the betterment of educational opportunities for students across New South Wales.

Mr GLACHAN (Albury) [4.42 p.m.]: The story of Charles Sturt University is one of great success. It has done very well and its reputation continues to grow. Its wine making course at Wagga and its parks administration course at Albury are renowned for their excellence, as are many of the other courses. The university is also highly regarded for its provision of distance education. It began from a group of former teachers colleges and colleges of advanced education which have been welded together into a very successful university. The bill will provide for a unity model rather than a federation model. It will also end the sponsorship provided by the University of New South Wales

since the inception of Charles Sturt University. The sponsorship and guidance were much appreciated by everyone associated with Charles Sturt University.

I was proud and pleased to have the privilege of being appointed to the board of governors of the university some time ago. I very much welcomed and enjoyed that involvement. I can clearly remember a conversation that was held on the footpath in Swift Street, Albury, outside my electorate office between former premier Nick Greiner, former education Minister Terry Metherell and I—not so much as a participant but more as an observer. We were discussing a name that might be suitable and the concept of a multicampus university. It was something new and different for New South Wales. Some people approached it with apprehension, but it has worked very well and has set a pattern for others to follow. There are a number of multicampus universities, all of which seem highly successful.

The university campus in Albury was established as an outreach centre from the Riverina College at Wagga in a small concrete block building in Townsend Street. It later moved to a group of Federation and older style houses in Olive Street, Albury. The houses were adapted for use as a university and form an attractive campus in the centre of the city of Albury. Under the bill the board of governors will become the council of the university. The four representatives from the University of New South Wales will be replaced by four graduates taken from a wide demographic cross-section of graduates. I applaud that provision as a step forward for the university.

The local advisory boards which were known as councils will be known as committees. They will perform a useful service for each campus of the university. When the university was established the campuses consisted of Bathurst, Wagga Wagga and Albury, known as Murray. Dubbo has been added since. The administration is centred at Bathurst. I congratulate those who have been involved. The chancellor, David Asmus, who has provided great leadership, is highly respected by everyone in the cities served by the university and by the people attending the university. The vice-chancellor, Professor Cliff Blake, has been absolutely magnificent and I have the highest regard for him. He took on a task involving something new and welded three separate campuses—now four—into an outstanding and excellent university.

The pro vice-chancellor at Albury, Professor Bryan Rothwell, has strong links with the local community. He is highly respected and regarded by

everyone in the area and I pay tribute to him. Dr Metherell was concerned about what might happen across the border in Victoria with the establishment of the campus at Albury. He approached the Victorian Government of the day offering it the opportunity to have a campus established by Charles Sturt University in Wodonga. That campus would have stood alone but been part of the university. The proposal was that there would then be four campuses. It would have been a wonderful advantage to everyone if the proposal had been accepted but it was rejected by Victoria. Later a college of La Trobe University was established at Wodonga as a campus of that university.

For many years there was no university in the southern part of New South Wales and within a short time two universities were established, separated by the Murray River—Charles Sturt and La Trobe. Before moving to Albury my wife and I farmed at Gilgandra. We wanted to buy a particular type of business which we could have bought in a number of different parts of New South Wales. When we approached a government department in Sydney asking which of the cities we were interested in would advance, grow and develop we were told that Albury would be a wonderful place to go to. We said that we were interested in the education of our children and asked whether it was likely that there would ever be a university at Albury. Our oldest daughter was about 10 at the time. We were told, "When that little girl is old enough there will be a university at Albury."

It did not happen that quickly. She went on to study in Sydney and overseas. Our next daughter went to the University of Wollongong. The next daughter also went to Sydney. All our efforts to have a university established at Albury finally succeeded but not in time for my children. However, it is wonderful that young people in our area no longer have to go away to university unless they want to do a course such as medicine or law. Most courses—computer science or business—are available in the town where they live or close by. To study wine, students have to go only to Wagga Wagga. This has been an excellent improvement for local people.

The university is currently building an environmentally compatible campus at Thurgoona on a large and wonderful site. The buildings are being constructed of rammed earth of a lovely pinkish colour. The walls are thick and provide excellent insulation against heat and cold. The need for airconditioning has been avoided by providing ventilation that allows cool air in through the bottom and hot air to escape from the top of the building.

This will reduce the temperature inside the building, thereby making conditions much more comfortable for students and staff. It is a wonderful concept and the architects and everyone involved should be congratulated.

The establishment of this campus will be one of the crowning glories of Professor Blake's tenure as vice-chancellor. It has a remarkable water treatment and reticulation system, much of it developed with the assistance of Dr David Mitchell of Albury, who is interested in the modern disposal of waste water. The campus is an outstanding example of what can be achieved. The university is a great success story and its reputation continues to grow. I am delighted to have this campus in Albury. I congratulate everyone involved and wish the university every success for the future.

Mr PEACOCKE (Dubbo) [4.51 p.m.]: I am delighted to speak in support of the Charles Sturt University Amendment Bill. In a sense Charles Sturt University has come of age. With this legislation the apron strings of the University of New South Wales will be loosened. Indeed, Charles Sturt University has had an outstanding record since its inception and I pay tribute, in particular, to the vice-chancellor, Professor Cliff Blake, who is a man of great personal ability and considerable vision. I have been a member of this Parliament for 17 years and during that time—and indeed some time before I became a member of Parliament—I endeavoured to have a university established in my home city of Dubbo because it was the only region in New South Wales without a tertiary institution of any description.

Some time ago I commenced negotiations with a number of vice-chancellors of three different universities in an effort to establish a campus in Dubbo. Cliff Blake took the initiative and created this campus. As a result for the first time Dubbo and the western area of New South Wales which Dubbo serves has a university. Although this expression is incorrect in the context of this bill, the campus at Dubbo will be the first of the twenty-first century campuses. I understand from various staff members at Charles Sturt University that it will be unlike any other campus. Charles Sturt University has a vigorous approach to distance education and by using modern communications technology provides a first-class service to the people of four separate centres and, indeed, people in large inland regional areas, as well as Sydney.

The university has established its own bona fides and reputation as a first-class tertiary institution and compares favourably with most universities around the world. It has evolved a

number of specialised courses not available elsewhere and over the years it has established its future as a great institute of learning. I congratulate the Minister for Education and Training on the introduction of the bill. He will look back in years to come, as will others, and agree that this appropriate legislation had vision and constituted something new for the people of country New South Wales in particular and New South Wales generally. Professor Blake has advised me that the bill has the full support of the Charles Sturt University. He said that it is a desirable and natural development for the university.

The Minister in his second reading speech referred to the fact that the amendments to the original Act will abolish the formal titles prescribed in legislation for the various network members, that is, the member campuses of the Charles Sturt University Riverina, the Charles Sturt University Mitchell and the Charles Sturt University Murray. It is an excellent example of a university using modern technologies, particularly communications technology, to enable courses to be carried over the entire university. I am sure that in the coming years Charles Sturt University will develop innovative and worthwhile courses of study that will be of great value to those who undertake them and qualify in them. I understand that a degree from Charles Sturt University already has considerable value worldwide because its academic excellence has been recognised and will continue to be so recognised. I wish all the staff and the students at the university great success with their endeavours over the coming years.

I congratulate them on what they have achieved in the past. This amending bill will result in worthwhile education for New South Wales and Australia as a whole. It will particularly be of value to those who for many years have been deprived of the opportunity to attend university in their own area. I have had a similar experience to that of my colleague the honourable member for Albury. I have six children, all of whom attended universities including the University of Sydney, the University of New South Wales, Macquarie University, Mitchell College, as it then was, in Bathurst and the New England University at Armidale. It was only by accident that two of my children attended the same university. Although it is too late for my children to attend this campus, I look forward to my grandchildren being able to attend the university.

Mr SCHIPP (Wagga Wagga) [4.58 p.m.]: I join with my colleagues the honourable member for The Hills, the honourable member for Albury and the honourable member for Dubbo in supporting this legislation and congratulating the Minister on its

introduction. I also add my congratulations to the administration of Charles Sturt University and, in particular, to Cliff Blake, the vice-chancellor. At the time he took over the Wagga Wagga Teachers College, then called the College of Advanced Education—CAE—and later the Riverina Murray Institute of Higher Education—RMIHE—the Federal Government had a proposal to restructure the whole tertiary education system and this proposal was endorsed by the then Minister for Education and Youth Affairs in New South Wales, Dr Terry Metherell. Therein lies a story that would take me some time to tell.

Very few people know the real story of how Charles Sturt University came into being. It was touch and go for almost a month. The two Ministers, Federal Minister Dawkins and State Minister Metherell, fought tooth and nail to refuse the university full university status, albeit under the guidance of the University of New South Wales. By one of the flukes of parliamentary life, during the time of the former coalition Government I was walking past this Chamber late one night, when it was not my wont to enter the Chamber to listen to what my colleague the honourable member for Dubbo might describe as turgid diatribe.

However, I thought I would mosey in to see what was going on. Although I had been promised by the Government, of which I was a Cabinet member, that the Charles Sturt Wagga Wagga-Bathurst aspect would not be included in legislation to restructure the tertiary education system, I discovered that, lo and behold, there it was. I left the Chamber in a great flap. Fortunately, the then Premier, Nick Greiner, was in the House. I told him that I would depart forthwith from Cabinet and from the party if that legislation went through. As honourable members can imagine, that caused a flurry of activity.

The legislation was then delayed. The matter was dealt with again on the following Thursday at a Cabinet meeting, and again there was resistance from the then Minister for Education, Dr Metherell. I put on another one of my turns, and the legislation was again deferred until the following Tuesday. During that period the Federal Minister, John Dawkins, made an insulting remark about the Mickey Mouse multicampused universities about which honourable members have spoken. By the Tuesday I was able to convince Cabinet that we should not accept this, that we needed a rural network university of the type devised by Cliff Blake, who would have to be regarded as the father of this university if ever there was one. I may have jointly fathered some of it, because Cliff and I met morning after morning to develop our strategies.

To cut a long story short, Cabinet finally agreed that Charles Sturt University would become a multicampused university operating under the guidance and support of the University of New South Wales. I will not repeat to the House what Mr Greiner said to me as I left the House, but it was along the lines of, "You've got more hide than Jessie. I didn't think we would ever walk out of here with another university." Charles Sturt University has become an outstanding facility that is highly recognised, as other honourable members, including the Minister, have said. It has not been an easy process. Notwithstanding the many and varied aspects of multicampuses, the parochial interests and all the other elements that went into creation of the first board, there has been unanimity about David Asimus as chancellor.

The naming of Charles Sturt University received universal support, but declaration of a headquarters location became controversial. In any event, we were outvoted through the transfer of a couple of votes from Albury. One would have thought that a location between Bathurst, Albury and Wagga Wagga might have been the ideal place for the headquarters, but again parochialism reigned supreme and we lost the vote. Charles Sturt University is an education transfer movement that had to happen. Had it become a college of the University of New South Wales, as was proposed, we would not even be contemplating a fully fledged university as we are today. In 1989 it was predicted that if that opportunity was missed it would be well into the next century before a rural university of the calibre of Charles Sturt University would see the light of day.

I was a student at Wagga Wagga Teachers College during the college's third intake of students, and graduated 48 years ago. After that time the college grew into the College of Advanced Education. It then merged with the agricultural institute and later went on to become the great university it is today. Last year Charles Sturt University was awarded the title of University of the Year, mainly because of its outreach facilities but generally because of its capacity. Without doubt the university has been well administered by Cliff Blake and David Asimus, and indeed by the various boards. The structure of the university is now changing, but I can see no problem with that.

I congratulate the honourable member for Dubbo on his efforts to secure the development of a university at Dubbo. He has often bemoaned to me that it is little wonder that Wagga Wagga is growing at a faster rate than Dubbo as Wagga Wagga has a university as a higher education facility. Over the past couple of days I have received messages from Charles Sturt University saying that it supports this

important legislation. We are moving forward, and we will continue to support the university's progress towards becoming a tertiary education institution of which this State and the nation can be truly proud. I am sure that Charles Sturt University will remain a great attraction for overseas students. The university relies heavily on the intake of such students and on its research facilities bringing in private sector funding. I thank the Minister for his efforts in bringing the legislation forward.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [5.07 p.m.], in reply: I thank honourable members for their contributions to this debate. I thank particularly the honourable member for The Hills, who led for the Opposition, for his gracious and generous remarks on the history of Charles Sturt University, its present status and the great expectations and ambitions we have for it for the future. I thank also the honourable member for Albury, the honourable member for Dubbo and the honourable member for Wagga Wagga for their gracious remarks about the university and about my efforts as Minister. I appreciate those remarks.

I join those honourable members in extending my congratulations to Charles Sturt University on having made outstanding strides in its short and colourful history. I congratulate all those who have played a leadership role in the university, including the chancellor, the vice-chancellor, and the members of the board of governors, which of course will be known in the future as the council. The honourable member for Albury, the honourable member for Dubbo and the honourable member for Wagga Wagga signified the diversity of Charles Sturt University. Mr Deputy-Speaker, you would be well aware of the intrinsic role played by the university in all those major rural centres.

An important task for the university has been the attempt to overcome the tyranny of distance. The university has been unique in overcoming the problems caused by distance between its campus locations, is at the forefront in introducing and championing new technology, and is reputed for its distanced education. It is not by accident, therefore, that the university was at the forefront in developing HSC On-Line to assist its students overcome problems caused by distance and isolation. As the honourable member for The Hills said in his contribution, HSC On-Line has been an outstanding success. This year 23 higher school certificate subjects are on line, compared to eight subjects last year.

When I checked earlier this week, HSC On-line was receiving 45,000 hits a day from students who were revising for their higher school certificate.

As Minister for Education and Training I was pleased to be able to co-operate with Charles Sturt University in implementing and funding to a substantial degree such a worthwhile initiative. I congratulate the university on its achievement. I thank all speakers who have been supportive. I foreshadow that I will move an amendment to correct a drafting error. I have consulted with officials at the university and they agree with the amendment. I have notified the Opposition of my intention to move the amendment, and I trust that it will attract no opposition.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [5.11 p.m.]: I move:

Page 8, schedule 1[15], line 4. Omit "elect". Insert instead "appoint".

The amendment refers to the method by which the vice-chancellor is to be selected. It is common practice that universities in New South Wales appoint a vice-chancellor, which was the intention in this case. A number of changes were made to what was previously the Board of Governors and will become the council. In that process a drafting error was made in the bill in the provision that the vice-chancellor would be elected rather than appointed. I wish to amend the bill by omitting the word "elect" and inserting instead the word "appoint" as originally intended.

Mr RICHARDSON (The Hills) [5.12 p.m.]: I have spoken with the Minister about this matter. The Opposition sees no problem with the amendment.

Amendment agreed to.

Schedule as amended agreed to.

Bill reported from Committee with an amendment and report adopted.

EVIDENCE (AUDIO AND AUDIO VISUAL LINKS) BILL

Second Reading

Debate resumed from 21 October.

Mr KINROSS (Gordon) [5.14 p.m.]: The Opposition, for which I lead in this matter, supports

the bill. The legislation flows from July 1997, if not earlier, when the Standing Committee of Attorneys-General—SCAG—approved a model bill that provided arrangements between participating States with respect to the taking of evidence by audio or audio-visual links interstate. This already occurs in New South Wales in relation to certain applications. It is welcome legislation. Terry Sheahan and John Hannaford, as Attorney General when the coalition was in government, implemented the policy in relation to bail applications. Uniform legislation is needed to extend the scheme throughout Australia and thus minimise legal costs.

Taxpayers would be well aware of the farce that occurs when detectives or police officers have to travel by air to another State to attend extradition proceedings. I do not believe that extradition proceedings have received coverage, but I believe that their inclusion in the bill will be a most welcome addition to the legislation and will save police time and resources. The bill brings New South Wales into line and up to date with information technology developments. Honourable members are embracing new technology, as are members of the legal profession, and it is only appropriate that the courts do so, which will lead to a more efficient and effective judicial system for New South Wales. I support the bill.

Mr WHELAN (Ashfield—Minister for Police) [5.16 p.m.], in reply: I thank the member for his contribution.

Motion agreed to.

Bill read a second time and passed through remaining stages.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

MAITLAND ELECTORATE RAIL NOISE AND VIBRATION

Mr BLACKMORE (Maitland) [5.16 p.m.]: I bring to the attention of the House, particularly the Minister for Transport, the problem of rail noise and vibration in the electorate of Maitland. The Government is only too well aware of the difficulties caused by noise vibration throughout the valley due to the huge increase in tonnages of coal and general cargo being transported to the Port of Newcastle by rail. Before the last election the Labor Party made a commitment to release findings of a train noise resident committee study, and to reinvest some of the \$200 million made annually from coal

haulage in noise reduction measures and re-establishment of the compensation fund to cover damage to homes.

The Minister and the Government have implemented a vibration and train noise program. I understand that \$8 million has been set aside for the provision of noise barriers and other measures to reduce the incidence of vibration to a number of affected homes. The rail line has existed in the Hunter region for many years, although it is fair to say that it probably was not designed to carry the tonnage currently passing over it. The line now carries trains comprising three 90-class locomotives, anything up to 90 wagons of coal, and empty carriages returning from the Port of Newcastle. Residents in a number of areas along the railway line—Beresfield, East Maitland and Maitland—have expressed their concerns about the noise. The Hunter Valley railway task force was established—a community consultative committee chaired by the Hon. Milton Morris, AO. Milton has the distinction of having served the longest as Minister for Transport. For 25 years he represented the Maitland electorate.

Since last June the task force has met on five occasions with residents in the areas to which I have referred and it has listened to their concerns. A project will be implemented by the Rail Access Corporation with the assistance of Rail Services Australia and Sinclair Knight Merz Pty Ltd, in the role of project managers. The Hunter Valley implementation committee, which was established by the Minister for Transport, and Minister for Roads, Mr Scully, is to be chaired by Milton Morris. One of the most recent meetings of that committee involved residents from the Telarah area of Maitland. One of the recommendations made by that committee is that the Government erect a 12-foot high concrete wall at Telarah. Local residents have signed a petition in which they state:

We feel that a large earth mound, together with multiple large shrubs, is very acceptable to both people and the environment . . .

Residents want the Government to seriously consider provision of something other than a concrete wall. For the benefit of the Minister I will table the petition that was signed by residents in this area. When that petition is forwarded to Mr Milton Morris I am sure that the concerns of residents in the area will be addressed. Milton Morris and the committee are anxious to ensure that those concerns are addressed. The Government has only one chance to get this matter right. Residents believe that a concrete wall would look out of place in the old area of Telarah. They ask the Government to give

due consideration to the erection of a large earth mound and the planting of a number of large shrubs. I ask the Minister to ensure that this petition is handed to Milton Morris. I table the petition.

Mr Knight: Under standing orders you cannot table it.

Mr ACTING-SPEAKER (Mr Clough): Order! The petition should be handed to the Clerk.

NATIVE TITLE AND Mr ADEN RIDGEWAY

Mr MARKHAM (Keira) [5.21 p.m.]: I bring to the attention of the Parliament the major progress that has been made in native title. The key message coming from Aboriginal communities in New South Wales is that Aboriginal people are keen on development and want to be taken seriously. Aboriginal people in New South Wales are ready to move forward with developments, both independently and in partnership with organisations which understand where they are coming from. Many lobby groups and national and political organisations believe that Aboriginal people want to use native title to block all development. That is not true. Aboriginal people simply want to be shown respect on matters of importance to their culture. They then want to negotiate ways of moving forward together.

Development problems often begin through fear and misinformation about regulatory processes and the intention of Aboriginal communities. In the past this has led developers to defer consultation and negotiation with Aboriginal people when good working relationships should have been established at the earliest opportunity. Warringah Council, the metropolitan local Aboriginal land council and the Brookvale Valley community group are excellent examples of new partnerships in development. These organisations have signed an innovative three-way agreement for the management of 10 hectares of natural bushland at Beacon Hill owned by the local Aboriginal land council. This partnership shows that it is possible for the community, land councils and Aboriginal Australians to work together to benefit everyone. It demonstrates that, at a grass roots level, Aborigines welcome practical partnerships that offer them the dignity of respect for their traditions.

The New South Wales Department of Aboriginal Affairs, Australian Business Ltd and the New South Wales Aboriginal Land Council have organised a conference for developers in November this year. This unique initiative will focus on Aboriginal issues impacting on development and possible courses of action. It will aim to answer the

questions of developers, building and construction companies, State and local governments and consultants. The conference will be a practical, hands-on forum for achieving clear outcomes for businesses and Aboriginal people. Speakers at the conference will be high profile and expert people working in the legal and regulatory fields of native title and management and protection of culture and heritage. Aden Ridgeway will be a key speaker, and he has already placed an emphasis on the pace of discussions with Aboriginal people.

Just this week Aden Ridgeway made history when he won a seat for the Australian Democrats, becoming the first Aboriginal Federal parliamentarian from New South Wales and only the second to win a safe Senate seat. Aden, who was born in Macksville, New South Wales, spent his childhood on the small Bellwood Aboriginal mission which comprises 12 houses and about 100 Aboriginal people. His great grandfather was a fully initiated tribal man of the Gumbaynggir people of Nambucca Heads on the New South Wales north coast. In 1980 Aden Ridgeway started his career as a technical assistant with the National Parks and Wildlife Service. He later became a ranger at Myall Lakes National Park. In 1985 he moved to a desk job with the Department of Aboriginal Affairs, then headed by Pat O'Shane.

Five years ago he made his Canberra debut as a Mabo native title negotiator and worked side by side with Lowitja O'Donoghue to have native title enshrined in legislation. In Canberra he learned fast and won the respect of both Aboriginal and non-Aboriginal heavyweights. From 1994 to 1998 Aden Ridgeway was the New South Wales Aboriginal Land Council executive director. At his farewell not so long ago he spoke of suits replacing spears as the weapons of the modern warrior for Aboriginal rights. I have known Aden Ridgeway for five or six years. I had a lot to do with him when he was chief executive officer of the New South Wales Aboriginal Land Council.

When I was shadow minister for Aboriginal affairs he and I often had long discussions on policy which I was developing for the Labor Party when it was in opposition. I have a high regard for Aden. Aden Ridgeway was also a member of the national indigenous working group negotiating over Wik in 1996. A year later he became a Democrat Senate candidate. Today, Aden Ridgeway is a senator, but first and foremost he is an Aboriginal leader, described by his people as having tough goanna skin. I wish Aden well. I know that winning that sixth seat in New South Wales kept One Nation out

of this State. I applaud him for that and for what he will do for his people in years to come. [*Time expired.*]

SAILING FOR PEOPLE WITH DISABILITIES

Mr FRASER (Coffs Harbour) [5.26 p.m.]: Tonight I wish to speak about a wonderful development in the Coffs Harbour electorate, that is, sailing for people with disabilities. Some months ago I was invited to an Institute of Sport function in Coffs Harbour. Recently the Institute of Sport established a sailing school at Coffs Harbour for able-bodied children. At that function I met John Anderson and Alan Jones from the Pittwater sailing club who made reference to the organisation Sailability. Three local organisations, the Northcott Society, the Multiple Sclerosis Society and the Paraplegic and Quadriplegic Association of New South Wales, or PARAQUAD, have already held discussions with the Northern Rivers branch of Sailability, which is based in Ballina.

On 17 October two access dinghies were taken to Urunga and a large group of disabled people were able to try their hand at sailing on that day. It was a unique experience for me. I was responsible for the barbecue, and spent a relaxing day with the participants, watching them enjoy a sport in which they would not normally be able to participate. Unfortunately, the organisations do not have the money to purchase the access dinghies, which cost approximately \$3,000 each. The commodore of the Urunga Sailing Club told the *Bellinger Courier-Sun* that the club offered its total support and was interested in helping with the fundraising. The establishment of Sailability at Coffs Harbour could benefit the club, which has limited membership. The area to be used for sailing is a safe and protected part of the river. The local community has also offered support.

I have written to the Minister for Sport and Recreation, who is present in the Chamber, seeking funding of \$6,000. I know the budget of her department is tight, but in a recent debate in this House the Government referred to its support for people with disabilities participating in sporting activities. Funding of \$6,000, or part thereof, will provide a great recreational activity for the disabled people in my electorate. On 17 October it was wonderful to see the faces of the children and adults who participated. One man, who was totally paralysed, was taken around the river. Another man from Ballina, who was severely disabled, was ecstatic that he had been able to enjoy an activity which he had only dreamed about participating in.

I would like to advance this project in my electorate and I ask the Government to provide funding in any amount. I guarantee the support of various service clubs in the area to upgrade the sailing club facilities and to raise funds for the purchase of more boats. Three or four boats will probably be required in the long term. The boat used on the weekend was donated by the Primary Club of Australia, which has given exceptional support to Sailability. This growing sport has clubs at Gosford, Illawarra, New England, Drummoyne, Liverpool, Albury-Wodonga, Pittwater, Belmont 16 Footers, Narooma, North Sydney and Ballina. Sailability wants to expand to Wagga Wagga, Botany Bay, Coffs Harbour, Camden, Bega, Dubbo and Broken Hill. I commend the people who are involved in Sailability for their fantastic work, and I ask the Minister for her support so that the disabled people in Coffs Harbour can go sailing.

Ms HARRISON (Parramatta—Minister for Sport and Recreation) [5.31 p.m.]: I acknowledge receipt of the letter from the honourable member for Coffs Harbour. Recently I was introduced to Sailability by its patron, Kay Cottee. As a result, I made a grant to the Dobroyd Aquatic Sailing Club at Drummoyne. I went to Dobroyd club to watch the people sailing the access dinghies. It was one of my most memorable moments as Minister for Sport and Recreation. I was moved by the sight of those people, who have limited access to sport, sailing and showing some independence. It was exciting for some of them to participate in a sport that they had dreamed about. The only way they could do so was using the technology of these dinghies.

When I handed over the money to the Dobroyd club I was told it was the first time a State government anywhere in Australia had provided funding to buy the dinghies. I have sent the letter of the honourable member for Coffs Harbour to the department to ascertain whether any assistance can be given to expand the program to Coffs Harbour. The Government has been very supportive of Sailability and particularly of the participation of disabled people in sport. I am proud of what the Government has achieved in that area. To kick off the campaign in Coffs Harbour, I am happy to donate \$1,000 from my discretionary fund. I hope the local organisations will get behind the campaign to raise \$6,000. As I have said, I have sent the honourable member's letter to the department for its analysis.

WYONG COMMERCIAL CENTRE REJUVENATION

Mr CRITTENDEN (Wyong) [5.33 p.m.]: It is my pleasant duty to inform the House that on

Monday, in the company of the President of the Wyong Chamber of Commerce, Mark Hoddinott, and the Executive Officer of the Chamber of Commerce, Jodie Davis, I announced that the State Government had provided \$20,000 from this financial year's allocation under the Main Street and Small Towns program for the rejuvenation of the Wyong township. The money was provided to develop and implement a plan to re-establish the town centre and to revitalise the retail precinct. Honourable members may be aware that the commercial centre of the Wyong township has been struggling for some time, especially since the development of Westfield Tuggerah and the Tuggerah Supacentra was developed by the Terrace Tower Group.

Tuggerah is situated approximately two or three kilometres from the Wyong township and has taken a large amount of commercial activity away from the township. The aim of the Wyong Chamber of Commerce is to develop Wyong as an historic area. Wyong was traditionally a timber area, and the historical theme that the chamber of commerce has adopted has been accepted by many of the retailers in the Wyong township, as well as by the shop owners. The chamber of commerce has worked extensively with the community and Wyong Shire Council to develop a draft strategic plan for the town. The key elements of the plan include improving traffic flows in and around the town centre, encouraging a heritage theme for new buildings, landscaping improvements, repaving pedestrian areas and encouraging a shopping mix that differentiates Wyong from nearby shopping precincts, such as Tuggerah.

The chamber of commerce acknowledges that the Wyong commercial centre does not want to be a major commercial centre on the scale of Westfield Tuggerah. However, the centre needs to focus on developing its assets and making sure that small businesses in the township flourish. An excellent example is Legends Bakery. The bakery, which was previously located in Wyong Plaza, a three-level commercial development, recently moved to the main street of Wyong. Its development as a bakery, coffee shop and sandwich bar has been an outstanding success. The owner, Gwen Conti, has increased the number of full-time equivalent jobs to 11. Legends Bakery is one of the finalists for the Central Coast Small Business Awards, which are being awarded tonight at the Central Coast Leagues Club. The awards are sponsored by the club and by the central coast *Advocate*.

I hope recognition will be given to the bakery because of the tremendous boost it has provided to the Wyong township. The bakery has flourished

since its relocation to the main street. Its success demonstrates what can be achieved through lateral thinking and by businesses capitalising on the inherent advantages of small towns and small commercial centres with historic themes. The Government provided funding of \$20,000 this year, and funding of the project will be reassessed at the end of the year. Given the professional competence of Mark Hoddinott and the chamber of commerce, I have no doubt that the objectives will be met.

I hope the Government will provide more than \$20,000 in the second year of the program, the chamber of commerce having demonstrated its ability to effectively utilise such funds. However, Wyong township will receive \$40,000 for this important project. The chamber of commerce has proposed the imposition of an interim levy on business owners in the Wyong, Tuggerah and Berkeley Vale areas. There have been suggestions that the levy should be extended to residential ratepayers. That is a scurrilous rumour and a proposition that I would not support. It is up to the chamber of commerce to discuss the matter of an interim levy with business owners, but a levy should not apply to residential ratepayers. [*Time expired.*]

PROOF-OF-AGE CARD VERIFICATION

Mr MERTON (Baulkham Hills) [5.38 p.m.]: I have spoken in this House on a number of occasions regarding my concern for young people and the effects on their lives of drug and alcohol abuse. Today I want to record my congratulations to Baulkham Hills Shire Council for its initiative in the fight against drug and alcohol abuse in the shire. Three separate working parties consisting of representatives from local health, education, police, church, youth and community organisations are meeting on a regular basis to discuss supply reduction, demand reduction and harm reduction. The most worthwhile goal that those groups have in their sights is the reduction of the amount of drug and alcohol related harm involving young people aged between 12 and 24 years living in the Baulkham Hills shire.

The supply reduction team is seeking to identify drug and alcohol supply sources, to influence the control of legal drug and alcohol supply sources to discourage misuse, and is advocating and supporting the elimination of illegal drug and alcohol supply sources. We are all acutely aware that this is not going to be easy, but with people committed to the project from very diverse areas of the community, every effort will be made to achieve the required results. It is good to see representatives from licensed premises attending

those working party meetings on a regular basis. Unfortunately, I have not been able to attend recent meetings due to the parliamentary session, but I am certainly on record as being a strong advocate of zero tolerance.

One item that has been brought to my attention is the increase in fake proof-of-age cards. The onus is on licensed establishments not to supply liquor to young people under the age of 18 years. I would be the first to admit that it is extremely difficult to correctly guess the age of many of our young folk today, and I do not envy those employed in licensed premises who are required to do so. It is for that reason that every effort must be made to minimise the risk of fake proof-of-age cards. One local liquor supplier has highlighted the need for the Roads and Traffic Authority to address the issue of processing applications for proof-of-age cards. He stated that, on average, four fake proof-of-age cards are confiscated each week at his premises. One suggestion is that a points system similar to that which exists when applying for a credit card should be part of the process to obtain a proof-of-age card.

That suggestion is certainly worth exploring. I also found it interesting to note that although proof-of-age cards are regularly requested for the purchase of liquor, the presentation of a proof-of-age card to purchase tobacco was not requested in 50 per cent of monitored cases for the sale of tobacco over the counter to young people. Obviously, there is a need to remind tobacco proprietors of their responsibility to request proof-of-age cards. We must fight this war against drug and alcohol abuse among our young people, and each and every one of us has a part to play to achieve the required results.

Inquiries made concerning the issue of proof-of-age cards to young persons aged between 18 and 25 years by the Roads and Traffic Authority indicate that the person who picks up the form completes and lodges it with the RTA. A section of the form is to be completed by a referee, that is, a person who has known the applicant for 12 months or more. That person can be a relative. The referee is not required to attend at the RTA office. Applicants must provide two pieces of information to verify their address. That information need not be a birth certificate or a passport. There is no points system as operates when a person applies to open a bank account.

Further inquiry of the RTA indicated that a birth certificate is requested. I do not know what the present situation is but, quite clearly, a birth certificate should be presented before any proof-of-age card is issued. If inadequate identification is

presented, responsible persons in the liquor industry will be relying on fake documentation that is presented when deciding whether to serve a young person with liquor. The simple fact is that it seems that proof-of-age cards are too readily issued. The wrong people are being issued with these cards, resulting in under-age persons being able to obtain liquor when they should not be able to do so. Every member of this Parliament would support the initiative to make certain that proof-of-age cards are given only to those who are eligible for them. As such, the tests required by the department for issue of such a card should be of a fairly strict nature.

FAMILIES FIRST—MACARTHUR AND STEPPING STONES PRE-SCHOOL

Mrs BEAMER (Badgerys Creek) [5.43 p.m.]: I wish to inform the House of the extremely hard work being done by the supporters of Families First—Macarthur and Stepping Stones pre-school. I refer in particular to their fundraising event held at Gledswood Homestead at Catherine Fields, in the electorate of Badgerys Creek, last Saturday night. Families First—Macarthur is administered jointly by KU Children's Services and the staff of the Institute of Early Childhood at Macquarie University. The program receives funding from the Department of Education, Employment, Training and Youth Affairs. The Stepping Stones pre-school receives funding from the Ageing and Disability Departments programs.

To allow the programs to run, each year parents must raise an extra \$30,000 to meet costs. This year's fundraiser, at Gledswood Homestead, was organised by parents Aileen Ryan and Kylie Schneider, as well as parents Mary Smith, Karyn Ingram, Sudu Ratnapouly, Melanie Scothern, Barbara and Geoff Crighton, and Roz Valentine. This year's fundraiser raised \$20,000 towards keeping this service operational and viable. I would like to quote the comments of one parent who spoke to those at the fundraiser on Saturday night. I will use her words to describe what it is like to have a disabled child, so that we may appreciate the value of the services of Families First. Karyn Ingram said:

I remember the first time I saw a real CT scan. The paediatrician explained what we were looking at. An X-ray of the brain. I looked at the extent of damage to my son's brain and I knew immediately we were in deep shit.

The first few days after Alexander's diagnosis we were introduced to a whole new world—therapists, specialists, social workers, medications. There were many phone calls to the new man in our life—Dr Freeland— and in amongst it all I remember him saying, "Karyn, I want you to call Families

First". "Okay," I said . . . "Who are they?" "They're a support group," he told me, "for families of children with disabilities."

At that point I was running on automatic and simply following instructions. I trusted Dr Freeland to guide us through the initial anguish.

And so, without having made any real conscious decision, I fronted up for my first morning at Families First. I parked the stroller outside and unbuckled my son. As I held Alexander in my arms it hit me like a tonne of bricks. This was what my life had become.

I was about to walk into a room full of spastic, crippled children, who couldn't do anything for themselves. Mentally retarded kids who could only sit and stare and dribble. This would be the worst moment of my life.

As I burst into tears, one of the most wonderful creatures I have ever met, stuck her head out the door and said, "You must be Karyn." Lorraine talked to me for a while and, after some coaxing and much reassurance, in I went.

I walked into a room of noisy kids—fighting, playing, drawing, skipping, belting each other up as only kids do best. They laughed and sang and danced and yelled. They got under my feet and into my heart.

Sure they had disabilities—when you looked a bit closer. But they were kids and they were noisy.

It was one of the most significant moments of my life. I learnt, right there and then, to see the child before the disability and not the other way around.

Karyn went on to extol the virtues of Families First—Macarthur and how that organisation had helped her significantly. At the end of her speech she said:

I'd like to leave you with this. Somewhere tonight is a young woman planning to start or add to her family. She has no idea of what is about to hit her. Like me, she will watch her dreams shatter, all her priorities and prejudices are about to change. She will grieve as she has never grieved before.

I think of her often. I worry about her. She is going to need someone to help her pick up the pieces and get on with loving her child.

I pray that she will have someone who cares enough to say, "I want you to call Families First."

Karyn Ingram is my sister. Along with the many supporters of Families First, she asked me particularly to thank radio 2UE as well as Stanley Plantzos. I would like to thank also, on behalf of the House, the honourable member for Camden, who supported the auction that the organisation held that day and which raised \$20,000 to help keep the service going. I know my sister, my nephew Alex and my twins enjoy going to programs of Families First. Those programs have helped them significantly to get on with building their lives. I praise those who support this program.

NATIVE VEGETATION CONSERVATION

Mr ARMSTRONG (Lachlan—Leader of the National Party) [5.48 p.m.]: On 1 August the Hon. Robert Hill, Leader of the Government in the Senate and the Federal Minister for the Environment, corresponded with the New South Wales Minister for the Environment regarding the New South Wales Native Vegetation Conservation Act and land clearing. The import of the letter was reported in the *Sydney Morning Herald* on 24 October under the headline "Hill wants land clearing cut". The article refers in detail to some of the information contained in the letter. I particularly want to speak about the call for a reduction in the amount of land clearing in New South Wales. The article in the *Sydney Morning Herald* stated:

The controversial Native Vegetation Conservation Act, which came into force in NSW on January 1, requires permits for landholders who disturb land that has been fallow—

in other words, which has not been active—

for 10 years, with the aim of managing and protecting native trees, shrubs and grasslands. NSW received \$43 million in 1997-98 and \$41.6 million for 1998-99 from the Natural Heritage Trust fund.

More than 200 cases of illegal clearing were reported to the Department of Land and Water Conservation between August 1995 and September this year.

I remind the House that if elected to government next year the Opposition will repeal that legislation.

Mr Knight: This is not a private member's statement.

Mr ARMSTRONG: It is indeed. I will now tell the Minister why. The State Government claims that New South Wales farmers have cleared as much as 150,000 hectares of land. That figure is simply wrong. It cannot be substantiated or supported. I also take umbrage at the following statement by Senator Hill in his letter to the Minister for the Environment:

... I am concerned about the effectiveness of these initiatives ensuring that clearing is consistent with regional biodiversity objectives, and that the extent of clearing is substantially reduced. I am also looking for further development of non-regulatory approaches to reduce land clearing... I am concerned that there is no set of State-wide criteria for clearing controls which are required to be incorporated in Regional Vegetation Management Plans. What guidance does this legislation provide the Regional Vegetation Management Committees regarding which ecosystems are not to be cleared?

My interest is twofold: as the Leader of the National Party and as the member for Lachlan. The only native vegetation plan to be concluded at this stage

was released by the Minister for Land and Water Conservation approximately a month ago. It related to the mid-Lachlan and is nothing more than a nonsense document. For instance, in the recommendations for restoration of ground cover is the Scotch thistle, a noxious weed, and cape weed, which is a declared noxious weed in about half the shires in New South Wales. The probity and integrity of the document are totally flawed by a mishmash of unsubstantiated statements and opinions that lack credibility. How does the Minister for Land and Water Conservation—

Mr Knight: On a point of order. I have listened in silence to the Leader of National Party attack Liberal Senator Robert Hill. I am not qualified to arbitrate on intra-coalition disputes, but he cannot mount an attack on the Minister for Land and Water Conservation under the guise of making a private members' statement.

Mr ACTING-SPEAKER (Mr Mills): Order! In the circumstances the Leader of the National party has not infringed the standing orders. He may continue.

Mr ARMSTRONG: As the member for Lachlan, the electorate in which the native vegetation plan has been released, I object to a flawed document being imposed upon landholders and an opinion being offered by the Government and its agencies which is detrimental to good land management. The valuation of land and, indeed, the Government's credibility on the management of land will both be affected. What Senator Hill is trying to achieve, despite the fact that he is ill-advised, is further undermined by the lack of capacity of the New South Wales Government to deal with what is undoubtedly a necessary program to give guidance to growers. [*Time expired.*]

CANTERBURY DISTRICT HOSPITAL

Mr STEWART (Lakemba) [5.53 p.m.]: On behalf of my constituents I thank the Carr Labor Government and particularly the New South Wales Minister for Health for the construction of the new state-of-the-art Canterbury District Hospital, which is to be officially opened by Premier Carr early next month. The new Canterbury hospital has been built by the Government at a cost of around \$73 million and is sited in an area which has a dire need for adequate public health services and resourcing. The new hospital offers 200 beds and includes general medicine, intensive care, surgery, paediatrics, neonatal care, obstetrics, coronary care, day surgery, diagnostic services including a \$1 million CT scanner, ambulatory care, community health services

and a Tresillian family care centre. The hospital also includes additional operating theatres. It provides new services for paediatrics as well as a fully equipped hydrotherapy pool, one that has been desperately needed in my area.

The new Canterbury hospital also includes a purpose-built 24-hour emergency unit. That unit reflects the hospital's role as a key provider of emergency services in the Canterbury district area and in the wider community. The new hospital has been beautifully designed to enhance the local environment. Its building are low profile, it has beautiful landscaping and is set in a tranquil environment. Importantly, the most significant symbol of the original hospital, the memorial tower which was built in 1928 to commemorate those who died in World War I, will continue to be a prominent feature of the new hospital. In fact, the new hospital design is centred around the memorial tower.

There is no doubt that the new Canterbury hospital would not be in place if it were not for the priorities of the Carr Labor Government, which, as we now know, reversed a political decision of the previous Fahey coalition Government to close down Canterbury hospital. If implemented, that cruel decision would have resulted in approximately 140,000 residents in the local area losing a much-needed, much-loved and precious public health amenity. The area has one of the lowest socioeconomic demographics in New South Wales. There is a lack of private motor vehicle ownership and, importantly, the area has a significant elderly population and a significant population of people with disabilities. The need for public health services is paramount and the Government has delivered.

The hospital would not have been built had it not been for tremendous community action for several years after the decision had been made by the Fahey Government to close Canterbury hospital. The community got together as one and was successful in saving a tremendous community resource. That action was successful. I want to thank some of those involved in that action, although obviously I cannot thank them all; that would be impossible. In particular the Canterbury Hospital Action Group—or CHAG, as it became known—which was chaired by Emilia Newman, had a prominent role in publicly illustrating the effects of the closure of the hospital.

I was involved in a number of the group's activities to save Canterbury hospital. I am pleased that objective has now been achieved. The local Labor Party branches in the area were also involved

in highlighting the need to save Canterbury hospital. Canterbury City Council in particular put in a huge effort to save the hospital. I was the Deputy Mayor of Canterbury at that time and I was involved, together with the councillors, in pursuing action against the previous coalition Government designed to save Canterbury hospital. One action taken in the Supreme Court of New South Wales effectively stalled the implementation of the decision and allowed the Carr Labor Government to reverse the stupid decision of the Fahey coalition Government.

I thank the previous mayor of Canterbury City Council, John Gorrie, who put a lot of time and effort into saving the hospital. We do not always see eye to eye politically, but he had a great feeling for the hospital and his efforts have paid off. I thank Jim Montague, the general manager, and all of the councillors. I also thank Jenny Hevern, who previously worked for the council and initiated the move to save the hospital. She worked extremely hard and I thank her for her efforts. I congratulate the Government on delivering this wonderful hospital to our local area. [*Time expired.*]

COUNTY DRIVE-CASTLE HILL ROAD INTERSECTION

Mr RICHARDSON (The Hills) [5.58 p.m.]: It is now two years since residents of Cherrybrook, Hornsby shire councillors and I knocked down the great wall of Cherrybrook in an attempt to persuade the Government to fund the intersection of County Drive and Castle Hill Road, Cherrybrook. It was an event perhaps not quite comparable in significance to the destruction of the Berlin Wall but it did raise substantial media coverage—by three television stations, the *Daily Telegraph*, and so on. I subsequently presented a petition containing 1,000 names calling on the Government to fund the intersection, and raised the matter in this House. The Government announced that it would allocate \$2 million for construction of the County Drive-Castle Hill Road intersection in the 1997-98 capital works budget.

The euphoria of the affected residents of Cherrybrook, Dural, Oakhill Drive and the Anglican Retirement Villages who had been waiting for County Drive to provide safe access to Castle Hill Road since 1977 was short lived. The Roads and Traffic Authority presented three intersection options for public comment, stating that it would base its final decision on the quality, not the quantity, of the submissions it received. That turned out to be a false hope. I supported option C, which involved using concrete median blocks to prevent traffic crossing Castle Hill Road, with some minor modifications

recommended by a qualified traffic engineer. The Roads and Traffic Authority ignored the submission proposing this, and others provided by members of the West Pennant Hills Valley Progress Association, instead choosing option B, which would allow through traffic to flow across Castle Hill Road into Highs Road and down into the already congested West Pennant Hills valley.

Anyone seeing Aiken Road and Oakes Road in West Pennant Hills valley in the morning would understand why the progress association is so concerned about this issue. The roads are choked, often from the North Rocks Road intersection back several kilometres to Taylor Street. A hundred residents of Taylor Street and Aiken Road have recently written to Baulkham Hills Shire Council asking for traffic calming measures to be provided to slow traffic down. But at 8 o'clock in the morning that is the last thing that is needed! However, in an act of extraordinary duplicity the Government used the concerns of West Pennant Hills valley residents as an excuse to delay completion of County Drive.

The Roads and Traffic Authority undertook a review of environmental factors while allowing the progress association, with the assistance of Baulkham Hills Shire Council, to develop a fourth option using red light cameras rather than physical barriers to discourage traffic from crossing Castle Hill Road. At the same time the Government withdrew \$1.8 million worth of funding from the project in the 1998-99 budget and allocated it to Labor electorates. Last month a delegation from Hornsby Council to the Parliamentary Secretary for Roads, the honourable member for The Entrance, elicited the information that the road would not be completed until at least December 1999. A journalist told me last week that the completion date was likely to be the end of the year 2000.

I note that the Minister for the Olympics is at the table. Perhaps that money has been allocated to the Olympics. The Minister for Roads so far has declined to answer a letter from me dated 24 July asking exactly when the intersection will be finished. The four options are now to be re-exhibited, but it is very clear which option the Roads and Traffic Authority intends to succeed. There are no prizes for guessing which one—option B. That is the one that has been printed four times larger than the other three. The Roads and Traffic Authority's letterbox drop to residents is also blatantly biased towards option B. The RTA is simply going through the motions and it has used the valley's opposition to a through road as an excuse to divert funding from this important intersection treatment to bolster its re-election chances. The local community is awake to

the Government's game. Here is what *The Hills Shire Times* had to say about the issue this week:

Residents can be forgiven for thinking the RTA had already decided on option B (despite agreeing to consider new submissions) and that its latest Review of Environmental Factors was nothing more than a weak attempt to placate all parties. Given the time and energy spent by organisations like the Valley Progress Association and Baulkham Hills Council in seeking alternative options, the RTA would have earned more respect by being honest about its intentions from the outset.

I call on the Minister for Roads to ask the Roads and Traffic Authority to be fair dinkum about this latest round of community consultation by ensuring that the same weighting is given to all options and to reinstate funding for this intersection treatment as a matter of urgent priority. One of the effects of completing the County Drive-Castle Hill Road intersection will be to close the intersection of David Road and Castle Hill Road, a known black spot. It is a major access point on to Castle Hill Road, not just for residents of the Oakhill Drive area but also for residents of the Anglican Retirement Villages, the largest aged complex in Australia. Aged residents do not have the reflexes and eyesight of younger members of the community. A number of very serious accidents have occurred at the intersection. It simply cannot be closed until the County Drive intersection is completed. The money was allocated in the budget and I call on the Minister to reinstate it to the budget forthwith.

Mr KNIGHT (Campbelltown—Minister for the Olympics) [6.05 p.m.]: I comment briefly on the ridiculous allegation made by the honourable member for The Hills that money for the project he seeks to have funded may have been appropriated from the roads budget to the Olympics. As every member of this House knows, or should know, road funding comes from hypothecation in a range of legislation providing that the fees under Acts of Parliament can be used only to fund road projects. They cannot go into consolidated revenue. By law, they cannot be allocated to any other project. The allegation by the honourable member for The Hills that money from the roads budget is being appropriated to Olympic projects suggests that he is either negligent in his duty as a member of Parliament or deliberately misleading the Parliament.

GENERAL AUGUSTO PINOCHET ARREST

Mr LYNCH (Liverpool) [6.04 p.m.]: I joined the celebration of many at the recent arrest of the bloody Chilean dictator Augusto Pinochet in England. He came to power in a bloody military coup, executed on 11 September 1973, when he overthrew the popularly and democratically elected

Government of Unidad Popular President Salvador Allende, who was killed in the coup. Of course, the coup was aided and abetted by US imperialism. A bloodbath followed. Thousands were executed by the barbarous, militarist, fascist forces. Events at the national stadium in Santiago are notorious—chillingly recorded in Victor Jara's poem written while he was being tortured. He sang *Venceremos* before he died. Thousands were tortured, including political activists who have made a new life in Australia, some of whom are not only my constituents but my friends and supporters.

Many have become refugees for political reasons, such as my staff member and compañero Oscar Perez. Many thousands left Chile having seen that there was no future for them with the vigorously monetarist and economic rationalist policies of Pinochet. Murders extended overseas with the assassination in 1975 of Orlando Letelier, Allende's foreign Minister, in Washington DC. Pinochet's rule oppressed the poor and the working class. Monetarist economists such as Milton Friedman and the Chicago school were the high priests of this economic barbarism. Andre Gunder Frank, in his 1976 work "Economic Genocide in Chile", posited the choice: it was monetarist theory versus humanity. Monetarism was an economics that refused to read beyond chapter 3 in Adam Smith's *Wealth of Nations* or read anything but the footnotes in Alfred Marshall's *Principles of Economics*.

People on the left of my generation in Australia were riveted by these events. The democratic electoral attempt at a transition to socialism by Unidad Popular was tremendously important to us. We read and discussed Chile. We admired Allende's brave project and deplored the fascist reaction. We listened to Inti-Illimani, Los Parras and Quilapayun. The horrors of life under Pinochet were well known. I mention especially Nobel prize winner, Gabrielle Garcia Marquez, whose book *Clandestine in Chile* details the 1985 journey of Chilean film director Miguel Littin in disguise in Chile and what he saw there.

Pinochet's arrest was greeted with unrestrained jubilation by many of my constituents. The delight extended well beyond the Latin American community. One of my constituents born in Baalbek in the Bekaa Valley in Lebanon told me of participating in a demonstration at the American University of Beirut in the early 1970s in solidarity with the Chilean people and Unidad Popular against the forces of militarism. Now living on the other side of the world, he was also delighted at the arrest of Pinochet. The arguments against Pinochet's detention are flimsy and without substance.

Diplomatic immunity extends to diplomats. Pinochet is clearly not a diplomat. I find the argument that he should benefit from compassion and thus be released to be utterly offensive.

One member of the Latin American consular corps told me last Sunday that it is obscene to think that Pinochet of all people should get the benefit of compassion. Regardless of Chile's decisions about not avenging the death of Chileans killed in the coup and the aftermath, no such consideration ought to stop Spain pursuing the death of its citizens. The one regret that I have about the publicity that has surrounded Pinochet's arrest is that it focuses only upon the evil of that dictator and obscures the achievements and greatness of the movement he terrorised and whose leader he executed. Salvador Allende was one of the great figures of this century. *Clandestine in Chile* captures the aura: Presidente Allende is with us still.

Allende's earliest political activity came in 1932 during the 12 socialist days of Marmaduke Grove, whose brother married Allende's sister. He was also a Minister in the later Popular Front Government of Pedro Aguirre Cerda. The respect for Allende is manifested today. There is a committee in western Sydney whose objective is to construct a monument to Allende. It has had discussions with Fairfield council about the project, which I have been happy to support. As recently as 26 September this year I attended a function organised by Agrupacion por los Derechos del Pueblo, ADEDU-Chile, which celebrated the anniversary of Allende's election in September 1970. The writings and speeches of Allende provide a glimpse of the inspiration provided. In 1971 he participated in interviews with Regis Debray, whose politics were better than they are now. In Debray's *Conversations with Allende on Socialism in Chile*, Allende is quoted as saying:

Our peoples are potentially very rich, yet unemployment, hunger, ignorance, mental and physical misery are commonplace. The peoples of Latin America have no alternative but to struggle—each nation according to its circumstances—but struggle they must. For what? To win their economic independence and become nations that are completely free politically as well.

Perhaps it would be appropriate to end my comments by quoting from the last paragraphs of the memoirs of Allende's comrade, the Nobel prize winning poet, Pablo Neruda, who died several days after the coup. Neruda wrote:

I am writing these quick lines for my memoirs only three days after the unspeakable events that took my great comrade, President Allende, to his death . . . Immediately after the aerial bombardment, the tanks went into action, many tanks, fighting

heroically against a single man: the President of the Republic of Chile, Salvador Allende, who was waiting for them in his office, with no other company but his great heart, surrounded by smoke and flames. They couldn't pass up such a beautiful occasion. He had to be machine-gunned because he would never have resigned from office. The corpse, followed to its grave only by a woman who carried with her the grief of the world, that glorious dead figure, was riddled and ripped to pieces by the machine guns of Chile's soldiers, who had betrayed Chile once more.

[Time expired.]

NORTHERN RIVERS AREA HEALTH SERVICE

Mr RIXON (Lismore) [6.09 p.m.]: Recently a friend of mine, Bill Greenaway, almost lost his life due to complications arising from a malfunction of the gall bladder. His life was saved only after some weeks in a coma in the intensive care unit of Lismore Base Hospital. Bill was very grateful for the treatment he received and was profuse in his thanks and expressions of admiration for the work of the doctors and nurses. He especially thanked Dr Peter Cooke, Dr Rob Moss and Dr David Thomas.

However, Bill was very concerned about the lack of intensive care resources available at the hospital. He felt that he was extremely fortunate to obtain a bed in the Lismore Base Hospital. On many days the beds are full and patients are transferred to Brisbane or Sydney. He was told that the seriousness of his condition was such that he would not have survived the trip. He would have died if a bed had not been available and doctors had been forced to send him to Brisbane or Sydney. More intensive care beds are needed in Lismore. Currently there are nine intensive care beds available in the Northern Rivers Health Service but only six of these have ventilator capacity.

The most recent statistics available to me show the occupancy rate of those beds as being 111 per cent, illustrating the great need for beds. The figures show that there are 3.6 available beds per 100,000 population in the Northern Rivers Health Service region, compared with a State average of five per 100,000 population or six per 100,000 population when specialist beds are included. The New South Wales Intensive Care Services survey—A Basis for Review, signed by Dr T. J. Smyth, Deputy-Director General Policy, New South Wales Health in May 1998, highlights the continued geographical disparity in distribution of beds.

Lack of available funding is usually given as the reason for lack of action to correct the problem but the resource distribution formula clearly indicates that the Northern Rivers Health Service is

not receiving its fair share of available health funding. The formula clearly shows that the Northern Rivers Health Service is underfunded by approximately \$18 million. The information bulletin of the New South Wales Health Department 97/34 File No. A25470 states:

Funding to area health services will continue to be based on population health needs. In this context, the Resource Distribution Formula (RDF) will be used as a planning tool to guide the allocation of funding to Area Health Services and to monitor progress towards the achievement of fairness in health funding.

However, when an increase in the number of critical care beds within Lismore Base Hospital was sought we were told this would involve a reduction in other services provided by the hospital, as the hospital on 11 June was \$3.5 million over budget. It should be noted that the total Northern Rivers Health Service budget was \$198 million, the Northern Rivers Health Service hospital budget was \$146 million and the Lismore Base Hospital budget was \$45 million. Lismore Base Hospital has 223 beds with an occupancy rate of 90 per cent. The resource distribution formula would give the Northern Rivers Health Service approximately an extra \$18 million, which would allow the budget shortfalls to be overcome and allow expansion of services such as the intensive care unit.

I ask that more vigorous action be taken to bring more equitable health funding to the Northern Rivers area so that services can be expanded and the lives of people in the area will not be put at risk. The Lismore Base Hospital is excellent but the doctors and nurses would be under far less stress and more able to provide a better service if funding and resources provided were brought up to the State average as set out in the resource distribution formula. I draw this matter to the attention of the Minister for Health.

GEORGES RIVER POLLUTION

Mr ROGAN (East Hills) [6.14 p.m.]: My first speech in this Chamber related to the pollution in the Georges River and although I hope this will not be my last speech in the House I again speak on the need for action to address this serious problem. A report of the General Manager of Bankstown City Council dated 22 September concerning the licensing of overflowing sewerage mains found that in wet weather overflows are the predominant source of pathogens, that is viruses and bacteria, in waterways. Currently the central Georges River, from Chipping Norton to Salt Pan Creek, has one of the highest frequency and volume of wet weather overflows of all areas in Sydney, at 20 overflows per year.

I take this opportunity to commend the Government and, in particular, the Minister for Urban Affairs and Planning and the Minister for the Environment on the Government's announcement earlier this year of a \$3 billion 20-year program to address Sydney's urban run-off and pollution of major waterways, including Sydney Harbour. In February I issued a local press release calling for urgent action on pollution. I proposed that all major housing developments within the East Hills electorate be immediately put on hold until Sydney Water is able to guarantee that all sewage overflows are halted. I wrote to Bankstown City Council requesting its support for my proposal.

Further to my press release I indicated that such drastic action was needed following media reports detailing an Environment Protection Authority report which stated that Georges River pollution is so bad that the river's catchment area is not safe for swimming 50 per cent of the time. Most of the pollution comes from wet weather overflows and the influx of stormwater into the mains, which are unable to cope, and the water then flows into the Georges River. I put to the Minister a proposal for restoration work at Yeramba Lagoon on Henry Lawson Drive at Picnic Point. Consolidated Bio-Remediation prepared a report, which stated:

As it stands now, the lagoon is a catchment area for urban runoff and has been pronounced "DEAD" by tests carried out by AWT . . .

Consolidated Bio-Remediation said that it would also need to address the problem of feeder channels in Amberdale and Kennedy streets. It had in mind a proposal similar to that at Bondi. I commend this approach and will make formal submissions to the Government to carry out work on the catchment at Yeramba Lagoon. I commend the Government for providing funds for these programs. I have been a member of Parliament for many years and in all that time I have not known of such a well-funded, forward-thinking program as that which has been announced. However, I would like to see some of those funds directed towards the work I have outlined.

PITTWATER POLLUTION

Mr BROGDEN (Pittwater) [6.19 p.m.]: I take the Government to task, particularly the Minister for Urban Affairs and Planning, and Minister for Housing, regarding an issue that I brought to the Minister's attention in March this year with respect to pollution on the Pittwater. The Pittwater is Sydney's second premier harbour. It is a magnificent waterway, and home to a wonderful community. Indeed, 1,000 people live on the Pittwater if one

takes into account those living on the western foreshores of Pittwater and on Scotland Island. Unfortunately, sewage pollution in the Pittwater has increased to such a level that the Government's independent Harbourwatch report refers to the Pittwater and to Pittwater beaches such as Barrenjoey Beach as the most polluted waterways in Sydney.

Barrenjoey Beach, which is adjacent to Palm Beach, is the most polluted beach in Sydney. It is more polluted than Darling Harbour because of sewage leakage directly into that body of water. Earlier this year the Government announced an initiative, which was supported by the coalition, to establish a Sydney Harbour manager to bring together and co-ordinate all State government and local government authorities who have responsibility for pollution and the management and care of Sydney Harbour; and to create one consolidated position and appoint a person to that position to ensure that the usage and pollution of our harbour and Sydney's greatest asset are maintained at an acceptable level.

In response to that announcement, on 9 March I wrote to the Minister for Urban Affairs and Planning, and Minister for Housing indicating my support for his proposal. I stated that, in view of the state of the Pittwater, it was an excellent opportunity to appoint a similar harbour management for the Pittwater. On 23 March the Minister acknowledged my letter. I issued a press release to my local community on 26 February, in which I stated that the Pittwater also needed a manager. The press release read in part:

Late last year I held a meeting of all Government Departments responsible for the Pittwater to discuss water pollution. They included Sydney Water, the Waterways Authority, the EPA, NPWS, Pittwater Council and Fisheries.

The problem is that the buck does not stop at any of those government departments. Pittwater Council has a problem in that although its intentions are good, it is a user of the Pittwater. It seems that the other government departments collectively find it difficult to co-ordinate pollution and management issues. In his acknowledgment of 23 March the Minister's chief of staff stated:

Mr Knowles has noted your letter and has initiated further inquiries. You may be sure that the matter will receive close consideration.

The Minister will be in contact with you again in the near future when he will provide you with a detailed response.

Clearly, the Minister has a spatial and time problem, because the "future" has not yet arrived. I am still

waiting for a reply to a very straightforward letter. I acknowledge that this is not a proposal in relation to which the department would simply churn out one of its standard letters, but it is an important matter to the 55,000 residents of Pittwater, the tens of thousands of citizens who use the waterway for recreational purposes and holidays, and, importantly, the many visitors to Sydney who use that magnificent waterway. I ask the Government to indicate urgently whether it will come to the party to discuss with me the appointment of a harbour manager for the Pittwater. The matter is long overdue; it is an idea that runs off the Government's own initiative on Sydney Harbour; it has been well received in the community and amongst government departments and agencies; and it allows the buck to stop with an individual who hopefully has the statutory backing of the State Government to enforce outcomes that will make the Pittwater a better waterway to use.

BELGENNY FARM WOOL CENTRE

Dr KERNOHAN (Camden) [6.24 p.m.]: Belgenny Farm is owned by New South Wales Agriculture and forms part of the Elizabeth Macarthur Agricultural Institute at Camden. The institute is located on 1,600 hectares of the original 2,000-hectare Camden Park property granted to wool pioneer John Macarthur in 1805. Belgenny Farm was the management focus of the property—known by the family as "Home Farm"—and comprises the oldest group of farm buildings in Australia. It includes the cottage, built in 1820, where John Macarthur died in 1834. In May 1993 a former Minister for Agriculture and Fisheries, the Hon. Ian Armstrong, established a trust with representatives from New South Wales Agriculture, the Royal Agricultural Society, the Department of School Education, Camden Council, local tourism and the Rotary Club of Camden to develop and operate Belgenny Farm as an agricultural heritage centre.

The charter of the trust, as dictated by formal deed, requires Belgenny Farm to be developed as a viable tourism and educational resource, whilst conserving and enhancing the heritage integrity of the site. For some years now the farm buildings and cottage have been open to the public on three weekends each year. Belgenny Farm incorporates an educational facility that is regularly used by the Department of Education and Training. During the early part of 1995 the members of the trust, in recognition of the pioneering role John Macarthur played in the development of the Australian merino fine wool industry at Camden Park, resolved to investigate the possibility of constructing a wool centre of national significance.

A meeting of trust members and representatives of the wool industry was convened on 14 September 1995, when it was unanimously agreed that such a centre was needed to record and display, in an accurate and entertaining way, the development of the wool industry in Australia and its impact on our economy and way of life. A working party was established under the chairmanship of Mr Bill Ferguson of the New South Wales Stud Merino Breeders Association Ltd, who also provided secretarial support. The project was extensively researched by the working party and a \$25,000 feasibility study was carried out. The study strongly supported the construction of a major wool centre to facilitate the presentation, preservation and teaching, in an entertaining manner, of the past, present and future of the Australian wool industry and its significant impact on the development of Australia for Australians and visitors to our country.

The wool centre at Belgenny will be unique in Australia, as it will be established at the site where Australian merino sheep breeding commenced. It is the intention of the trust to progressively expand the Belgenny Farm Agricultural Heritage Centre to include the dairying and wine industries. Honourable members may not be aware that the first commercial vineyard in Australia was developed at Camden Park. The wool centre will be built adjacent to but on the opposite side of the access road into Belgenny Farm and Camden Park. The project will not only preserve the history of the wool industry, it will also be a major tourist attraction for New South Wales in general and the Macarthur region of south-west Sydney in particular.

The anticipated influx of 250,000 visitors each year will generate substantial business and employment opportunities in Camden and adjacent areas. The wool centre is expected to have a staff of between 80 and 100 people. It will also assist Belgenny Farm to become self-supporting. The first stage of the project will cost \$13 million, and a grant of \$6 million has already been made by the Federal Government from the Centenary Federation Fund. The remaining \$7 million must come from the State Government, the corporate sector and the wool industry. Unfortunately, as honourable members would be aware, the finances of the latter are at an all-time low. The State Government contribution must be committed now for inclusion in next year's budget if the wool centre is to be built. This project is above politics, and I call on both the Government and the Opposition to support it in a bipartisan manner with a minimum contribution of \$4 million.

EDEN FOREST AGREEMENT

Mr WATKINS (Gladesville) [6.29 p.m.]: The announcement this week of the historic Eden forest outcome that significantly protects the precious south-east forests of New South Wales should be welcome news to all those in New South Wales who are concerned with the environment and protecting the remaining forests of New south Wales. I know that the decision will be warmly welcomed by residents in my electorate who have made it clear in recent years how important this issue is for them. In recent months I have received more than two thousand letters from residents expressing their concern about the future of the south-east forests, and I have provided them to the Premier.

I hope and believe that they will regard the Eden forest agreement as a balanced and inspiring outcome. Central to the agreement is the delivery of a 134,000 hectare national park, which is 50 per cent bigger than the commitment made by the New South Wales Labor Party before the 1995 elections. The agreement protects the precious forests of Tantawangalo and Coolangubra, high quality forest areas in the south-east. These forests were under threat because of the quality and quantity of wood they promised. They have also been central icons in a battle by the environment movement to protect the forests.

Their inclusion in the area marked for protection is symbolic of the environment movement's success in recent years. It should also be noted that the movement accepts the need for a timber industry in the south-east, and has been open and creative in achieving an outcome that will ensure job security. As part of the agreement, the timber industry will receive a generous assistance package, including \$6 million to help build a new recovery mill at Eden and an export operation at Bombala. The agreement will give the timber industry a guaranteed 20-year resource supply.

This outcome is an historic and welcome development, ending a generation of conflict in the forests of the south-east. It follows three years of hard work and negotiation between interested parties, including the different environment groups, the forest industry, unions and government departments. It is a negotiating process that has excited widespread interest in local Gladesville residents, partly because one of the key green negotiators, Mr Noel Plumb, is a long-term forest advocate and resident of Gladesville electorate. He is to be congratulated on his passionate advocacy and tireless efforts on behalf of all forests in New South Wales, but in particular for those in the south-east, especially Tantawangalo and Coolangubra.

I would like to draw attention also to the members of the Ryde-Hunters Hill Flora and Fauna Society, who have always provided, by their advocacy and interest, local leadership in environmental matters. I know that many of its members will be pleased by this outcome, although it will not satisfy all parties. Many forest advocates, including those in my electorate, would have hoped for an even greener outcome. I stress to those persons the positive outcomes and the key features of the forest package, such as the addition of 37,000 hectares of forest to create a total reserve in the South-East Forest National Park of almost 134,000 hectares, an increase of 170 per cent since Labor was elected to government.

Other key features include jobs growth for the region with the creation of 49 new jobs in the short term; a timber volume supply of 25,000 cubic metres of sawlogs for the first five years, reducing to 24,000 cubic metres for the subsequent 15 years of the agreement; the inclusion of Coolangubra and Tantawangalo; the addition of 24,400 hectares to the wilderness and a \$6 million industry package to help build a new recovery mill at Eden with a focus on value adding. The agreement is expected to be in operation by the year 2000. I also draw attention to the disturbing position taken by the Opposition regarding the south-east forests outcome.

The Opposition has failed to comment on the outcome since the agreement was announced last Monday. The only way we can judge its response if it is returned to government is by noting the comments of the Opposition spokesperson on the environment, the honourable member for Lane Cove. On 10 September she told the *Eden Magnet*, the local newspaper, that a Liberal-National Government would undeclare any additional national park areas created by the Carr Government prior to the finalisation of the regional forest agreement process.

This is surely the first time a mainstream party will go to an election in New South Wales promising to reduce the size of national parks by undeclaring them. This position should terrify anyone concerned for our national park system. It raises the question of how far this policy will go. What other parks are at risk and under what circumstances? I am especially concerned that at a time when, through the National Parks and Wildlife Service, I am working on behalf of the Minister for the Environment to increase the size of Lane Cove national park that one of the local members, the honourable member for Lane Cove, can put forward such a crazy policy.

This is a time for good news, and that is what the south-east forests outcome is for the people of

New South Wales. This is not the end of forest disputes in New South Wales. The caravan moves on, and the north-east is now in focus. But we now have a model that works and we can look forward to peace and viable outcomes. Before the debate moves too far, however, it is important to pause and consider the dramatic success in resolving the problems of the south-east forests of New South Wales.

BARBARA STREET METHADONE CLINIC

Mr TRIPODI (Fairfield) [6.34 p.m.]: It is a pleasure to update the House on the progress of the relocation of the Barbara Street methadone clinic within my electorate so that people who live in Sydney's south-west can continue to have access to methadone treatment when they want and need it. Two years ago I called for a review of the existing Barbara Street Clinic. The review, which has been completed for quite a while, recommended its relocation. I am happy to inform the House and the people of my electorate that we are moving slowly towards that outcome.

Subject to due process to which the current operators of the clinic are entitled, it is my intention and the intention of the Minister for Health to close the Barbara Street Clinic. I am hopeful that will occur reasonably soon. My concern has always been the same as that of the community: the methadone clinic should not be located in the heart of or right next to the central business district. Often, businesses and residents have had their lives disrupted by the violent behaviour of clinic clients, or their confrontations with people who shop or live near the clinic. A stigma is now attached to the area.

My concern is not about whether methadone is a good treatment but about the location of the clinic. I am currently working with the Health Department and the South-West Sydney Area Health Service to relocate the clinic. The responsibility for finding a new location for the clinic now rests with the South-West Sydney Area Health Service. Initially these decisions were made by the Health Department drug and alcohol unit in the city. The South-West Sydney Area Health Service has put in place a task force and has given a specific person the responsibility of identifying new sites at which the methadone clinic could be established.

As the local member I am now able to represent the interests and concerns of residents. A better exchange of ideas will enable us to work more swiftly towards relocation of the clinic. I am happy to say that closure of the Barbara Street Clinic is not contingent on finding a new location

for it. The process of closing the clinic is separate from its relocation. I understand that current clients of the Barbara Street Clinic will be relocated temporarily until a new location is found. Both the Minister and I are very much committed to finding a new methadone treatment centre in the Fairfield electorate to service the people of the Fairfield local government area.

The council is happy to be a part of this ongoing process. Recently proposals were made to locate a methadone clinic in the industrial part of Yennora. However, because of implications for local residents and business people I decided to veto any application, despite the fact that Holroyd City Council chose to approve a development application. I believe that the site has been ruled out. The Minister, the department, the council and I are committed to working towards finding another site to establish a clinic to service the considerable population of drug addicts in the Fairfield local council area.

Private members' statements noted.

[Mr Acting-Speaker (Mr Clough) left the chair at 6.39 p.m. The House resumed at 7.30 p.m.]

CHARLES STURT UNIVERSITY AMENDMENT BILL

Bill read a third time.

RURAL LANDS PROTECTION BILL

Second Reading

Debate resumed from 21 October.

Mr GLACHAN (Albury) [7.31 p.m.]: The people associated with rural lands protection boards are concerned about some aspects of this bill and what might occur once it is implemented. Many people are concerned about the bureaucracy that will inevitably be established and expanded because of the effects of this bill. Such an expansion would involve an additional cost to ratepayers. In my view, the rural lands protection boards are most cost-efficient. They are careful about how they spend ratepayers' money. The Hume Rural Lands Protection Board in my area does not waste one cent of ratepayers' money; it puts that money to excellent use and is most efficient in what it does.

Rural lands protection boards are concerned about what might happen once this bill is enacted. It might result in board members being paid. If it is decided that board members will be paid, that will

result in an additional cost to ratepayers. I do not believe that ratepayers would begrudge that cost as board members give a lot of their time and effort. In many ways it is a bit of a thankless task to be a member of a rural lands protection board. Rural lands protection boards in my area get a lot of criticism because they are located close to Victoria, which does not have rural lands protection boards. From time to time ratepayers contact me and ask me why New South Wales has rural lands protection boards when there is no similar organisation in Victoria. People in New South Wales have to pay rates, whereas people in Victoria do not. In my view these boards are doing an excellent job, and they represent their ratepayers very well.

The history of the boards goes back a long way. In 1846 the 1832 Sheep Act and the 1838 Catarrh in Sheep Act were consolidated. Acts of 1854 and 1855 provided for inspectors and compensation for stock destroyed following inspection. A levy was raised to pay for those inspectors and for compensation for the loss of stock. Stockholders had to provide returns detailing the number of stock that were kept on their properties—a practice which continues today. Later Acts established sheep districts with controlling boards of directors who were elected by those paying the levies. The roles of those boards were expanded to look after travelling stock, to issue travelling stock permits, to look after water and all the activities associated with rural lands protection boards today. Later they were given responsibility for the control of noxious animals such as rabbits.

In 1883 inspectors were given the power to enter private land and serve notices on land-holders to destroy their rabbits. If they did not destroy their rabbits penalties were imposed on them. This important work is still being carried out by these boards. Land-holders have to ensure that the rabbit population is kept under control. Despite all the advances and all the biological efforts to rid this nation of rabbits we still have to work away at them and destroy their warrens or we will quickly get into trouble. If these inspectors were not available to police this matter many land-holders would become slack and the rabbits would soon breed and get out of control. In 1902 pastures protection boards were established and in 1990 the name was changed to rural lands protection boards.

Recently some of those boards were amalgamated, not without controversy. A lot of concern was expressed about some of those amalgamations. Generally speaking, that amalgamation seems to have worked reasonably well, with a few exceptions. Major concerns about

that amalgamation relate to the cost of the centralised bureaucracy that will be developed and the transfer of some of the functions of the Department of Agriculture to these boards. If those functions are transferred, ratepayers will again have to pay for the costs. Those costs have to be met.

Concern has also been expressed about diminishing the independence of the directors of these boards. These independent volunteers who put themselves up for election and who do a good job are concerned that a central authority might start to tell them what to do in their areas. There have already been complaints about the costs. If these costs blow out and ratepayers have to foot the bill there will be more complaints, more concern by ratepayers, and more controversy about what is really an excellent service administered by people close to the grass roots level—people elected by ratepayers who represent those ratepayers well. Despite those concerns there are a number of good features in the bill. I draw to the attention of the Minister the concerns of the people in my area.

Mr SMITH (Bega) [7.37 p.m.]: I wish to speak briefly in debate on the Rural Lands Protection Bill. At the weekend I took a copy of the bill to the Bega Rural Lands Protection Board and the secretary of that board contacted me and told me that the board had no objection to it. However, the secretary telephoned me later and said that the board would like debate on the bill delayed as it had some concerns about it. This legislation goes back many years. Under Minister Causley, Coopers and Lybrand were commissioned to undertake a study of the pastures protection boards. Rural lands protection boards within and outside the Bega electorate held a number of meetings at that time. Those boards expressed consternation about some of the things that were suggested by Coopers and Lybrand which were not acceptable to them. We have come a long way since then.

In the main, small farmers on the north coast were responsible for the study undertaken by Coopers and Lybrand. Hobby farmers and small farmers do not realise that they do not benefit directly from the rates levied by rural lands protection boards. Feral animal and stock disease inspections are an insurance policy. The existence of feral animals and stock diseases on a property does not affect that one property, it affects a whole farming community. That is not well understood by people who do not have a history in farming. Most farmers with large holdings know that rural lands protection board rates provide for inspections which ensure that not only are their properties not affected by rabbits, sheep lice or footrot, but also that other

properties in the district are not affected. It is an insurance policy for farmers to guard against the infestation of their livestock from other properties within the area.

The Bega Rural Lands Protection Board had some concerns about the bill. Even though the draft bill has been out in the public arena for a long time, the board members have not seen the final bill. The bill introduces many changes. The board members, who will be affected by this legislation, are people who do not easily accept change. For that reason the bill should remain in the public arena for some time to give them the opportunity to examine it. The State should be very careful about what it does with the rural lands protection boards, because they provide the best and cheapest delivery of services. There is a push within some rural councils in New South Wales to abolish rural lands protection boards. Board members have the relevant knowledge and experience. They are generally farmers or their spouses, who are closely associated with rural properties and know the problems involved.

In Victoria the Department of Agriculture undertakes most of the jobs that the rural lands protection boards carry out in New South Wales. It is economical for one agency to undertake all the functions. For that reason alone, it would be foolish of the New South Wales Parliament not to give the boards full responsibility and, in fact, assist them to do their work. Their work includes not only the inspection of properties for feral animals, livestock diseases and livestock identification, but also the collection of rates and levies to finance the boards and to finance many projects that the Government considers necessary. The Government uses the rural lands protection boards to collect that money so that the programs are self-funding.

There is also a great deal of controversy within a number of rural council areas as to who should carry out weed inspections. Some councils question whether the rural lands protection boards should exist in any form or whether their duties should be taken over by council. I state categorically that the rural lands protection boards should remain autonomous bodies, certainly autonomous from rural councils. Councils were once comprised of a majority of rural people, mainly farmers. I was a councillor on Bombala Council. With council amalgamations and the expansion of towns, the make-up of councils has changed dramatically. Now farmers do not form a majority on most rural councils. Many councillors, who are now making the decisions, have not lived on a rural property and do not understand the problems associated with stock diseases and feral animals.

There is a further argument that councils should take over responsibility for weed control or feral animals and stock disease inspections. Trials are under way. It would be preferable for the rural lands protection boards to take the responsibility for weed inspection and eradication away from the councils, because there is a duplication of labour. A rural lands protection board ranger could inspect a property for feral animals, stock diseases and stock identification and at the same time inspect the property for noxious weeds. If there is to be an amalgamation, the board is the best body, certainly the most knowledgeable body, to undertake those duties.

I am concerned about funding if noxious weed inspections were taken over by the rural lands protection boards. The majority of the funding for the eradication of weeds comes from the State Government. However, that money has to be matched by council funds. If the councils are not responsible for weed eradication, I am concerned that they will not contribute their part of the funding to the rural lands protection boards. I am interested in the results of a pilot program that is being conducted by the Bega Rural Lands Protection Board. Unfortunately, I do not think the real story will come out until many years of responsibility are passed to the rural lands protection boards. Over that time councils will have the opportunity to whittle down the money it allocates to rural lands protection boards for the eradication of noxious weeds.

Another area of concern is travelling stock reserves. I ask the Minister to give assurances that they will remain unaffected. During the recent severe droughts throughout New South Wales, particularly at Monaro and, to a lesser degree, on the far south coast, the travelling stock reserves were used extensively. They are not used every year or consistently. However, when the massive droughts occur for which Australia is renowned, those travelling stock reserves should be available. It is not a matter of the reserves being available simply for the moving of stock from one spot to another. Farmers use the roads to provide fodder for their stock. Availability of travelling stock reserves also preserves the breeding stock. By using the reserves during a drought, farmers remain viable. They would not remain viable if they had to buy feed or feed their stock from a drought-stricken paddock.

Travelling stock reserves are essential. They have traditionally been available for New South Wales farmers to move their stock, particularly in drought areas. In my electorate farmers move their stock along the roads and back to their properties. I support the amendments that will be moved in

Committee. The bill should lay on the table of the House for some period of time, perhaps a couple of months, so that rural lands protection boards can examine the bill closely, make sure that they absorb its provisions and are fully conversant with its content. If that occurs, and if the boards have any problems, they will have the opportunity to come back to the Government and say they are worried about some circumstances or provisions and still seek to have those matters addressed.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [7.50 p.m.], in reply: I thank all honourable members who spoke to the bill, and I thank particularly honourable members who made positive contributions about rural lands protection boards. I am sure that members of those boards will be appreciative of those comments. When it comes to the actual debate on the bill itself, if the purpose of the Opposition contributions to this debate was to confuse the House, the Government, or even the Opposition itself, then that goal was achieved admirably. One must ask the question: What is the National Party position on the legislation? The honourable member for Barwon delivered what I thought was a well thought out speech.

Mr Chappell: We should have had more time to consider the bill.

Mr AMERY: I will address the issue of more time to consider the bill and more time for consultation on it. The honourable member for Barwon delivered a well thought out speech on the merits of the legislation. He took us through the accountability provisions of the bill. He recognised, in leading for and on behalf of the Opposition, that the bill was designed to give rural lands protection boards more autonomy but greater accountability. The honourable member for Barwon rightly distanced himself from the arguments put about and circulated by New South Wales Farmers, which not only in letters to Government and Opposition members but in a report in rural newspapers last week indicated that if amendments were not made to the legislation the position of New South Wales Farmers would be to abolish rural lands protection boards once and for all. I urge the honourable member for Barwon, who is in the Chamber tonight, to talk commonsense to his colleagues and persuade them to a position other than that taken by New South Wales Farmers. The worst thing that could ever happen to rural New South Wales would be the abolition of, or a campaign to abolish, rural lands protection boards.

Mr Souris: Who is talking about that other than you?

Mr AMERY: The honourable member for Barwon, when leading for the Opposition, highlighted that matter.

Mr Souris: But who spoke about abolishing rural lands protection boards?

Mr AMERY: If the honourable member were to read the debate recorded in *Hansard*, and in particular the speech of the National Party member leading for the Opposition, he would know what I am saying is correct. The interjection of the honourable member for Upper Hunter clearly highlights what I am saying: one side of the National Party does not know what the other side of the National Party is saying in debates in this Parliament.

Mr Souris: No member of the National Party wants to abolish rural lands protection boards.

Mr AMERY: I repeat, the honourable member for Barwon, in leading for the Opposition, rightly distanced himself from New South Wales Farmers and highlighted the fact that if amendments were not made to the bill, New South Wales Farmers wants rural lands protection boards to be abolished. As I have said, that would be the worst thing that could happen to rural New South Wales. Also, some Opposition members claimed that a rise in board rates would be the result of an increase in the administrative duties of rural lands protection boards. They claimed also that boards were taking over the role of New South Wales Agriculture. The fact is that boards are not being given any extra duties, and certainly none of those at present performed by New South Wales Agriculture. That shows that Opposition members have not studied the legislation, even though the proposal has been around for a number of years.

Opposition members expressed concern about the powers of the Minister. In fact, the whole concept of the review process and of the legislation itself is to give greater autonomy in decision making to the boards themselves through the State council. The boards will be able to make administrative decisions for themselves, without my approval. It is absurd that the present, very prescriptive, legislation provides that so many matters have to come to the desk of the Minister for approval, when those matters should properly be decided at State council or State conference level. That is the whole concept of the bill before the House, but Opposition members missed that point.

The bill actually reduces the burden on bureaucracy, with savings consequent upon greater autonomy being given in respect of decision making.

Of course, there will be an increase in the cost of board meetings because directors will be entitled to sitting fees. What is so radical about that reform? Why should that be a major point raised by Opposition members? The new provisions bring rural lands protection boards into line with other similar boards. In my two portfolios I make appointments to many boards within New South Wales, including native vegetation boards and river management committees. All of those appointed persons receive sitting fees. At present, directors of rural lands protection boards are not paid. Is their work not as important as that of directors who sit on river management committees or native vegetation committees? That would be an absurd argument. If boards wish, they could move to pay directors a nominal sitting fee, or an average sitting fee, as is paid to many committees that do valuable work for rural New South Wales.

Clearly, the payment of a fee should encourage many persons to seek election as directors of rural lands protection boards. I have always argued that more women should serve on rural lands protection boards. Whilst this Government has not achieved anywhere near the number of women that it would like to be appointed to boards, I make the point that when this Labor Government came to office only 2.7 per cent of the 456 directors in New South Wales were women; that is, about 12 in all. Now, about 10 per cent of directors are women. That is because the Government undertook a big promotion of rural lands protection boards—not a promotion about women serving on boards but a promotion focussing attention on the rural lands protection boards themselves.

As a result many more women were attracted to stand as candidates for elections. Some board directors were faced with opposition for their positions for the first time in 30 years. So I am really pleased that in rural New South Wales there has been much more focus and increased interest in the concept of rural lands protection boards, and as a consequence more women are seeking election to those boards. Clearly, providing for a fee to be paid to directors is a way to ensure that people will not be out of pocket if they seek to serve their local rural lands protection boards, and nor should they.

Better quality in financial decision making is a clear intention of this legislative change. Further, since November last year the number of rural lands protection boards has been reduced from 57 to 48. Those amalgamations were effected to achieve greater efficiency for ratepayers. Ratepayers around this State, particularly in areas where amalgamations have been made, will know that there are more

ratepayers and fewer boards. More ratepayers means less administration. That is the concept behind the proposal to have a more efficient system and why there have been some amalgamations in the past couple of years.

I also approved the provision of \$250,000 per year, for five years, to the State council to assist in the implementation of the new measures. So the Government did not just come up with all these ideas and say to the State council or the boards, "You carry out these ideas at your own cost." We have provided for an allocation of \$250,000 a year, for five years, to cover the cost of the administration and implementation of the new measures. So the goodwill of the Government in working with rural communities and rural lands protection boards is evident.

Opposition members also expressed concern about the involvement of the State council in approving function management plans for rural lands protection boards. I do not know why those honourable members raised those concerns. In fact, it will be more efficient of the State council to approve the plans as fewer steps will be involved in gaining approval. The management of travelling stock reserves is a case where functional management plans need to be implemented. The issue of minimum ratepayers, and rates in general, was raised by a number of members who spoke to the bill. I repeat what I have said to the media over the past couple of years. I requested the State council to review the all-important issue of rural lands protection boards rating system and complaints by minimum ratepayers.

I am expecting a report on this matter in the near future. In the interim, the clear message from the boards is that the bill must be progressed to allow for more efficient and flexible operating procedures. Some Opposition members said they were worried about the powers of the boards to waive rates payable by a person or class of persons. Such decisions, for the purpose of safeguards, must be approved by the State council, the elected body of the rural lands protection boards. It is ridiculous to believe that this new power will result in boards becoming uneconomic or bankrupt. That shows a complete lack of confidence in the directors' skills in making these types of decisions.

If the Opposition's arguments on this point are accepted, is it to be argued that directors of a rural land protection board will waive so many classes of ratepayer that the board's financial system will be put in jeopardy? That is an absurd argument and shows a lack of confidence in the financial

management of the directors of rural land protection boards. That lack of confidence is not shared by the Government. I have faith that the boards will act in a responsible manner, unlike the members of the National Party, who seem to harbour a distrust of the boards, the State council, the conference and the Government.

Regardless of my opinion, all boards are subject to the Public Finance and Audit Act. They will not have the freedom to be irresponsible in the manner some members assume. That is one of the major Government reforms. It is incredible that institutions like rural lands protection boards, which have been in existence for about 130 years, have never been under the supervision of the Auditor-General. They will now be made subject to the Public Finance and Audit Act and I believe all ratepayers would welcome that. The changes in the bill now formalise the responsibilities of directors. Members have also had difficulty with the State Council of Rural Lands Protection Boards approving fencing notices which commit neighbours of travelling stock reserves to bearing 50 per cent of fencing costs. The landholder has a right of appeal in those cases to a local land board, another well-entrenched institution in rural New South Wales.

The term "notional carrying capacity" has been included in the bill on legal advice. That matter was raised by many members of the Opposition who seemed to believe that the Government had indulged in some sort of sleight of hand in regard to it. Members have also expressed concern about the involvement of the State council in dispute resolution provisions in the bill. Those concerns are unfounded. In any event, I have the overriding power to direct the State council in extenuating circumstances. Overall, the members on the other side have shown a lack of faith in the State council and the boards to administer the rural lands protection board system. I do not share that lack of faith. They somehow believe that the State council and the boards will desert their own constituency. I urge those opposite not to compare the State council and the boards with their own party. Their attitude to this whole debate was patronising in the extreme.

The bill contains accountability provisions that were rightly identified by the honourable member for Barwon. For example, I have the power to appoint an administrator of a board or the State council in respect of any or all of their functions. The boards and the State council will not only be subject to the Public Finance and Audit Act; they will also be subject to the Annual Reports Act. Under the legislation meetings and documentation will be more open and available than under present

arrangements. The issue of Aboriginal land rights was also raised. That matter is covered by the Aboriginal Lands Rights Act and the native title legislation. In fact, the newly incorporated State council will now be able to assist boards through guidelines and advise on procedures concerning land claims.

The review process that precipitated this legislation was not only sparked by the concerns of minimum ratepayers. Accountability of boards was a key issue to be addressed. Issues of accountability cannot be addressed by a piecemeal approach. They require an extensive consultation process. The Deputy Leader of the National Party, and other members are either misinformed or totally out of touch with their constituents if they were unaware that the legislation has been under review and in development for some four years. However, the Deputy Leader of the National Party and other members of the Opposition continually claim that there has been lack of consultation in the preparation of this legislation. Nothing could be further from the truth.

The facts of the matter demonstrate that this legislation has been an exercise in model consultation which has extended over a number of years, certainly since I became the Minister in 1995. Members would be aware that a working group was set up to review the legislation as far back as 1994. That review was commissioned by the former Minister for Agriculture, the Hon. Ian Causley. Coopers and Lybrand were the consultants commissioned to undertake a broad-based review of boards and the role of the Council of Advice. As I have already stated, the lack of accountability of individual boards emerged as a major issue following the review process. These issues were identified by a review commissioned by the former Government, the present Opposition. A number of the changes were recommended to address the issue.

In August 1996 I formed what was called the Clough task force, which was chaired by the honourable member for Bathurst, to examine the feasibility of implementing the changes recommended in the Coopers and Lybrand report. The task force primarily consisted of rural lands protection board directors and staff and representatives of the New South Wales Farmers Association. From the outset the Government was clearly committed to a consultation process that was inclusive of all the key players. In February 1997 a writing group was set up consisting of primarily RLPB staff and directors with a small number of New South Wales Agriculture staff. Their task was to provide an outline of the Act based on the Clough task force recommendations.

The Government again acted in an inclusive manner to ensure that the process was driven by the interested parties rather than by the bureaucracy. In April 1997 a draft outline of the bill was sent to all rural lands protection boards in New South Wales for comment. A total of 19 replies were received from the 57 boards then in existence. In May the matter logically progressed to Cabinet in the form of a Cabinet minute. In April 1998 the draft bill was again sent to all rural land protection boards for further comment. A copy was provided to each of the directors; that amounted to some 500 copies of the bill. Multiple copies were also made available to the State council. Further comment was then invited. Some 170 amendments were proposed.

The Government, again committed to the consultative approach to this legislation, could accommodate the overriding bulk of those amendments. Between April 1998 and the present time, various board staff and the State Council of Rural Lands Protection Boards have had the opportunity to provide comments on three drafts of the bill. That is what some members of the Opposition claim has been a lack of consultation. I do not understand how many more processes the Government can go through before we get a tick for consultation. Even on the interpretation of the National Party, that must come close.

It is the ultimate insult to the consultation process and to all the people involved in it—the board staff, directors, the New South Wales Farmers Association and New South Wales Agriculture—and to the contribution of all the industry players to now claim that what is before this House is a document that people have not previously seen. Members of the Opposition have accused New South Wales Agriculture of abrogating its responsibility by creating the State council as a statutory corporation. It is important to remind the House again that no new functions will be imposed on the boards, but a higher degree of accountability will now be required in respect of the board's functions. That is the basic theme of the legislation.

The honourable member for Tamworth will move a number of amendments in Committee. I shall make one or two comments about those amendments because I probably will not speak at length about them when they are moved. A number of the amendments are championed by the New South Wales Farmers Association, and again I highlight the comments of the honourable member for Barwon in that regard. It may come as a surprise to members opposite that representatives of the New South Wales Farmers Association sat on the task

force chaired by the honourable member for Bathurst. They raised no objections to the recommendations that are the basis of this legislation. Representatives of the New South Wales Farmers Association were put on the task force; they were part of this whole process. Nothing came out of their involvement and their role in the consultation process to indicate that these last-minute amendments would be forthcoming.

This is the same New South Wales Farmers Association that the Government apparently has not consulted with. To highlight that honourable members should again refer to the comments of the honourable member for Barwon in this debate, who said that he could not help feeling that New South Wales Farmers was becoming scared that its power base is under threat from rural lands protection boards. That is the context in which the comments of the New South Wales Farmers Association should be viewed. Some members obviously have no understanding of the role of the State council. The State council is controlled by the Act and its budget is set by the State Conference of Rural Lands Protection Boards. Some members were concerned that the powers of rural lands protection boards and the conference were somehow being weakened.

Let me make the point again that the State council is controlled by the Act and its budget is set by the State Conference of Rural Lands Protection Boards. The State Conference consists of representatives of the directors of the 48 boards. The State council cannot impose new functions on boards. The State council is responsible for the implementation of policies that are determined from time to time at the State conference. The State council will be responsible to the Minister of the day in the exercise of its functions. There can be no claimed "conflict of allegiance". The lines of accountability cannot be clearer.

On a more positive note, I thank the honourable member for Kiama and the honourable member for Waratah for their comments. The legislation elevates the status of the domesticated dingo whilst not restricting the capacity to implement controls in the wild. The controls were out of date and in need of review. The legislation referred to a "wild dog" and a "dingo". They should both be treated the same way in the wild for control purposes. The honourable member for Kiama summed up the situation correctly in relation to the rigid application process when the animals are domesticated.

The legislation is further proof of the Government's commitment to the process of

consultation in an attempt to appease all the interested groups. When legislation is supported by the Government and a substantial number of Opposition members it is a waste of time to delay its passage. The Government will reject the amendment foreshadowed by the Deputy Leader of the National Party, who wishes to delay consideration of the bill until February next year. One has to wonder why.

Mr Souris: Consultation, that is why.

Mr AMERY: How much more consultation can the Government go through? I have outlined the processes already. We have gone through years of staged consultation and the bill has been on the table: this is an interrupted debate. This bill is a model of consultation on the preparation of legislation. An interjection earlier suggested that the bill does not represent the final package. An April 1998 version sent to the boards was the final version which was amended to suit the boards. Let me say this slowly for members of the National Party: the bill that went out in April is the same as the bill before the House, the only difference being the inclusion of amendments recommended by the rural lands protection boards. Where is the big secret?

It is clear that some members of the Opposition—not the honourable member for Barwon, I note—have been talking only to the New South Wales Farmers Association and have forgotten to discuss this matter in detail with the rural lands protection boards. I again thank members who contributed to the debate. More particularly, I thank all the people who have worked since 1995 on bringing about these reforms in rural lands protection boards. At some conferences of shires or farmers there have been suggestions that the boards should be done away with. Over the decades that view has been shared even by some people in the bureaucracy. The way to keep rural lands protection boards most vulnerable to abolition is to leave them the way they are.

Some boards are set up on the boundaries of the 1870s. In some boards there have been no elections for more than 30 years. The accounting system in some boards was kept in an exercise book in an office drawer. Those practices and systems were the brunt of jokes. No wonder some people said that it was time the boards were done away with. We are making them modern, accountable organisations involved in running their affairs. We are getting away from prescriptive legislation which made the boards something of an anachronism. I

repeat that rural lands protection boards are a worthy addition to regional New South Wales. This legislation will modernise them and will ensure that any moves in the future to abolish them will be unfounded and resisted. The amendments foreshadowed by the honourable member for Tamworth were put forward by the New South Wales Farmers Association, and the Government will oppose them.

Mr Windsor: You will oppose all of them?

Mr AMERY: I will see what the honourable member has to say about them. In relation to the comments of the Deputy Leader of the National Party, surely there is no argument left for a deferral of the legislation. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Mr SOURIS (Upper Hunter—Deputy Leader of the National Party) [8.15 p.m.]: I move:

That the Chairman do now leave the chair, report progress and seek leave to sit again, but not earlier than February 1999.

The Committee divided.

Ayes, 40

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

Noes, 46

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

Pairs

| | |
|----------------|-----------|
| Mr Collins | Mr Carr |
| Mr Cruickshank | Mr Clough |
| Mr Peacocke | Mr Gibson |

Question so resolved in the negative.

Motion negatived.

Clause 42

Mr SLACK-SMITH (Barwon) [8.24 p.m.]: I move Opposition amendment No. 1:

- No. 1 Page 17, clause 42, lines 25-27. Omit all words on those lines. Insert instead:
- (a) any function with respect to animal health or the protection of rural lands referred to in this Act or the regulations that is not specifically conferred or imposed on another person or body,

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [8.24 p.m.]: The Government agrees with the amendment.

Amendment agreed to.

Clause as amended agreed to.

Clauses 44, 47 and 48

Mr WINDSOR (Tamworth) [8.25 p.m.], by leave: I move amendments Nos 2 to 8 circulated in my name in globo:

- No. 2 Page 18, clause 44(2), lines 23-27. Omit all words on those lines. Insert instead:
- (2) A board may prepare a draft function management plan for any of its other functions.
- No. 3 Page 19, clause 47(1), lines 32 and 33. Omit all words on those lines. Insert instead:
- (1) A board may submit any draft function management plan that it prepares to the State Council for comment and guidance.
- No. 4 Page 20, clause 47(3), line 6. Omit "approving". Insert instead "providing a board with comments on".
- No. 5 Page 20, clause 47(4), lines 12-14. Omit all words on those lines. Insert instead:
- (4) The board is to take into consideration any comments made by the State Council and may alter the draft if it considers it appropriate to do so before adopting it as a function management plan for the function concerned.
- No. 6 Page 20, clause 47(5), line 16. Omit "approved by the State Council". Insert instead "adopted (with or without alteration) by the board at a meeting of the board".
- No. 7 Page 20, clause 48(1), lines 19-21. Omit all words on those lines. Insert instead:
- (1) A board may amend any of its function management plans or revoke any such plan and substitute a new plan.
- No. 8 Page 20, clause 48(3), lines 26-29. Omit all words on those lines. Insert instead:
- (4) If the board is of the opinion that a proposed amendment to a function management plan is minor in nature, the board need not comply with section 46.

I spoke on this bill in the second reading debate and I shall not canvass the issues I raised then. These amendments indicate that the State Council should not have approval powers over the management plans of the boards. The Minister raised a number of issues and I shall speak to those briefly. One must question why the bill has been introduced. A number of years ago Ian Causley, as Minister for Agriculture and Fisheries, examined these issues. At that time small land-holders in the north of the State demanded to have the legislation reviewed, however, the broad majority of the farming community has made few demands for changes.

An underlying problem with the legislation generally is the centralisation of power, and I do not think the Minister fully understands that. Centralisation of power happens not only with rural lands protection boards but with health boards and the education system. It is a symptom of government using an elected body, in this case the rural community, to centralise power. That is an underlying feature of the legislation. If the Minister does not support my amendments, I will oppose the third reading of the bill.

The bill has a number of flaws and should be deferred, particularly because the farming community did not ask for its introduction. I have received a number of letters—and I am sure other honourable members have also—from members of the farming community, directors of rural lands protection boards, people interested in the working of the boards, veterinarians and others who work within the existing system. None of those people has seen the bill; they have seen only drafts that have been heavily modified. This legislation should not be rushed through Parliament without it having received due consideration by the broader farming community.

A number of aspects of the bill are of concern to people in rural communities and the broader farming community. One additional concern is the perception that the Government, through this legislation, will foist a number of additional responsibilities on the board. The Minister could address that aspect if he delayed the legislation so that it could be considered by the broader community. Who will be required to pay the bill for those procedures? I am reluctant to move the amendments individually because the Minister has inferred that they will be defeated. I ask that the amendments be dealt with in globo, and I will be calling for a division.

Mr SOURIS (Upper Hunter—Deputy Leader of the National Party) [8.32 p.m.]: I support the amendments moved by the honourable member for Tamworth. All aspects of the bill should be subject to the proper process of consultation. That is why I sought to have consideration of the bill deferred. Nothing could be further from the truth than the statement made by the Minister during his second reading speech that the National Party in some way favoured the destruction of rural lands protection boards.

The National Party is completely and utterly supportive of the boards and the rural lands protection board system. That is what the National

Party's process has been about. A perusal of the contributions of National Party members to the second reading debate will reveal nothing but support for all the volunteers who were involved in the rural lands protection board system, and for the many farmers for whom co-operation and trust exists for the carrying out of these vital works. I am responding to the amendments to make that point and to reject utterly and completely the words of the Minister that seek to smear the National Party's support for the rural lands protection board system.

Mr CHAPPELL (Northern Tablelands) [8.33 p.m.]: It is clear that adequate consultation has not taken place. Tonight the Minister told the House how much consultation had occurred. However, at the end of the day, those ratepayers covered by rural lands protection boards have been confronted with a document of 171 pages, and know that more than 200 amendments were proposed by the Government. Not all of those amendments were opposed, most of them went forward with the full support of the State Council, but at the end of the day, the farmers will have to live with that document. They simply want to have the whole package debated in their local board areas, in order to consider it from their own point of view and ensure that the package makes sense.

Last weekend I received a number of faxes including one from a current board member and one from a man who served on a board for 33 years until it was amalgamated, requesting that the legislation be delayed to enable them to consider it. The legislation is a complex document, and people are concerned about the shifting of responsibility. Recently I referred to the additional responsibilities that may be added to the boards. At present that may not be the intention, but the bill provides that they can be added.

Therefore, there is a risk to ratepayers that at some time in the future, to save money or for other reasons, a Minister could direct the boards to carry out certain functions which may not previously have been carried out by them, or may have been carried out by the Department of Agriculture or other people. The authority for that to happen is contained in the bill, and people want to know the cost implications involved. It is open-ended, but any costs will be borne by ratepayers. The authority to direct rests with the Minister, and that is the end of the equation. People want more time to look at the legislation in order to be convinced that the package is right; at this stage they are not convinced. That is why they are asking the Opposition to oppose the legislation, and that is why I oppose it.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [8.35 p.m.]: Firstly, I wish to respond to the matters raised by the Deputy Leader of the National Party. He referred to the suggestion that the National Party wanted to abolish rural lands protection boards. I did not intend to imply that the National Party or any member of it wanted to abolish rural lands protection boards. I was simply seeking to highlight the contribution of the honourable member for Barwon, who referred to a letter from the New South Wales Farmers Association, which stated that if the amendments were not carried they would rather move to abolish the boards. I did not say that the National Party, the Deputy Leader of the National Party or any National Party member, wanted to abolish the rural lands protection boards. That would be telling porkies!

The amendments moved by the honourable member for Tamworth primarily centre around removing any control that the State council would have over boards. That means there would be no accountability, which is the main problem with the present board system. The amendments seek to remove the role of the State council in the preparation and implementation of function management plans. The amendments also seek to give boards an open chequebook with regard to their functions. Of course, that is not necessary. The important point about the amendments—which are championed by the New South Wales Farmers Association—is that they are not supported by the State council which is elected by the rural lands protection boards. So there is a conflict between the New South Wales Farmers Association and the State council of the rural lands protection boards. That is an interesting point.

The honourable member for Northern Tablelands and the Deputy Leader of the National Party said that there was a perception that if the legislation does not go through, the Government will force rural lands protection boards to adopt additional roles. I clearly stated in my contribution to the second reading debate that that is not the case; the Government will not give the boards any more work. Whilst some members have spoken of friction between the Farmers Association, the boards and the Government, I highlight some co-operation between those bodies. When the Government came to office in 1995 there was a problem in north-west New South Wales with cattle eating the cotton trash, that is, the Helix problem—a problem that was not solved by the former Government.

The Carr Government did not come in with any magic formula for the problem, so it brought in

the New South Wales Farmers Association, which came up with a package to subsidise costs. A total of \$6 million could be raised; \$3 million from the cattle compensation fund and another \$3 million from State Treasury. The Government, in co-operation with the Farmers Association, visited the north-west of the State and announced the package. And who implemented it? The rural lands protection boards! The Helix problem was referred to by the honourable member for Barwon in his contribution some days ago. These minor, nit-picking amendments that are sponsored by the New South Wales Farmers Association are not supported by the governing body of the rural lands protection boards, and they are certainly not supported by the Government. The Government opposes the amendments moved by the honourable member for Tamworth.

Mr WINDSOR (Tamworth) [8.39 p.m.]: Nobody is suggesting that the rural lands protection boards have not done a good job. The amendments will protect the grassroots of the organisation from the domination of the State council. On my reading of the legislation it gives the Minister power over the State council. The amendments will reinstate some power at the grassroots level of the Rural Lands Protection Board. I do not think many members, particularly city members, would realise how rural lands protection boards are structured. They are not a burden to government. They spend the money they charge their ratepayers; they carry out a range of functions; and they are regarded highly within their communities.

There has not been a demand within their communities for the imposition of the legislation. The Coopers and Lybrand review undertaken during the administration of former Minister Causley was the result of people on the north coast whingeing about minimum rates. A complaint from small land-holders to the Minister has blown out to this all-encompassing review of the rights and responsibilities of the board. As the Deputy Leader of the National party said, all we are asking for is that the legislation be delayed. Blind Freddy knows how the State council has been co-ordinated in response to the bill. The State Council of the Rural Lands Protection Board may exist, but the rules and regulations imposed by the bill will impact on the farmers who have to abide by the rules of the bill.

Some, though not all, of the State councils agree to portions of the bill. I am led to believe that some have not even seen it in its final form. I have spoken to a number of representatives of State councils throughout New South Wales. We are suggesting a delay in the passage of the legislation

so that the community upon whom the bill will impact can give it due consideration. It is all very well to say that discussion has been ongoing on since 1995, but consideration of the bill has been on foot only since last Thursday. People have not seen it. People have rung me today, asking for copies of it. The people on whom the bill will impact may do as the Minister suggests, give it their blessing, but it is our responsibility to ensure that they at least have a look at the bill and the possible amendments.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [8.43 p.m.]: Removing the Minister from various aspects of the administration required devolution of some controls to the State council. The honourable member for Tamworth is right: the State council now has more overriding power and control over rural lands protection boards. State council will expand in any devolution of responsibility. Some boards may be concerned about that, but the State council should deal with many of the administrative matters rather than the Minister of the day. I acknowledge the comments by the honourable member for Tamworth on the role of the boards. Debate about whether the legislation should be delayed has been canvassed in both the second reading debate and debate at the Committee stage.

Question—That the amendments be agreed to—put.

The Committee divided.

Ayes, 41

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

Noes, 40

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

Pairs

| | |
|----------------|-----------|
| Mr Collins | Mr Carr |
| Mr Cruickshank | Mr Clough |
| Mr Peacocke | Mr Gibson |

Question so resolved in the affirmative.

Amendments agreed to.

Clauses as amended agreed to.

Clause 238

Mr SLACK-SMITH (Barwon) [8.58 p.m.], by leave: I move Opposition amendments Nos 2 and 3 in globo:

- | | |
|-------|---|
| No. 2 | Page 106, clause 238, line 8. After "direction" insert "or authority or with the concurrence". |
| No. 3 | Page 106, clause 238, line 10. Omit ", subject the". Insert instead "or in accordance with any policy direction of the government communicated to the State Council or a board by the Minister or the Director-General, subject a". |

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [8.59 p.m.]: The amendments moved by the honourable member for Barwon have been agreed to. Discussions have been held with the Hon. R. T. M. Bull in the upper House and with the honourable member for Barwon. The Government agrees to the amendments.

Amendments agreed to.**Clause as amended agreed to.****Bill reported from Committee with amendments and report adopted.****HERITAGE AMENDMENT BILL****Second Reading****Debate resumed from 20 October.**

Mr DEBNAM (Vaucluse) [9.00 p.m.]: I lead for the Opposition on this bill. At the outset I say that the Opposition does not oppose the bill, but it has a number of concerns. I will refer to the Minister's second reading speech and make some comments. The Minister said that he had initiated much of the reform process. However, the reform process was virtually a rewrite of the Heritage Act 1977, an initiative of the coalition Government. The process started in 1991-92 and has been under way for some time, admittedly somewhat slowly. The Minister said:

One thing government can do is actively put in place systems that encourage investment, development and conservation—systems that do not contradict each other and systems that provide for greater certainty, clarity and consistency in decision making in the regulatory framework.

All honourable members would agree with those words. It is a fine objective, and I hope that one day we can move towards it. This bill does not meet that objective. I will return to that matter later. The Minister also said in his second reading speech:

In order to ensure consistency and provide certainty to developers, owners, government agencies and the community the Heritage Council has developed criteria for ascertaining State heritage significance. Under new section 4A I will publish the criteria in the *Government Gazette* and ensure it is available to all members of the community.

I ask the Minister for his comments on those criteria. Later in his second reading speech the Minister talked about government assets. He said:

I believe the Government should be responsible for protecting its own heritage assets, the community's assets. I am sure that none of us in this Chamber could conceive of substantial neglect or any development proposal that would threaten the continued existence of State icons like the Sydney Opera House, the Sydney Harbour Bridge and the Chief Secretary's Building.

Again, the Opposition agrees with those sentiments. However, when we look at what the Government has done, especially what it has tried to do with Strickland House and what has happened at Walsh

Bay and the Conservatorium of Music, we are left with some doubt as to the political will of this Government in relation to heritage conservation. The Minister further said that the bill:

... provides for minimum standards of maintenance and repair in relation to four specified areas: weatherproofing, fire, vandalism and essential maintenance. These standards will be detailed in a regulation.

Again, I would appreciate the Minister's comments about what will be detailed in the regulations. The Minister also made reference to the fact that there are presently more than 100 local councils managing heritage items in local environmental plans. As is implied in his statement, my understanding is that a number of councils are yet to take a serious interest in heritage plans. What action is the Minister taking to encourage the outstanding councils to get on with the job? The Minister said:

New section 84 includes a statement of a local council's obligation to protect the heritage through the planning system.

I understand, as the Minister said, that was simply a restatement of the old provisions, but my question remains the same. If a number of councils are outstanding in the preparation of heritage plans, what is the Government doing to require them to get on with the job and to complete it by a certain date? The Opposition has debated with the Minister on several occasions the matter of real consultation. Confidential consultation is counterproductive to the process. We see time and again that this Minister and other Ministers come up with an idea, float a discussion paper in the community and involve a number of people in discussions. Then the Government drafts a final bill and ties up a few parties in confidential discussion.

That is not productive for the democratic process in New South Wales. It results in ridiculous legislation and in a great deal of clean-up after the legislation has passed through the Parliament. We have seen that with many pieces of legislation introduced by Ministers, especially in this Chamber. The part 4 changes are another example of matters that will have to be cleaned up by the coalition after 27 March. I now refer to correspondence from various organisations and ask that the Minister comment in his reply on the matters of concern raised in the letters. The Local Government Associations of New South Wales stated that it was generally supportive of the thrust of the reforms to the heritage system, but offered comment on other aspects, the first being interim heritage orders. The Local Government Associations stated:

Section 30 of the Bill provides for appeals to the Court against Interim Heritage Orders (IHO) made by a council. However, there is no provision for appeals against IHO's made by the Minister. Furthermore, it is proposed to delete existing sections 29A-29D of the Heritage Act which:

- allow the owner, mortgagee or lessee of land on which a building, work or relic is located to make a submission to the Minister objecting to the making of an Interim Conservation Order;
- requires the Minister to appoint a Commissioner of Inquiry to hold an inquiry into any submissions;
- provides for right of appearance at an inquiry; and
- requires the findings of the inquiry to be reported to the Minister and copies of the report to be made public.

The Local Government Associations made this point:

The proposed changes only act as a disincentive for councils to issue IHO's. Why should a council risk the costs of an appeal when the same decision by the Minister cannot be appealed?

If the intent of the reforms is to promote the identification and protection of heritage in NSW then decisions by councils to issue IHO's should not be appealable during the period specified in the order for the investigation of heritage significance.

The Local Government Associations recommended to the Opposition:

The Associations request the deletion of section 30 of the Heritage Amendment Bill 1998.

The Opposition will not do that, but we do ask the Minister to reply to a number of matters. Then the Opposition will reconsider the bill in the upper House. In relation to heritage agreements the Local Government Associations stated:

Under section 39 of the Bill the Minister can enter into a heritage agreement with the owner of an item that is listed on the State Heritage Register.

The advantage of a heritage agreement is that it provides certainty of process for the owner of a heritage item, the community and the regulatory authorities.

An objective of the reforms is councils and local communities taking responsibility for their local heritage. Heritage agreements is a tool which could facilitate this. However, the use of heritage agreements is restricted to items on the State Heritage Register which excludes heritage items of local significance.

Guidelines can be prepared by the NSW Heritage Office to address issues relating to the transparency and accountability of the process where councils propose to enter into heritage agreements.

The recommendation of the Local Government Associations was:

The Associations request that councils be empowered to enter into heritage agreements in respect of heritage items of local significance.

The Local Government Associations proposed the insertion of two new sections, 39A and 41A. New section 39A proposed by the Local Government Associations states:

Councils can enter into heritage agreements

A council may enter into a heritage agreement with the owner of an item that is listed on the State Heritage Register with respect to the conservation of the item. A council is to obtain and consider the advice of a heritage adviser before entering into a heritage agreement.

The Local Government Associations recommended the insertion of new section 41A:

Variation and termination of heritage agreements

A council may vary or terminate a heritage agreement by a subsequent agreement with the owner of the item concerned or in a manner specified in the original agreement. A council is to obtain and consider the advice of a heritage adviser before varying or terminating a heritage agreement.

The Local Government Associations of New South Wales would prefer that the Parliament consider those amendments. At this stage, the Opposition asks the Minister to respond to those suggestions when speaking in reply to the second reading debate. I would like now to refer to two letters from the Property Council of Australia, one dated 20 October and the other dated 22 October 1998. I will deal with these points in some depth, because it is important that they be placed on the record.

Time and time again we have seen the Government, in a so-called consultation process, rushing out a bill, getting quick comments back, having a secret meeting with whatever body or person provided the comments, then agreeing to do whatever is required and asserting that the Government will fix it up later. It is important to place on the record what the Government is committing itself to fixing up later. The Minister might like to amplify how he will do that. I would appreciate his response in that respect.

The Property Council, in its letter of 20 October, made the point that it had had limited time to view the draft bill, and believed that the bill stopped short of including a number of important points. In its letter the Property Council referred also to the State Heritage Register and the listing process. The council said it supported moves to nominate a ministerial review panel to consider nominations to the register as well as objections. The council noted that the constitution of those panels will be important, and it urged the Minister to ensure that

the panels have the benefit of a range of skills, including commercial knowledge.

The Property Council further noted that the establishment of the State Heritage Register gives the Government a good opportunity to review its content, to ensure that the register has the integrity it deserves. It said that a significant number of properties are currently, but inappropriately, the subject of a permanent conservation order, and urged the Minister to give the review high priority. The Property Council went on to speak about the approval process and the State Heritage Register, saying it supported the Government's intention to achieve greater integration of heritage regulation into the development approvals system, but adding that the bill did not go far enough in that area. I quote from the Property Council submission:

Proposals made in respect of items on the State Heritage Register will still require two formal approvals—development consent from the local council as well as formal approval from the Heritage Council. Applicants should not be required to obtain two approvals merely because it is a heritage item. The Government should build on the 1997 Integrated Development Approvals (IDA) reforms and remove the requirement for a formal Heritage Council approval subsequent to the IDA process.

The Property Council commented on heritage agreements, saying it was disappointed that the opportunity to use heritage agreements had not been extended down to the local council level. The Property Council said that this would allow for greater opportunities for mutually acceptable solutions for heritage properties to be negotiated and agreed between applicants and councils, and noted that such a system currently operates effectively in Western Australia. On interim heritage orders, the Property Council said this:

The Property Council supports the creation of Interim Heritage Orders to replace current temporary conservation instruments . . .

The Property Council supports local government having prime responsibility for local heritage management, but only where:

- the Council has adequate controls in place dealing with heritage management. We note your assurance that this power will only be delegated to those councils that do have heritage management incorporated into their LEPs;
- these heritage controls are based on model heritage LEP provisions developed by the Heritage Office in consultation with industry and the community. Such provisions are vital to ensure development potential is not frozen upon heritage listing. We note that the Heritage Office is currently developing such model provisions and we ask that the Property Council be consulted on these;
- the Minister is satisfied the Council has adequate expertise to deal with heritage management issues. The Heritage

Office should play a proactive role in training, education and advice to councils to ensure a greater skill base at the local level;

- the Council provides an appeal or review process where affected owners are able to challenge listings prior to these being incorporated into an LEP (this is consistent with our recommendations on the review of Part 3 of the Planning Act).

The Property Council made further observations in relation to funding and financial incentives, stating:

In the majority of cases a heritage listing imposes a significant financial liability for the property owner. This is already recognised in existing land tax and council rate concessions. The Property Council has for some time argued that these concessions are inadequate. There is a real need for greater financial incentives to make heritage protection more attractive to property owners, hence ensuring the State's heritage is preserved for the community's benefit.

However, the proposed Heritage Incentives Fund seems a very limited remedy to this significant and complex issue. In view of this, we seek your commitment to investigate more effective mechanisms to ensure the ownership of a heritage item is not a liability. The Property Council intends to begin work with heritage groups to bring forward a set of recommendations to address this in a more holistic manner.

Those are the main points covered in the Property Council letter of 20 October. The last point, on sharing of burden, I will return to in a moment. Obviously, the Minister then wrote back to the Property Council and made a number of commitments. The Property Council, astute gentlemen, wrote back to the Minister on 22 October, reconfirming its understanding on the Minister's commitments. I will quote these points, because time and again we see this Government not following through on its commitments. In its letter of 22 October the Property Council noted:

We appreciate the Government's efforts in meeting our concerns.

We all do. The Property Council letter continues:

In particular, we would like to gratefully acknowledge the following:

- **Review of items on State Heritage Register**—your assurance that the Heritage Office will give this priority in the new year. In this review, obviously marginal privately owned items should be given priority. We would be happy to consider any funding proposal put to us;
- **Composition of Ministerial Review Panels**—your support for membership to include a person with commercial skills where this is appropriate;
- **Making of IHOs by Councils**—your commitment only to delegate this power to those Councils with a proven track record in heritage management;

- **Model Heritage LEP**—your commitment to consult with the Property Council on this model LEP;
- **Incentives**—your commitment to have the Heritage Office work with us on a holistic package of funding and financial incentives to ensure the ownership of heritage items is not a liability.

It is somewhat less than amusing to reflect on what has happened at the end of every year for the past four years, and, further, to reflect on the fact that in each of those years the Government has completely blown its budget. We had thought that the Government would get through to the end of this year, at least to December, without repeating its practice of the past three years. But it will not. It has completely blown its budget again. Every piece of legislation that the Government has introduced, including the bill before the House, has had major difficulties with consultation. The Government gets community groups offside, one after another.

Last night we saw the extraordinary spectacle of the Minister abusing the people with whom he had been consulting on legislation. Undoubtedly in reply tonight the Minister will abuse the people to whom I have been referring for the past five minutes, the very people whom the Minister has been consulting. That is the trivial approach of the Carr Government to business in New South Wales. Obviously it is not interested in New South Wales business. The Premier has no interest in this State, and the Minister has even less interest in it. I return to the Property Council's letter of 22 October:

The Property Council still believes this Bill offers an opportunity to address two issues that we identified in our earlier letter. These are summarised again below.

The Property Council then refers to these two outstanding issues, and they are important issues. On the question of integration of approvals, the Property Council notes:

We believe the important role of the Heritage Council should also be integrated in approvals where the local Council is the consent authority. We see no reason why the system should force an applicant to obtain a section 60 approval from the Heritage Council after it has already had general terms of approval given as part of the development consent issued by Councils. We would urge the Government to build on its 1997 IDA reforms and incorporate this measure in to this Bill.

It is obvious that the Government will not do that. I would like to hear what the Minister has to say about that. The second item the Property Council of Australia notes is heritage agreements at the local level. The council urges the Minister to take the opportunity presented by this bill to extend the reform to the local level. As stated in their previous letter, the Property Council was pleased to provide

its general support for the bill. However, it believed the Government should take the opportunity to push forward with the two issues it described and urged the Minister to do so.

I turn to the National Trust of Australia. The trust made a number of points and, for the most part, they have been covered. However, I ask the Minister to comment on the suggestion that the bill will not have an impact on the Land and Environment Court. The trust is referring to the heritage expertise within the court and the impact of decisions made by it on heritage matters. Assessors do not need to have heritage qualifications, but perhaps we need to consider whether co-assessors should have heritage expertise or whether the co-assessors' recommendations should be reviewed. I would appreciate the Minister's comments on that suggestion by the National Trust. One of my colleagues suggested that I raise the point that has been raised by the Property Council and by a number of people. That is the question of certainty.

In his second reading speech, the Minister made great play of the fact that the bill introduces certainty, clarity and so forth. The reality is that the system still does not have certainty. I look forward to ascertaining whether the bill provides certainty for all sections of the community. The time frames for the review of heritage registers and whether they should be formally reviewed on a certain date are other matters of some concern. It has been suggested to me that the registers should be reviewed annually. I cannot understand how that will be productive to anybody, and in the end one will be trying to create a perfect system to catch every item of value. That simply will not happen, and perhaps a little more debate is needed on the provision of certainty so that other sections of the community can get on with their investment and thus provide jobs.

I return to the sharing of the burden across the community. There is no doubt that the current perception in the community is that property owners who are hit by a heritage order are simply unlucky. That is an unfortunate perception, but the reality is that a heritage order is a burden on the owner of the property. The order is what some people refer to as a heritage tax. This problem undoubtedly needs to be better addressed. Indeed, that has been the subject of some of the correspondence with the Property Council. The bill undoubtedly contains some initiatives, but they simply do not go far enough. The problem is a continuing one and we need to keep working on it.

The last point I make before thanking one or two people is: another day, another tax. The State

of New South Wales cannot go through a week without the Premier imposing a tax increase or a new tax. The tax affected by this bill is the land tax concession on heritage properties. It is related to the point I made earlier: that the unfortunate perception in the community is that a heritage order on a property is a burden and is regarded as somewhat of a heritage tax. A concession was built into section 128 of the 1977 Act in relation to the calculation of land tax that effectively gave a concession to those properties subject to permanent conservation orders. The land on which that building was sited was the subject of a separate calculation under the land tax rules. So to some extent a concession was provided. As I have said, another day in New South Wales under the Premier means another tax. For the benefit of those who have not seen the bill, the calculation of land tax on page 36 removes that concession.

After the bill is proclaimed the concession will no longer be applicable to those properties that currently have the benefit of the concession; it will effectively be phased out after the 2003 tax year. I regard that as being counterproductive to the intent of this bill, but it is certainly consistent with every action taken by the Carr Government in the past three and a half years. The Premier and the Treasurer were elected, if that is what one wants to call it, on a platform of no new taxes and no tax increases. There have now been 15 new taxes imposed by the Carr Government, and the latest one, funnily enough, relates to land tax. I do not expect the Minister to comment on that. He can apologise to the people of New South Wales if he want to, but they will not believe him.

For the next three months the Opposition will be reminding the Government of its new taxes, all the farcical discussions that have taken place and all the matters that will have to be cleaned up from Monday, 29 March 1999. Before closing I thank the Local Government and Shires Associations of New South Wales, the Property Council of Australia, the National Trust of Australia (NSW) and my coalition colleagues for providing some quick comments on this rushed bill. The coalition will not oppose the bill, but I ask the Minister to address the many concerns I have mentioned.

Ms MOORE (Bligh) [9.26 p.m.]: Sydney has a shameful record of wanton destruction. It was one of the finest examples in the world of a Victorian city. It is heartbreaking to see how much of it has been lost. I refer honourable members to Morton Herman's *Victorian Sydney*, in which he depicts the grand Victorian buildings which have been demolished to make way for banal metal boxes. That has now reached the point where our city was chosen as a location for the film *Matrix* because the

directors were seeking a city with anonymity. Heritage has not been a priority with governments. Certainly the Wran Government, as the Minister pointed out in his speech, introduced the Heritage Act in 1977. The bill was introduced in response to widespread community concern over the extensive loss of heritage in the early 1970s which led to the green ban movement.

However, I disagree with the Minister: that legislation did not provide a much-needed measure for the threatened environmental heritage of New South Wales. During the past 20 years I have spent many Sundays at rallies around Sydney trying to defend our heritage. The Greiner Government came to office in 1988. Its first act was to lift the permanent conservation order on the Regent Theatre; that site is still a hole in the ground. In fact, the Greiner Government perfected the unmaking of permanent conservation orders. One only has to consider the Finger Wharf. Premier Greiner requested his departments to compile their own lists of heritage buildings. He did this at the same time as he introduced his economic rationalist policies. It was rather like putting Dracula in charge of the blood bank.

Honourable members will remember the asset sales. I remember sitting in Mr Carr's office and seeing that grand photograph of Wal Murray and Nick Greiner selling off our assets. The photograph was used in an advertisement. Honourable members will remember the rallies about the asset sales. The Federal Government is now taking the same approach as it flogs off historic Chatsworth in Potts Point and Jenner in Potts Point. Tarana and Bomera are on its list to sell. It has already sold historic Tresco in Elizabeth Bay. The Federal Government even mentioned selling Victoria Barracks, but fortunately it seems to have backed down on that because of the public outcry.

With Chatsworth, Jenner, Tarana, Bomera and Tresco being sold we have lost not only part of our important architectural heritage, but much of our rich social history. What other civilised city, what other community would allow its governments to do this? The record of the State Government is not much better when one remembers it has failed to honour its commitments on Strickland House. We now have the disgraceful incursion into the Royal Botanic Gardens of the redevelopment of the Conservatorium of Music, we have the emasculation of the showground and an extremely disappointing gesture on the Yellow House in Kings Cross. I therefore support the legislation. It is a long overdue step forward. It is perhaps a small step, but it is certainly a step forward in attempting to protect our heritage.

I turn to the specific provisions of the bill. It will set up the State Heritage Register, which will be pro-active. It is not before time: up until now protecting our built inheritance has been so reactive. It has involved the community fighting to get interim conservation orders on important sites when it has become public knowledge that developers have designs on them for redevelopment. Having achieved the ICO, we then have a year to have it made into a permanent conservation order. At "Swifts", we fought to ensure that a tower was not built in the grounds of the historic site. All the time the battles are going on people are fearful that the Heritage Council will go to water, as it has done so often over the last decade. It has been a long, sad and bitter battle for anyone concerned about our heritage.

Looking positively at the provisions of the bill, the register will provide a comprehensive list of publicly and privately owned items of "State heritage significance" kept by the Heritage Council. Criteria for "State heritage significance" will be developed by the council and published in the *Government Gazette*. I welcome that. Listing on the register will have the status of a permanent conservation order. Heritage Council approval will be required for works or demolition. I certainly support that. The Minister alone will have the power to add or remove items, on the recommendation of the Heritage Council. Before making a recommendation the Heritage Council must undertake a public submission process.

The register will initially be composed of all items that currently have permanent conservation orders and items on government instrumentalities' heritage and conservation registers as long as the Heritage Council considers the items should be listed. That means that most items should gain the benefit of permanent conservation orders whether or not they currently have them. The Minister will be able to delegate authority to local government council for interim conservation orders where a council has the experience and the expertise to deal with heritage issues. I support that but I am worried that some councils will not seek orders.

The bill will establish procedures for setting up heritage agreements between the Minister and the owner of an item of State heritage significance. Such agreements may include funding incentives or exemptions from statutory approvals in exchange for heritage outcomes. The bill will establish the Heritage Incentive Fund to provide financial assistance to owners of land subject to heritage agreements. The fund will be created from standard budgetary appropriations. The bill provides for

minimum standards of maintenance for items on the heritage register and provides for the enforcement of those standards by the Heritage Council, including recovery of the cost of repairs undertaken. It also authorises the Minister to restrict development or order repair when an item on the register has been damaged or destroyed.

I welcome the fact that the bill will substantially increase penalties for offences—from up to 200 penalty units to up to 10,000 penalty units. For minor breaches the increase will be from 20 to 200 penalty units. I agree with the honourable member for Vacluse about the speed with which legislation is being presented. If legislation was not coming at us at a rate of knots I would have prepared amendments. I ask the Minister for Urban Affairs and Planning to consider the points I am putting to him, which would have been the subject of amendments had there been time. I also ask members of the upper House to consider my concerns.

The provisions in the current Act to prevent wilful negligence have been utterly ineffective to this point. One of the tools in the current bill to address this is the Heritage Incentive Fund. I fear that it could be mostly an empty pot, shuffling money from one heritage area to another. Therefore, I recommend that owners of items on the heritage register should have access to exemptions from land tax, duty and council rates rather than to a fund that can pay the amounts. I refer specifically to new section 45(2).

While authority can be delegated to councils, similar authority is not given in any fashion to the Heritage Council. I believe that it should have the authority, since it has the expertise and enthusiasm—when it is not being stamped upon—to issue interim conservation orders and possibly to place items on the heritage register. This would then be subject to appeal to the Minister. I refer to new section 25, new part 3A and new section 32. Such a strategy could be sold politically as it would take the flak away from the Minister. We know the sort of pressure that can be brought to bear on Ministers in the New South Wales Government.

As I am a passionate defender of heritage in this State this may come as a surprise to the Minister but to ensure that we are able to retain what little heritage we still have I support the concern expressed to me that the requirement in section 68(1)(a) for "restoring that item to the condition it was in before" could be too strong and could prevent attempts at restoration. It has been suggested to me that it would be better to call for

"substantially the same condition" or for work to be "to the satisfaction of the Heritage Council". That is a reasonable proposal that might contribute to retention of our heritage. In conclusion I say that my final fear is that the bill may not change the culture of ignoring our heritage.

Ms SEATON (Southern Highlands) [9.36 p.m.]: As my colleague the honourable member for Vaucluse has indicated, the Opposition does not oppose the bill. However, as usual there has been very little time to consult about the content of the bill, but that is something that we are becoming fairly used to from the Government. The bill is the culmination of a review initiated by the coalition when in government to overhaul the 1977 Act. This was generally agreed to be necessary and desirable.

The bill will give the Minister the capacity to make permanent conservation orders and provide for the listing of items on a new State Heritage Register. Processes will be streamlined and the current relatively reactive and ad hoc approach will be improved with better forward planning and identification of heritage items. All that is theoretically commendable but the big reservation is: Where is the detail? More importantly, how would the bill have assisted in preventing or reversing the utter disaster of that great heritage and history champion, the Premier of New South Wales, whose great legacy to this State will be as the man who destroyed the Sydney Conservatorium of Music?

There are many terrible things that the Premier will be remembered for but this is perhaps the greatest. Even under the amendments in the bill the Premier's right-hand man, the Minister for Urban Affairs and Planning, would still have signed off on the Premier's act of gross heritage vandalism. I and many of my colleagues share the horror of many Australians and heritage organisations about the destruction of and disrespect for one of our most precious European era heritage items and the work of one of our great architects, Francis Greenway. He built the conservatorium as stables for Governor Macquarie in 1812. It is a mock gothic, stand-alone building with a symmetry and balance all its own.

One of the reasons I am passionate about preserving this architecture in its whole form is that my electorate also includes a Greenway building—potentially three Francis Greenway buildings. The most significant is the old Goulburn brewery. A barn at Throsby Park is attributed to Francis Greenway. Another barn building at Tarago may possibly be attributed to him. I am reluctant even to mention these buildings in case it sends the Premier into a

frenzy of home improvement, getting out his DIY kit and setting off to make improvements to any one of those buildings in my electorate as he has taken liberties with the conservatorium. I pay tribute to Father Michael O'Halloran, the custodian of the old Goulburn brewery. He has made a magnificent study of the work of Francis Greenway, making a failsafe case in attributing the old Goulburn brewery to him. He has also done considerable work in attributing the two barns I mentioned to Francis Greenway.

What has happened at the Conservatorium of Music shows the incapacity of the Carr Government to understand the concepts of living heritage and the true meaning of public space. While the Premier is out and about spouting rhetoric about open space and wilderness, he is actually removing precious public space in Sydney. Honourable members will be aware that the issue of the Conservatorium of Music came to a head when in June archaeological remains of a drain were discovered near it. As an archaeologist I was fascinated by this discovery and I was lucky enough to be shown the remains by staff of the Department of Public Works and Services when I visited the site at the time of the discovery.

However, the discovery of the drain simply highlighted the heritage vandalism which had already been committed in May 1997 when the Premier announced that the \$69 million redevelopment of the Conservatorium of Music would include a major new extension to this heritage building that would cover the line of the older road indicated by the drain. Drain or no drain, the proposed redevelopment is a heritage tragedy presided over by this Government and this Minister—a government of the same political persuasion as Jack Munday, who at least respects our history and has been prepared to stand up for it.

The Leader of the Opposition has long proposed a solution to this clearly acknowledged problem of the existing Conservatorium of Music, that is, space for the current students and teachers to undertake their wonderful work. There is no doubt that the Conservatorium of Music as an institution needs more space. For some time the Leader of the Opposition backed the proposal of redeveloping the Kirkbride complex at Rozelle. That would provide more space for conservatorium staff and students and would have the advantage of being purpose built. I am not a musician but I understand that music students and staff require a building of a special design, and redeveloping the Kirkbride complex presents an opportunity to get it right in the long term.

Ms Moore: You can move the conservatorium, but you cannot move the Botanic Gardens.

Ms SEATON: Absolutely. The Rozelle site would cope with the prospect of future expansion of the conservatorium. The Premier says, "Don't worry, we won't need to expand beyond the current redevelopment of the conservatorium." I am not convinced about the sincerity of that statement, and I am in good company because an article in the *Sydney Morning Herald* of 24 August quotes Dr Peter Valder, one of the Friends of the Botanic Gardens and the National Trust, as saying:

Assurances that the Con and its high school would never need extending "are unconvincing to us".

I can understand why he is unconvinced about the Premier's assertions; all coalition members feel the same way. The Conservatorium of Music is gradually encroaching on precious public space. It is the thin end of the wedge. The Premier regards open space in this city—

Ms Moore: As a place to park cars.

Ms SEATON: To park cars and to build monuments to himself. Let us think back to what the Premier said when his image was immortalised by Madame Tussaud not long ago. He was heard to say that he had in mind for himself something a little bit more permanent, perhaps something along the lines of Michelangelo's David, the victory of Samothrace or the Discobolos. People thought he was joking but I suspect that he was quite serious. That is what he regards as respectable use of public space.

I shall now deal with the inconsistencies in the Minister's second reading speech and the huge gap between his rhetoric and the reality. First, the Minister spoke about avoiding the sorts of problems we had in the 1970s with unions and green bans being brought in to preserve some of our heritage. Who ran those green bans and opposed the conservatorium redevelopment? Jack Munday. The Minister stated:

The register will also include places owned by the Crown . . . I believe it should be responsible for protecting its own heritage assets, the community's assets. I am sure that none of us in this Chamber could conceive of substantial neglect or any development proposal that would threaten the continued existence of State icons like the Sydney Opera House, the Sydney Harbour Bridge and the Chief Secretary's Building.

Why not the conservatorium? That is a very selective view of what the Crown will or will not protect based on the whim of the Premier. The

Premier is equally as inconsistent. An article in the *Daily Telegraph* of 26 June stated:

Premier Bob Carr said he wanted to save any heritage items.

"One way or another we'll preserve any item of heritage that ought to be preserved and at the same time give the music students what they really must have—decent learning conditions," he said.

What does that mean? He has partly satisfied one end of that equation but at a huge cost. One can imagine what the Premier's reaction would be if there was a proposal from the State of Virginia to attach a glass kiosk, some classrooms and an auditorium on to the side of the historic Jefferson House at Montecello. Does that mean the Premier will be out with a brickie's string laying it all out and helping the builders? Based on his own record we would expect him to be doing so. However, he has a selective view of what heritage he believes is worth saving.

The Francis Greenway legacy is one of our great cultural treasures and it is far too important to be meddled with by a Premier whose great interest in history seems to be focused on another continent. The Greenway stables deserve restoration and use which respects and preserves their original shape and form in the landscape. Sadly, the Heritage Office recommended, according to the *Sydney Morning Herald* of 14 July, that the road relics should be moved elsewhere for display. There is no reason why they should not be preserved and displayed in situ. They should not, as the Government would have it, be displayed in a glass case in the new extension to the conservatorium above the original location. Mr Clive Lucas, conservation architect, noted in the *Sydney Morning Herald* of 25 June as follows:

"Where else in Sydney—or Australia—could you find undisturbed 1820s ground?" said board member Mr Clive Lucas . . . "You could count remains from the 1820s on the fingers of half a hand," he said.

This is why the Conservatorium of Music is so precious. According to Mr Lucas, there are only five or six pre-1820 buildings left in Sydney, and I have no reason to doubt him. Who else condemned the Premier's proposal for the Conservatorium of Music: the Friends of the Botanic Gardens, the National Trust, Jack Munday and the National Heritage Council. On 30 June Peter King, Chairman of the National Heritage Council, said that the Conservatorium of Music was clearly a structure of high significance for the cultural heritage of Sydney. Others who condemned the Premier were the National Trust, heritage architect Clive Lucas, and actor John Bell. In his second reading speech the Minister said:

Items can be listed on the State Heritage Register if they are of State heritage significance. An item will be of State heritage significance if it is of historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value or significance to the State.

Let us examine the Carr Government's credibility on this matter. Many institutions and practices are living items of our heritage. The office of Governor and the activities of that office are living items of our cultural heritage. Until such time as the Australian people decide otherwise about the Constitution, that office should be protected and respected. The Governor's residence at Government House has a special place in the hearts of many people in New South Wales. Hundreds of functions are held there every year in honour of deserving citizens. I have heard many people say how special it was to have been invited to Government House, the home of the Governor, a place of living cultural history that has been preserved for many decades.

It is not the same when a ceremony is conducted in an empty space, devoid of any other evidence of the office of Governor. This House has received many petitions with hundreds of thousands of signatures opposing the downgrading of the office of Governor. Even people who are devoted republicans or who lean towards the republican cause object to the way the Premier has imposed his own will on the office of Governor. It is another symptom of the Carr Government's lack of respect for public space.

The Premier is prepared to eat into the most valuable and historic public space in the city, that is, the Botanic Gardens. Anyone who now approaches Macquarie Street will see a wall of construction lining Macquarie Street. It is an absolute tragedy, a heritage disaster with Bob Carr's name all over it. I agree with the honourable member for Vacluse that many items of detail are missing from the bill. The first is the extent to which the Heritage Council will be integrated into the Department of Urban Affairs and Planning bureaucracy and the risk that it will lose its independence as a source of advice.

Secondly, the honourable member for Vacluse referred to new section 84, which sets out the local council's obligations to protect the heritage through the planning system. The Minister said he is sensitive to the need to provide local councils with assistance and support to identify and protect heritage and does not want to add to the current workload of local councils. Exactly what does that mean? We have had very few specifics on many of the matters that the Minister is proposing in this legislation, and there has been minimal consultation. I share the concern that our attempts to find a solution will not be successful.

This legislation is very important to the Southern Highlands electorate, particularly so far as local government is concerned. My electorate contains some of the most wonderful items of heritage in our State, both in public and private hands—Throsby Park, Hill View, Berrima's Georgian heritage, major buildings in Goulburn, Harper's Mansion in Berrima and Joadja. The Minister said that the bill will provide a more effective basis for the identification and protection of the community's environmental heritage. That is a welcome measure, and I sincerely hope that that happens. However, the Opposition has grave fears that that will not be possible once the detail of the regulation is provided. The Opposition has major reservations about the credibility of the Government, particularly the Premier—who is prepared to indulge his own whims and tastes regardless of the damage he inflicts on our heritage. [*Time expired.*]

Mr ROZZOLI (Hawkesbury) [9.51 p.m.]: Just a couple of weeks short of 21 years ago I stood in this House leading for the Opposition on the introduction of the original heritage bill. It is an interesting experience to reflect on what was said 21 years ago and to see what advances we have made in the interim. Interesting parallels can be drawn between this bill and the original bill. When the original legislation was introduced the National Trust was rather upset that the Opposition had expressed objection to it. In fact, the trust thought that the Opposition intended to oppose it, which of course was not correct.

The reason the Opposition voiced its objection to the original bill was because it considered that there had not been sufficient consultation and that the bill did not address enough of the significant factors which were necessary for the preservation of historic buildings. As I pointed out at that time, two matters brought me into public life many years ago, and one of them was the preservation of historic buildings. My interest and involvement in the preservation of historic buildings dates back 35 years. At that time I had a great interest in the subject, as indeed I still have. It is interesting to note that in the submission to the Department of Urban Affairs and Planning on the review I received an honourable mention for one of the points I made at that time.

One of the parallels to be drawn between this bill and the original legislation is that sufficient consultation has not taken place. The contrast is that on this occasion we have not had adequate opportunity to consider the bill, whereas we were able to consider the original bill for a much longer period. At that time I paid tribute to the former Minister for Planning and Environment, who introduced the bill and with whom I worked in close

consultation. In fact, he accepted a number of amendments that I put forward prior to the introduction of the bill. We worked on the legislation together, which meant that we were able to make significant improvements to the original bill.

Looking back on that historical perspective, I am disappointed that this bill does not take into account the real matters that are still outstanding in regard to the preservation of historic buildings. The bill is a rewrite of the original legislation and reconstitutes a number of matters, but it has a number of disappointing features. One of those is the removal of the offence of demolition by wilful neglect. Whilst the honourable member for Bligh said that it has not worked all that well, it has not worked all that well because it has not been used with the vigour that it perhaps should have been. The requirement to place maintenance orders on buildings to try to prevent them from being destroyed by wilful neglect is equally as cumbersome a process and could at times place an unreasonable burden on the owner of the building.

There would be as many ways to get around that as there were to get around the original provision. I see no reason why the original provision relating to destruction by wilful neglect cannot be contained in the legislation as yet another string to the bow in fighting these matters. Another matter of concern is the removal of any appeal mechanism against a direction to the Minister for listing on the State Heritage Register. Whilst I would be happy to see more and not fewer items on the register, legitimate claims have been made for items to be left off the register. In my own area, which has many historic buildings, it was proposed that a permanent conservation order be placed on a barn which was falling down.

The barn, which was built in about 1928 of relatively modern materials, had no historical value whatsoever. The Heritage Council believed that the building had been built much earlier than 1928, and that is why the council wanted to place a permanent conservation order on it. We disproved that, because we were able to find evidence that indicated when the building was constructed. The former council wanted to preserve the building because it looked like a barn that had been built some 50 or 60 years earlier. However, we managed to defeat that, the permanent conservation order was lifted and the barn, which was beyond economic repair, was demolished. Certainly no loss of heritage value arises from that demolition.

Although that is a minor example, there may be occasions on which the need arises to appeal against the decision to place a building on the State Heritage Register. I believe the bill should contain a provision allowing an appeal to the Land and Environment Court, which is quite capable of handling those sorts of matters. Clause 25(3)(b) provides that an interim heritage order made by a council is of no effect in so far as it applies to an item listed on the State Heritage Register. If ever a provision stated the obvious, it is that provision! I see no reason for its inclusion. It is difficult to imagine why a council would seek to put an interim heritage order on an item of heritage already listed on the State Heritage Register. The Minister may see fit to deal with that matter in his reply.

A further matter of concern relates to the removal of items from the State Heritage Register. Clause 38 provides that the Minister may direct the removal of a listing from the State Heritage Register if the Minister considers that the item concerned is not of State heritage significance and the Heritage Council recommends its removal. The procedure for revoking an item from the State Heritage Register is simply the reverse of the procedure for placing an item on the register. In this cynical world in which we live one can imagine that it is quite possible that, for reasons that are certainly not in the interests of State heritage, the chain of events that could lead to the removal of an item from the State Heritage Register, on the recommendation of the Heritage Council and the Minister, could take place even if the item was of heritage interest.

The bill should provide some form of appeal mechanism to enable members of the general public to protect what they may consider to be an item of State heritage. To some extent heritage is what we as a community consider to be heritage. The items that we place value on are part of the fabric of our society and culture. Therefore, it is fallacious to place an item in the hands of the Heritage Council for the Minister to determine whether the item is of State heritage significance. Indeed, there should be a mechanism for the community to challenge the revocation. There is always the perception that once an item is placed on the State Heritage Register it will probably remain there.

I cast my mind back to the Wran era when the Environmental Planning and Assessment Act provided citizens with rights and prevented certain things from happening. If the provisions did not suit the government of the day, it introduced specific legislation to set aside all the provisions of the

Environmental Planning and Assessment Act and the Land and Environment Court Act to strip away people's rights of appeal. There is no reason why, if the State is run by a government with a similar degree of lack of integrity, the same thing could not happen if a heritage order is in the way of something the government wants to do.

Interim heritage orders do not apply to State development within the meaning of the Environmental Planning and Assessment Act, or to development or demolition of a building or work carried out by or on behalf of the Crown. Immediately there is a yawning gap. If, all of a sudden, the Crown considers that a heritage building is inconveniently placed, it can take steps to bring it within the scope of the section to which I referred to permit its demolition, despite the fact that it may be considered to be of heritage value. I am also concerned about what I believe will be the ineffectiveness of the Heritage Incentive Fund.

If we really want to preserve heritage, we must use both the carrot and the stick. The original bill used much more stick than it ever offered carrot, as does this bill. We must encourage people to preserve items of environmental heritage and historic value. It is simply not on for all heritage items to be in the ownership of the Crown. It is a burden that is unacceptable and one that is not in the interests of the buildings. As all honourable members know, the best way to preserve heritage buildings is to use them. The last thing we want is for every heritage building to be a museum, a piece of symbolic architecture or an empty mausoleum. That is a sure way to ultimately destroy the building. We need to keep many of our heritage buildings in private ownership and encourage private owners to look after them.

I recall that 21 years ago I spoke vehemently about the need to introduce land tax concessions on heritage buildings. That is a very small concession that the Government could make to those who are prepared to spend their money to keep heritage buildings in good order. In many cases the value of the asset, if it were simply a building on a block of land, would be reduced if a heritage value were placed on it. The owner of the building is burdened by an additional cost because the work that has to be done on a heritage building is often expensive and particularised. Only a limited number of people are capable of doing it. I have many friends in the Hawkesbury who are kept almost poverty stricken because of their passion to preserve the building in which they live. *[Extension of time agreed to.]*

They accept that financial burden with relatively good grace. If the State deems privately

owned buildings to be worthy of preservation on behalf of the community, the State should assist financially in their preservation. The granting of a land tax exemption would be a simple, but much appreciated, step. The foreshores of Sydney Harbour boast many private residences valued at more than \$1 million, even with a heritage value on them. The residents do not get an exemption because they live in the building, and they do not get an exemption because the building has a heritage value, but land tax is imposed on them because they live in a building that is of heritage value. That is unfair and unreasonable.

When the legislation was introduced in 1977 the government of the day failed to recognise the need, although it was pointed out, to offer incentives for the preservation of historic buildings. It is extremely disappointing that after a specific review of the Act the Government has failed to include measures in the bill that have been proven time and again as necessary to bring about the best possible result in regard to environmental heritage. The review of the legislation is a bureaucratic, tradesman-like job of slicking it down and bringing it up to date. No doubt some of the original provisions are a little on the quaint side, but there is no objection to that.

In spite of everything that has happened in 21 years and in spite of all our experience with the preservation of historic buildings, it is obvious that those who reviewed the Act have learned little about the elements that go to the very heart of the preservation of historic buildings. Our historic buildings are a priceless piece of our heritage. They remind us of where we come from. They represent the significant values held by the community at the time many of the buildings were constructed. Those values continue to be of significance. If they were not, the buildings would not be regarded as items of environmental heritage.

Although I appreciate that many people do not share my passionate view about historic buildings, I believe it is the State's obligation to recognise that view. As an example, in the first year of my membership of this House I was prominent in the preservation of a building in Sydney that was in the path of the freeway. Much to the annoyance of my party I was successful in preventing the demolition of the building to make way for the freeway. I am talking about Lyndhurst in Glebe. At the time I and others with whom I worked to preserve the building—the Glebe Society—were told that the building was not worthy of retention because it was in too dilapidated a condition.

But because it was so much a part of our culture, because we had such a passion about it and because the information we were given by the government of the day was wrong, we were able to mount a campaign that led to its preservation: firstly, its retention and prevention from falling into further disrepair; secondly, its restoration and subsequent return to former glory; and, thirdly, its current use as the office of the Historic Houses Trust. There are many examples of the vagaries that beset the preservation of historic buildings, bringing them from a position of precariousness to a position of security.

If we are to preserve the many buildings of heritage value that are not as prominent as Lyndhurst, for example, we need the co-operation of the community. To get that co-operation we need to offer incentives to the community. The type of funds that will flow from the Heritage Incentive Fund and the hand-out mentality is not the way to encourage private owners to preserve their heritage buildings. One has to be more generous. One has to provide funds that will flow automatically and that give the owner some financial incentive without having to go cap in hand to fill in application forms and have them assessed before knowing whether they will get the financial assistance they need to preserve the building.

Anyone wanting to apply to the Heritage Incentive Fund has to enter into a heritage agreement. People might be constrained from entering into a heritage agreement for reasons other than having access to the Heritage Incentive Fund. This bill, which is disappointing, has picked up little of value after 21 years of experience. I look forward to a deeper consideration of the matters raised by the Opposition. I look forward also to the introduction of a further amending bill which will give some meaning to the State's desire to preserve its environmental heritage.

Ms FICARRA (Georges River) [10.11 p.m.]: It is with pleasure that I speak in debate on the Heritage Amendment Bill. As Vice-Patron of Hurstville Historical Society I have had a deep passion for the preservation of our heritage for many years. Very few items of heritage value remain in the St George electorate.

Ms Moore: It is the same throughout Sydney.

Ms FICARRA: Yes, that applies throughout Sydney. I will not talk about east Circular Quay. For 10 years a number of people in the Hurstville Historical Society, supported by the National Trust, battled to save a most significant historical building

in Hurstville—the Hurstville Centennial Bakery Museum. With the help of Nick Greiner, who was Premier at the time, and through bicentennial grants, we were able to preserve that museum which is now used as a regional museum and which has a good educational focus. We also preserved an archival centre and genealogy centre in a wonderful historical building. I am indebted to Danebank Anglican Girls School, which preserved Yarramundi, which was due to be demolished to allow for the construction of flats. That incident occurred when I was first elected to Hurstville City Council in 1980.

This legislation reflects the concerns that were expressed during the operation of the 1970 legislation. I believe that it provides a variety of practical, equitable and forceful amendments, including the introduction of the new State Heritage Register. It allows heritage agreements between the Minister and the owners of items of State significance; establishes the Heritage Incentive Fund to provide assistance under the heritage agreements; and requires minimum standards of maintenance and repair. There are always dodgy owners who allow their buildings to fall into disrepair and, unfortunately, those buildings have to be demolished. These matters will now be addressed. The bill also provides for the enforcement of standards and substantially increases penalties for breaches of the Act.

The bill, which is supported by the National Trust and the Property Council, is long overdue. In fact, this legislation was introduced as a result of a six-year review of heritage legislation. The increase in penalties for neglecting or damaging listed heritage items will be boosted to more than \$1 million to reflect the inadequacy of the current wilful neglect provisions. In 20 years there has been no successful prosecution under those provisions, yet we have lost many items of significant heritage. Under the new amendments the Act will provide minimum standards for weatherproofing, fire, vandalism and essential maintenance. Where there is major damage to or destruction of a listed item, any future development could, at the discretion of the Minister for Urban Affairs and Planning, be restricted to the same building envelope as the heritage item.

Where it is feasible, the Land and Environment Court would also be able to require the reconstruction of the damaged item. I hope that this quite forceful provision will be used frequently and that it is not just words on paper. The objective of these changes will be to limit the appeal of wanton damage or destruction to owners of heritage items by limiting the financial benefits that they derive

from such actions. There are many good local councils with expertise which could be given the power to impose their own interim conservation orders for that 12-month period. A State Heritage Register will be compiled of publicly- and privately-owned items of State significance. These items cannot be altered or demolished without Heritage Council approval.

The register would include items that are currently protected by permanent conservation orders and would allow State officials, private developers, local councils, community organisations and private citizens to obtain full relevant information about the State's heritage resource. The requirement for government departments to provide lists of their heritage items must be expanded to include all State-owned corporations. These amendments will strengthen and streamline heritage management and protection. Back in July 1996, in the New South Wales heritage publication of the Heritage Council of New South Wales, the Minister announced heritage reforms that were the precursor to this legislation.

Under existing policy, protection is given only to buildings when they are under threat. That has happened in the past. As a result, many of the State's most important buildings have no State protection, including St Marys Cathedral and the Chief Secretary's Building. That creates uncertainty for developers who may have a protection order placed on a site after they have drawn up a development proposal. We know that assessing a building at that time creates the greatest potential conflict and it compromises the ability of that consent authority to make objective recommendations regarding the significance of the building.

The State Heritage inventory will lend a sense of certainty to these items of State significance. New part 3 of the Act will provide for interim heritage orders for items of State or local heritage significance and new part 3A will establish a new State Heritage Register. The Heritage Council will be the approval body for major changes to protected items referred to in new section 57(1). Heritage items can have an historical, cultural, scientific, archaeological, architectural, natural or aesthetic value to the State. New section 57(3) will enable criteria to be published in the *Government Gazette* to establish guidelines for this process. I hope that, when the Minister replies to debate on this matter, he will inform the House about the consultation or the development process that occurred when establishing such criteria in order to give guidance to owners of heritage buildings.

Initially, the Heritage Act was designed to provide emergency protection for heritage buildings that were under threat. As a result, action was really only taken when the building or the item was under immediate threat. That has proved to be totally inadequate. I believe that this legislation will provide certainty and confidence in the heritage system. Those items that need to be protected must be disclosed before a development application is lodged. That applies to both State and local government systems. The heritage lovers and developer groups in the community are totally unhappy with the system as it presently exists. This legislation will give them far more certainty. Too often we see press reports about a controversial matter relating to a particular property and the relevant local government authority. On 27 October in the *St George and Sutherland Shire Leader* a typical example of such a controversial matter polarised the community. The article stated:

The owner of famed author Miles Franklin's former Carlton home has pleaded with Rockdale Council to exclude her house from its heritage list.

The author is now recognised as one of the greatest women writers of her time because of the novel *My Brilliant Career*. Since writing that literary piece she has written many other famous literary pieces. The property is now owned by Maureen Pancia. Although Mrs Pancia respected the significance of Franklin's work, she was worried about losing an investment that her family would depend on in future years. She said:

The council told me that I can apply for special heritage grants to help restore the place but the grants would not cover all the costs.

Further, Mrs Pancia said:

I cannot do the work on the house that I want to do because of the heritage restrictions. Once you accept something as being heritage listed it's like a noose tightening around your neck.

Mrs Pancia bought the property in 1976, unaware that it was owned by Franklin. It was being used as a low-cost boarding house and Mrs Pancia continued to maintain the business because she felt an obligation to her boarders, who often have nowhere to turn for affordable accommodation in their old age. That is an example of a common situation that occurs when people unknowingly purchase a property with a heritage listing and, perhaps, the local government authority is not willing to compromise on the future maintenance of the building. Hopefully that matter will be resolved. A situation has arisen in Hurstville because Hurstville City Council, after working on a local environment

plan—LEP—for the central business district, listed an additional 49 heritage items. The consultant's report was of questionable standard, and practically no consultation was entered into. Fortunately, because of uproar from the chamber of commerce, the council is reconsidering the process, is going back to the drawing board and is undertaking consultation.

The Minister should encourage councils to make their development control plans—DCP—available to the public without charging an excessive amount of money. Those lengthy documents should be made readily available to the small number of people who want to examine them. Not everyone walks in off the street wanting to examine copious planning documents, such as DCPs and LEPS. The bill empowers local councils to make interim heritage orders when a council considers that an item has local heritage significance and may be harmed. That will allow time for LEPS to be made. The interim orders will last up to 12 months and appeal measures will be available. The provision that allows the Minister to revoke council's powers if those powers are abused should be monitored closely. I am pleased that the Heritage Council will monitor the making of these interim heritage orders and that guidelines will be provided to council to assist in the process.

We have seen many examples of disastrous buildings being constructed in Sydney, such as the Circular Quay east building. I hope that Walsh Bay will not be a another one. Published in today's *Daily Telegraph*, a study entitled "Sydney 2020", commissioned by a committee headed by Rod McGeoch, showed that Sydneysiders were disillusioned with the lack of planning integrity, particularly on some of the atrocious buildings that have been recently constructed in Sydney, and the lack of respect for preservation, such as with the Conservatorium of Music. Not only Sydneysiders but people throughout New South Wales are interested in Sydney because they all feel they own it. I am not enthused about the Premier's record when he was the Minister for Planning and Environment. Between 1985 and 1988 there was an atrocious lack of respect for the bonds stores, which date from pre-1885, the Manly Odeon, dated 1933, and 31 Reiby Place.

Ms Moore: The monorail and Darling Harbour.

Ms FICARRA: That is right, Darling Harbour; the Anthony Hordern building, the Roxy at Parramatta, the Brooklyn Hotel and the Johnson Overall building. The list goes on and on. The

coalition supports the bill. Much heritage of State significance was lost in the 1970s. The community has awoken to the need to be more vocal and to make governments accountable. This bill will broaden the concept of heritage. Hopefully, it will involve the public in genuine consultation to avoid those recent examples of conservation-based vandalism, which have made the residents of New South Wales sceptical of the Government's integrity in the preservation of our heritage.

I sincerely hope that this legislation will provide more effective identification and protection of the community's environmental heritage in New South Wales. I also hope that it will provide much needed certainty and consistency in management by the New South Wales Government, the Heritage Council and local government, and in the responsibilities of government bodies, owners and developers. Then the public can have confidence in the system. It certainly does not have that confidence at present. It is appropriate that they rally against proposals they do not like.

Ms Moore: They do every Sunday.

Ms FICARRA: The honourable member for Bligh is active in preserving the heritage in her electorate and beyond. Sydney belongs to everyone. Even people in rural New South Wales and other capital cities know what is happening in Sydney. When I go to the Opera House and look back at Circular Quay east, I wonder how the planning instrumentality leaders could have allowed such an atrocity. It will be a disgrace if the Lord Mayor of Sydney is re-elected. He deserves to go with a big bang.

Mr RICHARDSON (The Hills) [10.26 p.m.]: I want to speak briefly about the importance of heritage buildings to our understanding of what it means to be Australian, and to bring to the House's attention a discussion I had with the Minister last week about Castle Hill Heritage Park, a heritage site in my electorate between Banks Road and Old Northern Road, Castle Hill. The honourable member for Georges River and the honourable member for Bligh have spoken at length about the many important and valuable properties in central Sydney that are either in need of preservation or have been destroyed and lost forever.

It is not well recognised that Castle Hill is one of the most historic settlements in Australia. The site I refer to is not merely of local or State significance; it is recognised as being of national significance. I have spoken about the site with the Hon. Barry O'Keefe, President of the National Trust, who is

well aware of its significance. It is listed on the Register of National Estate as an item of national heritage significance. Honourable members would recall the words of the President of Ireland, Mary McAleese, when she addressed this House. She spoke about the very close historical links between Australia and Ireland, because so many of the convicts transported here were Irish.

There is a very strong link between the Irish convicts and the site at Castle Hill. Almost all of the convicts who were quartered there in the early nineteenth century were political prisoners who had been transported here as a consequence of the Irish Rebellion in 1798. It was also the site of the third government farm. Subsequently, Governor King determined that it would not be in the administration's interest to keep all of the political prisoners together at one site. On 4 March 1804 there was an uprising at the barracks at Castle Hill, the only organised convict uprising in Australian history. I cannot over-emphasise the importance of this site to our nation.

One would expect in a fast-growing, burgeoning suburb like Castle Hill that the site would have been built on, but it has not been. The barracks, on the site of Australia's first lunatic asylum, were demolished in 1866 and the barracks' stonework was used to build St Paul's parsonage on Old Northern Road. The foundations of the barracks are still extant underground. Surveys show that 26 other items of historical significance are on that site, including wells, a barn, fencing and other foundation work.

Many people regard this site as being more important than the site of the Eureka Stockade. The barracks measure 100 feet by 24 feet, a fairly substantial building, with other houses scattered about. More than 300 men were employed on clearing operations for the government farm in the area at that time. I would like to quote briefly, to give the House some idea of the flavour of the Castle Hill uprising and the historical significance of it for our nation, from the book by Robert Hughes, *The Fatal Shore*. He wrote:

On Sunday, March 4—the Irish rose at Castle Hill at seven . . . They set fire to a house to announce their revolt and then ran from cottage to cottage, grabbing what arms they could find—mostly scythes and axes, but a few muskets as well. A convict stonemason, Philip Cunningham, hopped up on a stump and harangued his mates—He sang out, Now my Boys, Liberty or Death—and away they marched in the dusk to Parramatta, singing their treason songs.

The idea was to seize Parramatta and eventually take over the entire colony. Governor King rapidly

dispatched four officers and 52 privates of the New South Wales Corps. They were split into two sections. Ultimately, the 30 Botany Bay Rangers met up with 266 insurgents at a place called Vinegar Hill, on the outskirts of The Hills electorate. The 30 rangers put the 266 insurgents to flight. Many of the rebels were executed. Johnston, Neale and Harrington were executed at Castle Hill. Robert Hughes noted that it was the only concerted uprising of convicts ever to take place on the Australian mainland. The problem is that some 40 acres of land that was owned by the Commonwealth Government was transferred in 1989 to the State Government. In October last year it was transferred on to Baulkham Hills Shire Council.

Ms Moore: On a point of order. It being 10.30 p.m., I call upon the Minister to adjourn the House in accordance with sessional orders.

[Debate interrupted.]

BUSINESS OF THE HOUSE

Extension of Sitting

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [10.30 p.m.]: I move:

That the sitting be extended beyond 10.30 p.m.

Division called for. Standing Order 191 applied.

Noes, 2

Dr Macdonald
Ms Moore

Question so resolved in the affirmative.

Motion agreed to.

HERITAGE AMENDMENT BILL

Second Reading

[Debate resumed.]

Mr RICHARDSON: The problem is that a substantial proportion of the land that was transferred from the Federal Government to the State Government has been whittled away, some has been the subject of a land swap for housing, and some has been acquired for an extension to Gilbert Road. However, five acres of land, which is at the entrance to the park, is owned by Billyard Homes. Part of

that land is the site of the convict barracks. As I understand it, the whole of the site of the barracks is not contained within the 40 acres that has been handed to Baulkham Hills Shire Council. Indeed, there is an inadequate entrance way to the park off Banks Road. David Somerlad from Castle Hill Rotary and Mac McCullough from the Hills District Historical Society, have been pushing hard for this parcel of land to be added to the park.

We have been attempting to negotiate a range of options to achieve that end, including a land swap. I might add that Baulkham Hills Shire Council is strongly supportive of at least part of the parcel of land being added to the park. I note that under the Heritage Amendment Bill 1998 the procedures for granting temporary protection at State level through interim conservation orders and emergency orders under section 130 of the existing Act have now been combined, and it is possible for the Minister to make an interim heritage order for a place, building, work, relic, movable object or precinct that the Minister considers may, on further inquiry or investigation, be found to be of State or local heritage significance. That is taken from part 3 of the bill. It is not for the council to put an interim heritage order on the site.

Indeed, under the bill, council cannot make an interim heritage order on an item that is listed on the State Heritage Register. Clearly, this site is so listed. As I said previously, this site is of national significance. I have previously brought this matter to the attention of the Minister. I bring it to his attention again and to the attention of the House. It would actually be extraordinarily advantageous if under the provisions of this bill the Minister could place an interim heritage order on this land when the bill is proclaimed. It is certainly not my intention to disadvantage Billyard Homes by so doing. I note that the Minister may revoke the interim heritage order at any time, but I would like to be able to achieve some breathing space so that this enormously important parcel of land, integral to Australian history, is preserved for posterity.

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [10.40 p.m.], in reply: I thank all honourable members who participated in the debate and I thank them for their support for the Government's bill. My reply will be brief. I would indicate to members who raised questions or sought clarification of specific provisions of the bill that I undertake to have the relevant officers of the heritage office provide further information to those members as soon as is practically possible. There is an apparent degree of schizophrenia in the approach

taken by almost all members opposite. They would assert that there has been no consultation about this bill, but on the other hand they would claim that this is nothing more than an adoption of the 1991 Hope report.

If the legislation has been rushed into this House without consultation, and if the other assertion is correct, how can the Opposition hold both nostrums at the same time, when to do so is fundamentally illogical? The facts are a matter of public record. In 1991 Justice Hope, the first chairman of the New South Wales Heritage Council, reviewed the heritage legislation originally promulgated in 1977. That review was delivered to the then Minister responsible for the Heritage Act under the former coalition Government, but the review was shelved and nothing was done. Justice Hope and subsequent chairs of the Heritage Council have lamented that fact ever since.

Indeed the first meeting I had with Howard Tanner, the second chairman of the Heritage Council, in 1995 was all about his anger, hostility and frustration at trying without success to have the former Government pick up the Hope review and do something with it. As a consequence, the Hope review was the genesis of the 1996 discussion papers and the bill before the House tonight can indeed be traced back to those times. Any suggestion that the bill is simply a legislative translation of Justice Hope's 1991 review is wrong. An enormous amount of work has been done in the intervening period, particularly the last two years, especially by the people associated with the New South Wales Heritage Office, and I pay tribute to them.

I thank all of the individuals and organisations who played a vital role in developing the amending legislation to the point that after more than 20 years we have a very comprehensive review of New South Wales heritage legislation. These reforms are long overdue. Despite the nonsense and rhetoric of members opposite, they are voting for this bill without amendment. Their rhetoric is a hollow posturing. If they thought the bill was inadequate, if they thought the bill could be improved, they should have referred to discussion papers that have been publicly available since 1996. They have had at least a week to do that since I gave my second reading speech on the bill but they have done nothing but indicate they will vote for the legislation.

I remind honourable members that Labor took the initiative in 1977 of introducing the Heritage Act. In 1991 the first opportunity was taken—the

only time by a coalition Government—to review the heritage legislation. The coalition Government commissioned the review and then shelved it. But in 1995 the Labor Government picked up the review, developed it further, and brought forth not only the first round of changes which have been in place since 1996, but also the legislation. This measure will be passed with the support of the entire House tonight. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CARBON RIGHTS LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 22 October.

Mr D. L. PAGE (Ballina) [10.43 p.m.]: I indicate at the outset that the Opposition will not be opposing this legislation. This bill seeks to amend the Conveyancing Act 1919 to clarify the question of forestry rights and covenants in a carbon creating context. It also amends the Forestry Act 1916 to enable State Forests to acquire and trade in such rights, provide various services to investors, and opt for incorporation, whether by joining with another person or otherwise, to assist in exercising its functions. Finally, it amends the Electricity (Pacific Power) Act 1950 and the Energy Services Corporations Act 1995 to enable electricity generators and distributors to trade in such rights. By way of background, in December 1996 in Kyoto, Japan, the world's developed countries agreed to create a new market for trading in carbon dioxide to reduce greenhouse gases and slow global warming. Essentially, the idea is to create carbon sinks mainly by the use of plantations which absorb carbon dioxide as an offset to greenhouse gas emissions from industries using fossil fuels. The first carbon trading in Australia occurred in New South Wales between State Forests and electricity generators Pacific Power and Delta Electricity. The legislation before the House tonight seeks essentially to underpin that emerging market.

Carbon trading will provide obvious environmental benefits in reducing and slowing down greenhouse gas emissions in keeping with our obligations, national and international. It will also stimulate new investment in plantation timber which will benefit the regional economies of New South Wales and other parts of Australia over time. It will also provide landholders with an additional source of

income through agroforestry and will enable the Sydney Futures Exchange to position itself as the hub for emissions trading in the Australasian region.

However, we should undertake this new activity with our eyes open. I noted in literature on this issue that there are a few warnings about the future of carbon trading. Firstly, the Australian Greenhouse Office has stated that it would take at least 18 months to put a proposal for a market to government, thus making 2000 the earliest possible date for a national scheme. In an article published in the *Australian Financial Review* on 19 June, a spokesman for the Greenhouse Office, Mr David Harrison, said there was no real need for a national trading scheme until the year 2008. That surprises me, but it was reported and I do not believe it is a misprint. He also warned that companies entering emissions permit or carbon credit schemes were operating without the sanction of the Government. That is fairly strong language. He went on to say:

I would hope that these traders are aware of the risk involved in pursuing such activities prior to the Government establishing any formal mechanism.

I think we understand that. Another warning was given by a representative of the United States firm Environmental Financial Products. In the same article he stated that there were uncertainties with all aspects of trade in greenhouse gases. He said:

We're operating in a climate of comprehensive uncertainty and we don't know enough.

The views of a representative from a Victorian power organisation could not be more different from those expressed in New South Wales. The representative dismissed Pacific Power's purchase of \$35,000 in carbon credits from New South Wales State Forests, saying, "You would have to have rocks in your head". The report in last Monday's *Australian Financial Review* pointed to the possibility that State Forests had received strong interest from the private sector, with three new deals believed to be on the verge of being signed. The article also referred to the Australian Greenhouse Office 1996 national greenhouse gas inventory, which points to the fact that carbon sinks are regarded as having a minor role in an emissions trading scheme overall. The inventory found that they dropped greenhouse gas by a total of only 5 per cent.

The Federal Government has sought policy advice from the Australian Greenhouse Office on the feasibility of the introduction of a national emissions trading system. The Government is yet to make a decision on the establishment of a national emissions

trading system and the potential incorporation of carbon credits in such a system. There is consequently no official system currently in place that provides carbon credits to owners of forest plantations which could potentially be sold or banked in an emissions trading system. It has to be said that those traders are taking risks, given that the Government has not established any formal mechanisms for recognising or crediting their trades internationally.

For example, farmers could be selling trees or land suitable for growing trees too cheaply as there is only limited information on the future value of trees in terms of carbon sequestration potential. However, businesses that are not already thinking strategically about how their business will be affected, in a world in which emissions reduction permits can be traded, are in danger of being left behind in the marketplace. In some ways the decision to allow carbon credit trading is a leap in the dark as details of how it will work internationally, including pricing, allocation and penalties for exceeding emission targets, are not expected to be known until the next United Nations climate change conference in Buenos Aires next month.

The basic commercial fact is that the opportunity to generate tradeable emission credits will alter the economics of plantation establishment and management. If generating emission credits becomes a principal commercial incentive for establishing plantations, they will need to be managed in different ways that increase and protect the value of carbon stored. That will affect species selection. Plantation establishment is energy intensive, a fact that will require the value of a tonne of carbon sequestered to be discounted. A hectare of radiata pine established on grassland may sequester around 110 tonnes of carbon in perpetuity, but that needs to be discounted by up to 50 per cent to account for emissions associated with plantation establishment, harvesting and processing, and the limited time before the carbon is released back into the atmosphere.

According to figures published in the autumn 1998 journal *Australian Forest Grower*, Australia produces 275 million tonnes of carbon dioxide a year, which is equivalent to 74.4 million tonnes of carbon. The electricity industry alone is estimated to produce 124 million tonnes of carbon dioxide a year. In Australia the two largest greenhouse gas polluters are the electricity industry, contributing about 55 per cent, and the transport industry, emitting about 17 per cent. The positive aspect of that is that if more than half of the emissions are coming from the

electricity industry, at least we know the source of the pollution and can do something to change it. The legislation will provide a buffer period so that changes can be made to technology to enable greenhouse gases to be reduced over time.

It should not be regarded as an excuse to allow polluters to continue to pollute. Australia is continuing to increase its greenhouse gas emissions. Bringing emissions back to 108 per cent of what they were in 1990 by 2008 to 2012 will require the rate of growth of greenhouse gas emissions to be reduced and also the base level of greenhouse gas emissions to be reduced. Even if Australia took 1 per cent of the world's carbon dioxide, three million hectares of fast-growing plantations would be required. Therefore, it is clear that Australian forest growers can play a major role in sequestering the carbon dioxide of Europe and North America.

For these reasons many believe that carbon trading is inevitable. The chief executive of the Sydney Futures Exchange expects to add greenhouse gas permits to the exchange's list of tradeable contracts before the end of next year. He estimates that Australia will be turning over \$3 billion a year in such contracts within two years. As I said earlier, details of how carbon trading will work nationally and internationally, including pricing, allocations and penalties for exceeding emission targets, will not be revealed until later next month. An interesting article in the *Business Review Weekly* dated 7 September 1998 carried the following quotation from a consultant from Ecos Corporation:

Carbon trading is taking off before a proper system has been put in place. Historically, companies respond to an environmental issue when they are forced to by regulation, or just before the regulation is brought in. Here we are getting companies like Pacific Power that are embarking on activity in this area . . . this says to me that the market is moving faster than governments, so there is real potential for a market-driven market response as opposed to a government-mandated market response.

The legislation is more about the carrot than the stick. It is about using the marketplace to bring about an environmental benefit. At the same time we recognise that over time sanctions will be needed against polluters who will not take advantage of the market-driven opportunities available. I note that emissions markets are already emerging in Chicago, New York and London. The Federal Government has invited industry to submit its ideas on how a trading system should work. In a report to the House of Representatives on carbon trading the Australian Industry Greenhouse Network said:

There are no domestic or international factors which would suggest that there is a need for precipitous action without a

comprehensive study of all the relative issues raised in this submission.

These issues include whether Australia should establish its own domestic regime of trades and permits and, if it does, whether it should insist that free permits should be issued to companies operating in Australia. In summary, this is enabling legislation which will facilitate a market for carbon trading. It will establish the legal ownership rights over carbon credits attached to areas of forest. I was told that it will provide legislative support for State Forests and private land-holders, but when I read the legislation I was not quite convinced that it was clear that under the bill private land-holders had the measure of protection that I hoped they would get. It is clear that State Forests and anybody that State Forests has anything to do with in terms of forming a corporation or a joint venture is protected, but I ask the Minister for an assurance that a private landowner will have the same sort of protection in relation to carbon credits, forestry rights, trees and so on that State Forests has. I seek clarification on that.

If the Government wants the farming community to embrace this concept, which I think any intelligent person would, the community needs to be assured that the legislation gives it the sort of protection it obviously gives to State agencies or partners of a State agency. That is all I am asking. I am asking for confirmation that that is the case and, if possible, an identification of where that is made clear in the legislation. The legislation also makes it clear that electricity generators and distributors can trade in carbon rights. Many details still need to be sorted out regarding the market itself, and I am sure this legislation will be the subject of further amendment in future.

Notwithstanding the uncertainties, the coalition will not oppose the legislation, because we regard it as an important first step towards reducing greenhouse gas emissions. If we do not start to reduce the growth in greenhouse gas emissions we will not be able to meet the target of containing these emissions to within 108 per cent of 1990 levels between 2008 and 2012. Carbon trading may not be a cure-all but it will provide a buffer while fossil fuel industries adjust their technology to reduce emissions. Carbon trading should not be taken as an excuse to carry on emitting greenhouse gases. We need to reduce the amount of carbon emitted into the atmosphere and we need to increase the capacity of carbon to be absorbed via plantations and the like. The legislation is a first step in meeting both of those objectives. Accordingly, the Opposition lends its support to it.

Mr ROGAN (East Hills) [11.00 p.m.]: I am delighted to speak on and to support this legislation. It is pleasing to learn that the Opposition does not oppose the bill. The contribution of the honourable member for Ballina was enlightening, important and germane to the bill. One of the most important things he said about the legislation was that we cannot afford to be left behind. That is the important thing. The Government is leading in this important area. As Parliamentary Secretary for the Environment I am pleased to speak strongly in support of the Carbon Rights Legislation Amendment Bill. The bill is a world first and is another example 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.

My view is that, as we move towards the end of this century and enter the new millennium, greenhouse gas emissions are the most dominant and important environmental challenge facing the world. New South Wales is among those who face that challenge and it is fulfilling its role by taking measures to lead the way in Australia. Last year the Premier released a statement entitled "New South Wales Tackles Greenhouse", which positioned New South Wales to take the lead in implementing programs to reduce greenhouse gas emissions. The Premier's statement showcases the leadership of the New South Wales Government in designing innovative solutions to climate changes.

I take up what the honourable member for Ballina has said: the bill is not merely one solitary initiative that is being taken to meet the challenge presented by climate change. As I indicated at the outset, the Government's initiatives on greenhouse gas emissions lead the way in Australia. The honourable member for Ballina referred to some of the initiatives in the energy sector, but the New South Wales Government has progressed a number of major energy, land management, transport and waste management initiatives aimed at tackling greenhouse gas emissions. The comprehensive reform program for the electricity market has benefits for the environment. Electricity retailers have now submitted to the Government their first draft plans for reducing greenhouse emissions.

In 1996 the Government established the Sustainable Energy Development Authority—SEDA—and that authority is promoting energy efficiency amongst businesses and households through initiatives such as the energy smart business program and the creation of incentives for

households to purchase energy-efficient equipment such as water heaters. The Carr Government has promoted natural gas as an accessible and affordable alternative to electricity. It has also removed barriers to trading in natural gas. Alternative energy technology such as gas cogeneration and coal seam methane are also being promoted. In addition, New South Wales is seeking to exploit hot dry rock as a green energy source and is supporting innovative projects involving solar energy.

Wind farms now operating at Kooragang Island and at Crookwell have joined the wind project at Malabar. Launched in August this year, the Crookwell wind farm is the first wind farm to supply green power to the electricity grid and is capable of meeting the energy demands of 3,500 homes and reducing greenhouse emissions by 8,000 tonnes each year. In April 1997 New South Wales introduced the world's most comprehensive renewable energy scheme. The green power accreditation program of the Sustainable Energy Development Authority allows every person in New South Wales to choose to receive electricity from renewable sources such as solar, wind, hydro and biomass. The New South Wales Government has established long-term targets for reducing energy consumption in government buildings.

The Government is also providing technical support to help New South Wales business improve its energy efficiency through SEDA's energy smart businesses program. The potential annual savings are at least \$500 million. In other words, the initiatives are a plus for the environment and a plus for those who invest in innovative programs because in an age when businesses question the return on their investments, this will give a 30 per cent return on an investment. Indeed, money invested can often be returned within three years.

The Government is also working with the housing industry, local government and other partners to promote the construction and marketing of homes with energy-efficient design. Energy-efficient features have been incorporated in the design of all Olympic developments and these are expected to save 10,000 tonnes in greenhouse emissions. Trees play a significant role in reducing greenhouse emissions. By 1 September the Government had created 61 new reserves. Under the native vegetation management fund, launched in 1997, \$15 million is being provided over three years to assist landholders to preserve and improve existing native vegetation. That is a practical example of how the Government is funding and assisting landholders to plant native vegetation.

Mr D. L. Page: It should be more.

Mr ROGAN: We would love it to be more. If the Federal Government was to come on board, get behind the greenhouse program and set the same lead that the New South Wales Government is setting, it could provide funding to assist in this program. Forests help to offset greenhouse emissions. The Government has created more than 28,000 additional hectares of eucalypt and pine forests since coming to office. Approximately 118,000 trees have been planted throughout the Olympic development. In western Sydney the greenhouse parks program combines education on tree plantings with environmental benefits of tree plantings. On Friday I will be delighted to accompany the Minister for Community Services, the patron of the greenhouse parks program, as I will launch a \$100,000 program in western Sydney. That is another example of the Government setting the lead.

For the first time, transport planning is taking place in the context of a comprehensive strategy to reduce the emission of air pollutants. The Government's air quality management plan, Action for Air, includes a range of programs for reducing pollution and greenhouse gas emissions in the greater metropolitan regions of Sydney, Newcastle and Wollongong. Comprehensive plans for the future of transport in New South Wales, covering roads, public transport and freight, are currently being developed.

Also, new transport infrastructure projects aim to increase public transport use. The new southern railway linking Sydney (Kingsford-Smith) Airport to the central business district is to be completed by the year 2000. The Ultimo-Pyrmont light rail system has been operating since August 1997. The Government is also exploring the use of cleaner fuels and technologies. State Transit has more than 100 buses in its fleet on compressed natural gas and a further 150 have been ordered. Also, 90 per cent of those who attended the 1998 Royal Easter Show travelled by public transport. Again, that is a plus for the Government.

The New South Wales Government is working to reduce the significant emissions of methane, a powerful greenhouse gas from organic waste, to use what is produced for energy. For example, the Government is working with regional waste boards to reduce the deposit of garden and other organic wastes in landfill. At the same time landfill operators across New South Wales are developing landfill environmental management plans that may

address the capture of methane to generate electricity and reduce greenhouse gases. These are other practical measures in addition to this legislation to demonstrate the positive lead that the New South Wales Government is taking to reduce greenhouse gas emissions.

The bill is another manifestation of the New South Wales Government's efforts in working towards finding practical solutions to global climate change. 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 greenhouse gas emissions to reduce greenhouse gases and attempt to arrest global warming. The Kyoto targets, when ratified, will bind the world's developing 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.

Workable solutions must be found to climate change that involve industrialised, 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 in finding 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 new, environmentally beneficial investment opportunities which, in turn, will place New South Wales, and therefore 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. The Carbon Rights Legislation Amendment Bill is a world first because it seeks to amend certain Acts and to recognise in law the rights associated with carbon sequestered from the atmosphere by trees and forests. In conclusion, I am pleased that the bill will facilitate the ability of the Sydney Futures Exchange to position itself as the hub for emission trading in the Australasian region. The bill will have significant positive effects for regional New South Wales. I am sure that National Party members will wholeheartedly support it because of the benefits it will bring to 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, in particular, New South Wales. This in turn will create more economic activity and 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 this bill will have on regional New South Wales and Australia. With this bill we are entering an exciting new era. We must continue to seek out innovative ways to solve climate change. This bill does that in a way that is positive from an economic, environmental, community and regional development perspective. I emphasise that this measure is only one part of this Government's armoury to address greenhouse gas emissions. The Government is making this positive contribution, together with others I have outlined. For that reason I am delighted to support the bill.

Mrs CHIKAROVSKI (Lane Cove) [11.15 p.m.]: The Opposition does not oppose the Carbon Rights Legislation Amendment Bill. Indeed, it acknowledges that the whole concept of trading in carbon rights is rapidly progressing within both the local and international communities. However, the honourable member for Ballina has expressed concern that the development of the market may be proceeding faster than the Government has provided for and, therefore, the Opposition acknowledges that this legislation is about trying to facilitate that market. There is no doubt that greenhouse gases are of pre-eminent concern within the environmental movement.

The concept of how one addresses the reduction of greenhouse emissions is not easy because there is no single solution or way to facilitate that reduction, either at a national or an international level. That is why an effort has been made to try to co-ordinate an international approach which, over a number of years, will address the present imbalance and go some way towards a reduction in greenhouse emissions. Carbon trading is developing and I acknowledge that this bill is only the first step. Some trades have already been made, albeit outside any formal market, in Australia and overseas. The concern is the validity of those trades and how they will stand up over a period of time. Having said that, the aim of this legislation is to formalise those trades and ensure that the trades that have already taken place will stand up in law. The honourable member for East Hills referred to other measures in relation to emissions. We must examine what can be done within the electricity industry to promote a market for green energy.

The community at large has already expressed its support for green energy and whilst it is a more expensive product than ordinary electricity, some people are prepared to pay for green energy and will continue to do so. Other sources of green energy must be developed so that over time the market can operate in such a way as to bring down the price of green energy and make it more accessible to the community at large. I note that in recent times some fairly innovative technologies have been discussed. All honourable members are familiar with solar energy, and markets and technologies are now developing for the use of wind and wave power. The community has a tremendous interest in developing new and alternative technologies that will help to contribute to a reduction in greenhouse emissions as our reliance on coal-burning electricity generators are reduced.

The honourable member for Ballina addressed the concept of carbon sinks. The development of that as a way of offsetting emissions is an exciting prospect but is one which will require a large investment of capital to ensure that the sinks become a viable part of this process. Clearly, trading in carbon credits is a way of funding the development of carbon sinks. For some time I have spoken about the need to establish an exchange and I am pleased that this legislation will facilitate that. However, there must be a national and international market. Though the process that is being established is meritorious in itself, it must be part of a much bigger plan that is facilitated by the Commonwealth and the international community.

Mr Yeadon: You just want to dominate.

Mrs CHIKAROVSKI: Minister, let me say that I have absolutely no argument with, and I would applaud the establishment of, a primary centre of trade in New South Wales. Honourable members on this side of the House are keen to see the development of New South Wales. The only concern I have with this legislation is that it is the only legislation whose aim is to develop New South Wales as a financial centre. For that reason alone, I congratulate the Minister on finally taking an initiative to drive New South Wales, and Sydney in particular, as the financial centre of Australia. I do not suppose it has anything to do with the fact that the Prime Minister has already indicated that he thinks that we need an international financial centre in Australia.

This legislation might be trying to take a little bit of the glory away from the Prime Minister. Honourable members know that overall this State Government has very little direction in driving State

development. The whole concept of carbon rights trading and developing a market to develop carbon sinks, for example, is an important part of what needs to be done to meet not only our national but our international greenhouse emission obligations. This legislation is certainly not the whole answer but it is the first step. For that reason the Opposition will not oppose it.

Mr YEADON (Granville—Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney) [11.21 p.m.], in reply: My colleague the honourable member for East Hills very much reinforced the fundamental importance of this issue to New South Wales and the need to get on with trying to position ourselves as best we possibly can. When I introduced this bill last Thursday I informed honourable members that it is a manifestation of the Government's efforts to work towards finding practical solutions to climate change. This is possibly the most comprehensive business issue, as a number of honourable members have said, facing the world today.

The Kyoto protocol, when ratified by the Commonwealth Government, will bind the world's developed countries to meet specific greenhouse emission targets. The goal 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. Draconian taxation and penalties are unnecessarily costly ways of approaching the issue. We must find workable solutions to climate change that involve industrialised countries, leading countries and developing countries making an equitable contribution to the climate change solution.

This bill is but another example of the Government's leadership in finding solutions. I disagree with the honourable member for Lane Cove. Obviously, this Government is one of the most policy oriented governments in this State's history. New South Wales has developed, and will continue to develop, a range of progressive measures in the energy, forestry and transport sectors to meet its greenhouse commitments. Yes, New South Wales has to adopt a whole range of approaches to deal with this issue, carbon sequestration being but one of them.

This bill will position the State to take full advantage of the emerging carbon trading market. As the honourable member for Ballina said, these markets are already moving out in front of Government initiatives, with trading occurring in

Chicago, New York and London. Clearly the New South Wales Government is open in saying that it wants to take an aggressive approach to ensure that Sydney becomes one of those chief trading centres and the key trading centre for the Asia-Pacific Australasian region. It will position New South Wales to attract external investments in carbon sink plantations. This will benefit rural communities not just in the traditional wood production zones but more broadly across the rural areas of this State. One great positive of the legislation is that tree planting will occur in places where it has not in the past, and will be underpinned by a viable financial and economic approach.

With carbon as an additional value to wood, the economics of plantations will be vastly improved and will provide the opportunity for plantations to be grown in rural areas not previously considered viable from a wood production perspective alone. For a long time Australia has been waiting for the mechanism to enhance our plantation effort and the advent of carbon trading under the Kyoto protocol, and this legislation provides that opportunity. As honourable members may have noted, on Monday this week the Government and the Sydney Futures Exchange hosted Australia's first emission trading round table meeting with industry to design the eventual emission trading scheme for Australia. Australian industry welcomed the opportunity to participate with the Government.

The Chief Executive of the Sydney Futures Exchange made the point of welcoming the Government's early initiative in developing the emission trading framework. The chief executive and the Government recognise the potential for Sydney to become the centre for emission trading in the Australasian region, attracting more investment into Australia, and providing more jobs in the financial sector in Sydney and more jobs in the forestry sector in rural New South Wales.

Mr Rogan: Make the point again for the honourable member for Lane Cove.

Mr YEADON: My colleague the honourable member for East Hills acknowledges that is a good point, which I am sure the honourable member for Lane Cove acknowledges. It will provide more jobs in the financial sector in Sydney and also jobs in the forestry sector in rural New South Wales. Honourable members should not underestimate the potential benefits of this bill in our efforts to find creative solutions to climate change. It is a major step forward in the development of a carbon trading scheme and as such it deserves the support of this House. I am delighted that the Opposition is not

opposing the bill; but I will put it a little higher and say that the Opposition supports the bill. The honourable member for Ballina referred to plantations on private property as against State Forest tenure. The amendments to the Conveyancing Act address private property and I would refer the member to schedule 1, new section 87A, paragraphs (d) and (e), which outline the forestry right in relation to private property.

The honourable member for Lane Cove spoke about the validity of our trades so far and I indicate to her and other honourable members that they have been certified by Marbles, an international forestry consultant, and are consistent with our best available science and with what we understand from the Kyoto protocol. The Government is simply not running blindly and without recognition of what is occurring on the international stage. It is trying to ensure that it stays as close to the mark with international discussions, and that will become much clearer next month following the meeting at Buenos Aires. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

MARINE SAFETY BILL

Second Reading

Debate resumed from 6 May.

Mr HARTCHER (Gosford) [11.28 p.m.]: In leading for the Opposition on this bill I commend the Minister for Ports for his courtesy in providing briefings to the honourable member for Pittwater and me, by his staff and the staff of the Waterways Authority and the Ministry for Forests and Marine Administration. They were competent and extremely helpful briefings that resolved quite a number of issues raised by the honourable member for Pittwater and me. As a result, this legislation will proceed through without objection or impediment by the Opposition. The object of the bill is to replace and revise existing legislation relating to marine safety—other than the Marine Pollution Act 1987 and the Ports Corporatisation and Waterways Management Act 1995—to improve marine safety and to modernise and simplify that legislation.

The bill seeks to create an Act that will encompass and supersede several other Acts that are presently in force. Those Acts are: the Commercial Vessels Act, the Marine (Boating Safety—Alcohol and Drugs) Act, the Marine Pilotage Licensing Act,

the Marine Services Act, the Maritime Services (Amendment) Act 1981, the Maritime Services (Amendment) Act 1984 and the Navigation Act. The bill also creates the notion of a marine safety licence, that is, all those licences and qualifications that could reasonably be considered marine safety licences: for example, but not exclusively, boat driving licences, registration certificates and survey certificates. Marine legislation is currently contained in five separate Acts and 12 associated regulations. Commercial, recreational and trading vessel operators and the general public have to consult so many different pieces of legislation that it makes it difficult for them to understand the regulations covering waterways.

The bill already contains provisions requiring a person engaged in the operation of a vessel to submit to a breath test and, if necessary, a breath, blood or urine analysis. Those provisions apply if a person driving a watercraft is suspected of operating under the influence of alcohol or drugs, or has been involved in an accident on the water. Under existing legislation, however, the administration of breath tests and subsequent breath, blood or urine analyses can be carried out only by officers of the New South Wales Police Service. The bill will enable Waterways Authority officers to administer this testing regime only after the police commissioner is assured that they have attained the required level of competence.

The performance of this task requires at least two Waterways Authority staff. However, at present only one boating service officer—BSO—is available for each vessel. It is not appropriate for BSOs to conduct breath tests. That role should be performed by officers of the police department, who have powers of arrest in the event of a positive reading. If BSOs are be given that duty, they would require the same powers of arrest. That would operate against their customer service, safety, education and waterways management role. That matter was the subject of considerable negotiation between the Minister's office and me.

I thank the Hon. Derek Freeman, AM, President, and Hal Harper, Treasurer, of the Boat Owners Association; Roy Privett, Director of the Boat Industry Association; and Alan Thompson, of Salt Pan and Refuge Coves Co-op Ltd for their help and suggestions in relation to the amendments in the bill and for their courtesy in briefings on this legislation and in meetings with the honourable member for Pittwater and me. The Opposition is not opposed to the legislation. We are aware that the Minister intends to move a number of amendments in Committee, which we do not oppose. I commend

the Minister for his co-operative approach in relation to the industry. I thank members of the Opposition and the crossbenchers in the Legislative Council for their support in relation to the legislation.

Mr ANDERSON (St Marys) [11.33 p.m.]: I also support the bill, the objects of which are quite clear. The bill will ensure the safe operation of vessels in the ports and waterways of New South Wales. It will also promote the responsible usage of those vessels so that they do not adversely affect other waterways users. The bill will provide for the investigation of marine accidents with a view to preventing their recurrence. As this State has some of the finest waterways in the world, this bill is important legislation. It is therefore appropriate that vessels operate safely on those waterways.

The bill will provide for the breath-testing of persons operating vessels or engaging in high-speed activities. Present legislation allows for breath-testing to be carried out by a member of the police force when there is reasonable cause to believe that a person operating a vessel is under the influence of alcohol or drugs—and the operative words are "reasonable cause", not "random testing". In other words, an operator of a vessel can be breath-tested if he or she is involved in an accident that results in injury or death, or if that operator behaves recklessly on the water.

The bill will also enable officers of the Waterways Authority to conduct breath tests. Those officers will receive the necessary training from the New South Wales Police Service before they commence carrying out such tests. However, the bill does not allow such officers to carry out breath analyses, which are evidentiary tests. Those analyses are to be administered only by members of the police force who are specially trained for this purpose. I am sure that honourable members would agree that boating is a recreational pastime. However, the Government must provide the necessary safety infrastructure and that is possible only through the imposition of a levy on boat owners.

Accordingly, the bill will enable such a levy to be imposed by regulation. No-one likes to pay fees, and boat owners are no exception. No-one is happy when fees are increased. However, the harsh reality is that fees must be increased from time to time. In the main, such increases can be restricted to consumer price index movements, but on occasions the increases will be in excess of movements in that index. Governments are never happy when they have to increase fees, but the role of government is not an easy one. Governments are frequently called upon to

make hard decisions—decisions which any responsible government must make. This Government made such a decision recently when it increased boating fees, in some cases in excess of the CPI increase figure.

Another important aspect of the bill relates to the imposition of fees by regulation. Such regulations must be laid before the Parliament so that honourable members can determine the rates. Regulations are subject also to scrutiny by the Regulation Review Committee. Such scrutiny ensures accountability in the imposition of fees. I congratulate the Minister for bringing this important project to fruition. I have no doubt that members of the boating public will welcome the fact that, in the near future, they will have to refer only to a single Act and regulation instead of the present plethora of legislative instruments. I commend the bill to the House.

Mr BROGDEN (Pittwater) [11.37 p.m.]: I join my colleague the honourable member for Gosford in supporting the legislation. During the early stages of the drafting of this legislation the coalition was approached by members of the boating community, who raised significant concerns regarding the lack of consultation by the Government. Concern was expressed about the fact that the bills were introduced at the same time as the Government increased the fees—a matter unrelated to boat ownership. That was seen as a grab for power by the Waterways Authority.

This legislation seeks to create an Act that will supersede several other Acts that are presently in force. Those Acts are: the Commercial Vessels Act 1979, the Marine (Boating Safety—Alcohol and Drugs) Act 1991, the Marine Pilotage Act 1971, the Maritime Services (Amendment) Act 1981, the Maritime Services (Amendment) Act 1984 and the Navigation Act 1901. Further, the bill creates the notion of a marine safety licence, that is, all those licences and qualifications that could reasonably be considered as marine safety licences, for example, but not exclusively, boat driving licences, registration certificates and survey certificates.

Marine legislation is currently contained in five separate Acts and 12 associated regulations. Commercial, recreational and trading vessel operators and the general public have to consult so many different pieces of legislation that it makes it difficult for them to understand the regulations covering waterways. The aim of the Government in introducing this legislation was to consolidate a series of bills to make it easier for the boating community to understand the laws relating to their

professional and leisure activities. There has been an unfortunate lack of consultation. I was pleased to have the opportunity on several occasions to meet Dr the Hon. Derek Freeman, AM, President, and Hal Harpur, Treasurer, of the Boat Owners Association; Roy Privett, Director of the Boat Industry Association; and, from my local community, Alan Thompson, Secretary of the Salt Pan and Refuge Coves Co-op Ltd.

The Pittwater electorate has a large boating community. Pittwater is a magnificent waterway that is used for recreational boating seven days a week, 52 weeks a year. It is extremely popular during the summer. The Pittwater boating community is very concerned about this legislation, particularly the increased powers of boating safety officers. The coalition informed the Government that it was concerned that the powers of the water police were, in effect, being transferred to boating safety officers through the increased fees. Boating safety officers are becoming de facto water police.

Today the Broken Bay water police, headquartered at Church Point on the Pittwater, have three vessels, of which only one is in operation. Clearly, the Government is seeking to use a commercial fee basis to support boating safety officers through the Waterways Authority to supplant the role of the water police. The great difference is that the water police are recognised on the waterways through the role they play. They are not just boating safety officers but police officers with training and experience in criminal activities. Through this legislation their powers were being transferred by stealth to boating safety officers. It was envisaged that boating safety officers would be empowered to enter vessels without a warrant and without having to express a reason, to search vessels and to breath test boat owners. This is clearly the role of the water police, not boating safety officers.

Boating safety officers do not have the required experience or training to undertake the role of the water police. The coalition presented its arguments to the Minister's advisers and departmental officials and said that it would move an amendment to have those powers remain with the water police rather than give them to boating safety officers. The coalition is pleased that the Government has accepted that amendment, which in many ways maintains the powers of the Water Police, as they should be. The Government must appropriately address the issue of water policing. The Government needs to address the great dereliction of the water police in its 3½ years in office. It is an absolute disgrace that the Broken Bay water police operating from Pittwater has only one of its three vessels in operation.

I am pleased that the Government has agreed to the coalition's amendment. There were other concerns on varying matters that the coalition brought to the table, but the Government saw fit not to deal with them. I also highlight the huge community anger at the increase in fees. The coalition will be talking about that between now and the March 1999 State election. The coalition hopes to provide greater relief in this area and to correct the system by putting in place a more equitable system for all boat owners. The Government appears to be of the view that any person who owns a boat is a silvertail and therefore deserves to be punished financially for the honour of owning a boat and enjoying his time on the waterways of New South Wales.

Mrs CHIKAROVSKI (Lane Cove) [11.43 p.m.]: When the Marine Safety Bill became public it caused a great deal of concern among boat owners. I reiterate the concerns raised by the honourable member for Pittwater about boating safety officers. Several public meetings have been held in relation to a number of provisions of the bill that affect boat owners. For example, safety aspects and the increase in fees were raised. I attended two meetings, one with the honourable member for Pittwater and the other at Sylvania Waters, at which anger was expressed about the provisions of the bill. The people who attended those meetings said that the Government was treating them like criminals. The Waterways Authority and the Government had told them that people who owned boats were no longer responsible and that they would be subjected to draconian supervision by the boating safety officers. That is ridiculous!

People like to enjoy a day on the water with their family and friends on the weekends. Under some of the provisions of this bill boat owners would have been subjected to searches, and officers boarding their boats to breathalyse them. That is nonsense. Boating safety officers are not qualified to perform that role; they are not police. They are concerned with safety issues, but not in the same way that police are concerned. As the honourable member for Pittwater pointed out, this is clearly a way for the Government to shift a cost from the water police—who are not being funded to the appropriate extent—and putting the onus onto the owners of boats to fund safety issues, as defined by the Minister for Ports.

Along with the honourable member for Pittwater, I am grateful that the Government has decided not to proceed in this way and has accepted the need to amend the bill so that boating safety officers are not de facto water police. The question

of fees has not been resolved to the boat owners' satisfaction. They regard this as yet another tax grab by the Government. This is another example of the Government perceiving boat owners as rich and subject to attack. Boat owners have been called silvertails on many occasions, which they find offensive. Boat owners have worked hard to achieve a little more, and now they are being taxed for owning a boat.

Mr Yeadon: I owned a little runabout myself a few years ago.

Mrs CHIKAROVSKI: Minister, of all the things I want to buy, a boat is not one of them. I am not a good sailor and I rely on my colleague the honourable member for Pittwater to find friends to take me out on the water. He can attest to the fact that the last time I was on a boat I sat there white knuckled. However, many people enjoy boating as a pastime. A number of people I met at those meetings had had boats for some time. They were responsible owners but could hardly be described as wealthy. They find it offensive that the Government is hitting them with a tax in this way. The honourable member for Pittwater and I met Dr Derek Freeman, of the Boat Owners Association, who expressed his grave concerns about the fees and other provisions of this bill. Some of his concerns have been taken on board by the Government, but the question of fees has not been resolved.

I assure Minister Yeadon that he will hear a lot more about this between now and the election because, like all people involved in recreational pursuits, including horse riders, fishermen, and four-wheel drivers, boat owners have been subject to attack by the Government. They are the sort of people that the Minister will hear a lot from between now and the March election. Their quality of life has been affected by the Government. They will be a large and vocal group between now and the next election. They will certainly ensure that the coalition will be sitting on the government benches in March 1999.

Mr O'DOHERTY (Ku-ring-gai) [11.49 p.m.]: I want to remind the Government of people who are river residents, many of whom live in my electorate in the Hawkesbury River area, on Berowra Creek—

[*Interruption*]

The honourable member for The Entrance may laugh. He has a number of boat owners in his area, but he obviously does not care about them or my constituents. It is good enough for him to drive down the freeway in his car, creating noise for my

constituents in Berowra, Mount Colah and Mount Kuring-gai. River residents do it tough. They pay their rates and taxes the same as everyone else. They maintain a boat, which is their only link to the mainland. They are completely bound by water.

Mr Yeadon: They will have lower fees.

Mr O'DOHERTY: The Minister should talk to my constituents and they will tell him about their concerns. They have to pay to maintain their boat and they have to pay for a boating licence. They also have to try to find a place to moor their boats, for which relief is available. They are not provided with car parking spaces, although I realise that is a local council matter. These people pay coming and going for normal activities that most of us would take for granted. A number of children in my electorate travel by boat for up to half an hour to Brooklyn. They then catch a train, change at Hornsby, get off at Turramurra and catch a bus to Kuring-gai High School. They are travelling for a long time and often in adverse weather. Even in the Sydney metropolitan area, things are difficult for many people.

The safety of people who live on the river and who are regular users of the river is also of concern. I deplore the practice adopted by the Government of not having full-time water police patrols in my electorate. I reflect the same concern as the honourable member for Pittwater, who said that it is an extremely dangerous policy. It is bad for policing. There are many expensive boats on the waterways. I am concerned about the sheer physical safety of my constituents who live on the river. They no longer have regular water police patrols. When police are called to an incident it takes them a long time to get to their boat, then to travel to the incident. But even worse, people in the community are starting to understand that no-one is protecting the boats that are moored on the waterways of Brooklyn, et cetera, in my electorate. It is a recipe for disaster and an increase in attacks not only on property but also on the person. The Carr Government must be condemned for its practice of reducing the safety of people who live on and use the waterways in my electorate.

Mr BLACKMORE (Maitland) [11.52 p.m.]: Like my colleagues, I too express concern on behalf of the residents in my area and nearby areas, particularly Lake Macquarie and Port Stephens, which naturally are frequented by a large number of people who are fortunate enough to own boats. The Marine Safety Bill raises some concerns. However, it is time that the legislation was reviewed because some of it is outdated, particularly in view of the

large increase in boat ownership that we witness on our waterways. As we proceed through the summer months each and every one of us who enjoys boating will be able to tell the Minister stories of ratbags who use our waterways.

Earlier I spoke about the number of young offenders who will be in the typical aluminium tinnie, probably with a 30-horsepower outboard motor, without an observer, towing someone on a surfboard, which is in violation of the Act. They do not show any regard for water safety. As members have said previously, there is concern about the manner in which registration fees were introduced, particularly for boats that exceed five metres. I certainly do not mind having a shot at the Federal Government on this matter. It disturbs me to think that boat owners have to pay a licence fee for a marine radio when citizen band radios attract no licence fee. This impost hits those who need marine radios for safety and, in turn, the State Government and the users of our waterways.

Coastal patrols are funded to monitor our waterways so we can all enjoy safe boating. The Minister would be only too well aware of trailer boating restrictions that require that the registration label be displayed. I am pleased that the Minister has taken a backward step in that regard. I have been informed that so far as licences are concerned nothing will change. However, the previous legislation stated that a boat capable of 10 knots had to be registered and that a person driving a boat in excess of 10 knots had to be licensed. The legislation requires all commercial and recreational vessels that operate in State waters to be registered unless exempted. Examples of exempt vessels are vessels proceeding on overseas and interstate voyages.

I am sure that a number of boat owners would like to see the distinction made between power boats and sail boats. We are dealing with legislation that had probably been superseded and that needed review. The majority of people want a greater presence of water police and waterways inspectors, particularly in holiday resorts. As more and more people use their recreation time on the water it is inevitable that more serious accidents will occur. Water police and waterways officers must be available to police our waterways. Accidents always happen when an officer is not in the vicinity. I know that the Hunter region is short of waterways officers, particularly in Clarence Town, where the river has been kept open for skiing. To police the area thoroughly, officers must be on the water. Boat owners have expressed doubts about the legislation. They would like to be able to enjoy their recreation.

I thoroughly agree that the Marine Safety Bill has to be revamped and tidied up to bring it all together. In this case I hope we move with the times and bear in mind the popularity of water activities.

Mr YEADON (Granville—Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney) [11.58 p.m.], in reply: I thank the honourable members who contributed to the debate, particularly the honourable member for Gosford, who indicated that the Opposition would support the bill and the amendments I will move in the Committee stage. Members will recall that I introduced a draft Marine Safety Bill during the last sitting on the basis that debate would not be resumed until after the bill had been released for public comment.

My intention was to give commercial and recreational boaters around the State, the maritime industry and the general public an opportunity to peruse the bill and comment on it. I therefore reject any suggestion, particularly the one made by the honourable member for Pittwater, that there was lack of consultation in relation to the bill. We have had discussions with people from a range of locations across the State—Coffs Harbour, Newcastle, Sydney and Wollongong—and with a range of groups including those nominated by members opposite, the Boat Owners Association, the Boating Industry Association and the Commercial Vessels Association, to name a few.

Of course, as a number of Opposition members have indicated, particularly the honourable member for Gosford, there was a very fruitful and worthwhile negotiation between the Opposition and my officers. The bill was advertised in more than 20 metropolitan and regional newspapers, including the *Land*, to ensure that all people with an interest in boating and shipping were made aware of this important initiative. Public consultations, as I said, were held in many areas. Honourable members will recall that in my second reading speech to the bill I noted that all comments on the bill would be assessed and dealt with accordingly. I am pleased to advise the House that following an assessment of the comments received, some amendments have been drafted, which I will move in Committee.

Generally the matters are of a clarifying nature and are necessary to ensure that the intent of the legislation is clear. Other amendments are of a machinery nature and have been initiated by Parliamentary Counsel to simplify and clarify the provisions as necessary. The remainder have been occasioned as a consequence of comments and

proposals received from the boating and shipping industry and other interested sources. I would like to express my appreciation for the number of comments received on the bill. They reaffirm this Government's view that the people of New South Wales are extremely interested in boating, both in a commercial and a recreational sense, and their comments make it clear that they are rightly interested in having their say on the legislative regime governing those activities.

I would now like to turn to the proposed amendments. An objects clause has been inserted to clarify the aims of the bill. There are three amendments in clause 3 relating to definitions. The first concerns the definition of "commercial vessel". Honourable members would be aware that such services are provided by the various rescue agencies in the State. The vessels used by these agencies are required to be of a standard capable of rescuing persons in distress at sea under, at times, extremely dangerous circumstances. This means that both the vessels and their crews should be of a high standard.

Accordingly, it was felt that the applicable standards could be the same as those which apply to commercial vessels and, therefore, these vessels were drawn into that legislative framework. However, following discussions with the rescue agencies concerned, it has been agreed that the most appropriate way in which to apply the standards is through an agreement. The prime advantage of adopting this mechanism is that it will allow different standards to be adopted administratively, whereas with legislative constraints such adoption could take a while longer. Accordingly, all reference to rescue services has been deleted from the definition of "commercial vessel".

The definition of "navigable waters" has been amended to make it clear that the provisions of the bill apply to vessels operating on, say, navigable waters that may be in a state of flood. In New South Wales it is not uncommon to see persons operating vessels on floodwaters, and therefore the clause has been amended to include all navigable waters, whether in flood or not. The final amendment in this clause confirms the fact that the uniform shipping laws code is no longer published in the *Commonwealth of Australia Gazette*, as stated in the bill. Rather, its publication is notified in that publication.

Another amendment of significance is the inclusion of a provision at clause 10 to enable the evidence obtained from speed measuring devices to be provided as evidence in court. At the present time, although such devices are used to detect

breaches of prescribed speed limits by operators of vessels, the evidence obtained from these devices is capable of being challenged in a court because, unlike the devices used by the New South Wales Police Service, they do not have the legislative backing necessary for their use. The amendment will enable regulations to be made in respect of admitting as evidence in a court information obtained from a speed measuring device.

Clause 18(2)(e) has been amended to clarify that regulations may deal with aspects of cables and pipes that cross navigable waters and not just their construction. As drafted, the regulations were limited only to the construction of these structures and the intent of the regulations will be to ensure that they are properly marked for safety purposes. Parliamentary Counsel has redrafted the provisions relating to the prescribed concentrations of alcohol in part 3. The effect is to make them easier to understand without affecting either the scope or the intent of the original provisions of the bill. There was some discussion in the debate about boating safety officers and breath-testing. The bill still provides for breath-testing by boating safety officers.

However, as the circumstances are clearly provided in the bill, testing will not be random—it will be conducted only where there is good reason or an accident has occurred. The Government is not making BSOs into police, and it has made that clear. The Government also is not putting BSOs in this role as a way of downgrading water police services. It is interesting to hear particular points of view come from the Opposition in relation to geographical locations in New South Wales, but I have to say that the honourable member for Maitland was most accurate in his comments in relation to what the Government is doing with BSOs, and that is very much the implicit recognition in his comments that New South Wales has a very long coastline that is speckled with estuaries, rivers and other bodies of water, not to mention the coastline itself, and this is just going to provide what the honourable member for Maitland quite rightly called for: the ability for people to go about recreational and commercial boating and water activity in this State without being concerned by people who are abusing that activity.

The presence of BSOs along that long coastline will ensure that we have a better presence and a better ability to be able to provide that sort of safety and amenity that the boating community very much desires. Parliamentary Counsel has deleted division 4 of part 4, which deals with appeals from certain decisions made under the bill. This division was intended to enable appeals to be made to the

District Court if the Administrative Decisions Tribunal was not operational by the time the provisions of the bill came into force. Now that the tribunal will be established by the end of the year, the division is being deleted. Clause 49(2)(c) has been amended to make it clear that a vessel that is registered in another country such as, say, New Zealand will be exempt from registration in this State.

It is proposed to amend clause 59 by replacing the word "manning" with "crewing". Clause 113 will be amended to make it clear that the powers exercisable under that clause will relate to safety inspections of vessels on a random basis. The purpose for such inspections is to inspect the carriage of safety equipment and appropriate marine safety licences. The boating community had some fears about the intent of the clause because of the manner in which it had been drafted. I believe that the amendment will allay those fears.

Another minor amendment has been made to clause 118 to clarify that a boat driving licence must be carried at all times when driving a vessel, and that it is to be produced when required. This would be similar to the provisions relating to a motor vehicle driving licence. A minor amendment will be made to clause 120 to require any person—this would include those on board a vessel which is the subject of an investigation—to provide information about the identity and address of the owner or master of the vessel. A minor amendment has been made also to clause 113(1)(c) to clarify that material may be posted to an addressee.

Clause 138 has been reworded to make it clear that, where the bill enables the making of regulations relating to exemptions, the Minister can make regulations to that effect and that such exemptions can be subject to conditions. The references to two of the clauses in the accompanying advisory note have been amended. Schedule 1 will be amended to make it absolutely clear that, whilst an authorised officer, such as an officer of the Waterways Authority, may administer a breath test following, say, an accident on the water, only a police officer will conduct the evidentiary breath analysis. Clause 3 has been amended to reinforce the fact that an authorised officer will not require a person to undergo a breath test unless the officer has reasonable cause to believe that the circumstances set out in subclause (1) prevail.

Minor amendments have also been made which deal with clarifications about the prescribed concentrations of alcohol, machinery provisions relating to the taking of blood and urine samples for

analyses and, finally, the renumbering of certain clauses. Schedule 3.6 has been amended to clarify that a regulation such as one made in relation to toilet and waste control facilities will not prevail when it is inconsistent with environmental protection legislation. Schedule 3.7 has been amended to make it clear that the marine and other safety functions of the Minister are to be exercised in accordance with the marine and other applicable legislation.

Schedule 4, which was inserted to deal with appeals from certain decisions, such as a refusal to register a vessel, has been deleted for reasons already mentioned. I thank all those organisations and members of the public who took the trouble to attend the public forums held to discuss the bill. Special thanks go to those who provided written comments which have contributed towards the enhancement of the bill. I take this opportunity to thank staff from the Waterways Authority for their contribution to and work on this bill.

The bill represents an important initiative of this Government in consolidating the provisions of five marine safety Acts, one of which dates from the turn of the century, into a single, easy-to-read document. It represents a commitment by this Government to making the waterways a safer and fairer place for everyone. Besides making the waterways safer for everyone to use, the bill provides a mechanism to deal with the interests of commercial operations associated with aquaculture leases and the interests of other users of the waterways in the same area. The bill emphasises my commitment to ensuring that every effort will be made to determine whether alcohol has been a factor in an accident so that preventive action can be taken. Accordingly, trained officers of the Waterways Authority will, along with members of the New South Wales Police Service, make every effort to carry out breath testing in accident situations. The Government is acutely aware that the people of New South Wales are entitled to enjoy themselves on the water, safe in the knowledge that appropriate action will be taken against those who fail to respect that right. The bill will impose penalties on those who do not respect those rights. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Mr YEADON (Granville—Minister for Information Technology, Minister for Forestry,

Minister for Ports, and Minister Assisting the Premier on Western Sydney) [12.14 a.m.], by leave: I move Government amendments Nos 1 to 50 in globo:

No. 1 Page 2. Insert after line 7:

3 Objects of Act

The objects of this Act are as follows:

- (a) to ensure the safe operation of vessels in ports and other waterways,
- (b) to promote the responsible operation of vessels in those waters so as to protect the safety and amenity of other users of those waters and the amenity of occupiers of adjoining land,
- (c) to provide for the investigation of marine accidents and for appropriate action following any such investigation,
- (d) to consolidate marine safety legislation.

No. 2 Page 2, clause 3 (definition of *commercial vessel*), lines 24 and 25. Omit all words on those lines. Insert instead:

- (b) providing services to vessels for reward.

No. 3 Page 3, clause 3 (definition of *navigable waters*), lines 23 and 24. Omit ", but does not include flood waters that have temporarily flowed over the established bank of a watercourse".

No. 4 Page 4, clause 3 (definition of *Uniform Shipping Laws Code*), line 27. Omit "published". Insert instead "notified".

No. 5 Page 6, clause 6(2)(b), line 9. Omit "who has chartered the vessel". Insert instead "who is the charterer of the vessel".

No. 6 Page 9, clause 10. Insert after line 6:

- (6) The regulations may make provision for or with respect to the admission in evidence and the effect of certificates, in proceedings for offences against this section, of the measurement of the speed or other matter relating to the use of vessels by measuring devices.

No. 7 Page 13, clause 18(2)(e), line 13. Omit "the construction of".

No. 8 Page 15, clause 21. Insert after line 2:

- (a) the special range prescribed concentration of alcohol is a reference to 0.02 grams or more, but less than 0.05 grams, of alcohol in 100 millilitres of blood, and

No. 9 Page 15, clause 21, line 4. Omit "0.02 grams". Insert instead "0.05 grams".

No. 10 Page 16, clause 23, lines 3-14. Omit all words on those lines. Insert instead:

- (1) A person who operates a vessel in any waters while there is present in the person's blood the special range prescribed concentration of alcohol is guilty of an offence if:
- (a) the person is under 18 years of age, or
- (b) the person operates the vessel for commercial purposes.
- (2) A person who operates a vessel in any waters while a concentration of 0.05 grams or more of alcohol in 100 millilitres of blood is present in the person's blood is guilty of an offence.
- No. 11 Page 16, clause 23 (4), line 24. Insert "special range or" after "person's blood the".
- No. 12 Page 20, clause 30 (note), lines 19 and 20. Omit "50(3)(b)". Insert instead "53(3)(b)".
- No. 13 Page 20, clause 30 (note), line 21. Omit "54(2)(c)". Insert instead "57 (2)(c)".
- No. 14 Page 23, Division 4 of Part 4 (note), lines 13-15. Omit all words on those lines.
- No. 15 Page 27, clause 49(2)(c), line 8. Insert ", or of another country," after "Territory".
- No. 16 Page 31, clause 59(2), line 27. Omit "safety manning committee". Insert instead "safety crewing committee".
- No. 17 Page 38, clause 77. Insert after line 28:
- (4) The obligation of a master under subsection (1)(a) extends to a vessel that is exempt from pilotage because the master is the holder of a marine pilotage exemption certificate under this Act.
- No. 18 Page 55, clause 113(2), lines 1-6. Omit all words on those lines. Insert instead:
- (2) A power conferred by this Division in respect of a vessel (other than a power to detain the vessel) may be exercised for the purpose of conducting random investigations of compliance with marine safety requirements.
- No. 19 Page 57, clause 118. Insert after line 4:
- (1) The holder of a boat driving licence is required to carry the licence when doing anything for which the licence is required.
- No. 20 Page 57, clause 118, line 9. Insert "at the time the requirement is made" after "produce the licence".
- No. 21 Pages 57 and 58, clause 120, lines 26-32 on page 57 and lines 1-3 on page 58. Omit all words on those lines. Insert instead:
- (2) A person must, if an authorised officer requires the person to do so, supply all the information the person has regarding the identity and address of the owner or the master of a vessel.
- No. 22 Page 64, clause 133(1)(c), lines 4 and 5. Omit "posting it duly stamped and addressed to the person to whom it is addressed at". Insert instead "posting it to the person addressed to".
- No. 23 Page 66, clause 138(2) and (3), lines 1-8. Omit all words on those lines. Insert instead:
- (2) If this Act confers a power to make regulations to exempt any person or vessel from a requirement of this Act or the regulations, the power extends to making a regulation authorising the Minister or other person to grant the exemption.
- (3) An exemption granted by the regulations or by an order of the Minister or other person may be made subject to any condition specified in the regulation or order.
- No. 24 Page 66, clause 138 (note), line 11. Omit "10(6), 49, 52, 56, 62, 64 and 74".
- Insert instead "11, 50, 53, 57, and 75".
- No. 25 Page 68, schedule 1, clause 2(1), line 16. Omit "an authorised". Insert instead "a police".
- No. 26 Page 69, schedule 1, clause 3. Insert after line 19:
- (2) An authorised officer may only require a person who is or was operating a vessel to undergo a breath test if there is reasonable cause as referred to in this clause.
- No. 27 Page 70, schedule 1, clause 4(3), line 8. Omit "an authorised". Insert instead "a police".
- No. 28 Page 70, schedule 1, clause 4(4), line 13. Omit "authorised". Insert instead "police".
- No. 29 Page 71, schedule 1, clause 5 (1). Insert after line 15:
- Note.** Clause 2(3) enables both blood and urine samples to be taken.
- No. 30 Page 73, schedule 1, clause 7(c), line 11. Omit "12 hours". Insert instead "2 hours (in the case of breath tests, assessments or analyses) or 12 hours (in the case of the provision of blood or urine samples)".
- No. 31 Page 74, schedule 1, clause 10, lines 22 and 24. Insert "or urine" after "blood".
- No. 32 Page 77, schedule 1, clause 15(1), line 20. Omit "an authorised". Insert instead "a police".
- No. 33 Page 77, schedule 1, clause 15(2), lines 27 and 28. Omit "0.02 grams of alcohol in 100 millilitres of blood". Insert instead "the concentration giving rise to the offence".
- No. 34 Page 77, schedule 1, clause 15(3), line 30. Omit "an authorised". Insert instead "a police".
- No. 35 Page 77, schedule 1, clause 15(3)(a), line 32. Omit "authorised". Insert instead "police".
- No. 36 Page 79, schedule 1, clause 16(2), lines 6 and 7. Omit "0.02 grams of alcohol in 100 millilitres of blood". Insert instead "the concentration giving rise to the offence".

- No. 37 Page 83, schedule 1, clause 19(1), line 18. Omit "section". Insert instead "clause".
- No. 38 Page 84, schedule 1, clause 20, lines 9 and 11. Insert "or urine" after "blood".
- No. 39 Page 84, schedule 1, clause 20, line 19. Insert "or to determine whether the blood or urine contains any other drug" after "blood".
- No. 40 Page 84, schedule 1, clause 20, line 20. Insert "22 or" after "section".
- No. 41 Page 84, schedule 1, clause 20, lines 23 and 24. Insert "or urine" after "blood".
- No. 42 Page 90, schedule 3.5, line 14. Omit "(1)". Insert instead "(4C)".
- No. 43 Page 91, schedule 3.6, line 8. Omit "(e)". Insert instead "(d1)".
- No. 44 Page 91, schedule 3.6, line 12. Omit "(f)". Insert instead "(d2)".
- No. 45 Page 91, schedule 3.6. Insert after line 14:

[3] Section 61

Insert after section 61 (2):

- (3) A regulation referred to in subsection (1)(d1) or (d2) does not prevail over any inconsistent environment protection legislation (within the meaning of the *Protection of the Environment Administration Act 1991*).
- No. 46 Page 92, schedule 3.7[5], lines 9 and 10. Omit "in accordance with the marine legislation".
- No. 47 Page 92, schedule 3.7[5], lines 12 and 13. Omit "in accordance with the marine or other legislation".
- No. 48 Page 92, schedule 3.7[6]. Insert after line 30:
- (3) The exercise of a function under this section is subject to any applicable provisions of the marine or other legislation.
- No. 49 Page 96, schedule 3.7. Insert after line 7:

99C Appeals to ADT

The regulations may provide that a person may apply to the Administrative Decisions Tribunal for a review of a decision made in respect of the person under the regulations under this Part in relation to matters requiring a licence or other approval from the Minister.

- No. 50 Pages 99-101, schedule 4, clause 9, line 12 on page 99 to line 11 on page 101. Omit all words on those lines.

Mr BROGDEN (Pittwater) [12.14 a.m.]: On behalf of the coalition I thank the Government for amending those provisions in the legislation relating to emergency and rescue vessels. The initial

legislation identified rescue vessels as commercial vessels, which forced rescue vessels, most of which are volunteer vessels, to pay a registration or licence fee. We are pleased that, after consultation with the coalition and after pressure from the volunteer rescue community, the Government introduced amendments to exempt rescue vehicles from licensing fees.

Amendments agreed to.

Bill reported from Committee with amendments and report adopted.

LOCAL GOVERNMENT LEGISLATION AMENDMENT (ELECTIONS) BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 30 June

- No. 1 Page 3, Schedule 1 [7], line 25. Insert after "candidate information sheet".:

The regulations may not prohibit the inclusion in a candidate information sheet of matter relating to a candidate's policies.

- No. 2 Pages 7-12, Schedule 2, line 4 on page 7 to line 8 on page 12. Omit all words on those lines. Insert instead:

Part 3 Elections

Insert after Division 3 of Part 3:

Division 4 Review of voting system

24 Review of voting system

(1) A Special Commission is to be established under the *Special Commissions of Inquiry Act 1983* for the purpose of conducting a review of the provisions of this Part with respect to:

- (a) the qualifications of electors, and
- (b) the procedures for conducting elections, and
- (c) the procedures for ascertaining the results of elections, both in relation to elections for the City Council and in relation to elections for the office of Lord Mayor of Sydney.

- (2) The commission by which the Special Commission is established is to be issued to a person who is a retired Judge of the Supreme Court.
- (3) In carrying out any inquiry or investigation for the purposes of the review, it is the duty of the Commissioner to consult with the Independent Pricing and Regulatory Tribunal.
- (4) A report on the outcome of the review is to be laid before both Houses of Parliament before 1 October 1998.
- (5) A report may be presented to the Clerks of both Houses of Parliament when Parliament is not sitting, and on presentation is for all purposes taken to have been laid before both Houses of Parliament.
- (6) A report presented to the Clerk of a House of Parliament may be printed by authority of the Clerk, and is for all purposes taken to be a document published by order or under the authority of the House.

Mr E. T. PAGE (Coogee—Minister for Local Government) [12.19 a.m.]: I move:

That the Committee agree to the Legislative Council's amendment No. 1.

This amendment provides that the regulations may not prohibit the inclusion in a candidate information sheet matters relating to a candidate's policies. It amplifies the provision in the bill allowing the regulations to make provision for the matters that are to be included, or may or may not be included, in a candidate information sheet at local government elections. The amendment is consistent with Government policy by requiring the regulations to allow candidates to include their policies in information sheets. I urge the Committee to concur with the amendment.

Legislative Council amendment No. 1 agreed to.

Mr E. T. PAGE (Coogee—Minister for Local Government) [12.21 a.m.]: I move:

That the Committee disagree to the Legislative Council's amendment No. 2.

Amendment No. 2 would omit the proposed changes to the City of Sydney Act put forward by the

Government and would establish a special commission of inquiry under the Special Commissions of Inquiry Act 1983 to review the voting system in the city of Sydney. However, the Crown Solicitor advised the Government that a special commission of inquiry was not appropriate in these circumstances. The honourable member for Davidson may well laugh.

Mr Humpherson: Who is the stooge?

Mr E. T. PAGE: The honourable member for Davidson asks who is the stooge. Is the Crown Solicitor the stooge? The honourable member, a legal person, should tell me who the stooge is. Is it the Crown Solicitor? What a statement from a legal person! The honourable member for Davidson is saying that the Crown Solicitor is a stooge. He is not fit to be a member of this Parliament. The honourable member has called an appointed judge a stooge. He should read *Hansard*. While a special commission of inquiry requires the appointment of a current judge or practitioner, the amendment carried by the Legislative Council called for a retired judge. In addition, the Crown Solicitor advised that special commissions of inquiry were envisaged for circumstances in which a criminal offence may have been committed.

Mr Humpherson: The Minister can't help himself.

Mr E. T. PAGE: I can help myself but I will not help the honourable member. The range of coercive powers given to special commissions of inquiry was not appropriate for what was essentially a policy review of legislative electoral provisions. Notwithstanding that, the Government has fully accepted the spirit of the Legislative Council's amendment and, accordingly, the need for an independent review. Therefore, on 5 August 1998 His Excellency the Governor appointed the Hon. W. K. Fisher, AO, QC, as commissioner to conduct an inquiry into the Sydney City Council electorate procedure.

Mr Humpherson: Mr Fisher is not independent—he is the stooge I was talking about.

Mr E. T. PAGE: Who is the stooge? Is Fisher the stooge? That is the second time the honourable member has called someone a stooge. First it was the Crown Solicitor and now it is a former judge. That will look good on the honourable member's curriculum vitae and in *Hansard*.

Mr O'Farrell: On a point of order. The Minister is uttering defamatory comments about the

honourable member for Davidson, who is not a lawyer.

The TEMPORARY CHAIRMAN (Mr Mills): Order! No point of order is involved.

Mr E. T. PAGE: I was being satirical. The honourable member for Northcott woke up but the honourable member for Davidson did not. I have full confidence that any appointment made by the Governor is proper and just. I would not criticise any person appointed by the Governor to do a job for the Parliament. Mr Fisher is a former president of the Industrial Relations Commission. The commissioner's terms of reference were to inquire into the qualifications of electors and the procedures for conducting elections and ascertaining the results of elections in relation to elections for both Sydney City Council and the office of Lord Mayor of Sydney. These terms of reference are identical to those suggested by the Legislative Council.

Mr Fisher was to have regard to the original provisions of the City of Sydney Act 1988, to legislative changes made to that Act in 1995 and to the Government's intentions in its 1998 proposals. In addition, the commissioner was to consult with the Independent Pricing and Regulatory Tribunal. That request was made by the upper House. In a letter the chair of IPART stated that he did not believe that was appropriate but he was happy to agree with the wishes of the Legislative Council. The commissioner's recommendations were to be made in a report to the Premier and me no later than 1 October 1998. An advertisement detailing the inquiry was published in the *Sydney Morning Herald* on 11 August and again on 15 August of this year. The commissioner invited submissions from persons with an interest in putting forward points of view on the Sydney City Council election procedure.

Ms Ficarra: There were 27 lousy submissions.

Mr E. T. PAGE: Not all the submissions were lousy; many of them were good because they agreed with me. In response, 29 written submissions from individuals and organisations were received, as well as six verbal submissions. I convey my appreciation to Mr Fisher for the task he undertook. His report is a detailed and well-considered examination of the issues referred to him, despite the report being produced in the limited time frame suggested by the Legislative Council. The report was tabled in both Houses on 13 October for the information of honourable members.

In view of the comment of the honourable member for Georges River that lousy submissions

were received, I shall detail those who made a submission: the State Chamber of Commerce, the Retail Traders Association, the Property Council of Australia and the Tourism Council of Australia, represented by Mark Davidson, New South Wales President, Property Council; Mark Quinlan, Executive Director, Property Council; Katie Lahey, Chief Executive, Chamber of Commerce; Mario Falchoni, Policy Adviser, Chamber of Commerce; Jeremy Bingham, Chamber of Commerce; Bill Healey, Executive Director, Retail Traders Association; Stan Moore, Retail Traders Association; and Ken Morrison, Property Council. As a member of the Government I would not suggest that these submissions were spurious or insubstantial.

Mr Smith: You read out less than half.

Mr E. T. PAGE: I have not gone through them all yet. They are obviously the ones that the honourable member for Georges River found unacceptable. It is outrageous for her to say that. Any submission should be considered in a frank and open way. I do not believe that any member should criticise those who make submissions.

Ms FICARRA (Georges River) [12.29 p.m.]: Surprise! Surprise! Here we are again with mark II of the rorting by the Australian Labor Party. If Justice Fisher's report was so brilliant, why does the Minister not accept all of it? He picks the eyes out of it and accepts what suits him. If he were a courageous man he would support the inquiry and adopt the whole report. The Minister should increase the boundaries, but he will not do that because that would upset his ALP mates on some of the ALP-controlled councils. He does not want the north shore councils to be involved because little Frankie will not win. Little Frankie is not going to win because even though the Government has the numbers tonight, it will not have the numbers in the other place.

Every fair dinkum member of Parliament wants the city of Sydney properly looked after, not rorted by the ALP, as the Minister is trying to do now. The Minister authorised the inquiry, which was funded by taxpayers' money. Now he is being deceitful by not taking the total package. He wants to pick the eyes out of the report and rort the system. This Parliament has minimum credibility because every time there is a change of government it plays around with the boundaries and conditions of voting in the Sydney City Council area. The people are sick to death of it. They say that the image of Sydney has been destroyed by the rorting of the Carr Government and the lousy planning decisions of Frank Sartor. The Government's media release of 13 October states:

The report recommends an examination of boundaries with a view to possibly expanding them into surrounding areas.

What has the Government done about that recommendation? The Government will not conduct an inquiry into that issue and will not propose any boundary changes. The boundaries of the Sydney City Council area will remain as they are for next year's elections. That shows how much the Minister values Justice Fisher's report. The media release continues:

Mr Page said the Government would shortly be making a detailed response to all of the Commissioner's recommendations. This will take place when the debate resumes on the Local Government (Elections) Bill.

Where is the Minister's detailed response to every aspect of Justice Fisher's report? New section 14(5) creates the ability for the city of Sydney to be divided into wards. No-one asked for that strange amendment and Justice Goran specifically recommended against it. There seems to be no reason for it. I believe that the Government's motivation to include that amendment is suspect. In section 16, which was included in the previous amendments, the amendment stops the automatic enrolment of company secretaries. Because of the added administrative hurdle of having to nominate a vote, fewer companies will vote. Again the Government is trying to diminish the influence of the business community. The business community pays 96.6 per cent of the rates, but the Government does not want it to have a say—because Frankie is on the nose. Tonight Frank Sartor is having a soiree. An article in today's *Sydney Morning Herald* stated:

In recent weeks the Lord Mayor of Sydney has been photographed in a dressing gown, ironing his shirts, in a dinner jacket playing James Bond and standing on the Town Hall steps astride a stuffed crocodile . . . Councillor Frank Sartor, self-styled leader of the "fun party machine" . . .

Frank Sartor is the self-styled leader of the fun party machine, and the rorting ALP party machine in Macquarie Street is designed to prop him up. It will not work. The Government has the numbers in this House but it does not have them in the other place. The crossbenchers are sensible; they know what the Government is trying to do. The crossbenchers know that the public is disgusted with Frank Sartor's planning decisions. The people of Sydney will teach Frank Sartor a lesson, and the Government will not be able to save him. At tonight's soiree there will be a trapeze act and a video presentation. He will raise a lot of money, and he will need it. He has ALP supporters there ready to prop him up.

Where is the Premier tonight? He is at the fun party. Why is the Minister for Local Government

not at the party? He is doing the Premier's dirty work. Frank is having all the fun, the Premier gets an invitation, and this Minister is doing all the dirty work. What is Frank doing at the moment? Is he up on the trapeze with the Flying Lotahs? The celebrity auction is probably finished and the trapeze act has begun—hopefully without John Singleton. The people of Sydney consider it a joke. A survey published today, commissioned by the Committee of Sydney about the future of the city, shows that the people of Sydney have no trust in the Government, the Sydney City Council or this Minister.

The Minister knows that what he is introducing is part of Justice Fisher's report, the part that the Minister will accept. The Minister would not have the support of Justice Fisher, who said that the Government cannot decrease the commercial votes without making the boundary changes. The Minister has decided to ignore that recommendation and wipe those electors from the electoral role. The Minister has picked out what he wanted. New section 18, a new amendment, ceases to make the non-residential lease available to the public. Why the secrecy? The amendment removes many of the appeal procedures and time limits from the general manager, who certifies who is eligible to vote. New section 18A, a new amendment, is designed to stuff up the democratic process.

Mr E. T. Page: Speak properly, be a lady.

Ms FICARRA: I am talking to the Minister on behalf of the residents of Sydney and New South Wales, who say that they do not like the Minister's legislation. They call him Minister Kill a Cat because of the fiasco of his legislation. Why does the Government give the Minister all the dud legislation? The Government wants to ruin his image. Yet he comes in here smiling and laughing and carrying on like a galah. He does all the dirty work for the ALP. It backfires, and he ends up looking like a fool. New section 18A sets up procedures for the creation of the non-residential roll for an election. The Minister knows that section makes the system difficult. The general manager, not the electoral commissioner, is left holding the bag.

In recommendation 9.2 Justice Fisher recommended the enlargement of the current boundaries of the Sydney City Council with a reduction to the non-residential voting entitlements. The Government has ignored that recommendation and suggested only a change in the franchise, without Justice Fisher's recommended boundary changes. Justice Fisher clearly did not envisage or recommend that. Recommendation 14.9 states that the State Electoral Commission—SEC—is to prepare

the non-residential roll and conduct the election and the Sydney City Council will fund the reasonable costs of the SEC. The Government's response was to leave the preparation of non-residential rolls to the council and the general manager, against the recommendations of Justice Fisher and the major stakeholders in the city.

Furthermore, the Government does not require the roll to be confirmed by the SEC. The Minister said that Justice Fisher's report is wonderful, yet he will not adopt the majority of its recommendations. The Government pulls the eyes out of the report and picks the features that favour it. At recommendation 14.9 Justice Fisher further recommended that the creation of a non-residential roll should be adequately and widely advertised, and that persons within the city of Sydney boundaries should be notified by mail that the roll has been prepared and they are required to lodge an application for enrolment. The Government's response was to refuse to follow those recommendations.

At recommendation 14.9, on page 151, Justice Fisher recommended that the SEC is to survey businesses in the city to encourage enrolments, and the Government refused. At recommendation 14.9, on page 152, Justice Fisher recommended that the application for a postal vote should be included as part of the electors application for enrolment. The Government again refused. Justice Fisher further recommended that a new non-residential roll should be created in a reasonable period before each election. The one month given for re-enrolment in 1995 was clearly inadequate. The Government responded by ignoring this recommendation and only allowing two months for a normal election and one month for other polls.

It gets worse. In recommendation 16.10 Justice Fisher recommends an increase in the number of pre-polling voting officers across the electorate for the City of Sydney election. The Government's response was to refuse the recommendation. That was an amazing response. But, according to the Government, Justice Fisher's report was marvellous, and Justice Fisher himself is a great man. He is. The Minister should have listened to him. Recommendation 16.17 of Justice Fisher was that scrutineers be entitled to be present while the electoral roll is checked for double voting. What was the Government's response? It refused the recommendation. It gets even worse.

A reduction of the city's non-residential franchise is fundamentally linked with a redrawing of the boundaries. Those two matters are inseparable, said Justice Fisher. He did not recommend a change to the current franchise within the current boundaries. The judge compared the current voting base to the population of greater

metropolitan Sydney, but he failed to recognise that the Council of the City of Sydney is simply a local council for the city and that it has no duty to represent the whole of Sydney. The franchise should only represent the city area and its specific population.

Justice Fisher expressed inappropriate political bias. A blatant example is that, in his examination of the debate in the upper House, he quoted six pages of arguments put by the Hon. R. S. L. Jones, the Hon. A. G. Corbett, the Hon. I. Cohen, and the Hon. Dr A. Chesterfield-Evans at pages 18 to 23, and quoted only one page of the argument for the majority, that being from page 24. That is bias. Justice Fisher commented on the boundaries of the council when they were clearly not within his brief. He even called them "inappropriate and irrelevant". His terms of reference gave him no scope to make those comments. Justice Fisher also compared the Council of the City of Sydney, and its 4,000 residential voters, with other city councils in Australia, such as Melbourne, with 20,000 residential voters, and Brisbane, with 500,000 residential voters. Sydney, because of its boundaries, its relatively low residential population and its huge commercial centre—

Mr BECKROGE (Broken Hill) [12.43 a.m.]:
I move:

That the question be now put.

The Committee divided.

Ayes, 45

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

Noes, 39

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

Pairs

| | |
|-----------|-----------------|
| Mr Carr | Mr Collins |
| Mr Clough | Mr Cruickshank |
| Mr Gibson | Mr Peacocke |
| Mr Iemma | Mr R. W. Turner |

Question so resolved in the affirmative.**Question—That Legislative Council amendment No. 2 be disagreed to—put.****The Committee divided.****Ayes, 45**

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

Noes, 39

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

Pairs

| | |
|-----------|-----------------|
| Mr Carr | Mr Collins |
| Mr Clough | Mr Cruickshank |
| Mr Gibson | Mr Peacocke |
| Mr Iemma | Mr R. W. Turner |

Question so resolved in the affirmative.**Legislative Council amendment No. 2 disagreed to.****Mr E. T. PAGE** (Coogee—Minister for Local Government) [12.54 a.m.]: I move the further amendment as circulated:

Pages 7-12, schedule 2, line 4 on page 7 to line 8 on page 12.
Omit all words on those lines. Insert instead:

[1] Section 14 Definitions

Omit section 14(1)(f)(i). Insert instead:

- (i) whether a person is entitled to have the person's name included in a roll of electors—the date on which the claim for enrolment is made, or

[2] Section 14(4)

Insert "a ratepaying lessee or" before "an occupier".

[3] Section 14(5)

Insert after section 14(4):

- (5) If the City of Sydney is divided into wards, this Division applies to each ward in the same way as it applies to the area of the City of Sydney.

[4] Section 15

Omit the section. Insert instead:

15 Right to be enrolled as an elector

- (1) A person is entitled to be enrolled as an elector for the City of Sydney if the person is:
 - (a) an owner of rateable land in the City of Sydney, or
 - (b) a ratepaying lessee or occupier of rateable land in the City of Sydney, or
 - (c) a resident of the City of Sydney.
- (2) A person is not entitled to be enrolled as an elector under subsection (1) unless the person (or, in the case of a corporation, the person nominated as the elector by the corporation) is entitled to vote at an election of members of the Legislative Assembly or an election of members of the Commonwealth House of Representatives.
- (3) Sections 266 and 269-272 of the Principal Act do not apply to the City of Sydney.

[5] Section 16 Provisions relating to right to be enrolled as an elector

Omit section 16(2).

[6] Section 16A

Insert after section 16:

16A Partnerships

- (1) This section applies for the purposes of this Division and sections 267 and 268 of the Principal Act.
- (2) If a person is an owner, ratepaying lessee or occupier of rateable land in the person's capacity as a partner of a firm:
 - (a) the person is taken not to be an owner, ratepaying lessee or occupier of that rateable land, and
 - (b) the firm is taken to be a corporation that is the owner, ratepaying lessee or occupier of that rateable land.

[7] Section 17

Omit the section. Insert instead:

17 Roll of electors

In the application of Division 2 of Part 6 of Chapter 10 of the Principal Act to an election for the City of Sydney:

- (a) a reference in that Division to persons entitled to be enrolled as electors because they are non-resident owners of land within an area is to be read as a reference to persons entitled under section 15(1)(a) to be enrolled as electors, and

- (b) a reference in that Division to persons entitled to be enrolled as electors because they are ratepaying lessees or occupiers of land within an area is to be read as a reference to persons entitled under section 15(1)(b) to be enrolled as electors, and

- (c) a reference in that Division to persons entitled to be enrolled as electors because they are residents of an area is to be read as a reference to persons entitled under section 15(1)(c) to be enrolled as electors.

[8] Section 17A Non-residential roll for use in September 1995 ordinary election

Omit the section.

[9] Section 18 List of electors for compulsory enrolment on non-residential roll

Omit the section.

[10] Section 18A

Insert after section 18:

18A Enrolment on non-residential rolls

- (1) The general manager of the City of Sydney must:
 - (a) at least 2 months before the closing date for each ordinary election, and
 - (b) at least 1 month before the closing date for each other election,

send to each relevant person notification of that election and a form that enables the person to lodge a claim for inclusion of the person's name in the non-residential roll or the roll of occupiers and ratepaying lessees to be prepared for that election.

- (2) In this section:

closing date for an election has the same meaning as it has for an election under the Principal Act.

relevant person means:

- (a) a person whose name was included in the non-residential roll or the roll of occupiers and ratepaying lessees prepared for the previous election for the City of Sydney, or
- (b) a person who has, since the closing date for the previous election for the City of Sydney, lodged a claim for inclusion of the person's name in the non-residential roll or the roll of occupiers and ratepaying lessees to be prepared for the next election for the City of Sydney (being a claim that the general manager of the City of Sydney considers is not a current claim for enrolment for that next election).

[11] Section 19 Non-residential roll

Omit the section.

[12] Section 19A Regulations—non-residential roll

Omit the section.

[13] Section 21 Voting where secretary of corporation enrolled as elector

Omit the section.

[14] Section 22

Omit the section. Insert instead:

22 Compulsory voting

- (1) Electors whose names are on the residential roll, the non-residential roll or the roll of occupiers and ratepaying lessees must vote at a contested election for the City of Sydney, unless exempt from voting under the Principal Act or this Act. Section 286 of the Principal Act does not apply to a contested election for the City of Sydney.
- (2) In the application of Division 4 of Part 6 of Chapter 10 of the Principal Act to any such election:
 - (a) a reference in those provisions to a resident is to be read as including a reference to a person included on the non-residential roll or the roll of occupiers and ratepaying lessees for the election, and
 - (b) a reference in those provisions to a residential roll is to be read as including a reference to the non-residential roll or the roll of occupiers and ratepaying lessees for the election.

[15] Part 3, Division 4

Insert after Division 3 of Part 3:

Division 4 Council poll or constitutional referendum**24 Applicable provisions of Principal Act and this Part**

- (1) The provisions of this Part apply (and the provisions of sections 266 and 269-272 of the Principal Act do not apply) to a council poll or constitutional referendum in the City of Sydney.
- (2) However, section 22(1) applies to a constitutional referendum but not a council poll in the City of Sydney.

[16] Schedule 3 Savings, transitional and other provisions

Insert "or the *Local Government Legislation Amendment (Elections) Act 1998*" after "1997" in clause 29(1).

[17] Schedule 3

Insert at the end of the schedule:

Part 9 Provisions consequent on enactment of Local Government Legislation Amendment (Elections) Act 1998**31 Obligation of General Manager with respect to rolls for first election held after amending Act**

- (1) In this clause:

existing list means the list kept by the general manager of the City of Sydney, immediately before the repeal of section 18 by the *Local Government Legislation Amendment (Elections) Act 1998*.

- (2) The obligation of the general manager of the City of Sydney to send out notifications of election and claim forms under section 18A in connection with the first election after the commencement of that section extends to sending out notifications and claim forms to any person whose name is on the existing list.

32 Amendment to be made by Administrative Decisions Legislation Amendment Act 1997 that is no longer necessary

Schedule 5.6 of the *Administrative Decisions Legislation Amendment Act 1997* (which substitutes section 18(7) of this Act) does not have any effect if section 18 of this Act is repealed beforehand by the *Local Government Legislation Amendment (Elections) Act 1998*.

The TEMPORARY CHAIRMAN (Mr Mills): Order! In regard to the amendment moved by the Minister, I note that a strict reading of Standing Order 246 does not permit further amendments consequential to disagreement to a Legislative Council amendment. However, it has been the ongoing practice in the Committee of the Whole since at least 1879 that further amendments are allowed in response to a Legislative Council amendment so long as those amendments are consequential upon rejection of that amendment. That practice has been allowed to facilitate agreement between the Houses on a point of concern. It does not allow the introduction of amendments not relevant to the Legislative Council amendments.

Mr E. T. PAGE: The commissioner endorsed in his report the original provisions in schedule 2 of the Local Government Legislation Amendment (Elections) Bill covering a minimum voting age of 18 years in the city of Sydney, ratepaying lessees of the city being required to be New South Wales residents, removing the deemed nomination of corporation secretaries as electors and the retraction of the extended partnership vote.

Mr Hartcher: On a point of order. Leave has not been given for the Minister to move the amendments as circulated. Pursuant to standing orders I require the Minister to read in full to the Committee the amendment he moved.

The TEMPORARY CHAIRMAN (Mr Mills): Order! I do not uphold the point of order. It is a longstanding practice of the Committee of the Whole not to require such leave.

Mr E. T. PAGE: One would assume the manager of Opposition business would know something about the standing orders but, of course, ignorance is paramount on that side. Opposition members feed on ignorance. Importantly, while examining a role for the State Electoral Commissioner, Mr Fisher ultimately recognised the importance of having the procedure for the preparation of the Sydney non-residential roll the same as for all other councils. This would require the Sydney general manager to prepare for an election the non-residential roll of owners and roll of occupiers and ratepaying lessees. The rolls would contain the names of those non-residents who had claimed enrolment for that election, thus replacing the need to keep a continuous non-residential list.

The rolls of Sydney non-residents would be certified by the general manager and confirmed by the State Electoral Commissioner. The rolls would lapse after each election. The commissioner recommended that the preparation of the Sydney non-residential rolls be widely advertised. This would include notifying by mail persons on the previous electoral roll and persons who had since applied to be placed on the rolls. The bill's proposal to send enrolment claim forms shortly before an election to such persons would ensure that the rolls are accurate for the election. As in other council areas, only those persons lodging claim forms would be added to the rolls.

In addition, Mr Fisher recommended that the Sydney non-residential rolls be created a reasonable period before an election and that non-residents be allowed adequate time to apply for enrolment. The Government accepts this proposal. Accordingly, this amendment proposes that preparation of the roll commence two months before an ordinary election and one month before a by-election. The amendment incorporates all of the recommendations to which I have referred as well as bringing the Sydney non-residential roll provisions in line with those in other council areas. The amendments will improve the fairness and efficiency of the election procedure in the city of Sydney.

On the matter of voting, the commissioner suggests that consideration be given to increasing the resident voting constituency of the city of Sydney by adding adjacent city-type localities to the

city boundary. He suggests that sizeable portions of South Sydney City Council and North Sydney Council areas be included in the city of Sydney. However, as the question of such fundamental boundary changes was not included in his terms of reference, he made no formal recommendation on the matter. Boundary adjustments therefore will not be formally examined by the Government.

I mention also that Mr Fisher recommended that consideration be given to requiring owners of rateable land in the city of Sydney to be New South Wales residents and that it no longer be a requirement for enrolled Sydney non-residents to compulsorily vote. However, in the view of the special nature of the non-resident vote in the City of Sydney, the Government considers that the present requirements should remain undisturbed. On the whole, the commissioner endorsed the voting procedure in the City of Sydney and, other than the three exceptions I have referred to, his recommendations for improving the procedure are included in the amendments I now move. I recommend the amendment to the Committee.

Mr O'FARRELL (Northcott) [1.01 a.m.]: This bodgie Minister is putting forth bodgie proposals—

Mr BECKROGE (Broken Hill) [1.01 a.m.]: I move:

That the question be now put.

The Committee divided.

Ayes, 45

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

Noes, 39

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

Pairs

| | |
|-----------|-----------------|
| Mr Carr | Mr Collins |
| Mr Clough | Mr Cruickshank |
| Mr Gibson | Mr Peacocke |
| Mr Iemma | Mr R. W. Turner |

Question so resolved in the affirmative.**Question—That the amendment be agreed to—put.****The Committee divided.****Ayes, 45**

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

Noes, 39

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

Pairs

| | |
|-----------|-----------------|
| Mr Carr | Mr Collins |
| Mr Clough | Mr Cruickshank |
| Mr Gibson | Mr Peacocke |
| Mr Iemma | Mr R. W. Turner |

Question so resolved in the affirmative.**Amendment agreed to.****Resolutions reported from Committee.****Adoption of Report****Mr E. T. PAGE** (Coogee—Minister for Local Government) [1.12 a.m.]: I move:

That the report be now adopted.

The House divided.*[In division]***Mr McManus:** On a point of order. This is the fourth consecutive division that the member for Sutherland has not attended.**Mr SPEAKER:** Order! There is no point of order.**Mr Fraser:** Further to the point of order—**Mr SPEAKER:** Order! I have ruled on the point of order.**Mr Fraser:** On a new point of order, Mr Speaker.

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

Ayes, 45

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

Noes, 39

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

Pairs

| | |
|-----------|-----------------|
| Mr Carr | Mr Collins |
| Mr Clough | Mr Cruickshank |
| Mr Gibson | Mr Peacocke |
| Mr Iemma | Mr R. W. Turner |

Question so resolved in the affirmative.

Motion agreed to.

Report adopted.

Message

Mr E. T. PAGE (Coogee—Minister for Local Government) [1.20 a.m.]: I move:

That the following message be sent to the Legislative Council:

MADAM PRESIDENT

The Legislative Assembly having had under consideration the Legislative Council's message dated 30 June 1998 requesting the concurrence of the Legislative Assembly with the amendments to the Local Government Legislation Amendment (Elections) Bill as set forth in the Schedule to that Message, acquaints the Legislative Council as follows—

Amendment No 1. The Legislative Assembly agrees to Amendment No 1 made by the Council in the Bill.

Amendment No 2. The Legislative Assembly disagrees with the proposed amendment because:

1. The Legislative Council's second amendment omitted the proposed changes to the *City of Sydney Act* put forward by the Government and called for a special commission to be established under the *Special Commissions of Inquiry Act 1983* to review the voting system in the City of Sydney.

However, the State Crown Solicitor advised the Government that a special commission of inquiry in these circumstances was not appropriate. While a special commission of inquiry requires the appointment of a current judge or practitioner, the motion carried by the Legislative Council called for a retired judge.

In addition, the Crown Solicitor advised that special commissions of inquiry were envisaged for circumstances where some offence (such as a criminal offence) may have been committed. This was not the case here and the range of coercive powers given to special commissions of inquiry were not appropriate for what was essentially a policy review of legislative electoral provisions.

Notwithstanding this, the Government has fully accepted the spirit of the Legislative Council's amendment and, accordingly, the need for an independent review.

2. Therefore, on 5th August 1998, His Excellency the Governor appointed the Honourable W.K. Fisher, AO, QC, as Commissioner to conduct an inquiry into the Sydney City Council election procedure. Mr Fisher is a former President of the Industrial Relations Commission.

The Commissioner's terms of reference were to inquire into:

- (a) the qualifications of electors;
- (b) the procedures for conducting elections; and
- (c) the procedures for ascertaining the results of elections,

both in relation to elections for the Council of the City of Sydney and in relation to elections for the Office of Lord Mayor of Sydney.

These terms of reference are identical to those suggested by the Legislative Council.

The report of the inquiry has already been tabled in both Houses of Parliament and the amendments just moved by the Government and adopted by this House respond positively to Mr Fisher's recommendations.

Accordingly, the Legislative Assembly proposes the following further amendment:

Pages 7-12, Schedule 2, line 4 on page 7 to line 8 on page 12. Omit all words on those lines. Insert instead:

[1] Section 14 Definitions

Omit section 14 (1) (f) (i). Insert instead:

- (i) whether a person is entitled to have the person's name included in a roll of electors - the date on which the claim for enrolment is made, or

[2] Section 14 (4)

Insert "a ratepaying lessee or" before "an occupier".

[3] Section 14 (5)

Insert after section 14 (4):

- (5) If the City of Sydney is divided into wards, this Division applies to each ward in the same way as it applies to the area of the City of Sydney.

[4] Section 15

Omit the section. Insert instead:

15 Right to be enrolled as an elector

- (1) A person is entitled to be enrolled as an elector for the City of Sydney if the person is:
 - (a) an owner of rateable land in the City of Sydney, or
 - (b) a ratepaying lessee or occupier of rateable land in the City of Sydney, or
 - (c) a resident of the City of Sydney.
- (2) A person is not entitled to be enrolled as an elector under subsection (1) unless the person (or, in the case of a corporation, the person nominated as the elector by the corporation) is entitled to vote at an election of members of the Legislative Assembly or an election of members of the Commonwealth House of Representatives.
- (3) Sections 266 and 269-272 of the Principal Act do not apply to the City of Sydney.

[5] Section 16 Provisions relating to right to be enrolled as an elector

Omit section 16 (2).

[6] Section 16A

Insert after section 16:

16A Partnerships

- (1) This section applies for the purposes of this Division and sections 267 and 268 of the Principal Act.
- (2) If a person is an owner, ratepaying lessee or occupier of rateable land in the person's capacity as a partner of a firm:
 - (a) the person is taken not to be an owner, ratepaying lessee or occupier of that rateable land, and
 - (b) the firm is taken to be a corporation that is the owner, ratepaying lessee or occupier of that rateable land.

[7] Section 17

Omit the section. Insert instead:

17 Roll of electors

In the application of Division 2 of Part 6 of Chapter 10 of the Principal Act to an election for the City of Sydney:

- (a) a reference in that Division to persons entitled to be enrolled as electors because they are non-resident owners of land within an area is to be read as a reference to persons entitled under section 15 (1) (a) to be enrolled as electors, and
- (b) a reference in that Division to persons entitled to be enrolled as electors because they are ratepaying lessees or occupiers of land within an area is to be read as a reference to persons entitled under section 15 (1) (b) to be enrolled as electors, and
- (c) a reference in that Division to persons entitled to be enrolled as electors because they are residents of an area is to be read as a reference to persons entitled under section 15 (1) (c) to be enrolled as electors.

[8] Section 17A Non-residential roll for use in September 1995 ordinary election

Omit the section.

[9] Section 18 List of electors for compulsory enrolment on non-residential roll

Omit the section.

[10] Section 18A

Insert after section 18:

18A Enrolment on non-residential rolls

- (1) The general manager of the City of Sydney must:
 - (a) at least 2 months before the closing date for each ordinary election, and
 - (b) at least 1 month before the closing date for each other election,

send to each relevant person notification of that election and a form that enables the person to lodge a claim for inclusion of the person's name in the non-residential roll or the roll of occupiers and ratepaying lessees to be prepared for that election.

(2) In this section:

closing date for an election has the same meaning as it has for an election under the Principal Act.

relevant person means:

- (a) a person whose name was included in the non-residential roll or the roll of occupiers and ratepaying lessees prepared for the previous election for the City of Sydney, or
- (b) a person who has, since the closing date for the previous election for the City of Sydney, lodged a claim for inclusion of the person's name in the non-residential roll or the roll of occupiers and ratepaying lessees to be prepared for the next election for the City of Sydney (being a claim that the general manager of the City of Sydney considers is not a current claim for enrolment for that next election).

[11] Section 19 Non-residential roll

Omit the section.

[12] Section 19A Regulations - non-residential roll

Omit the section.

[13] Section 21 Voting where secretary of corporation enrolled as elector

Omit the section.

[14] Section 22

Omit the section. Insert instead:

22 Compulsory voting

- (1) Electors whose names are on the residential roll, the non-residential roll or the roll of occupiers and ratepaying lessees must vote at a contested election for the City of Sydney, unless exempt from voting under the Principal Act or this Act. Section 286 of the Principal Act does not apply to a contested election for the City of Sydney.
- (2) In the application of Division 4 of Part 6 of Chapter 10 of the Principal Act to any such election:
 - (a) a reference in those provisions to a resident is to be read as including a reference to a person included on the non-residential roll or the roll of occupiers and ratepaying lessees for the election, and
 - (b) a reference in those provisions to a residential roll is to be read as including a

reference to the non-residential roll or the roll of occupiers and ratepaying lessees for the election .

[15] Part 3, Division 4

Insert after Division 3 of Part 3:

Division 4 Council poll or constitutional referendum

24 Applicable provisions of Principal Act and this Part

- (1) The provisions of this Part apply (and the provisions of sections 266 and 269-272 of the Principal Act do not apply) to a council poll or constitutional referendum in the City of Sydney.
- (2) However, section 22 (1) applies to a constitutional referendum but not a council poll in the City of Sydney.

[16] Schedule 3 Savings, transitional and other provisions

Insert "or the *Local Government Legislation Amendment (Elections) Act 1998*" after "1997" in clause 29 (1).

[17] Schedule 3

Insert at the end of the Schedule:

Part 9 Provisions consequent on enactment of Local Government Legislation Amendment (Elections) Act 1998

31 Obligation of General Manager with respect to rolls for first election held after amending Act

- (1) In this clause:

existing list means the list kept by the general manager of the City of Sydney, immediately before the repeal of section 18 by the Local Government Legislation Amendment (Elections) Act 1998.

- (2) The obligation of the general manager of the City of Sydney to send out notifications of election and claim forms under section 18A in connection with the first election after the commencement of that section extends to sending out notifications and claim forms to any person whose name is on the existing list.

32 Amendment to be made by Administrative Decisions Legislation Amendment Act 1997 that is no longer necessary

Schedule 5.6 of the Administrative Decisions Legislation Amendment Act 1997 (which substitutes section 18 (7) of this Act) does not have any effect if section 18 of this Act is repealed beforehand by the Local Government Legislation Amendment (Elections) Act 1998.

Mr HARTCHER (Gosford) [1.20 a.m.]: The Opposition does not agree to the message being sent to the Legislative Council in the terms outlined by the Minister. This bill has been gagged through—

Mr SPEAKER: Order! The Clerk has drawn my attention to Standing Order 89(7), which provides that a motion that a message be sent to the Legislative Council is not open to debate. Therefore, I will put the question. The question is, That a message be sent to the Legislative Council. All those in favour say aye, to the contrary no. I think the ayes have it, the ayes have it.

Motion agreed to.

Mrs Chikarovski: On a point of order. When you called for a vote you said the ayes have it and I said that the noes have it. I request that in accordance with protocol you put the question again.

Mr SPEAKER: Order! It is difficult for the Chair to seek guidance from every member. The Chair seeks guidance from certain members. I looked for guidance to the honourable member for Gosford, who is invariably involved in these matters, and I received no guidance from him.

[Interruption]

Mr SPEAKER: Order! The honourable member for Northcott will be removed if he continues his discussion while the Chair is giving a ruling.

Mr O'Farrell: We will discuss it afterwards.

Mr SPEAKER: Order! The honourable member will not discuss it at all.

Mrs Chikarovski: Further to the point of order. I understand that any member is entitled to call for a division.

Mr SPEAKER: Order! I have ruled on the point of order.

**SYDNEY HARBOUR FORESHORE
AUTHORITY BILL**

Bill introduced and read a first time.

Second Reading

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [1.25 a.m.]: I move:

That this bill be now read a second time.

Sydney needs a more holistic approach to foreshore planning and land management, putting an end to growing public concern about the multiplicity of authorities responsible for planning and management decisions in and around the harbour. The Government has already taken action on planning reform and now it proposes to implement land management initiatives that will benefit both Australians and visitors to our shores. As a result of planning changes earlier this year, the Government now has planning control of all city of Sydney foreshore land, stretching from Garden Island in the east to Blackwattle Bay in the west—but excluding the Botanic Gardens—and of 38 key sites around the harbour and along the Parramatta River that the Government deems to be of major strategic importance.

State environmental planning policy No. 56, Sydney Harbour Foreshores and Tributaries, which was approved by Cabinet on 17 March, forms the foundation of the Government's changes to the planning and management of Sydney Harbour and the Parramatta River. The key principles guiding the new SEPP include increasing public access to, and use of, land along the foreshores of Sydney Harbour and the Parramatta River; improving public access links between existing foreshore open space areas; maintaining a working-harbour character and functions by retaining key waterfront industrial sites and maritime activities, where possible; protecting the significant natural and cultural heritage values, including marine ecological values; and increasing opportunities for water-based public transport.

Mr Debnam: On a point of order. I cannot hear the Minister.

Mr SPEAKER: Order! I ask honourable members to reduce the level of conversation.

Mr KNOWLES: The implementation of this policy gives the community a clear sense that there is consistent control of planning for key harbour foreshore sites and that any future development must be in line with our Government's vision for the area. The Government, to complement this new SEPP, will now establish a single foreshore land management authority. For some years there has been discussion and preliminary planning for a new State Government organisation that would assume responsibility for the management of inner Sydney Harbour foreshores—a role that is currently undertaken by up to 30 government agencies and local councils.

The object of this bill is to constitute the Sydney Harbour Foreshore Authority and to specify its functions. The new authority will exercise the

functions currently undertaken by the Sydney Cove Redevelopment Authority, the City West Development Corporation and, later, the Darling Harbour Authority, in a defined foreshore area that extends generally from Camerons Cove at Balmain to Elizabeth Bay at Potts Point. The existing authorities are to be dissolved. The Sydney Harbour Foreshore Authority will manage foreshore lands between Garden Island and White Bay, including Circular Quay, Walsh Bay, wharves 9 and 10 at Darling Harbour and Blackwattle Bay, and all the lands currently controlled by the Sydney Cove Authority and within the city west growth centre, notably Pyrmont, Ultimo and the bays area west of Pyrmont.

Together, the areas of responsibility of these two organisations covers approximately 323 hectares of land and waterways within five kilometres of the city centre. A single board will be appointed for the Sydney Harbour Foreshore Authority and, as a first step, the boards of city west and Sydney Cove now have the same members. The board arrangements for the Darling Harbour Authority will remain separate until 2001 to allow consistency in decision making in the lead-up to and during the Olympic Games. [*Quorum formed.*]

In other moves that will improve efficiency and eliminate duplication, the traditional development approval functions of the Sydney Cove Authority and the Darling Harbour Authority have been withdrawn and I am now the consent authority for those precincts. The adoption of the Sydney Harbour Foreshore Authority Bill will involve amendment to the Growth Centres (Development Corporations) Act 1974, and the repeal of the Sydney Cove Redevelopment Act 1968 and the Darling Harbour Authority Act 1984.

The principal aim of the authority is to protect the natural and cultural heritage of the foreshore area. Key objectives will be to promote, co-ordinate, manage, undertake and secure the orderly and economic planning, development and use of the foreshore area, including the provision of infrastructure; to promote, co-ordinate, organise, manage, undertake, secure, provide and conduct cultural, educational, commercial, tourist, recreational, entertainment and transport activities and facilities; and, to plan, enhance and manage the landscape of foreshore areas. The new authority will be charged with responsibility to manage the development, promotion and use of the foreshores in a responsive and sustainable manner and, at the same time, to encourage the growth of the diverse communities that have connections with the area.

In carrying out any development, it will have to take into consideration the principles of

ecologically sustainable development. This is about nurturing our assets not just for the present but for future generations. We are all mindful of the fact that the waterways of Port Jackson and the Parramatta River are historically, aesthetically, socially, environmentally and economically important. During the past 200 years Sydney Harbour and its foreshores have undergone enormous change and now, more than ever before, it is obvious that there is a need for an effective co-ordinated approach. The authority will be involved in increasing public access to the foreshore; linking foreshore open spaces; retaining heritage items and relevant maritime activities; and adopting a holistic approach to issues involving heritage, urban bushland and parks, urban consolidation, and commercial development and remediation.

The planning and land management changes are destined to be in the interests of all users and admirers of Sydney Harbour, its tributaries and foreshores, blending social and community objectives with commercial and financial outcomes. The passing of the Sydney Harbour Foreshore Authority Bill will be a vital step in preserving, enhancing and showcasing the natural and cultural heritage of Sydney's inner harbour foreshore and in ensuring that New South Wales has a cohesive land management authority charged with responsibility for delivering quality foreshore environments that are enriching, diverse, accessible and sustainable. I commend the bill to the House.

Debate adjourned on motion by Mr Debnam.

INDUSTRIAL RELATIONS AMENDMENT (UNFAIR CONTRACTS) BILL

Second Reading

Mr YEADON (Granville—Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney) [1.35 a.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 8 April and the second reading speech appears at page 3796 of *Hansard*. The bill is in the same form as introduced in the other place. I commend the bill to the House.

Mr FRASER (Coffs Harbour) [1.35 a.m.]: I do not lead for the Opposition on this bill, however, the Opposition supports the bill.

Mr HARTCHER (Gosford) [1.36 a.m.]: The Industrial Relations Amendment (Unfair Contracts) Bill has been hanging around for some time. It was

introduced back in April 1998 into the Legislative Council and passed through that House without any problem. It has been stalled in this Chamber while the Government decided what to do with it. That is no surprise because the Government never knows what to do with controversial matters. Its initial tendency is to back off and not confront controversial issues, as was the case with this bill. On 13 May the New South Wales Bar Association wrote a letter about this bill as follows:

The Industrial Relations Amendment (Unfair Contracts) Bill 1998 purports to deny any remedy under the Industrial Relations Act, 1996 to a person who has been dismissed from employment whose annual remuneration is greater than \$66,200 per annum and whose conditions of employment are not set by an industrial instrument. Persons dismissed from employment where the remuneration is below the arbitrary amount will generally continue to have a right to pursue remedies for unfair dismissal under Part 6 of the Act.

In the Association's view, discrimination in the legal remedies available to members of the community who are dismissed from their employment, which are based upon the remuneration of the person concerned, is wrong in principle.

The amendment has the effect of depriving not merely high fliers of compensation formerly available to them. It also affects workers engaged under schemes designed to defeat award conditions. In the case of award employees it would restrict the level of compensation for unfair dismissal to six months remuneration irrespective of the duration of their employment, the terms of their contract or the circumstances of their termination. In the present industrial climate, in particular, the changes may cause great and unforeseen hardship.

Whilst the Association recognises the impetus for the amendment it queries whether, in truth, this is a case of throwing out the baby with the bathwater.

The Bar Association's views are entitled to a certain degree of respect. The response of the Government to those views has been zero. The Government has encouraged the development of unfair dismissal laws because the Labor Council and the trade union movement somehow believe there is something to be gained from unfair dismissal laws. It is now caught with the fact that the Industrial Relations Commission has been swamped with applications that have been made not only by people under the statutory level of remuneration who complain under the Industrial Relations Act but also by people over the \$66,200 prescribed limit who are now able to bring claims under this legislation.

Accordingly, Labor's aim that a person earning under \$66,200 can claim for unfair dismissal but anyone over that amount does not have that right is being defeated by lawyers using a different Act. This legislation reflects the Labor Party's view that a person who earns more than \$66,200 has no right to make a claim for unfair dismissal under the

industrial relations law. The Labor Party considers that it is a sensible amendment. The real issue is whether unfair dismissal legislation is working, and working successfully.

The Opposition has no problem with people having the right to approach an arbiter, be it a court or some other dispute resolution mechanism, when they have been unfairly dismissed in their employment. The Opposition has a problem with the way the unfair dismissal laws are being used simply to extract a large settlement from employers under the threat of legal action. Small businesses complain that they do not have the expertise to deal with legal action because they lack human resources departments, access to lawyers, the capital to fund court cases and the time to devote to court cases. It is common practice for people whose positions have been terminated to claim they have been unfairly dismissed when they know full well that employers have the choice to either contest an expensive court action or settle out of court by paying them a sum of money over and above that to which they would otherwise be entitled under their award or industrial instrument.

Small businesses cannot afford the time or the money to fight cases and therefore have to succumb to industrial blackmail. This action is encouraged by the trade union movement and implicitly encouraged by the Government, which does nothing about it. The rush of claims against small business is completely contrary to the purpose of this legislation, that is, to protect people's jobs. Those claims are causing a loss of jobs because small business is reluctant to employ people who may lodge a claim of unfair dismissal if their employment is later terminated. New South Wales has the lion's share of some 700,000 small businesses but they do not hire as many employees as they could. Consequently, people are missing out on jobs.

The prime reason is the unfair dismissal legislation aided, encouraged and sponsored by the Labor Party. Small businesses are crying out to have the unfair dismissal laws changed. Big business can cope with the laws because it has human resources departments, bureaucratic structures to deal with issues, counselling services either on site or available and law firms either on site or available. Government departments have the same facility and can handle unfair dismissal claims which cause no problems other than a certain degree of budgeted cost, but small business cannot. If the Labor Party were serious it would do something to remedy this blight on small business.

The Labor Government has introduced a bill that has been available since April 1998. It excludes people who earn more than \$66,200 per year. The median wage in the community is approximately \$35,000. The great bulk of people who are employed in small business earn considerably less than \$66,200, so this legislation does nothing for them. This legislation affects only the high-fliers, as the Bar Association so correctly pointed out. The provisions of this bill would exclude Jana Wendt, who, invoking this legislation, brought a major claim against Channel 7 in the Industrial Relations Commission. The bill provides that such people do not have a remedy in the Industrial Relations Commission.

A breach of contract can be established in the Supreme Court—a claim under the Contracts Review Act for harsh and unconscionable conduct or a breach of contract under ordinary common law—but the IRC cannot be used if the person is earning more than \$66,200 a year. The Labor Party's response to every problem is to hit the high-fliers. It is not prepared to look at the interests of ordinary working men or women who want a job and yet cannot get a job because small business is frightened to employ them—mainly because of the unfair dismissal laws which have been used to terrorise thousands of small business.

The Opposition has no problem with people having the right to approach a dispute resolution mechanism in respect of genuine cases of unfair treatment in the administration of their work or in the termination of their employment, but it does not agree with the ongoing rorting of the unfair dismissal laws which is occurring under Labor. If the Minister has the slightest interest in this matter—I strongly suspect he does not—I invite him to address this issue in his reply. I suspect that he will say nothing because his bureaucrats have not written out anything for him. The Attorney General in the Legislative Council similarly was not prepared to address this issue and simply quoted court cases and argued learnedly as though he were counsel addressing a bench and not a Minister of State addressing the Parliament where laws are made.

The Opposition accepts that the flood of unfair dismissal claims which are clogging up the Industrial Relations Commission and which are affecting business needs to be curtailed. The decision of shadow cabinet is that it is prepared to wear this legislation, not with any great enthusiasm, because it really does not achieve much. The legislation affects about one half of one per cent of

the unfair dismissal claims. The other 99½ per cent of unfair dismissal claims involving people earning under \$66,200 a year will continue to be brought in the Industrial Relations Commission, continue to blight small business and continue to clog up the operation of the IRC.

There is no more significant cause of action now being determined by the Industrial Relations Commission than unfair dismissal. The Government's response to the flood of claims is zero. Accordingly, the Opposition calls on the Government to develop some consistency with the Federal Government. Under the excellent Minister for Workplace Relations and Small Business, the Hon. Peter Reith, the Federal Government has pursued a policy of seeking to exempt small business, that is, businesses employing under 15 people, from the operation of unfair dismissal laws in certain circumstances. The Opposition has urged that exemption on this Government without success.

No reason has been given why small business should not be exempt in certain circumstances as defined by Mr Reith's proposed legislation, stalled before the Senate when the Parliament was dissolved before the recent Federal election. The Government is simply unable and unwilling to act because it is beholden to the Labor Council and the trade union movement and not to the best interests of the economy or people of New South Wales. Accordingly, the Opposition urges that approach and urges a Federal-State symmetry in achieving a realistic industrial relations system in this State, one that will protect the interests of employees and ensure that employers are not unfairly victimised by misuse of the unfair dismissal system.

The Opposition rejects the present practice among a certain section of the legal fraternity to use the unfair contracts law for a purpose for which it was never intended. As honourable members of the House may recall, the unfair contracts law is based on the old section 88F of the Industrial Arbitration Act which allowed the court to set aside unfair contracts. Truck drivers and real estate salesmen employed on commissions simply could not realistically expect to make any sort of living wage under the commissions or under piecework available to them. The Industrial Relations Commission had the power to set those contracts aside and require the employee to be paid at a realistic rate either as determined by an award or by the court.

That is the genesis that we are all familiar with. Section 88F of the Industrial Arbitration Act was re-enacted in the Industrial Relations Act 1991—legislation introduced by the Hon. John Fahey, the then Minister for Industrial Relations.

That section has now been re-enacted as part 6. The Opposition believes the legislation should return to its original form, that it should apply to contracts that are generally unfair, and that it should not be simply a device whereby termination of employment for people earning more than \$66,200 can be brought before the commission. For that reason the Opposition supports the bill.

However, the Opposition strongly argues the case for small business in New South Wales. Small business is suffering because of the malapplication of unfair dismissal laws because employees are able to use them for industrial blackmail. The Opposition urges the Government to take action to protect small business. We are not against unfair dismissal laws; we are against their misuse and small business not having any protection against them. The Opposition has clearly stated that its policy will be to exempt small business from the legislation in certain circumstances. The Opposition will not oppose the passage of the legislation but will continue to highlight the deficiencies in the Government's approach to industrial relations in New South Wales.

Mr YEADON (Granville—Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney) [1.52 a.m.], in reply: I thank the honourable member for Gosford for his contribution to the debate and his indication that the Opposition will not oppose the legislation. The Parliament has carefully laid down the test to be met by an applicant who claims unfair dismissal. There is an income test or a test as to whether the employee is covered by an award or an industrial instrument. The unfair contracts provisions have been used indirectly, in effect, to get around those criteria. The legislation seeks to ensure that where it is proper and appropriate for unfair dismissal provisions to be brought into play, they be used rather than unfair contracts law. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ADJOURNMENT

Mr YEADON (Granville—Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney) [1.53 a.m.]: I move:

That this House do now adjourn.

The House divided.

Ayes, 46

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

Noes, 38

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

Pairs

| | |
|-----------|-----------------|
| Mr Carr | Mr Collins |
| Mr Clough | Mr Cruickshank |
| Mr Gibson | Mr Peacocke |
| Mr Iemma | Mr R. W. Turner |

Motion agreed to.

House adjourned at 2.01 a.m., Thursday.